
Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT OVERSIGHT COMMITTEE

“The Committee will take testimony from invited guests”

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

DATE: December 18, 2018
10:30 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
Assemblywoman Holly T. Schepisi



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*

***Meeting Recorded and Transcribed by
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TABLE OF CONTENTS

	<u>Page</u>
Christopher S. Porrino, Esq. Partner Lowenstein Sandler LLP	3
Justin Braz Deputy Chief Legislative Affairs Office of the Governor State of New Jersey	3
Charles McKenna, Esq. Former Executive Director Schools Development Authority State of New Jersey	87
Pete Cammarano Chief of Staff Office of The Governor State of New Jersey	166
pnf: 1-221	

SENATOR LORETTA WEINBERG (Co-Chair): I call the meeting to order.

Roll call, please.

MS. WOZUNK (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Here.

MS. WOZUNK: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Here.

MS. WOZUNK: Assemblywoman 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.

ASSEMBLYMAN JOHNSON: Here.

MS. WOZUNK: 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: Co-Vice Chair Muñoz.

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

MS. WOZUNK: Co-Vice Chair Corrado.

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

MS. WOZUNK: Co-Chair 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: Thank you, and good morning, everyone.

Just if you-- Housekeeping details: The meeting today will go to approximately 4 p.m. this afternoon. We will get through as many of the witnesses on our witness list as we comfortably can, between now and 4 p.m. We will have a half-hour lunch break.

So thank you all for coming.

This is the third meeting of the Select Committee.

And we will start off, hopefully, to call our first witness.

Do you have anything you wanted to add, Eliana, before--

ASSEMBLYWOMAN PINTOR MARIN: No, Senator; I think that you stated everything.

We're going to have one, half-hour lunch break. We would like to end it by 4 p.m., and we would like to get through as many people as possible today.

SENATOR WEINBERG: Thank you.

And the first person we are calling is Justin Braz.

And just before we begin, would you mind introducing the two people with you at the--

C H R I S T O P H E R S. P O R R I N O, Esq.: Sure.

Senator, it's good to see you again.

Chris Porrino, of the law firm Lowenstein Sandler; with me is Matt Boxer, also of Lowenstein Sandler, for the witness, Mr. Braz.

SENATOR WEINBERG: Okay, thank you.

We will start with the swearing in of the witness.

OLS.

MS. WOZUNK: Good morning, Mr. Braz.

J U S T I N B R A Z: Good morning.

MS. WOZUNK: Your testimony is being recorded today, that it may be transcribed for the Committee, and used in other proceedings.

Do you understand that?

MR. BRAZ: Yes, I do.

MS. WOZUNK: Please note all of your responses should be verbal; we cannot record a head shake or a nod. If you do not understand a question, please ask for clarification. Otherwise, the Committee will assume that you understand the question, and that your answers are responsive to the question.

Do you understand those directions?

MR. BRAZ: Yes, I do.

MS. WOZUNK: Mr. Braz, do you understand that if the statements you make today 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. BRAZ: Yes, I do.

MS. WOZUNK: Do you understand that you have certain rights under the Code of Fair Procedure, including the right to have your Counsel submit proposed questions on your behalf?

MR. BRAZ: Yes, I do.

MS. WOZUNK: Does your Counsel have any questions to submit today?

MR. PORRINO: No questions.

MS. WOZUNK: You are entitled to a copy of the transcript of your testimony, at your expense, when such copy is available.

Do you understand that?

MR. BRAZ: Yes, I do.

MS. WOZUNK: You have the right to file a brief, sworn statement relevant to your testimony, for the record, at the conclusion of your appearance today.

Do you understand that?

MR. BRAZ: Yes, I do.

MS. WOZUNK: Before the Committee proceeds with the oath, do you have any questions?

MR. BRAZ: I do not.

SENATOR WEINBERG: Mr. Braz, please stand to take the oath.

Raise your right hand; repeat after me.

(Senator Weinberg administers oath)

Thank you; please be seated.

Do you have any kind of an opening statement you would like to make?

MR. BRAZ: Yes, I do.

SENATOR WEINBERG: Please proceed.

MR. BRAZ: Thank you for having me here today.

Good morning; my name is Justin Braz. I currently have the honor to serve as Governor Murphy's Deputy Chief of Staff for Legislative Affairs.

I'm here today voluntarily, at the invitation of this Committee, to answer your questions in an effort to assist this Committee's work in its reform efforts.

I have known Katie for years. We met in 2014 during our time together at a nonprofit organization that was focused on developing leadership skills in young professionals. Katie and I soon became close friends.

On Saturday, April 8, 2017, Katie called me to say that she wanted to speak in person about a sensitive matter. I was traveling out of town that day, but promised to come to her apartment and speak as soon as I returned the following evening.

On Sunday evening, April 9, I met Katie and one of her friends at her apartment. Katie then told me that Al Alvarez sexually assaulted her the day before. I was shocked and horrified; and I felt devastated for my friend.

I offered her what comfort I could, and I promised her whatever she needed for support.

Katie did not ask me to relay her accusations to anyone. She said she wanted to handle it in her own way. I respected her decision and her privacy. I told her, "I'm here for you; just reach out to tell me how I can help," and I would.

At that time I was working for Assemblyman Gary Schaer as his Chief of Staff. I was not involved in the Murphy campaign. Later that summer, I joined the Democratic State Committee staff to work on the upcoming general election as Labor Director.

After the election, I joined the Transition of Governor-elect Murphy, as an aide.

In late November of 2017, Katie called me and said that it was her understanding that the Prosecutor's Office that had been investigating her claim was on the verge of filing charges against Al Alvarez, and that he might be arrested any day.

At the time, Mr. Alvarez was working on Governor Murphy's Transition team, as was I. Katie and I spoke about the need to inform the Transition, and her desire not to be identified. So with Katie's authorization, I reached out and spoke to the Transition's Counsel, Raj Parikh, and then to Pete Cammarano, the incoming Chief of Staff. I told them that Mr. Alvarez was accused of sexual assault by someone involved in the Transition Committee, and that he might be arrested in the near future.

When they asked me the name of the accuser, I said I was not authorized to give that information. They thanked me, and said they appreciated me bringing it to their attention.

I called Katie to let her that I had informed the Transition's Counsel.

Later that same day, Katie called me again. Katie said that she had learned that the Prosecutor's Office would not be charging Mr. Alvarez after all, and that the case would be closed. After offering what support I could to my friend, I reached out to Raj Parikh and Pete Cammarano again. I told them the new information. They thanked me for the update and, consistent with her wishes, and now respect for Katie's privacy, I again did not share her name.

That was the last time I spoke to anyone about Katie's claims, until the *Wall Street Journal* started making inquiries of the Governor's Office many months later.

I feel deeply sorry for what my friend has gone through, and continues to go through. I truly admire her courage in speaking out.

With that, that concludes my remarks. And I am happy to answer any questions the Committee may have for me.

Thank you.

SENATOR WEINBERG: Thank you for your opening statement, Mr. Braz.

Could you please tell me what your job responsibilities are at the present time, and your job title?

MR. BRAZ: Yes; I'm the Deputy Chief of Staff for Legislative Affairs. My responsibilities are to liaise with the Legislature.

SENATOR WEINBERG: I think I might have noted that over the last few months (laughter); thank you.

Did you listen to the testimony that Katie Brennan gave to us at our last meeting?

MR. BRAZ: Yes, I did.

SENATOR WEINBERG: Did you find any inaccuracies or any differences in your recollection?

MR. BRAZ: The only difference in recollection -- and I noted it in my opening statement -- was that I was not working for the Murphy campaign in April.

SENATOR WEINBERG: That is the period of time when you were still employed in Assemblyman Gary Schaer's office.

MR. BRAZ: Correct.

SENATOR WEINBERG: Otherwise, to your knowledge, all of the testimony that she gave to us was accurate.

MR. BRAZ: Yes.

SENATOR WEINBERG: Okay. And since you were one of the first people who Katie called that evening, I think, along with another friend of hers, can you describe to us what took place during your meeting that evening, or when you came to her apartment, and who else was present?

MR. BRAZ: Yes. I came to her apartment in the early evening of Sunday, April 9. She was present with her friend. She proceeded to tell me that she had been sexually assaulted by someone who we both knew. She identified who the person was; and I was taken aback, stunned, and tried to offer whatever comfort I could.

SENATOR WEINBERG: And her demeanor? Would you describe as -- what?

MR. BRAZ: She was visibly upset.

SENATOR WEINBERG: Okay; and she had another friend who was already present there before you arrived. Is that correct?

MR. BRAZ: That's correct.

SENATOR WEINBERG: Okay. How long have you been acquainted, or have you known Katie Brennan?

MR. BRAZ: I've known her since 2014, when she was a fellow in the program -- the nonprofit that I had described earlier.

SENATOR WEINBERG: And how long have you known, or do you know, Al Alvarez?

MR. BRAZ: I don't recall the specific time period in which I had met him; but, 2009 or 2010, somewhere in that.

SENATOR WEINBERG: Okay. And Ms. Brennan's testimony -- as I am sure we will recall -- she testified that you were all present -- you, Ms. Brennan, and Mr. Alvarez -- at a gubernatorial debate in October of 2017 at William Paterson.

MR. BRAZ: I believe I was present at that debate.

SENATOR WEINBERG: Okay. And she -- her impression, or the testimony that she gave to us, was that you kind of engaged Mr. Alvarez so that she could walk by without engaging him. Is that correct?

SENATOR WEINBERG: I don't recall that incident, specifically; but it is not out of character of something I would do.

SENATOR WEINBERG: I'm sorry?

MR. BRAZ: I don't recall that incident specifically, but it is not out of character of something I would do for Katie.

SENATOR WEINBERG: Okay. And in your opening statement, who was the last -- or the first person, other than Katie Brennan, did you speak to about this incident?

MR. BRAZ: Other than Katie Brennan?

SENATOR WEINBERG: Yes.

MR. BRAZ: And her husband?

SENATOR WEINBERG: Yes.

MR. BRAZ: It would be Raj Parikh.

SENATOR WEINBERG: Okay; you spoke to Katie's husband about this also?

MR. BRAZ: Yes, when he returned.

SENATOR WEINBERG: When he returned; okay. And what was the -- where did that meeting take place?

MR. BRAZ: It wasn't -- it wasn't a specific meeting. We were out socially, and he thanked me for what I had done for Katie, for being there for her.

SENATOR WEINBERG: Okay. And you spoke to the attorney to the Transition Committee; that was the first person outside of Katie Brennan's immediate circle who you spoke with.

MR. BRAZ: Correct.

SENATOR WEINBERG: And can you describe to us what took place, and when that was?

MR. BRAZ: So that was-- After I received the call from Katie Brennan -- I received in the evening -- saying that charges were imminent, I had told her that we needed to tell somebody. She gave me permission to do so. I called Raj the first thing the next morning. I don't remember what

time that was, but it was before we had got to the office; and I let him know that there was someone working on the Transition who has a sexual assault charge claim pending, I wanted to tell somebody.

SENATOR WEINBERG: And do you know what that attorney did with that information?

MR. BRAZ: He thanked me for telling him; he said that I should also inform Pete Cammarano, which I had agreed to.

SENATOR WEINBERG: And what was the date that you informed Mr. Cammarano?

MR. BRAZ: I don't recall a specific date, but it was the next day after I spoke to Katie Brennan.

SENATOR WEINBERG: So this would have been around what time period?

MR. BRAZ: Late November, early December. I had no reason to doubt her recollection at the time. I just don't remember specifics myself.

SENATOR WEINBERG: Okay; and when you informed Mr. Cammarano, what was his response?

MR. BRAZ: He thanked me for giving him the information. He said I did the right thing.

SENATOR WEINBERG: And then, following-- Ms. Brennan called you back again to say that there were not going to be charges pressed.

MR. BRAZ: Well, I called her first--

SENATOR WEINBERG: Okay.

MR. BRAZ: --and let her know that I had informed Transition Counsel. She thanked me; and then, either later that evening or the next

day, she told me they had decided not to press charges, which I then informed both Pete and Raj about that conversation I had with Katie.

SENATOR WEINBERG: Did she give you any insight into what they might have shared with her, or how she felt about the decision of the Hudson County Prosecutor?

MR. BRAZ: She told me she was hurt and disappointed, and that she had thought charges would be pressed.

SENATOR WEINBERG: And did you, at any point, give her any advice about what to do next?

MR. BRAZ: No, I didn't. I didn't feel qualified.

SENATOR WEINBERG: And at the time, when you informed Mr. Cammarano in that time period, was her name divulged at that point?

MR. BRAZ: No.

SENATOR WEINBERG: At what point did you share with other people her name?

MR. BRAZ: I never did.

SENATOR WEINBERG: So you never told the Transition Counsel or Mr. Cammarano who the person was?

MR. BRAZ: No, I did not. I did not feel it was appropriate.

SENATOR WEINBERG: I might be incorrect, but I thought you said at some point she gave you permission to share her name.

MR. BRAZ: She gave me permission to share the accusation; never her name.

SENATOR WEINBERG: Oh, okay. All right; so at no point during this period of time -- and I'm not suggesting that you should have -- at no point during your interchange with the Transition Counsel, with Mr.

Cammarano, with anybody else, did you share the name of who the victim in this case was?

MR. BRAZ: That's correct.

SENATOR WEINBERG: But you knew who the accuser (*sic*) was.

MR. BRAZ: The accused?

SENATOR WEINBERG: The accused; yes.

MR. BRAZ: Yes.

SENATOR WEINBERG: And did you share his name--

MR. BRAZ: Yes, I did.

SENATOR WEINBERG: --with both the Transition attorney, as well as with Mr. Cammarano?

MR. BRAZ: Yes, I did.

SENATOR WEINBERG: Okay.

When you were employed by the Transition Committee, was there any kind of background check done on your--

MR. BRAZ: I don't -- I wouldn't be privy to that.

SENATOR WEINBERG: Well, did you give permission for any kind of background check?

MR. BRAZ: I believe so.

SENATOR WEINBERG: And again, when you were offered employment in the Governor's Office, did you fill out an application or give permission for a background check?

MR. BRAZ: Yes, that I did.

SENATOR WEINBERG: And have you supplied us with a copy of that application? The answer is no?

MR. BRAZ: I don't believe so.

SENATOR WEINBERG: Okay; I would appreciate getting that, if the attorneys can do that.

MR. PORRINO: We will assemble a list, Senator.

SENATOR WEINBERG: Now, in preparing your testimony for today, did you review all the documents that you might have had in your possession -- e-mails, telephone notes that you might have had in your possession?

MR. BRAZ: Yes.

SENATOR WEINBERG: And as far as you know, all of those documents have been turned over to the Committee?

MR. BRAZ: As far as I am aware.

SENATOR WEINBERG: Okay.

All right; thank you, Mr. Braz.

MR. BRAZ: Thank you, Chairwoman.

SENATOR WEINBERG: Do you have any questions?

ASSEMBLYWOMAN PINTOR MARIN: Good morning, Justin.

MR. BRAZ: Good morning.

ASSEMBLYWOMAN PINTOR MARIN: Justin, did you communicate with any other person associated with the campaign? I know you communicated during the Transition period -- right? -- and that was the only time. Nothing beforehand, because you weren't working at that time for the campaign, correct?

MR. BRAZ: I started working for the Democratic State Committee in the summer. But no, I did not.

ASSEMBLYWOMAN PINTOR MARIN: Okay. Did you ever-- Even though you never divulged Katie's name, as a friend, you know, you divulged the accusation. Besides the follow-up of having told the attorney at that time, and the Chief of Staff, that the Hudson County Prosecutor's Office had closed the case, did you, at any point then, have any other type of discussions with them knowing that Katie was not happy, or disappointed that this person was still working for the Administration? So after you--

MR. BRAZ: No.

ASSEMBLYWOMAN PINTOR MARIN: So after you revealed to them that the case was closed, you no longer had any conversations with the Administration on that?

MR. BRAZ: I did not.

ASSEMBLYWOMAN PINTOR MARIN: Do you know who was involved in the decision to hire Mr. Alvarez as Chief of Staff to the SDA?

MR. BRAZ: I don't have that knowledge.

ASSEMBLYWOMAN PINTOR MARIN: At the time when the accusation was put out there -- correct? -- and you knew who the accused was, did you have knowledge who was interested in hiring him, or if the Administration was going to go forward in hiring this person?

MR. BRAZ: I wouldn't have that knowledge, no.

ASSEMBLYWOMAN PINTOR MARIN: Okay; thank you.

MR. BRAZ: Thank you, Chairwoman.

SENATOR WEINBERG: Do we have any questions from Committee members?

Assemblywoman.

ASSEMBLYWOMAN MUÑOZ: Thank you.

Thank you for coming here today.

I'd like to follow up. You told Mr. Cammarano way back in November; is that correct?

MR. BRAZ: I don't recall the exact date, but it was late November, early December.

ASSEMBLYWOMAN MUÑOZ: What did you expect to occur by telling Mr. Cammarano?

MR. BRAZ: I trusted that whatever the process -- whatever the formal process would be, it would be followed.

ASSEMBLYWOMAN MUÑOZ: Do you know what-- I mean, did you expect that he would tell the Governor?

MR. BRAZ: I would have no knowledge of that.

ASSEMBLYWOMAN MUÑOZ: So you-- I mean, that would beg the question, so why did you tell *him*? Because -- did you feel that he had the authority to do something?

MR. BRAZ: So during Transition, I was an aide to Pete Cammarano; so he was my direct report. And so in addition to telling Transition Counsel, I told my direct report, who the Transition Counsel also recommended I tell. So that was the course I followed.

ASSEMBLYWOMAN MUÑOZ: Do you know why anyone didn't inform the Governor's Office?

MR. BRAZ: I have no knowledge of that, Assemblywoman.

ASSEMBLYWOMAN MUÑOZ: Do you know if there was a process that-- You just said that -- about the process. So did you -- were you aware what the process would be, and how this would proceed?

MR. BRAZ: I was not.

ASSEMBLYWOMAN MUÑOZ: So you simply told somebody, hoping that they would know how to proceed?

MR. BRAZ: I was not aware of what the process would be.

ASSEMBLYWOMAN MUÑOZ: If you didn't know what the process would be, I'm curious why you would choose to tell *them*?

MR. BRAZ: Well, I went to Transition Counsel; and I also wanted to make sure I told my direct report, which was Pete. And I thought that was the appropriate course of action.

ASSEMBLYWOMAN MUÑOZ: So just to follow up on that, did you expect then-- You knew Mr. Alvarez, at that point, was-- Had he been hired by the Transition Team?

MR. BRAZ: He was working on the Transition campaign at the time -- or the Transition Team at the time, yes.

ASSEMBLYWOMAN MUÑOZ: So you-- If I can ask you what your expectation was -- what would happen. Did you expect, perhaps, that Mr. Alvarez would not be hired as a result of this?

MR. BRAZ: Assemblywoman, I didn't have any expectation.

ASSEMBLYWOMAN MUÑOZ: You had no expectation?

MR. BRAZ: That's correct.

ASSEMBLYWOMAN MUÑOZ: I mean, I know she was your friend, and it's a pretty serious accusation. Can I ask you if you hoped that he wouldn't be hired?

MR. BRAZ: I trusted that the process would be handled accordingly.

ASSEMBLYWOMAN MUÑOZ: But again, we talk about the process, but we don't know what the process was. So what our job here is, is to find out about the process, correct?

MR. BRAZ: Understood.

ASSEMBLYWOMAN MUÑOZ: And if the process wasn't followed, if we can set some policy, going forward, that there is a process -- is that one of your expectations?

MR. BRAZ: That's my understanding of the role of this Committee.

ASSEMBLYWOMAN MUÑOZ: Okay.

When you found out that Mr. Alvarez had been hired, did you indicate to anybody, including your direct-- You said Mr. Cammarano was your direct -- you reported to Mr. Cammarano?

MR. BRAZ: On Transition, correct.

ASSEMBLYWOMAN MUÑOZ: Okay. Did you tell anybody that it was a mistake to hire Mr. Alvarez?

MR. BRAZ: I did not.

ASSEMBLYWOMAN MUÑOZ: Okay.

And you did not, ever, tell the Governor; is that correct?

MR. BRAZ: That's correct.

ASSEMBLYWOMAN MUÑOZ: Correct. And did you feel that he should have been told?

MR. BRAZ: That's not my purview. I told my direct report.

ASSEMBLYWOMAN MUÑOZ: And how do you feel that Katie Brennan has been treated since this has become known? You're her friend; how do you feel personally -- how she's been treated?

MR. BRAZ: Can you--

ASSEMBLYWOMAN MUÑOZ: Within her job setting; not by the press -- because, you know -- but by-- You know, when Katie testified before us, she indicated that she's been quite uncomfortable in her job, because she's had to have direct contact with Mr. Alvarez on numerous occasions. And so you're her very good friend; you indicated that you were the first person who she called, besides her other friend -- her name was also Katie. So how did you feel, as her very good friend, that she was treated within the Administration, knowing that both she and Mr. Alvarez were hired; and yet there was no action taken in regard to Mr. Alvarez?

MR. BRAZ: Assemblywoman, I couldn't speak to my direct interactions with her. From a professional standpoint, our relationship has not changed whatsoever.

ASSEMBLYWOMAN PINTOR MARIN: Not *your* relationship with her, but how did you feel that she was treated by-- Because she indicated, quite pointedly, that she felt -- because she stated that she has failed to be invited to certain events. Did she share that with you?

MR. BRAZ: She did not.

ASSEMBLYWOMAN MUÑOZ: She did not.

MR. BRAZ: No.

ASSEMBLYWOMAN MUÑOZ: Okay. So her -- did you have further discussion with her, over the course of those months, about how she -- meaning, after April, into 2018 -- about how she was feeling about this

whole situation, and how-- Because we got the sense that she wasn't taken seriously. So did she discuss that with you at all during those months after 2018 -- the beginning of 2018?

MR. BRAZ: Assemblywoman, unfortunately not.

ASSEMBLYWOMAN MUÑOZ: Did you ever have another conversation with her in 2018?

MR. BRAZ: Yes, of course.

ASSEMBLYWOMAN MUÑOZ: And never about this topic.

MR. BRAZ: No.

ASSEMBLYWOMAN MUÑOZ: Okay, thank you.

SENATOR WEINBERG: Any other--

Assemblywoman -- Senator, pardon me.

Senator Corrado.

SENATOR CORRADO: Thank you.

Mr. Braz, how long have you known Mr. Alvarez; since 2009, 2010?

MR. BRAZ: Since 2009, 2010. I don't remember or recall a specific date on which I met him.

SENATOR CORRADO: And what was the nature of your relationship -- friends, working friends?

MR. BRAZ: I would say *friendly*; more acquaintances than true friends.

SENATOR CORRADO: Do you know how Ms. Brennan met Mr. Alvarez?

MR. BRAZ: Yes, I would assume-- Actually, no, I don't know exactly how they met.

SENATOR CORRADO: Okay. Do you know if they tended to travel in the same circles; and by that I mean did they have similar friends, or--

MR. BRAZ: There were overlapping friends.

SENATOR CORRADO: Were you there that night, on that Friday night in April, at the gathering?

MR. BRAZ: I was not.

SENATOR CORRADO: And you kind of answered this already, but I just want to ask again. Why do you think she confided in you so quickly?

MR. BRAZ: Well, I was her friend, and I still am. And also, the fact that both her and I knew the accused.

SENATOR CORRADO: And you believed her when she told you what had happened.

MR. BRAZ: Yes, I did.

SENATOR CORRADO: And so between April and December -- I think you've answered this -- you really didn't have any additional conversations with her about what had happened.

MR. BRAZ: Not directly or specifically. I would check in to see how she was doing from here to there. But I didn't want to bring it up unless she wanted to talk to me about it.

SENATOR CORRADO: And when she gave you the okay to speak about it, without using her name, and you finally did go to Transition Counsel first--

MR. BRAZ: Correct.

SENATOR CORRADO: --and then Mr. Cammarano, did you ever -- did they ever tell you what they were going to do about the situation?

MR. BRAZ: No, they did not.

SENATOR CORRADO: At this point in time, was there an understanding that both Katie and Mr. Alvarez would be working in the Administration?

MR. BRAZ: I wouldn't know.

SENATOR CORRADO: Did you think they were both going to wind up there?

MR. BRAZ: I wouldn't know.

SENATOR CORRADO: Did you ever follow up with either Transition Counsel-- And when we're talking about *Transition Counsel*, we're talking about the law firm of Genova Burns.

MR. BRAZ: When we talk about Transition -- when I refer to Transition Counsel, I'm referring to Raj Parikh.

SENATOR CORRADO: And that's the firm that he works for.

And were there other attorneys who played the role, or served the role, as Transition Counsel?

MR. BRAZ: I wouldn't know; that's who I went to.

SENATOR CORRADO: And the way you approached both of them -- was it a phone call, was it an actual in-person meeting?

MR. BRAZ: So I -- for Raj, it was a phone call that morning after the evening I spoke to Katie. For Pete, it was in person.

SENATOR CORRADO: Okay. And so when you had the phone call with Raj, did he tell you -- I'm asking the same question again -- did he tell you what actions he would take or who he would speak with?

MR. BRAZ: No, but he did recommend I speak to Pete Cammarano.

SENATOR CORRADO: And when you spoke with Mr. Cammarano, did he tell you what actions he would take, or who he would be speaking with?

MR. BRAZ: No.

SENATOR CORRADO: And from that point until today, was there ever any follow-up conversation with either one of them?

MR. BRAZ: Not directly, no.

SENATOR CORRADO: Did you know, in March of 2018, that Ms. Brennan had gone to speak to Matt Platkin?

MR. BRAZ: I did not.

SENATOR CORRADO: Did you know that she had spoken to -- and I apologize for mispronouncing his name -- Parimal Garg?

MR. BRAZ: I did not.

SENATOR CORRADO: Did you know, in June, that she had e-mailed the Governor?

MR. BRAZ: I did not.

SENATOR CORRADO: And then prior to the article coming out in October, did you know that she had gone to the *Wall Street Journal*?

MR. BRAZ: I found out she went to the *Wall Street Journal* when I was contacted by the *Wall Street Journal*.

SENATOR CORRADO: Okay.

Do you ever sit in on meetings with the Governor and his Chief of Staff, Chief Counsel?

MR. BRAZ: Yes.

SENATOR CORRADO: So let's talk a little bit about your job. When did you become part of the Transition Team?

MR. BRAZ: Directly after the campaign. So I assume the Election Day was November 7, 2017; so shortly thereafter.

SENATOR CORRADO: Okay; and were you paid for this role?

MR. BRAZ: Yes, I was.

SENATOR CORRADO: And when you joined the Transition Team, were you ever given a code of conduct or a personnel manual on the policies of the Transition?

MR. BRAZ: I don't recall specifically. I believe so, but I don't recall.

SENATOR CORRADO: Okay. When did you learn that you would be hired in the Administration?

MR. BRAZ: I don't know the exact date, but it was mid-December of 2017.

SENATOR CORRADO: Okay. And can you walk me through the process: Were you interviewed, did you tell them what job you wanted? Tell me how it came about.

MR. BRAZ: I had indicated that I would be interested in this position. And I was working as an aide on the Transition Committee, so I assumed that that was my interview process.

SENATOR CORRADO: Did you ever submit a résumé, did you ever interview with anyone?

MR. BRAZ: I submitted a résumé, yes.

SENATOR CORRADO: Did you ever have to fill out an application?

MR. BRAZ: I don't recall.

SENATOR CORRADO: Where do you actually work; where is your office?

MR. BRAZ: 225 West State Street.

SENATOR CORRADO: And who is your immediate supervisor; who do you actually answer to?

MR. BRAZ: Pete Cammarano.

SENATOR CORRADO: And how often do you interact with Mr. Cammarano?

MR. BRAZ: On a daily basis.

SENATOR CORRADO: Multiple times?

MR. BRAZ: Depending on the day.

SENATOR CORRADO: Okay, okay. And you've never sat in a meeting with Mr. Cammarano and others when the situation was discussed that both Mr. Alvarez and Ms. Brennan were working in the same Administration?

MR. BRAZ: No.

SENATOR CORRADO: Thank you.

MR. BRAZ: Thank you, Senator.

SENATOR WEINBERG: Before I find out if there are any other questions, I have a follow-up question, Mr. Braz.

You said in answer-- Well, first of all, you said that you found Katie Brennan's testimony here to be truthful, from whatever you knew.

And in answer to, I think, Senator Corrado, you said you believed her; you believed that what she testified to actually happened. Is that correct?

MR. BRAZ: Yes.

SENATOR WEINBERG: Well, you then find yourself in a position of believing a very good friend who has accused somebody, who is about to be hired in the Administration, of rape. Did you, at any point, find any process or any help to address the fact that you believed your very good friend; and that the Administration was about to hire -- or did hire the accused?

MR. BRAZ: Majority Leader, I apologize, can you please rephrase the question?

SENATOR WEINBERG: Did you feel you had any kind of a formal process, an informal process to address what must have been a rather anguished position to be in.

MR. BRAZ: And I would say, in an informal process, that I told Transition Counsel and the Chief of Staff.

SENATOR WEINBERG: And that was it?

MR. BRAZ: That was it.

SENATOR WEINBERG: Okay, thank you.

Senator Oroho.

Oh, I'm sorry; Senator Madden.

SENATOR OROHO: Yes, yes, we'll go back and forth.

SENATOR WEINBERG: Senator Madden, thank you for--

SENATOR MADDEN: Good morning, Justin.

MR. BRAZ: Good morning, Senator.

SENATOR MADDEN: So I'm just looking at your statement; maybe you could just clarify a couple of things for me.

MR. BRAZ: Sure.

SENATOR MADDEN: Your statement says that, "Katie did not ask me to relay her accusations to anyone." This is after she'd reported being raped to you. She reports this "being raped." You show up, you get this phone call, you can't show up to her apartment until the following evening.

MR. BRAZ: Correct.

SENATOR MADDEN: And it's at the period in your statement, at that particular meeting with her and her friend, she's expressing these allegations of rape. The next paragraph says, "Katie did not ask me to relay her accusations to anyone. She said she wanted to handle it on her own."

MR. BRAZ: Correct.

SENATOR MADDEN: You were serving as the Chief of Staff for a sitting Assemblyman--

MR. BRAZ: Correct.

SENATOR MADDEN: --and you just -- you were not part of the campaign at that particular moment, correct?

MR. BRAZ: Correct.

SENATOR MADDEN: When you sit as a Chief of Staff within a legislative office, are you aware of the harassment policies that we all work under, and our employees; the code of conduct for the employees within our office?

MR. BRAZ: Not intimately so, but I am aware.

SENATOR MADDEN: I'm sorry?

MR. BRAZ: I said not intimately so; but yes, I am aware.

SENATOR MADDEN: Okay, so could you tell us how much you are aware of it? If you were sitting in the office, at that time, as the Chief of Staff -- almost analogous to what you have now -- and a constituent, a friend, or somebody had come to you with allegations of rape, and they said, "But I don't know what to do," or just, they'll "take care of it on their own," how would you handle that today?

MR. BRAZ: I would report, based on her wishes, if she felt comfortable with me sharing, to my direct supervisor. And also to our EEO -- which I'm blanking on what the EEO stands for -- but they handle any incidents of harassment.

SENATOR MADDEN: So out of all that, you would have to have the permission of the crime victim in order to report the crime? Is that what -- are you saying that?

MR. BRAZ: Senator, I can only speak to the situation in which I was in with Katie. And I wanted to respect her wishes as a friend, and that is how I perceive it.

SENATOR MADDEN: But my question is, would you need the permission of the crime victim in order to report the crime?

MR. BRAZ: Senator, I'm not an attorney. I don't know.

SENATOR MADDEN: Okay.

So here it is, it's the month of April. Your close friend reports this charge to you; an offense. April becomes May, May becomes June. During that timeframe, this very close friend of yours, who you've had for years, is taking other avenues to report this allegation to other people. June

becomes July, July becomes August. At the time you're on this campaign, working together. Mr. Alvarez was part of the campaign?

MR. BRAZ: Yes.

SENATOR MADDEN: Was Katie part of the campaign?

MR. BRAZ: In a volunteer capacity.

SENATOR MADDEN: And were you a direct report for Katie at that particular time?

MR. BRAZ: No.

SENATOR MADDEN: Okay. So then we drift into September, October, Election Day. It's now later in November. You wind up having another meeting with Katie on this particular topic. "Katie and I spoke about the need to inform the Transition Team." So between April and November -- you and Katie are speaking, late November, about there's a need to report this incident to the Transition Team. What happened between April -- from your position as Chief of Staff, and some knowledge of reporting requirements -- and November? Like, why did you decide that there was a need, now, to report it, in late November, but there was no need in April, May, June, July -- as the months went on?

MR. BRAZ: Because that was when Katie gave me permission to do so.

SENATOR MADDEN: The crime victim gave you permission then?

MR. BRAZ: Correct.

SENATOR MADDEN: Okay. So if you, Justin -- do you interact with Katie now in your position as Deputy Chief of Staff and her position within State government?

MR. BRAZ: Yes, I do.

SENATOR MADDEN: The interaction between your office -- or you and Katie in her job now, as it was before the press article came out -- has it changed from where it was three months, six months ago, versus the way it is in the past 30 days?

MR. BRAZ: No, we still interact on a very regular basis.

SENATOR MADDEN: Did you hear Katie's testimony about how things are different in her job right now?

MR. BRAZ: I did.

SENATOR MADDEN: And could you respond to that for us?

MR. BRAZ: I can only speak from my interactions with her and my, for lack of a better term, Department. But we still interact, with her and her team, on a very regular basis.

SENATOR MADDEN: Okay.

When you reported the allegation to the Transition Team, why did you do it?

MR. BRAZ: Katie gave me permission to do so.

SENATOR MADDEN: Why? There's this need; but why did you actually feel you had to go to Raj--

MR. BRAZ: Well, Katie said--

SENATOR MADDEN: --and Pete Cammarano?

MR. BRAZ: --that charges were most likely imminent, and she felt it was time to share.

SENATOR MADDEN: So here you go; you go the Counsel with the expectation that what would happen?

MR. BRAZ: I didn't have any expectation. I just thought it was important to inform them.

SENATOR MADDEN: And your role in the campaign was what?

MR. BRAZ: In the campaign I was Labor Director.

SENATOR MADDEN: So you had people under you. You weren't-- Did you have people under you in that role?

MR. BRAZ: Yes, I had an intern who worked for me.

SENATOR MADDEN: Okay. So you and Katie are talking; Katie gives you permission to tell the Transition Team. But you're expressing that there's a need to tell the Transition Team. So when there's a need to tell the Transition Team, and she says, "Okay, tell them," you call the Counsel and you call Pete Cammarano.

So this is a pretty big deal here, and you're finally telling someone. And what, from your perspective as a Chief of Staff, former Chief of Staff for a sitting Assemblyman, a Director on the campaign, and now on this Transition Team, looking to get a high-profile position, ultimately, if you get your druthers-- So you're bringing what would be expected, from my perspective -- some exposure to the reporting requirements. So now you report this to a higher authority in your chain. What, if anything, are you expecting that they would do with it? Were you--

MR. BRAZ: I expected them to take it seriously. I had no expectations of what the process would be thereafter.

SENATOR MADDEN: Were you expecting any outcome or any action from either one of those two, Raj or Pete Cammarano?

MR. BRAZ: No.

SENATOR MADDEN: Then why did you report it to them?

MR. BRAZ: Because I thought it was my obligation to do so, and I wanted to make sure that they were aware.

SENATOR MADDEN: So you were chosen-- You chose that there was a *need* to report it. You got authorization from the crime victim to report it. But once you gave it to the Counsel and the incoming Chief of Staff, you didn't expect them to do anything with it -- just listen to you and say, "Okay, thanks"?

MR. BRAZ: Senator, I am going to assume that they would follow the -- whatever process they had in place. I didn't know what to expect.

SENATOR MADDEN: It's not what process *they* have in place. There are *processes*. You were a sitting former Chief of Staff for an Assemblyman. You were a Director in a campaign, you're on a Transition Team pursuing a very high-profile position within the Governor's Office. So what was the process; at a minimum, what was the process that you would have expected from them?

MR. BRAZ: I can't speak to that, Senator. I don't know how to answer that appropriately.

SENATOR MADDEN: Do you want to think about it? At a minimum, you told the Chief Counsel and the incoming Chief of Staff about this allegation of rape. At a minimum, what would you expect those two individuals, between the two of them, to do?

MR. BRAZ: I would expect them to look into the situation.

SENATOR MADDEN: And did they?

MR. BRAZ: I don't know.

SENATOR MADDEN: Okay; thank you.

MR. BRAZ: Thank you, Senator.

SENATOR MADDEN: Thank you, Justin.

SENATOR WEINBERG: Senator Ruiz.

SENATOR RUIZ: Thank you, Chairwoman; thank you, Justin.

Just following up on Senator Madden's questions.

Why didn't you follow up? Why never, in crossing with these interactions with your manager, or in a Cabinet meeting, just say, "Did you take a look?" -- anything that you can recollect as to why there was no follow-up on your part, kind of just to close the loop?

MR. BRAZ: No, they told me that they were going to handle my reporting. And also, I didn't know Katie was pursuing the other avenues that she was pursuing. And I wanted to respect her; and I had thought, based on our relationship, that I would be privy to what she was doing in terms of pursuing further justice. I didn't want to elevate anything without her permission.

SENATOR RUIZ: We are acquiring information -- I think, as it becomes available -- through the Committee. You clearly indicate that you reached out to the attorney and to the Chief of Staff. And maybe this is something that's forthcoming and not available yet, but in your recollection, did you provide any letter, any memo, any notes, any e-mails, any texts, or correspondence just documenting the incident?

MR. BRAZ: Through my course of reviewing my records, no.

SENATOR RUIZ: In Transition, as the person of Labor, right when the Administration is going to take over, there are conversations, sometimes, about what the government is going to look like.

MR. BRAZ: Yes.

SENATOR RUIZ: Were you part of those conversations as to who would be able to fulfill any position?

MR. BRAZ: Yes, I would recommend people and send résumés. But not directly; I didn't have any hire or fire ability.

SENATOR RUIZ: Were you aware that Mr. Alvarez initially applied for Executive Director of SDA?

MR. BRAZ: I was not.

SENATOR RUIZ: In any Cabinet meetings or in any other meetings that, perhaps, had any follow-up on behalf of the Governor's Office about this event, were you sitting in any of these meetings, perhaps listening in to anything that was being discussed?

MR. BRAZ: What meetings are you describing, Senator?

SENATOR RUIZ: Just-- Fast-forward; I'm sorry. I'm going back-and-forth. But during the time as your Deputy Chief of Staff role--

MR. BRAZ: Okay.

SENATOR RUIZ: --maybe even after the report was issued in the *Wall Street Journal* -- in any Cabinet meeting, in any meeting, in any of that, indication -- or any press meeting -- were you part of any of those meetings where this subject matter was, perhaps, discussed?

MR. BRAZ: Yes.

SENATOR RUIZ: And what was the tenor of those meetings?

MR. BRAZ: I don't recall specifically. But, you know, after the *Wall Street Journal* story broke, it was the top of the conversation.

SENATOR RUIZ: Prior to the *Wall Street Journal* story breaking, was there any discussion from any member -- even though this

wasn't an incident that happened during the Administration time -- about how an employee was made to feel during her tenure here; and any discussion about what proactive steps we should do to make them feel safe? Any types of those discussions that, perhaps, you participated in?

MR. BRAZ: Not that I was directly a part of. But I know, through the work of this Committee, one; two, through our internal review, which I believe is still ongoing; and also what the AG's Office is doing. I believe that is--

SENATOR RUIZ: But that's post the article. I'm just curious if anyone had any of those types of discussions about-- Recognizing that the event didn't happen, you know, under the Administrative time, but that how the person felt was certainly a sentiment of the moment--

MR. BRAZ: Right.

SENATOR RUIZ: --and the responsibility of someone to take action.

MR. BRAZ: Yes; so there was information shared about -- if something would happen to you, what would you do, going forward? Like, how to report it, going forward. That was a topic of conversation with all staff in the Governor's Office.

SENATOR RUIZ: I don't have anything else.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Just one quick question, Justin.

MR. BRAZ: Sure.

ASSEMBLYWOMAN PINTOR MARIN: As Senator Corrado was bringing it up, and Assemblywoman Muñoz, with regards to -- and

Senator Madden touched on this -- as an aide you receive a code of conduct, right? It's part of your hiring packet. Besides that, you said on the Transition Team -- you're not sure, you don't recall, you might have received some sort of code of conduct, at that point, for the Transition? Do you know if there's anything in place?

MR. BRAZ: I know I went through an ethics training, but I don't recall a specific code of conduct or anything else.

ASSEMBLYWOMAN PINTOR MARIN: So the ethics training that you do as part of the Transition, is that just like our offices do with the staff? Is it online, or does someone actually come in and talk about ethics?

MR. BRAZ: Someone came in and spoke.

ASSEMBLYWOMAN PINTOR MARIN: So someone comes in; and then you just sign off on a sheet saying that you've completed the ethics?

MR. BRAZ: Yes.

ASSEMBLYWOMAN PINTOR MARIN: Yes? When you were, then, hired at your position that you currently are, I'm assuming -- correct? -- that part of your hiring packet that you received is also rules and regulations, code of conduct, for the position that you're in, Justin, or no?

MR. BRAZ: I would assume that was part of my intake, yes.

ASSEMBLYWOMAN PINTOR MARIN: Okay. And do you do, as part of -- just like we do -- ethics, harassment training, anything?

MR. BRAZ: Yes.

ASSEMBLYWOMAN PINTOR MARIN: So you do do that now?

MR. BRAZ: Yes. During my time in the Governor's Office, yes, I've done both.

ASSEMBLYWOMAN PINTOR MARIN: Can you-- Is it just high-level staff, or is it to everyone?

MR. BRAZ: I believe--

ASSEMBLYWOMAN PINTOR MARIN: Or is it separate?

MR. BRAZ: I believe it's everybody. There are separate trainings, but I believe that everyone goes through it.

ASSEMBLYWOMAN PINTOR MARIN: Okay. And then when you have those, how are those -- in person or Internet?

MR. BRAZ: In person.

ASSEMBLYWOMAN PINTOR MARIN: So the same thing -- someone comes in person; you have 20 high-level position people, right? I'm guessing Cabinet members, maybe?

MR. BRAZ: I can't speak to the amount of people--

ASSEMBLYWOMAN PINTOR MARIN: No, so when you did your training-- I'm not trying -- I'm just trying to establish certain procedures that, going forth--

MR. BRAZ: Sure.

ASSEMBLYWOMAN PINTOR MARIN: --we're going to have to take a look at. So during that process, when you're sitting down and they're talking about ethics or harassment -- whatever it is -- is it same-level colleagues, or Cabinet members? How is the training, kind of, rolled out?

MR. BRAZ: I don't recall specifically who was in the room with me when I took it. But it was more than just me.

ASSEMBLYWOMAN PINTOR MARIN: It was more than just you.

MR. BRAZ: Yes.

ASSEMBLYWOMAN PINTOR MARIN: So you're not sure if it was divvied up into different levels of government, or--

MR. BRAZ: I can't speak to what happens in Departments. I know what I went through in the Governor's Office.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So you were just sitting with a bunch-- And then at the end, did you have to sign off; or in the beginning, did you have to sign the fact that you were present at the--

MR. BRAZ: I believe so, yes.

ASSEMBLYWOMAN PINTOR MARIN: Okay. And then, besides those typical trainings -- which are normally typical -- is there anything else that's offered to you as a, sort of, manual that states if something -- if you needed to report something, who your chain would be? I mean, I'm sure for you it's pretty easy, because you have one direct person, and then it's the Governor. But do you have anything like that that you're given?

MR. BRAZ: Chairwoman, I don't recall. I don't want to say that we're not. I don't recall.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

SENATOR WEINBERG: Senator Oroho.

SENATOR OROHO: Thank you, Madam Chair.

Good morning, Justin.

MR. BRAZ: Senator.

SENATOR OROHO: First of all, thank you very much for being here.

Your opening statement-- Besides your Counsel, have you discussed your testimony, your opening statement, with anybody on the campaign staff, the Transition--

MR. BRAZ: No.

SENATOR OROHO: --or the Governor's Office?

MR. BRAZ: No.

SENATOR OROHO: Or, the Administration, I should say.

MR. BRAZ: No.

SENATOR OROHO: When you met Katie -- you went over to visit with her -- did she use the term *rape*?

MR. BRAZ: She told me she was sexually assaulted.

SENATOR OROHO: Sexually assaulted. Was there ever a time when the term -- when you reported that to anyone in the campaign, the Transition, or the Administration -- the term *rape* versus *sexual assault*?

MR. BRAZ: I related that she was sexually assaulted.

SENATOR OROHO: Sexually assaulted; okay.

Mr. Alvarez was the, I guess, Deputy Director for Personnel, I think, during the Transition period. I think that was what his position was. I have it here as Deputy Director of Personnel for the Transition Committee.

I know you weren't authorized to divulge the victim's name. Was there any discussion of the position that the victim held, either in the campaign or the Transition, at this time?

MR. BRAZ: Yes, I informed that she was a member of one of the Transition Committees.

SENATOR OROHO: Okay. And further, to Senator Ruiz's question, was-- In your testimony you do talk about -- you specifically called the campaign counsel, and also you called Pete Cammarano. Throughout this time-- Because this happened in April of 2017 -- obviously, you know, we're now in December 2018 -- we had a number of things that happened. Were there any other discussions that happened through either -- with people from the campaign, or the Transition, or the Administration about this incident?

MR. BRAZ: No.

SENATOR OROHO: Was it a topic of discussion?

MR. BRAZ: Can you please rephrase the question, Senator?

SENATOR OROHO: Well, was there--

MR. BRAZ: You asked me if I spoke to anyone else?

SENATOR OROHO: Right, around either -- anybody who was on with you, on either the campaign, Transition, or-- Was this something that had been discussed as something pretty, obviously, (indiscernible) and very serious event that had occurred.

MR. BRAZ: No.

SENATOR OROHO: It just never came up?

MR. BRAZ: Well, I didn't tell anybody.

SENATOR OROHO: No, you didn't tell anybody. But was there any other discussion that you were in the room where this was -- any kind of discussion amongst the office that you share--

MR. BRAZ: No--

SENATOR OROHO: --that this had happened; that this event had happened?

MR. BRAZ: No; because, to my knowledge, no one else knew.

SENATOR OROHO: But you had told -- by that time, you had told Pete Cammarano. There came a point in time when you told Mr. Cammarano and Raj -- right? -- in, I guess, it was either late November or December, right?

MR. BRAZ: Correct.

SENATOR OROHO: Okay; so that's a year ago.

MR. BRAZ: Yes.

SENATOR OROHO: Since that time, up until June, there had been no further discussion whatsoever. This event was not discussed at the coffee machine, or grabbing a cup of coffee, or--

MR. BRAZ: Well, I didn't tell anyone outside of Raj and Pete.

SENATOR OROHO: Okay. And amongst yourselves, there was no discussion?

MR. BRAZ: No.

SENATOR OROHO: To your knowledge, did Katie Brennan know Mr. Alvarez well? I mean, you're friends--

MR. BRAZ: Yes.

SENATOR OROHO: --and you testified as friends, and she felt more than comfortable to call you right away after-- And you also spoke with her husband. Would you classify Katie and Mr. Alvarez as *friends*?

MR. BRAZ: I can't speak to their personal relationship. I knew they knew each other.

SENATOR OROHO: You testified that you called them and said, "He might be arrested in the near future."

MR. BRAZ: Yes.

SENATOR OROHO: So you actually used the term *arrested*.

MR. BRAZ: Yes.

SENATOR OROHO: Okay.

Now, we're now in, I guess, late November, early December. The Hudson County Prosecutor's Office has now had this for seven months, right? And you testified that it was your duty to report; and I understand that. So the idea of -- that this was something you took as very serious. So you reported it to the people you thought it should be reported to.

Were you surprised that, essentially, on the same day, or a matter of hours after that, that the Hudson County Prosecutor decided not to press charges? I mean, it had been seven months and, all of a sudden, within hours, boom. So did you call Katie, or she called you?

MR. BRAZ: So for the timeline, Senator, I spoke to Raj and Pete and informed them; then I called Katie to let her know--

SENATOR OROHO: That you had spoken to them.

MR. BRAZ: Yes, that I spoke to them. Katie had called me back and--

SENATOR OROHO: That same day?

MR. BRAZ: I believe later that day, yes, and did inform me that charges were not being pressed.

SENATOR OROHO: When you spoke with Mr. Cammarano or Raj, the Chief -- the campaign Counsel, were they-- First of all, what was

their reaction when you told them that somebody on the Transition Team might be arrested in the near future? Do you recall their reaction?

MR. BRAZ: I think they were taken aback by the information.

SENATOR OROHO: They were taken aback; okay.

When you called them back to let them know, within hours, that this had occurred -- that there were not going to be any charges -- what was their reaction? Were they surprised?

MR. BRAZ: I think so; and they let me -- they thanked me for letting them know.

SENATOR OROHO: Okay, they thanked you for letting them know. Was there much discussion that happened? I mean, seven months had gone past, at least -- had occurred -- and then, within hours, this happened. And you called, I guess, your boss at the time -- right? -- Pete Cammarano; and then, within hours, called him back to let him know that there wouldn't be a major event happening of somebody high in the Administration being arrested.

Was there -- either with the Counsel or Mr. Cammarano -- was there any surprise?

MR. BRAZ: I don't recall, Senator.

SENATOR OROHO: You testified -- and I believe, rightly so -- that it was your duty to report it. And you reported it up to -- we don't have a *chain of command* here, but essentially up the chain of command. Do you feel it was their duty, then, to report to the Governor?

MR. BRAZ: Senator, I can't speak to that.

SENATOR OROHO: Just one final question.

Since this whole time -- we're talking about, now, it's 20 months since it occurred-- Prior to a time, coming from after the *Wall Street Journal* article, was there ever -- or even after; anytime -- was there ever a discussion with anyone to ignore, cover-up, or to just hope this situation goes away?

MR. BRAZ: No.

SENATOR OROHO: Nobody; never any discussion.

MR. BRAZ: Not that I was a part of.

SENATOR OROHO: Thank you

MR. BRAZ: Thank you, Senator.

SENATOR OROHO: Nothing further.

SENATOR WEINBERG: Assemblywoman Lampitt, you have a question?

ASSEMBLYWOMAN LAMPITT: Thank you; thank you, Justin.

How often do you -- were you speaking with Katie on a regular basis between that day in April to today? As friends, I mean, just how often do you speak?

MR. BRAZ: I wouldn't say it's regular, but we wouldn't hesitate to communicate with each other.

ASSEMBLYWOMAN LAMPITT: At any point in time were you trying to emphasize to Katie that *she* needed to elevate it further?

MR. BRAZ: No.

ASSEMBLYWOMAN LAMPITT: Okay.

So my concern is, is that we all take ethics training, right? And at some point in time, you know, having somebody working in the

Administration who had allegedly had some sort of sexual harassment against them -- the drum beat of not really effectively doing anything; knowing the fact that, potentially, somebody who was working in the Administration, who was allegedly accused of sexual harassment, who is now continually working in this Administration -- that the drum beat just didn't start happening even with more fervor.

MR. BRAZ: Chairwoman (*sic*), from whom?

ASSEMBLYWOMAN LAMPITT: My concern is that-- So Katie did not allow you to disclose who she was, right?

MR. BRAZ: Correct.

ASSEMBLYWOMAN LAMPITT: But that did not stop your ability to beat the drum even further, Justin, to elevate it, to be able to say -- in November you knew that he was going to be part of this Transition Team, and at some point in time-- Were your eyes on him, at any point in time, during this Transition Team, to understand whether or not he was going to land in the Administration?

MR. BRAZ: I mean, we worked in close quarters; so of course I saw him.

ASSEMBLYWOMAN LAMPITT: Okay. So you knew that, potentially, he was going to land in the Administration.

MR. BRAZ: I thought it was potential, yes.

ASSEMBLYWOMAN LAMPITT: Okay. But you were instructed, you know, and followed through with not revealing Katie's name. But you knew, however, the fact that he was allegedly accused of sexual harassment; okay?

But there was no beating of the drum at any point, Justin, to be able to say, "I told Pete; but, you know, I'm going to tell Pete every single day until he does something about it."

MR. BRAZ: Chairwoman, if Katie had wanted me to do more, I would have done more. I was following her wishes.

ASSEMBLYWOMAN LAMPITT: So you believe that because Katie was restricting you -- okay? -- at some point, you felt that, every day, you could not say something to Pete, to say, "It's unfathomable that this gentleman is working in this Administration with an alleged complaint of sexual harassment"? No?

MR. BRAZ: I'm sorry, Chairwoman; can you please rephrase?

ASSEMBLYWOMAN LAMPITT: So my concern is, Justin, is that she did not allow you to reveal her name. But you had it within your ability -- because all of us took ethics training; you know, you see it, you say it, and you bring it to somebody's attention. I know that she didn't want her name revealed, but you knew -- you knew this man was allegedly accused of sexual harassment, right? And you did not feel it was your -- within your power to say it to somebody, like Pete, every single day, "What's going on, why is he hired?"

MR. BRAZ: Chairwoman, I thought I did everything I could in an appropriate manner.

ASSEMBLYWOMAN LAMPITT: Thank you, Justin.

SENATOR WEINBERG: I have one quick follow-up question.

MR. BRAZ: Yes, Majority Leader.

SENATOR WEINBERG: Senator Oroho touched on the length of time that everybody -- the principals thought an investigation was

taking place in the Hudson County Prosecutor's Office. And I don't want to get into anything you might have said, but I would just like to know -- were you called as a witness by the Hudson County Prosecutor at any point during those seven months?

MR. BRAZ: No.

SENATOR WEINBERG: Senator Cunningham.

SENATOR CUNNINGHAM: Good afternoon, now, Justin.

MR. BRAZ: Hi, Senator.

SENATOR CUNNINGHAM: I know (indiscernible) morning.

I just have to ask this. You know, it is not uncommon, certainly, when a woman has a situation happen to her, such as Katie, that she would not want a lot of people to know; it's something that she would not want people to know.

But you are her good friend; and it just begs the question, for me, did you ever approach Alvarez at all? Was there ever any conversation with him regarding Katie and this situation?

MR. BRAZ: No.

SENATOR CUNNINGHAM: Why not?

MR. BRAZ: Well, for the--

SENATOR CUNNINGHAM: Would you not feel that this is so serious, and I know him, and--

MR. BRAZ: For the vast majority of the time, Senator, I thought there was an investigation ongoing. I knew that Katie had reported it.

SENATOR CUNNINGHAM: Okay, thank you.

SENATOR WEINBERG: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Thank you.

Thank you, Justin, for being here today.

MR. BRAZ: Hi, Assemblywoman.

ASSEMBLYWOMAN DeCROCE: I just want to step back a little bit. You said in 2014 you served on a nonprofit with Katie, correct?

MR. BRAZ: That's correct.

ASSEMBLYWOMAN DeCROCE: What was the nonprofit that you were on with her?

MR. BRAZ: New Leaders Council.

ASSEMBLYWOMAN DeCROCE: Was Mr. Alvarez any part of that?

MR. BRAZ: He was.

ASSEMBLYWOMAN DeCROCE: Okay; so this relationship of knowing each other goes back pretty far.

MR. BRAZ: Of who knowing whom?

ASSEMBLYWOMAN DeCROCE: Did you just say that Mr. Alvarez also was involved in the nonprofit?

MR. BRAZ: Yes, he was on our Advisory Board.

ASSEMBLYWOMAN DeCROCE: Okay; okay. So I just wanted to understand that part.

The Transition Team -- do you know how many members are on the Transition Team?

MR. BRAZ: I don't know the exact number, no.

ASSEMBLYWOMAN DeCROCE: I mean, there's a lot; an awful lot of people on the Transition Team, when one Administration is going out and a new one's coming in.

So Ms. Brennan, yourself, and Mr. Alvarez were on the Transition Team, correct?

MR. BRAZ: In different capacities. So Katie Brennan was on a Transition Committee; I was on the actual Transition Team, as was Al Alvarez.

ASSEMBLYWOMAN DeCROCE: Okay. And at certain points, you were in the company, or in the vicinity, of Mr. Alvarez during the Transition time.

MR. BRAZ: That's correct.

ASSEMBLYWOMAN DeCROCE: Did you ever make a comment to him about Katie, or about an accusation that had been made about him?

MR. BRAZ: I did not.

ASSEMBLYWOMAN DeCROCE: Okay.

Did you ever talk to a family member or a very close friend on what happened to Katie?

MR. BRAZ: Yes.

ASSEMBLYWOMAN DeCROCE: What's striking to me is that we have so many people on a Transition Team. You have three key people knowing something happened, and nobody is privately saying who's who. That's the best-kept secret that I have ever heard of. And no reflection on you; I'm just saying they knew, okay? So the Transition Team knew that Mr. Alvarez was being accused of something, correct? But nobody knew Ms. Brennan was the victim, correct?

MR. BRAZ: Correct; to my knowledge.

ASSEMBLYWOMAN DeCROCE: Are you sitting here today saying that out of all these members on the Transition Team, nobody knew exactly what happened, nobody spoke about it, and nobody knew Ms. Brennan was on the other end of it?

MR. BRAZ: Assemblywoman, to my knowledge, yes.

ASSEMBLYWOMAN DeCROCE: Okay, thank you.

SENATOR WEINBERG: Any other questions from the Committee?

Oh, I'm sorry; Assemblywoman.

ASSEMBLYWOMAN SCHEPISI: Justin, thank you for coming in today.

MR. BRAZ: Hi, Assemblywoman.

ASSEMBLYWOMAN SCHEPISI: How are you?

I have a couple of questions to just kind of wrap up some of the testimony that we've heard today; and a couple of new questions, just kind of piggy-backing a little bit on Assemblywoman DeCroce's question on the Transition Team.

MR. BRAZ: Sure.

ASSEMBLYWOMAN SCHEPISI: We've heard a lot of different names; we've heard some of the same names. Were there-- In your opinion, who were, kind of, the leads, either officially or unofficially, on the Transition Team that were involved with the day-to-day operations?

MR. BRAZ: So our-- I don't know his exact title, but I believe it's Executive Director Jose Lozano of the Transition; incoming Chief of Staff, Pete Cammarano; and incoming Chief Counsel, Matt Platkin. They were the nominal leads.

ASSEMBLYWOMAN SCHEPISI: Okay. And was there anybody else who was involved who was, maybe, operating in an unofficial capacity, or campaign into, kind of, Transition, outside of these people?

MR. BRAZ: Those are who I dealt with.

ASSEMBLYWOMAN SCHEPISI: Okay, so those were the direct people who you were dealing with on a day-to-day basis?

MR. BRAZ: Yes, correct.

ASSEMBLYWOMAN SCHEPISI: Okay.

With respect to -- before you were told by Katie what had transpired, or even -- because you were told way back when from Katie -- but in your capacity of being on the Transition Team, were you ever aware of a list of people that existed that had to be hired?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay; so you weren't aware of, kind of, a list that was coming in of, "We must hire these people regardless of what's going on"?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

When you first spoke to Pete and Raj Parikh about what had transpired, and what you were aware of, you said you spoke with Pete in person.

MR. BRAZ: That's correct.

ASSEMBLYWOMAN SCHEPISI: Was there anybody else in the office, or the vicinity of the office, when you spoke to him that day?

MR. BRAZ: The door was closed. I don't recall if Raj was in the room or not.

ASSEMBLYWOMAN SCHEPISI: Okay, okay. And did you ever become aware of a memo that Raj had put together on this issue that was circulated to people?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay; so you've never seen that memorandum?

MR. BRAZ: I have not.

ASSEMBLYWOMAN SCHEPISI: Okay.

So were you ever aware of a protocol and procedure as to employees who were being held up and not greenlighted for employment?

MR. BRAZ: No, I wouldn't have knowledge of that.

ASSEMBLYWOMAN SCHEPISI: Okay; so you never saw the greenlight list for any employees that had to be hired?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

Were you-- Did you ever have any interactions, as part of the Transition Team, with Brendan Gill?

MR. BRAZ: Yes.

ASSEMBLYWOMAN SCHEPISI: Okay. Were you aware of Brendan's relationship with Al Alvarez?

MR. BRAZ: I knew they worked together, were on the campaign together.

ASSEMBLYWOMAN SCHEPISI: Okay. You weren't aware that they were college roommates as well?

MR. BRAZ: I was not.

ASSEMBLYWOMAN SCHEPISI: Okay. Were there ever any discussions with Mr. Gill regarding Katie Brennan?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

In your capacity-- During that period of time, did you ever feel pressure from anybody to perform tasks, or execute or do anything on behalf of people who weren't part of the Transition Team?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

Since these allegations have come to light, has anybody ever had any conversations with you, or have you ever felt pressure from anybody to leave the Administration?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

And have you had any discussions about potentially being promoted?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have no further questions.

MR. BRAZ: Thank you, Assemblywoman.

ASSEMBLYWOMAN SCHEPISI: Thank you.

SENATOR WEINBERG: Any other questions from the Committee?

Senator Corrado.

SENATOR CORRADO: I just have to follow up very quick.

Justin, do you have a set schedule for work?

MR. BRAZ: *A set schedule?*

SENATOR CORRADO: Yes, Monday through Friday, 9 to 5.

MR. BRAZ: I don't really know how to answer that. But yes, I'm a full-time employee, but I wouldn't say that my hours are regular.

SENATOR CORRADO: Do you have to punch in or keep a schedule?

MR. BRAZ: Yes, my schedule is kept.

SENATOR CORRADO: How is it kept?

MR. BRAZ: I mean, if I have to take time off, I put in a slip to take time off. Other than that, I show up to work.

SENATOR CORRADO: Okay.

I know you had said you didn't speak directly to the Governor. Did you ever speak to anybody on the First Lady's staff about what had happened to Ms. Brennan?

MR. BRAZ: Not until after the allegations (indiscernible).

SENATOR CORRADO: Did you ever speak to the First Lady about what had happened?

MR. BRAZ: No.

SENATOR CORRADO: And I know that you respected Ms. Brennan's wishes and did not reveal her name. But when you went to Transition Counsel and to speak to Raj, did he ever ask you who the victim or the survivor was?

MR. BRAZ: Yes, yes.

SENATOR CORRADO: Okay. And did Mr. Cammarano ever ask who--

MR. BRAZ: Yes.

SENATOR CORRADO: Okay; thank you.

SENATOR WEINBERG: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Thank you, Madam Chairs.

Thank you, sir, for coming voluntarily -- coming before us.

I just have a question about April 9, when you spoke to the victim here, Ms. Brennan.

Did you recommend or suggest that she -- after she told you what had happened, did you recommend or suggest that she call the police or go to the hospital?

MR. BRAZ: Chairman (*sic*), can you-- Is this after she told me originally?

ASSEMBLYMAN JOHNSON: That day you were there; yes, on April 9. Did you recommend or suggest that she either--

MR. BRAZ: I said that she should follow whatever course she feels appropriate.

ASSEMBLYMAN JOHNSON: Right.

MR. BRAZ: And she had indicated that she wanted to go to the police and to get a rape kit.

ASSEMBLYMAN JOHNSON: Right. And did you bring up the -- maybe the rape crisis hotline; did you bring that up at all to her?

MR. BRAZ: No, I did not.

ASSEMBLYMAN JOHNSON: All right.

Did you mention anything about being examined by that specialized nurse who does the rape investigations at the hospital?

MR. BRAZ: No, but from my conversations with Katie, she was very well aware of the procedures she needed to follow.

ASSEMBLYMAN JOHNSON: Okay. But she was aware that that was available.

MR. BRAZ: I can't speak to that specific--

ASSEMBLYMAN JOHNSON: Yes.

MR. BRAZ: --but she seemed well-informed about what she needed to do.

ASSEMBLYMAN JOHNSON: Okay.

All right, thank you.

That's all I have, Chairwoman.

SENATOR WEINBERG: Senator Oroho; and then we want to go to the attorneys for their questions.

SENATOR OROHO: Thank you, Madam Chairwoman.

I just have one follow-up.

Justin, we did receive, or we saw -- there must be some sort of daily briefing that the Governor gets, you know, written?

MR. BRAZ: Oh, yes.

SENATOR OROHO: And it seems pretty detailed about things that could be embarrassing, quotes of the day, things that maybe legislators or other people have said. Now, is that something that happens on a routine basis?

MR. BRAZ: Yes, my team will put together the daily briefing.

SENATOR OROHO: A daily briefing.

MR. BRAZ: Yes.

SENATOR OROHO: Thank you.

SENATOR WEINBERG: Okay, to the attorneys.

To Mr. Hayden.

MR. HAYDEN (Special Counsel): Good morning, Justin.

MR. BRAZ: Mr. Hayden, how are you, sir?

MR. HAYDEN: Good; thank you for your appearance here.

I'd like to deal a little bit with the timeline.

You originally-- During the campaign, you were employed by the State Democratic Party as their Labor Director?

MR. BRAZ: That's correct.

MR. HAYDEN: And then during -- after the election, you then worked as a paid member of the Transition Committee?

MR. BRAZ: Correct.

MR. HAYDEN: And after the Governor took office, you then are Deputy Chief of Staff for Legislative Affairs.

MR. BRAZ: That's correct.

MR. HAYDEN: And it's under those circumstances you've met many of the people here in this room.

MR. BRAZ: I have.

MR. HAYDEN: Now, in April, when the event happened to Katie Brennan, you were working for the State Democratic Committee, and she was a volunteer for the campaign?

MR. BRAZ: I was not working for the State Democratic Committee at the time.

MR. HAYDEN: In April?

MR. BRAZ: No.

MR. HAYDEN: In April, were you still with Assemblyman Schaer?

MR. BRAZ: Yes, sir.

MR. HAYDEN: As his Chief of Staff.

And you had known Katie Brennan since 2014, when you worked together at a nonprofit?

MR. BRAZ: Correct.

MR. HAYDEN: And when she called you the night of the incident, even though you couldn't come over until the next day, what did you understand that she wanted you to do?

MR. BRAZ: When I first took the phone call on Saturday?

MR. HAYDEN: Yes.

MR. BRAZ: That she wanted to tell me because she was upset; and she told me that she wanted to tell me something very personal, a sensitive matter. I said we could talk now; she said, "No, I'd rather do it in person." I said, "Okay, I'll be home the next day; I'll come see you." But I didn't have any expectation about her wanting me to do anything other than hear her.

MR. HAYDEN: And I believe you told us, the next day, which would have been April 9, you were there, her good friend was also there; and then she revealed to you what happened.

MR. BRAZ: That's correct.

MR. HAYDEN: And we've used the term here of *sexual assault*, because that's in the code of criminal conduct; but you understood that to be rape.

MR. BRAZ: She told me she was sexually assaulted.

MR. HAYDEN: Did you understand that to be rape?

MR. BRAZ: I understood that something tremendously terrible happened to her. But she told me she was sexually assaulted.

MR. HAYDEN: And was she emotionally devastated; was she very, very distraught and upset?

MR. BRAZ: When I saw her, she was visibly upset; right.

MR. HAYDEN: And it's been asked to you by a number of the people -- when she told you she was sexually assaulted, you believed her?

MR. BRAZ: Yes.

MR. HAYDEN: And since you'd known her in the past, you knew that she was a credible person.

MR. BRAZ: I had no reason to doubt her.

MR. HAYDEN: Okay.

And the next day, when you're there in person, and she's divulging to her friend the traumatic experience, beyond listening did she ask you to do anything?

MR. BRAZ: No.

MR. HAYDEN: She wanted an ear to rely upon; she wanted somebody to talk to. Did you take it upon yourself to give her any advice in terms of the criminal justice system, therapy, or anything of that nature?

MR. BRAZ: No; as I related to Assemblyman Johnson, she seemed very well aware of the process that she needed to follow. And I just reaffirmed that I'm here for her; whatever she needs, just let me know.

MR. HAYDEN: And was it your understanding, by the time you left, that she was going to embark upon going to the criminal justice process?

MR. BRAZ: It was.

I'm sorry, Mr. Hayden; I'm not sure if I knew -- if that was clear that night or the next day. But I knew shortly thereafter.

MR. HAYDEN: By the time you left, when you met with her on April 9, you--

MR. BRAZ: Like I said, I either knew the next day or that Sunday. I knew she was going to be going through that process.

MR. HAYDEN: And you did not take it upon yourself to advise her what to do or what not to do. You waited and reacted to her.

MR. BRAZ: Other than to tell her that I will do whatever she needs me to do; and that I'm here for her, no.

MR. HAYDEN: Now, did you understand that, going forward, in terms of the campaign -- whatever happened after the election -- she was going to be uncomfortable in the presence of Mr. Alvarez

MR. BRAZ: I'm sorry, sir; could you please rephrase?

MR. HAYDEN: Did you understand that given what had happened to Katie Brennan, she was going to be uncomfortable in the presence of Mr. Alvarez?

MR. BRAZ: Yes.

MR. HAYDEN: And Katie Brennan told us, when she testified a couple of weeks ago, in a complimentary fashion towards you, that on one or two occasions you ran interference for her or, in effect, screened her off from having to have some kind of personal interaction with Mr. Alvarez during the campaign. Do you recall that?

MR. BRAZ: I recall that in her testimony, yes.

MR. HAYDEN: Do you recall doing that?

MR. BRAZ: Not the specifics; but yes, I tried to be there for her.

MR. HAYDEN: And you would want to be there for her as a friend and a decent man, because human nature is such -- that if someone is sexually assaulted, they will be uncomfortable in the presence of their assaulter, will they not?

MR. BRAZ: Yes.

MR. HAYDEN: Now, did you have any other conversations with Katie Brennan about the assault between April 9 and December 1, which is the date that she fixes upon the discussions with Transition Counsel?

MR. BRAZ: I would check in and see how she was doing, but I wanted to be careful in terms of how I approached her on this conversation. I wanted her to come to me if she wanted me to help, because I didn't want to trigger or bring up bad memories without--

MR. HAYDEN: I recognize that, in a sensitive situation, you let the person bring it up, as opposed to yourself.

MR. BRAZ: But I would check in every once in a while--

MR. HAYDEN: But you would check in -- "How are you doing?" And were you aware of the fact, as time went on -- through June, July, August, September --- that the matter was in the Hudson County Prosecutor's Office?

MR. BRAZ: I knew it was with law enforcement; I didn't know where.

MR. HAYDEN: But you don't recall any other substantive conversations about the assault until around December 1.

MR. BRAZ: That's correct.

MR. HAYDEN: Now, with respect to the December 1 conversation, I'm a little unclear as to whether she approached you -- because she wanted to give the campaign a head's up that there could be an arrest -- or you approached her. And so if we could delve into that a little more.

MR. BRAZ: No problem. She approached me.

MR. HAYDEN: And if Katie Brennan had not approached you, would you have gone forward to the Campaign on your own?

MR. BRAZ: I would not have.

MR. HAYDEN: And when she approached you, as best as you can recall, could you try to give us as much of the dialogue as to what she said and why she wanted you to do something?

MR. BRAZ: Yes. She told me that charges were going to be imminent, and she wanted to make sure that everyone was aware.

MR. HAYDEN: That there might be an arrest?

MR. BRAZ: Correct.

MR. HAYDEN: And if my recollection is correct, and her recollection is correct, about December 1 -- I believe December 1 would have been a Friday, at the end of the week. And did you reach out for-- And by the way, who did you discuss, or did she request that you reach out to, because she believed that an arrest was imminent?

MR. BRAZ: So she did not request anybody. I said I'm going to go to the Transition Counsel.

MR. HAYDEN: Okay. So she just said, "Tell the Campaign--"

MR. BRAZ: Well, not--

MR. HAYDEN: --or, "Tell the Transition--"

MR. BRAZ: It was the Transition at that time. She said, "You should tell somebody."

MR. HAYDEN: And did she limit you to one person, or did she just tell you -- give you, in effect, discretion to tell whoever you thought was appropriate?

MR. BRAZ: She gave me discretion.

MR. HAYDEN: And what did she authorize you to say -- to tell?

MR. BRAZ: That there was-- I'm trying to remember the specifics; but, essentially, that there was a pending imminent arrest for someone involved in the -- for Al Alvarez, based on sexual assault charges.

MR. HAYDEN: In effect, a head's up to the Campaign?

MR. BRAZ: Correct.

MR. HAYDEN: And so you decided that the appropriate person was the Transition Counsel. And then, how long was your conversation with the Transition Counsel?

MR. BRAZ: I don't recall; a couple of minutes.

MR. HAYDEN: Did you indicate to the Transition Counsel that the accuser was a credible person?

MR. BRAZ: Yes.

MR. HAYDEN: Did you indicate to the Transition Counsel that you believed the accuser?

MR. BRAZ: I don't recall if I used those words, specifically, Mr. Hayden; but I came forward.

MR. HAYDEN: When you came forward, you indicated that the accuser was a credible person.

MR. BRAZ: I don't-- Well, yes, that was the assumption, with me coming forward.

MR. HAYDEN: And when you spoke to Mr. Cammarano, who I believe you said you were directly reporting to during the Transition, was it the same day that you had the phone call with Transition Counsel?

MR. BRAZ: Yes.

MR. HAYDEN: And you did that -- had that conversation face-to-face?

MR. BRAZ: That's correct.

MR. HAYDEN: And how long was your conversation with Mr. Cammarano?

MR. BRAZ: I don't recall how long.

MR. HAYDEN: Five minutes, ten minutes?

MR. BRAZ: Ten, fifteen.

MR. HAYDEN: Ten, fifteen minutes?

MR. BRAZ: Yes.

MR. HAYDEN: And during the course of the conversation with Mr. Cammarano, did you indicate that the accuser was a credible person?

MR. BRAZ: I believe that was implied, yes.

MR. HAYDEN: Now, you've been asked this question before, but at any time did you make any notes, e-mails, or memoranda of any of these reporting conversations on or about December 1?

MR. BRAZ: No, sir.

MR. HAYDEN: Or any later date?

MR. BRAZ: No.

MR. HAYDEN: When you indicated that you never volunteered the name of the accuser, you also indicated that, at least on two occasions, people asked you the name of the accuser.

MR. BRAZ: That's correct.

MR. HAYDEN: And I take it, it was Raj and Mr. Cammarano?

MR. BRAZ: Yes.

MR. HAYDEN: And when you were asked the name of the accuser, did you decline to give it?

MR. BRAZ: Yes, I did.

MR. HAYDEN: And I take it you declined to give it because of what you considered to be was the confidentiality towards your friend?

MR. BRAZ: I didn't feel I was authorized.

MR. HAYDEN: And after that, you then received a phone call, later on that day, from Katie Brennan?

MR. BRAZ: Yes, I received a phone call from Katie Brennan.

MR. HAYDEN: And do you recall how many hours after you had the conversation -- you had the first conversation, that you received the phone call from Katie Brennan?

MR. BRAZ: I don't recall, sir.

MR. HAYDEN: And in this conversation, Katie Brennan advised you that she had received what she considered to be bad news from the Hudson County Prosecutor's Office, and they weren't going to go forward with the criminal charges.

MR. BRAZ: That's correct.

MR. HAYDEN: And she was, I believe as you characterized it, very distraught and upset by that decision.

MR. BRAZ: Yes, she was.

MR. HAYDEN: And I take it you tried to comfort her a little bit on the phone.

MR. BRAZ: Yes.

MR. HAYDEN: And then did you feel compelled to then go back to the people you had spoken to, with Katie Brennan's authorization, and convey information that you just received?

MR. BRAZ: Yes.

MR. HAYDEN: And you've been asked before -- what was the reaction of both Raj and Mr. Cammarano?

MR. BRAZ: I don't recall their specific reactions, but they thanked me for letting them know and updating them.

MR. HAYDEN: Now, this is December 1, and at any time since -- between December 1 and the *Wall Street Journal* article, did any-- To your knowledge, was there any kind of an independent investigation made within the Administration as to Katie Brennan's allegations?

MR. BRAZ: Not to my knowledge, sir.

MR. HAYDEN: We've heard testimony from Katie Brennan that she had a conversation with Matt Platkin on March 22. Did you ever hear anything about that conversation?

MR. BRAZ: I did not.

MR. HAYDEN: We heard testimony from Katie Brennan that she had a dinner meeting with Parimal Garg on the 24th, and where she also made the allegations of sexual assault. Did you ever hear, or have any discussions, about those allegations?

MR. BRAZ: I did not.

MR. HAYDEN: And that would include with Mr. Cammarano.

MR. BRAZ: I did not.

MR. HAYDEN: And I believe you told us you never spoke to Governor Murphy about this.

MR. BRAZ: That's correct.

MR. HAYDEN: Were you aware at the time that Katie Brennan had e-mailed, on June 1, Governor Murphy?

MR. BRAZ: I was not.

MR. HAYDEN: Were you aware of the fact that as of June 6, communication went from Counsel, to the Governor, to Charlie McKenna that Al Alvarez should "separate himself" from the Administration?

MR. BRAZ: I was not aware.

MR. HAYDEN: Were you aware of any discussions within the Administration about the need for Al Alvarez to "separate himself."

MR. BRAZ: I was not.

MR. HAYDEN: And then the next thing you were aware of, specifically, about the sexual assault allegations was in October of this year, when the *Wall Street Journal* called you and asked to interview you about certain information.

MR. BRAZ: I don't know when I got that e-mail, but I think it was before October; it was maybe--

MR. HAYDEN: Late September?

MR. BRAZ: Yes, around that timeframe.

MR. HAYDEN: And you, as was your right, declined to be interviewed.

MR. BRAZ: Yes, I didn't respond.

MR. HAYDEN: And as of now, do you know of any document or writing, that you made or was given to you, recalling communications about the allegations of Katie Brennan?

MR. BRAZ: No.

MR. HAYDEN: Thank you.

SENATOR WEINBERG: Mr. Critchley.

MR. CRITCHLEY (Special Counsel): Thank you.

Good morning, Justin.

MR. BRAZ: Good morning, Mr. Critchley.

MR. CRITCHLEY: Justin, before you indicated that it was important in your mind to report up to your direct report the allegations that Katie Brennan had made, correct?

MR. BRAZ: That's correct, sir.

MR. CRITCHLEY: And who was your direct report?

MR. BRAZ: On the Transition, it was Pete Cammarano.

MR. CRITCHLEY: And who was Mr. Cammarano's report above you?

MR. BRAZ: I don't know the structure in the Transition. So I'm not sure if it was Jose, as the Executive Director. I'm not entirely sure.

MR. CRITCHLEY: I'm sorry, what was his title, Mr. Cammarano?

MR. BRAZ: He was incoming Chief of Staff.

MR. CRITCHLEY: And why did you feel it was important to report up?

MR. BRAZ: Because I wanted to make sure that the allegations were handled.

MR. CRITCHLEY: And what was your expectation?

MR. BRAZ: Once again, that they would look into the allegations.

MR. CRITCHLEY: Now, when did you find out that high-ranking members of the Administration were aware of Ms. Brennan's name?

MR. BRAZ: I'm sorry, can you clarify that? I'm sorry, sir.

MR. CRITCHLEY: There's been testimony-- You listened to Ms. Breanna's testimony, correct?

MR. BRAZ: Yes, I did, sir.

MR. CRITCHLEY: She indicated that on March 20, 2018, she told Matthew Platkin that she had been sexually assaulted by Mr. Alvarez. And she also testified that on March 22 she told Parimal Garg that she had been sexually assaulted by Mr. Alvarez. My question is, when did you find out, if at all, that high-ranking members of the Administration -- and I include those two as high-ranking members -- became aware of the identity of the accuser?

MR. BRAZ: Well, I-- When the *Wall Street Journal* story came out.

MR. CRITCHLEY: You had no idea before then.

MR. BRAZ: Well, before, everyone got e-mails from the reporter.

MR. CRITCHLEY: Before-- I'm sorry, go ahead.

MR. BRAZ: My apologies. No.

MR. CRITCHLEY: I'm not talking about the October 2 silo; I'm talking about, say, the March silo. Did you receive any information during that period of time?

MR. BRAZ: No; no, sir.

MR. CRITCHLEY: So the first time you became aware that high-ranking members of the Administration were aware of the accuser's name was when you were contacted by the *Wall Street Journal*?

MR. BRAZ: That's correct.

MR. CRITCHLEY: Did you speak to any of the high-ranking members who were mentioned in the *Wall Street Journal* to confirm that you had information, also, about this, besides Mr. Cammarano?

MR. BRAZ: Yes.

MR. CRITCHLEY: Who did you speak to?

MR. BRAZ: I spoke to Matt Platkin; I spoke to Parimal; I spoke to folks who were involved in the story.

MR. CRITCHLEY: Okay, when did you speak to Matt Platkin?

MR. BRAZ: I don't recall a specific date.

MR. CRITCHLEY: Can you give me an approximate?

MR. BRAZ: Yes; around late September.

MR. CRITCHLEY: Late September. How do you know it's late September?

MR. BRAZ: Well, because as far as-- I'm sorry, Mr. Critchley, I don't have the calendar right in front of me. But when I received the e-mail from the *Wall Street Journal* -- I believe was mid-September.

MR. CRITCHLEY: It's not a memory contest; and I think -- if somebody could correct me -- I think you got the e-mail on October 2.

MR. BRAZ: Oh, I did? Okay, I apologize. So yes, so it wouldn't have been until after that.

MR. CRITCHLEY: So your time reference, in terms of when you spoke to Mr. Platkin, centers around when you were contacted by the *Wall Street Journal*.

MR. BRAZ: Correct.

MR. CRITCHLEY: How did you contact Mr. Platkin?

MR. BRAZ: We spoke in person.

MR. CRITCHLEY: Did he contact you, or did you contact him?

MR. BRAZ: No, we just-- I contacted him, I assume.

MR. CRITCHLEY: Well--

MR. BRAZ: We were in person.

MR. CRITCHLEY: I'm sorry?

MR. BRAZ: We were in person.

MR. CRITCHLEY: Okay; let me see if I can just break-- You had an in-person discussion with him, correct?

MR. BRAZ: Correct.

MR. CRITCHLEY: And this was -- was it the day of the *Wall Street Journal* contacting you by e-mail?

MR. BRAZ: I believe so.

MR. CRITCHLEY: Okay. Where did this discussion take place?

MR. BRAZ: At 225 West State Street.

MR. CRITCHLEY: You have a guy who is not too familiar with Trenton. Tell me what that means.

MR. BRAZ: The Governor's Office.

MR. CRITCHLEY: Okay. So you went over to the Governor's Office?

MR. BRAZ: No, that's where I work.

MR. CRITCHLEY: So, in terms of physical proximity to Mr. Platkin, how far is your office from his office?

MR. BRAZ: I'm on the 4th floor, he's on the 5th floor.

MR. CRITCHLEY: So you went up to the 5th floor to meet him?

MR. BRAZ: I believe we were actually in a meeting at the time when I got the e-mail. So I didn't go up the stairs, because I was already on the 5th floor.

MR. CRITCHLEY: What caused you and Mr. Platkin to have this discussion about Katie Brennan's allegations?

MR. BRAZ: Well, I just said I got an e-mail.

MR. CRITCHLEY: Okay. And--

MR. BRAZ: And -- I'm sorry -- I let Pete know as well.

MR. CRITCHLEY: Okay; I'll get to Mr. Cammarano. I'm just breaking down Mr. Platkin.

MR. BRAZ: Sure.

MR. CRITCHLEY: What did Mr. Platkin ask you?

MR. BRAZ: I don't recall.

MR. CRITCHLEY: Do you recall what you told him?

MR. BRAZ: Yes.

MR. CRITCHLEY: Mr. Platkin?

MR. BRAZ: Yes, I do.

MR. CRITCHLEY: What did you tell him?

MR. BRAZ: That I was told by Katie Brennan as well.

MR. CRITCHLEY: Did you go into the specifics?

MR. BRAZ: I did, yes.

MR. CRITCHLEY: Besides Mr. Platkin, did you also, as you indicate, tell Mr. Cammarano?

MR. BRAZ: I did.

MR. CRITCHLEY: Had you spoken to Mr. Cammarano about Katie Brennan's allegations in between that gap period? You said you first spoke with him on December--

MR. BRAZ: No.

MR. CRITCHLEY: Let me finish, please. You first spoke to Mr. Cammarano on December 1, 2017, where you told him about the allegations; but you did not tell him about the identity of the accuser. Is the next time you spoke to Mr. Cammarano on or about October 2, 2018, when you were contacted by the *Wall Street Journal*?

MR. BRAZ: Yes, on Katie's (indiscernible).

MR. CRITCHLEY: Did you, and Mr. Cammarano, and Mr. Platkin discuss this together?

MR. BRAZ: I don't recall.

MR. CRITCHLEY: Did you discuss it separately?

MR. BRAZ: Yes.

MR. CRITCHLEY: Did you discuss it first with Mr. Platkin, and then with Mr. Cammarano; or vice versa?

MR. BRAZ: I don't recall the order, but I would assume I spoke with Pete first.

MR. CRITCHLEY: Why would you assume that?

MR. BRAZ: Because he's the person I told.

MR. CRITCHLEY: Okay. And where's the conversation with Pete -- where did that take place?

MR. BRAZ: On the 5th floor.

MR. CRITCHLEY: Is Mr. Cammarano's office-- For someone who is not familiar with the physical proximity -- in terms of his office, Mr. Cammarano to your office, is what?

MR. BRAZ: I'm on the 4th floor, he's on the 5th floor.

MR. CRITCHLEY: Okay.

Besides Mr. Platkin and Mr. Cammarano, did you speak to anyone else?

MR. BRAZ: Yes.

MR. CRITCHLEY: Who?

MR. BRAZ: You know, this was a topic of conversation around the office.

MR. CRITCHLEY: I'm not talking about attorneys.

MR. BRAZ: No, no, I'm--

MR. PORRINO: (off mike) Don't guess; don't answer.

MR. BRAZ: You know, I spoke to Mahen Gunaratna.

MR. CRITCHLEY: I'm sorry?

MR. BRAZ: Mahen Gunaratna.

MR. CRITCHLEY: Can you spell that, please?

MR. BRAZ: I don't know how to spell that; my apologies.

MR. CRITCHLEY: Okay.

MR. BRAZ: He's our Communications Director. I spoke to Pete Cammarano, Matt Platkin. I spoke with people around the office; I don't have a full list.

MR. CRITCHLEY: When the *Wall Street Journal* e-mail to you came out, was the discussion about the Katie Brennan allegation a general topic in the office around that time?

MR. BRAZ: I would assume that's part of it, yes.

MR. CRITCHLEY: I'm talking about based upon your perceptions.

MR. BRAZ: Yes.

MR. CRITCHLEY: Again, it's not a memory contest, I'm not looking-- Approximately how many people did you discuss it with -- when I say *it*, I'm talking about Katie Brennan's allegations -- on or about October 2, 2018?

MR. BRAZ: I don't recall, Mr. Critchley.

MR. CRITCHLEY: That's fair enough. Was it more than 10?

MR. BRAZ: I wouldn't say it was that high, no.

MR. CRITCHLEY: Was it more than five?

MR. BRAZ: Probably between 5 and 10, yes.

MR. CRITCHLEY: Okay. Had you spoken with anyone about Katie Brennan's allegations, other than counsel, between December 1, 2017 and October 2, 2018?

MR. BRAZ: No.

MR. CRITCHLEY: You had not spoken to anyone--

MR. BRAZ: No.

MR. CRITCHLEY: --in the Governor's Office or anybody else?

MR. BRAZ: No.

MR. CRITCHLEY: Okay, that's fair enough.

Now, obviously, understand the nature of the questions here are concerned about process; and process is contextual -- meaning, there could be different processing based upon different complaints.

MR. BRAZ: Okay.

MR. CRITCHLEY: Now, the complaint that was leveled by Ms. Brennan against Mr. Alvarez is probably one of the most serious complaints one individual can make against another individual. Is that correct?

MR. BRAZ: Yes.

MR. CRITCHLEY: And it's not just a sexual-- What she had accused him of doing -- and I emphasize the word *accused*, *accused* -- what she had accused him of -- what we recall what Mr. Hayden referred to -- is *aggravated sexual assault*, either in the first degree or the second degree; very, very serious crimes. You understand that?

MR. BRAZ: Yes, I do, sir.

MR. CRITCHLEY: So this is not something we're talking about where Ms. Brennan was accusing him of -- as I said at the last hearing -- an off-color comment. You can't get a more serious allegation against one beyond a charge of aggravated sexual assault. Would you agree with that?

MR. BRAZ: Yes, sir.

MR. CRITCHLEY: Now-- And you, as indicated by everybody who has asked you, believed in your mind-- And you had known Katie Brennan for how long; since 2014?

MR. BRAZ: Correct.

MR. CRITCHLEY: So your opinion was based upon interaction with her over a period of time, correct?

MR. BRAZ: Yes.

MR. CRITCHLEY: And how long had you known Mr. Alvarez for?

MR. BRAZ: Like I said previously, 2009, 2010 -- that time frame.

MR. CRITCHLEY: And unfortunately, you would know that, you know, sexual assaults-- One of the many problems with sexual assault is they're not committed in a crowd, you know? It's not like you're going in to rob a bank and there are 16 people in the bank who could testify as to what occurred. Normally sexual assaults are committed in secret, because there are only two people involved: the accused and the accuser. Would you accept that?

MR. BRAZ: Yes, I would.

MR. CRITCHLEY: And in this situation, you had no doubt that the accuser was believable.

MR. BRAZ: Yes, I believe my friend.

MR. CRITCHLEY: Now, the person she accused -- and I'm putting this in context -- was a person who was a high-ranking member of the Transition, correct?

MR. BRAZ: Yes.

MR. CRITCHLEY: And he had been involved in the Administration -- I use that term colloquially. Let me see if I can break that down. Mr. Alvarez, prior to being involved with the Transition, was also involved with the campaign, correct?

MR. BRAZ: Yes, sir.

MR. CRITCHLEY: And prior to being involved in the campaign, he was involved with New Wave New Jersey, correct?

MR. BRAZ: New Leaders Council.

MR. CRITCHLEY: But how about New Wave New Jersey?

MR. BRAZ: I don't know; I don't know what that is.

MR. CRITCHLEY: You don't-- Okay, that's a nonprofit that was put together by the Governor before he became a candidate for Governor. Issue-oriented organization--

MR. BRAZ: Oh, yes; I'm familiar.

MR. CRITCHLEY: Okay. Now, you have -- at this point in time, you have someone you know to be credible who has accused someone else of being a rapist; and that person, at the time you were aware of it, is holding a high-ranking position in the Transition, correct?

MR. BRAZ: Yes. I'm sorry, the reason why I hesitated -- I was aware of in April; that was the campaign. Transition is when I informed--

MR. CRITCHLEY: Okay. But in December -- December 1, 2017, when you report to Raj and Mr. Cammarano, you know that Mr. Alvarez is holding a high-ranking position in the Transition.

MR. BRAZ: Yes.

MR. CRITCHLEY: He's the Deputy Director of Personnel, correct?

MR. BRAZ: Yes.

MR. CRITCHLEY: He's the one who has the decision-making involvement as to who is going to be hired into the Administration, correct?

MR. BRAZ: I don't know what his role and responsibilities were specifically.

MR. CRITCHLEY: Would you agree that he -- that one of his primary responsibilities, as the Deputy Director of Personnel, includes the hiring of individuals into the Administration?

MR. BRAZ: I can't speak to that.

MR. CRITCHLEY: Okay, that's fair enough, fair enough.

But you also know, during that period of time -- when I say *period of time*, I'm talking, now, about the Transition period of time--

MR. BRAZ: Okay.

MR. CRITCHLEY: --that this person, who has been accused of a very serious criminal offense, has regular interaction with the Governor-elect, correct?

MR. BRAZ: Yes.

MR. CRITCHLEY: Didn't anybody think it's important to tell the Governor, "Governor, you have to know that the person that you have as Deputy Director of Personnel, who you are interacting with on a frequent basis, has been accused by another member of the campaign of rape?"

MR. BRAZ: I can't speak to that.

MR. CRITCHLEY: Fair enough.

Now, when you spoke to Raj Parikh -- and for the record, could I just-- I just want to make sure we have the spelling in the record correct. It's R-A-J-I-V P-A-R-I-K-H. Why did you choose to go to -- we'll use the term *Raj* -- why did you choose to go to Raj, of all the attorneys who, potentially, you could have gone to?

MR. BRAZ: Well, he was the Transition Counsel, and I was working for the Transition at the time.

MR. CRITCHLEY: Okay. And you called him on the phone, obviously?

MR. BRAZ: Yes, I did.

MR. CRITCHLEY: And you relayed to him what you told us today.

MR. BRAZ: Yes.

MR. CRITCHLEY: Did anyone ask you at any time to memorialize what you know occurred?

MR. BRAZ: No.

MR. CRITCHLEY: No one said, "Make a recordation, a written recordation--"

MR. BRAZ: No, sir.

MR. CRITCHLEY: "--submit a report." Nothing.

MR. BRAZ: No.

MR. CRITCHLEY: Now, did you -- and I'm just going to ask you this -- did you tell Raj-- Let me put this so I can be fair; we have a memo from Raj outlining, basically, what you told him--

MR. BRAZ: Okay.

MR. CRITCHLEY: --supplied by your counsel. And in it, basically, he reports exactly what you're saying -- that you contacted him. And, for the record, he says you contacted him on December 1, 2017--

MR. BRAZ: Okay.

MR. CRITCHLEY: --the same day as Katie Brennan.

And he prepared a memo that Sunday, December 3, 2017, outlining, basically, what you told him. But there's one thing in the memo that he says; and to be accurate, what he does is, he gives a hypothetical. He doesn't give the actual names; he refers to *Alex*, *Joe*, and *Veronica*. And for the purposes of reading it, you would be the *Joe* in the-- You'd be the *Joe*. And it basically says that, "Joe called me first and discussed the matter with me, even though Veronica had requested that he not talk to anyone about it." And Veronica would be Katie Brennan. Is that accurate?

MR. BRAZ: No, she didn't authorize me to use her name.

MR. CRITCHLEY: Right. So that -- at least that portion of the statement is inaccurate, correct?

MR. BRAZ: Well, I was authorized to tell somebody. She authorized me.

MR. CRITCHLEY: Right. But this statement here, that is attributed to Joe, which is, "Joe called me first and discussed the matter with me, even though Veronica had requested that he not to talk to anyone about it."

MR. BRAZ: Well, she had requested that I not talk to anyone about it. But at that time, she gave me authorization.

MR. CRITCHLEY: Exactly right; believe me, I'm not being critical at all.

MR. BRAZ: Okay.

MR. CRITCHLEY: I just want to correct that. What you said, you stand by.

MR. BRAZ: Yes, I do.

MR. CRITCHLEY: Now, when you talked to Raj or Pete Cammarano, did you expect to be contacted by any law enforcement agency to give a statement? Because you reported, to significant people, information about a crime.

MR. BRAZ: No; no, I didn't.

MR. CRITCHLEY: I basically-- There are other questions, but I-- There are other questions I have, but I don't think it's appropriate to ask you, Justin.

But Justin, thank you for coming in today.

Do you want to say something?

MR. BRAZ: No, I'm waiting for the Chairwoman. (laughter)
I've learned--

SENATOR WEINBERG: Ms. Alito.

MS. ALITO (Special Counsel): Thank you.

Justin, I've just a few questions.

You testified that, at some point after you began employment, you attended training on EEO and--

MR. BRAZ: Ma'am, I'm sorry, I really can't hear you.

MS. ALITO: I'm sorry; is that better?

MR. BRAZ: Yes, thank you.

MS. ALITO: Sure.

You testified that, at some point after your employment in the Governor's Office began, you attended a training session. Is that right?

MR. BRAZ: That's correct.

MS. ALITO: Was that soon after your employment began?

MR. BRAZ: Yes.

MS. ALITO: All right. And was that training made available to everyone in the Governor's Office?

MR. BRAZ: As far as I am aware, yes.

MS. ALITO: Did Mr. Cammarano attend that training?

MR. BRAZ: As far as I am aware, yes.

MS. ALITO: And that training covered the State's policies with regard to harassment in the workplace, correct?

MR. BRAZ: I would believe so, yes.

MS. ALITO: And that training covered the policies and procedures that are in place for dealing with reports of sexual harassment in the workplace?

MR. BRAZ: Yes; as far as I am aware, yes.

MS. ALITO: All right. And so you knew from that training that a report of harassment that is made to any supervisory employee triggers the procedures, correct?

MR. BRAZ: Correct.

MS. ALITO: And you were aware that supervisory employees have an obligation under the procedures for putting into process any complaint that goes to them, correct?

MR. BRAZ: If that was in the training, as far as I am aware, yes.

MS. ALITO: Specifically, the procedures state, "Supervisory employees shall immediately report all alleged violations of the State policy prohibiting discrimination, etc."

MR. BRAZ: Yes.

MS. ALITO: That was your understanding, correct?

MR. BRAZ: Yes.

MS. ALITO: All right.

Now, going back to your time on the Transition, you indicated that you reported Ms. Brennan's allegations to both Transition Counsel and to your supervisor, Mr. Cammarano, correct?

MR. BRAZ: That's correct.

MS. ALITO: And you testified that when you did so, you expected that normal processes would be followed, correct?

MR. BRAZ: That's correct.

MS. ALITO: All right. And by making that report, you triggered the procedures under the State's policy and procedures for internal complaints alleging discrimination in the workplace. And as you know now, those procedures involve making a written record; they involve submissions to the Department of Civil Service; they involve investigations; they involve determinations on the investigation; advising the complainant of the results of the investigation and appeal rights from that determination.

In so far as you are aware, was any of that done after you made the report to Mr. Cammarano?

MR. BRAZ: I have no knowledge to that.

MS. ALITO: Okay; thank you.

No further questions.

MR. BRAZ: Thank you.

ASSEMBLYWOMAN SCHEPISI: Chair, I have a clarification question, if I may -- just real quick.

SENATOR WEINBERG: Just a quick clarification--

ASSEMBLYWOMAN SCHEPISI: Yes.

SENATOR WEINBERG: --then we're going to break for lunch.

ASSEMBLYWOMAN SCHEPISI: Okay.

First off, I just want to clarify one thing -- because I've evidently sent Brendan Gill into a Twitter frenzy -- of me "being fed stuff by enemies of the Governor."

So I just want to clarify that when I asked you the question about college roommates, I had meant to ask, had you ever heard that rumor from anybody prior; and were you aware that they had attended college together?

MR. BRAZ: I was not.

ASSEMBLYWOMAN SCHEPISI: Okay.

And then, just real quickly, you had indicated you had conversations during the Transition with Mr. Gill. Did you ever speak about Katie Brennan?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Did you ever speak about Al Alvarez?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay; did you ever speak about Joe Kelly?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Did you ever speak about Marcellus Jackson?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Did you ever speak about hiring, or staff, or anything with Mr. Gill?

MR. BRAZ: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

And for the record, according to Mr. Gill, they were not college roommates, okay?

SENATOR WEINBERG: I'm certainly glad we got that cleared up. (laughter)

Okay; I think this is as good a time as any. We are breaking for lunch for one-half hour. And for anybody who is interested, Mr. McKenna will be the first witness after lunch.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: Good afternoon, Mr. McKenna. How are you?

C H A R L E S M c K E N N A, Esq.: I'm fine; yourself?

ASSEMBLYWOMAN PINTOR MARIN: Good.

Mr. McKenna, do you have an opening statement by any chance, or no?

MR. McKENNA: I do not.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So we'll start the process in getting you sworn in, okay?

MR. McKENNA: Perfect.

MS. WOZUNK: Good afternoon.

Are you accompanied by an attorney today?

MR. McKENNA: No, I think the State's paying enough for legal fees. (laughter) I'm going to try to lessen their burden.

MS. WOZUNK: Your testimony is being recorded, that it may be transcribed for the Committee, and it may be used in other proceedings.

Do you understand that?

MR. McKENNA: I do.

MS. WOZUNK: Please note that all of your responses should be verbal; we cannot record a head shake or a nod. If you do not understand a question, please ask for clarification. Otherwise, the Committee will assume that you understand the question, and that your answers are responsive to that question.

Do you understand those directions?

MR. McKENNA: I do.

MS. WOZUNK: Do you understand that if the statements you make today are willfully false, or if you fail to answer a pertinent question or if you commit perjury, you may be subject to penalties under the law?

MR. McKENNA: I've been told that, yes.

MS. WOZUNK: Do you understand that you have certain rights under the Code of Fair Procedure, including the right to have your Counsel submit proposed questions on your behalf?

MR. McKENNA: Say that one again.

MS. WOZUNK: Well, I suppose you're not accompanied by a Counsel; but you have certain rights under the Code of Fair Procedure. Are you aware of that?

MR. McKENNA: No, but I'm fine with it.

MS. WOZUNK: You are entitled to a copy of the transcript of your testimony, at your expense, when such copy is available.

Do you understand that?

MR. McKENNA: Apparently I do, yes.

MS. WOZUNK: You also have the right to file a brief, sworn statement relevant to your testimony, for the record, at the conclusion of your appearance today.

Do you understand that?

MR. McKENNA: I do.

MS. WOZUNK: Before the Committee proceeds with the oath, do you have any questions?

MR. McKENNA: I do not.

ASSEMBLYWOMAN PINTOR MARIN: Mr. McKenna, can you please stand and raise your right hand?

(Assemblywoman Pintor Marin administers oath)

You can please sit, and state your name for the record.

MR. McKENNA: Charles McKenna.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Mr. McKenna, for being here today -- this afternoon.

Mr. McKenna, how long were you working at SDA?

MR. McKENNA: I worked at the Schools Development Authority since January of 2010 (*sic*); so I think it would be four years and eight months.

ASSEMBLYWOMAN PINTOR MARIN: And you were one of those rare people who got to stay when a new Administration took over, correct?

MR. McKENNA: Correct.

ASSEMBLYWOMAN PINTOR MARIN: Did you have a chance to know Mr. Alvarez before he became your Chief of Staff?

MR. McKENNA: No.

ASSEMBLYWOMAN PINTOR MARIN: Were you ever introduced to Mr. Alvarez before he became your Chief of Staff?

MR. McKENNA: I met him at a Starbucks a few days before he became my Chief of Staff.

ASSEMBLYWOMAN PINTOR MARIN: And Mr. McKenna, who was it that asked you to hire Mr. Alvarez; or was he given to you, or did you receive a phone call?

MR. McKENNA: I received a phone call-- Oh, no, actually I got a text message from Jose Lozano. And Jose is somebody I knew from years ago; he actually worked for me. And he was one of those rare people, I guess, who did not -- or he was one of those people who did not get asked to leave when the Christie Administration came in.

So he and I had a relationship. He texted me to say, "I'd like you to meet Al Alvarez; he's going to be your Chief of Staff. Can you meet him today?"

I'll tell you what I said.

(checks cell phone)

I said--

ASSEMBLYWOMAN PINTOR MARIN: Per the text messages that everyone saw. (laughter)

MR. McKENNA: Apparently, yes.

So I said I would meet him tomorrow; so that's on January 10. I met him then; we just talked about his background; and then he was my employee -- poof.

ASSEMBLYWOMAN PINTOR MARIN: And at that meeting, Mr. McKenna, what did you think of Mr. Alvarez?

MR. McKENNA: I thought he was okay. He told me that he had been a lawyer; that he had worked for the Corzine Administration; that he was very much into politics. After the Corzine Administration he went to work for a law firm in -- somewhere in the middle of the state, in Middlesex County. And then he went to work for the Murphy campaign early on, and here he was. He seemed like a decent individual to me; I had no problems with him.

ASSEMBLYWOMAN PINTOR MARIN: Do you think that his background was a fit for the SDA?

MR. McKENNA: It could-- I mean, you know, I wasn't a builder before I got there; so as long as you know how to run an organization, I think it would be an okay fit. You could learn about the construction business.

ASSEMBLYWOMAN PINTOR MARIN: And how was he as an employee?

MR. McKENNA: He was fine. He was my Chief of Staff. I don't generally use a Chief of Staff; the Chief of Staff who I had was somebody who I inherited from the prior CEO. And when he left, I just never filled the spot. But the Chief of Staff's position, as I used it, was just sort of another management person. So he was in charge of our affirmative litigation; he was in charge of our SWMBE -- our Small, Women, Minority

Business Enterprise work; he was in charge of our internal audits; and he was in charge of our records keeping. So those are the areas that he handled.

ASSEMBLYWOMAN PINTOR MARIN: So besides Mr. Lozano telling you, basically, to have a meeting with Mr. Alvarez, and that this was going to be your Chief of Staff, do you know if there was anyone else involved in deciding that Mr. Alvarez was going to be fit for this position?

MR. McKENNA: I have no way-- No, I do not.

ASSEMBLYWOMAN PINTOR MARIN: Did you ever have that conversation with Mr. Lozano?

MR. McKENNA: No.

ASSEMBLYWOMAN PINTOR MARIN: You stated that you received a text from Jose to meet with him; you said it was October 9?

MR. McKENNA: January 9.

ASSEMBLYWOMAN PINTOR MARIN: I'm sorry; January 9. And then after that meeting, did you offer Mr. Alvarez the position, or was he already -- he had already--

MR. McKENNA: I assumed Mr. Alvarez had the position, so I just awaited his arrival.

ASSEMBLYWOMAN PINTOR MARIN: And before -- throughout his working period with you, have you ever received any complaints at all about Mr. Alvarez?

MR. McKENNA: No; and he-- This wasn't a sort of no-show position. I mean, he came every day; he worked from, you know, 9:30 a.m.

to 6 p.m. You know, I had no complaints from anybody. The culture of my organization was that I would have received complaints.

ASSEMBLYWOMAN PINTOR MARIN: On June 6, 2018, you received a call from Mr. Platkin in the Governor's Office asking you to speak with Mr. Alvarez. Is that correct?

MR. McKENNA: No. I think the way it worked was, somebody from the Governor's Office called my office to say that I should go over and meet with Mr. Platkin.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. McKENNA: I did not know, at that time, what it was about. I assumed it was about me, so I went and met with Mr. Platkin.

ASSEMBLYWOMAN PINTOR MARIN: So you thought it was about your employment, and not specifically about Mr. Alvarez.

MR. McKENNA: It was something that I did, or didn't do, or, you know--

ASSEMBLYWOMAN PINTOR MARIN: And at that meeting what did Mr. Platkin say to you?

MR. McKENNA: Essentially, Mr. Platkin-- I said, "What did I do now?" And he said, "You didn't do anything." He said, "We're here to talk about Mr. Al Alvarez." And I said, "What?" And he said -- he told me that something had happened during the campaign that he didn't really go into with me. But that I had to go back and tell Mr. Alvarez that he should step back from government; that if whatever it was came to the fore, that it would not be a good situation, and it could embarrass the Governor; and, therefore, that if he looked for another job, this problem wouldn't hit the fore and everything would be fine.

So I said to Mr. Platkin that I would be more than happy to do that. But I was, like, a Christie guy now, going over to tell a Murphy guy that he should go find another job. And I lacked a certain amount of gravitas to do that. (laughter)

So I said, you know, “He’s going to ask me who I spoke to, and he’s going to ask me who he can call.” And Mr. Platkin said, “I’d rather you didn’t tell him you spoke to me; just tell him that you spoke to a high-level administrative official.” And he said, “But if he wants somebody to call, you can have him call me.”

And that pretty much was the conversation.

ASSEMBLYWOMAN PINTOR MARIN: So when you got back to your office, you had a conversation that day with Mr. Alvarez.

MR. McKENNA: I did not. When I got back to the office, which was probably a little after 5 p.m., Mr. Alvarez was not there.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. McKENNA: Which I said was odd, an oddity. So I wrote to Mr. Platkin to say he wasn’t there, but that I would speak to him the next day.

ASSEMBLYWOMAN PINTOR MARIN: And you say it’s *odd*, why? Because he’s usually there a little later?

MR. McKENNA: He was generally there.

ASSEMBLYWOMAN PINTOR MARIN: And so did you have the conversation with him the following day?

MR. McKENNA: I did.

ASSEMBLYWOMAN PINTOR MARIN: And his response, or actions?

MR. McKENNA: He was pretty calm about it. I went in and I said, "Look, I spoke to somebody in the Administration yesterday, and they told me that apparently something happened on the campaign; and because of that you're going to have to step back from government."

ASSEMBLYWOMAN PINTOR MARIN: If I could just go back one more time. During your conversation with Mr. Platkin, did you ever ask Mr. Platkin what it is that he -- supposedly that Mr. Alvarez had done or not done?

MR. McKENNA: No; Mr. Platkin made it clear that he couldn't -- he wasn't going to go into that with me; that it was a personnel issue.

ASSEMBLYWOMAN PINTOR MARIN: And you were okay with that?

MR. McKENNA: I'm okay with it, because I understood that I'm a Christie guy and that was a Murphy situation.

ASSEMBLYWOMAN PINTOR MARIN: You were just in an awkward situation; and you were there for a little while longer, and soon you departed.

MR. McKENNA: And I was going to deliver a message for them.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

And what was Mr. Alvarez's response, then, when you told him that someone from the Administration had spoken to you?

MR. McKENNA: He seemed to understand the situation. And he said he had not done anything wrong, but that he didn't want to put the Governor in a bad position, so that he would look for a job. And

then he asked me -- like I thought he would -- if there was anybody that he could call. And I said, "Certainly; you could call Mr. Platkin." And I think I wrote to Mr. Platkin to tell him that I had spoken to Al and, you know, explained to him that he had to step back, and that it could get ugly if he didn't. And Platkin -- Mr. Platkin then wrote me back later in the day to say that they had, in fact, spoken; which I already knew because Mr. Alvarez told me that he had spoken to Mr. Platkin.

ASSEMBLYWOMAN PINTOR MARIN: Now, in either your conversation with Mr. Platkin or Mr. Alvarez, was there any timeline set as to when he needed to depart or move forward?

MR. McKENNA: No; in fact I said to Mr. Platkin -- I think I said to Mr. Platkin -- you know, "Are you telling me I should fire him?" And he said, "No, I don't want you to fire him; he just has to start the process of looking for a job."

So that's what I told him. And then I assumed, when he spoke to Mr. Platkin, that the details of whatever that was would be worked out.

ASSEMBLYWOMAN PINTOR MARIN: And then how was Mr. Alvarez's demeanor thereafter, during work time?

MR. McKENNA: He was fine; he was very professional. He came in and did his work. I mean, I assumed he was getting the job-- I think about two days later, I saw that he had gotten a haircut; which is -- for me, anyway -- indicative of looking for a job. (laughter) So I just know he did. Now, whether it just happened to be the day, but to me it signaled that he was looking for a job.

ASSEMBLYWOMAN PINTOR MARIN: You're very funny, Mr. McKenna.

MR. McKENNA: I didn't mean it to be funny; it just appeared that that was the case.

ASSEMBLYWOMAN PINTOR MARIN: Were you ever contacted again by anyone in the Administration to make sure that Mr. Alvarez was actively seeking employment elsewhere?

MR. McKENNA: No, I was not.

ASSEMBLYWOMAN PINTOR MARIN: Was there any other moments that you received a call or an e-mail to have you double check that Mr. Alvarez was moving forward, or to be a little more persistent?

MR. McKENNA: No.

ASSEMBLYWOMAN PINTOR MARIN: And you did not discuss any timeline with Mr. Alvarez, correct?

MR. McKENNA: No, just that he should start looking for a job. Now, I think one doesn't find a job in a week or two weeks; so I assumed it was going to be a multi-week or multi-month process.

ASSEMBLYWOMAN PINTOR MARIN: Did you think it was going to be before you left? Or did you have a timeline before you were leaving that you knew of?

MR. McKENNA: I don't think I had my timeline then.

ASSEMBLYWOMAN PINTOR MARIN: Okay. Do you think that you would have thought that Mr. Alvarez would have had employment elsewhere by the time that you left?

MR. McKENNA: I left August 10, which is probably 10 weeks after we met. And 10 weeks to find another job and move out does not seem like an unreasonable-- In other words, I didn't get the sense that he

wasn't doing what he did; I just have the sense that it takes a couple of months to find a job.

ASSEMBLYWOMAN PINTOR MARIN: Okay. Were you surprised that Mr. Alvarez was still working at SDA when you left in August, then? So not really, because you said 10 weeks?

MR. McKENNA: As I was leaving, I noted that he was still there, and I thought, "He's still here." But, you know--

ASSEMBLYWOMAN PINTOR MARIN: Before you left, did you have another conversation with Mr. Platkin, to the fact of -- just a reminder? "I know you had spoken to me; I had spoken to Mr. Alvarez. I'm leaving, and he's still here"?

MR. McKENNA: No, I assumed that they knew that Mr. Alvarez was there.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

And Mr. McKenna, as you said, you've worked in the Christie Administration beforehand, and a little bit in the Murphy Administration. Is it typical that whenever you have a new hire, do you give the hiring packet, or does it come through somewhere else?

MR. McKENNA: This was sort of a unique hiring for me. I mean, normally when we hire somebody at the SDA we have them come in, fill out a form, go through the process, get interviewed. And then we do a background check on the individual. I don't think that that was the process that we used here. I think he just landed on our door, and then he went to HR to fill out whatever records it was that HR filled out. But this was-- As I said, this was a unique hiring for us.

ASSEMBLYWOMAN PINTOR MARIN: So is that normally how the Authority does their hiring? It goes strictly through you, and not necessarily through the Governor's front office?

MR. McKENNA: Correct.

ASSEMBLYWOMAN PINTOR MARIN: We did receive a background check from Mr. Alvarez, so we do know that that was done. But you said it did not come from you; it came from elsewhere.

MR. McKENNA: I don't know. I mean, I don't believe we did one, but I don't know.

ASSEMBLYWOMAN PINTOR MARIN: So normally, then, when you do hire someone, do you give them the code of conduct, or harassment policies; or is there a booklet that they receive in their hiring packet?

MR. McKENNA: Once they come in, they-- In the first day or two they get training. There's a video that they see, I believe; and I think it's a pamphlet that they receive.

ASSEMBLYWOMAN PINTOR MARIN: So did Mr. Alvarez receive all of that through the Authority?

MR. McKENNA: I would assume that he did, because our HR people were on it, and I know he spent time with HR.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So you have your own HR people, correct?

MR. McKENNA: Correct.

ASSEMBLYWOMAN PINTOR MARIN: Now, is that typical just for your Authority, or is that for all Authorities?

MR. McKENNA: I don't really know. You know, we have HR-- We had our own HR people when I was at OHSP, which is an Authority. So of the two that I've been at, they did.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Thank you, Mr. McKenna; that's all I have for right now.

MR. McKENNA: Okay, thank you.

SENATOR WEINBERG: Okay, thank you.

Good afternoon, Mr. McKenna.

MR. McKENNA: Good afternoon.

SENATOR WEINBERG: You said that the hiring of Mr. Alvarez was *unusual*. How did you get hired at the SDA?

MR. McKENNA: I was appointed-- Well, the way-- Technically, the way it works, is the Board approves you. So, I mean -- I'm not going to mince words; mine was a political hire as well.

SENATOR WEINBERG: Okay. So it wasn't so unusual for Mr. Alvarez.

MR. McKENNA: Except for me and Mr. Alvarez, that was it.

SENATOR WEINBERG: Okay.

To your knowledge, did Mr. Alvarez go through any kind of a background check at the SDA?

MR. McKENNA: I don't know that he did; I don't believe that he did. But I don't know.

SENATOR WEINBERG: Okay. And when you said, or when you told Mr. Alvarez that if he didn't *separate himself* -- the words, I guess, that were used -- was that it could become *ugly*.

MR. McKENNA: I may have used *ugly*, or it could become *embarrassing*; or I used a word similar to that, yes.

SENATOR WEINBERG: And where did you get the idea that it could become *ugly*?

MR. McKENNA: From Mr. Platkin.

SENATOR WEINBERG: And so what did Mr. Platkin tell you, in reference--

MR. McKENNA: Mr. Platkin told me that he needed to step back from government; and that if he stepped back that there would be no issue. But that if he didn't step back, there could be press on whatever it was that happened; and that at that point it could become *ugly* or *embarrassing*; I forget what word Mr. Platkin used.

SENATOR WEINBERG: Okay; but that was what was left in your mind -- that if he didn't leave, it would become ugly.

MR. McKENNA: Correct.

SENATOR WEINBERG: And between that time and the time that he finally left, around the time of the *Wall Street Journal* article, there was no discussion with anybody -- this is a question, not a statement -- was there any discussion with anyone about the fact that he was still employed?

MR. McKENNA: No. I left in August--

SENATOR WEINBERG: Okay.

MR. McKENNA: --so he remained on for a number of months after I left.

But between the time that I was told on June 6, and the time that I left on August 10, the answer to that is "no."

SENATOR WEINBERG: Okay. I'm not sure you touched on this with my Co-Chair's questions, but did you have training in policies and procedures when you came to work at the SDA?

MR. McKENNA: Yes.

SENATOR WEINBERG: And did they include training in issues around sexual harassment; or what actually is alleged in this case, sexual assault?

MR. McKENNA: Yes, we had sexual harassment training; I think it was yearly, actually.

SENATOR WEINBERG: I'm sorry?

MR. McKENNA: I think it was updated yearly. I don't think we just did it when you got hired; I believe it was updated from time to time.

SENATOR WEINBERG: And were those policies and procedures shared with new employees?

MR. McKENNA: Yes.

SENATOR WEINBERG: So they would have been shared with Mr. Alvarez too?

MR. McKENNA: I assume they were, yes.

SENATOR WEINBERG: Okay; that would have been a function of HR at SDA?

MR. McKENNA: Correct.

SENATOR WEINBERG: Okay.

And you left, you said, in August--

MR. McKENNA: Correct.

SENATOR WEINBERG: --and that Mr. Alvarez was still there. Were you surprised about that; or no, you just considered him still looking for a job?

MR. McKENNA: I considered him still looking for a job. I thought we were getting, sort of, on the outside realm of what it would take somebody to look for a job. But I still felt that it was within a reasonable period of time when I tell somebody to look for a job.

SENATOR WEINBERG: Okay. Do you know whether he was going on job interviews, was he sending out résumés, was he doing anything like that?

MR. McKENNA: I don't know what he was doing.

SENATOR WEINBERG: Okay. You had no knowledge--

MR. McKENNA: No.

SENATOR WEINBERG: --of that at all.

Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Thank you very much.

Thank you, Mr. McKenna.

I just want to follow up on a couple of things specifically related to the texts that we have copies of, please.

But before I start with that, you keep saying he was asked to *step back* from government. Does that mean that you wanted him out of government, or did you simply want him not in a leadership position of government? That's a term that's sort of vague in my world.

MR. McKENNA: I guess it was a vague word, but that's the word-- I don't know if Mr. Platkin first raised it, or I made it up. But it was a just a euphuism for saying, "You have to find another job not related to State government in New Jersey."

ASSEMBLYWOMAN MUÑOZ: Okay, thank you.

And as you know, we have a copy of these text messages. What I want to ask you--

MR. McKENNA: Apparently, everyone does.

ASSEMBLYWOMAN MUÑOZ: Apparently everyone does. Yes, in some of our cases, we read about it in the press first.

So anyway, in one of them it says, you know -- asked, "How did he take it?" And you write back, "He was calm. He seemed to understand the situation."

Can you tell us what you meant by that, "He seemed to understand the situation."

MR. McKENNA: When I said something happened in the campaign, he seemed to understand what I was-- He didn't say, "What are you talking about?" I said, "They didn't tell me what it was," but it struck me that he understood, because he said, "I don't want to embarrass the Governor in any way."

ASSEMBLYWOMAN MUÑOZ: Did you ask him what it was?

MR. McKENNA: No.

ASSEMBLYWOMAN MUÑOZ: Did you have any curiosity about what it was?

MR. McKENNA: I had some curiosity; but the chain of command had told me that they didn't want me to know, and I just didn't

think it was my place. And I assumed that they were taking action proportional to what they knew to be the facts in this case. So--

ASSEMBLYWOMAN MUÑOZ: You were his direct supervisor, is that correct?

MR. McKENNA: I was.

ASSEMBLYWOMAN MUÑOZ: So did you think that you should know what it was?

MR. McKENNA: I felt that if the Administration felt I needed to know, that they would have told me.

ASSEMBLYWOMAN MUÑOZ: Again, let me quote our esteemed Senator. I wouldn't call it a "curious lack of curiosity," but I am surprised that you wouldn't have a curiosity, like, to at least ask the question, you know? Were you told by Mr. Platkin not to ask what it was?

MR. McKENNA: I was told by Mr. Platkin that, basically, this was a personnel issue that they didn't want me to know about. So I was okay with that.

ASSEMBLYWOMAN MUÑOZ: Okay. And so you said that Mr. Alvarez didn't -- he wasn't-- He seemed to understand. Can you tell us what he said to you when you told him to look for new employment?

MR. McKENNA: He basically said, "Look, I didn't do anything wrong; but I understand the situation, and I don't want to embarrass the Governor, so I get it." Then he asked me who he could call.

ASSEMBLYWOMAN MUÑOZ: He asked who he could call within--

MR. McKENNA: The Administration.

ASSEMBLYWOMAN MUÑOZ: --the Administration.

And you never gave him a date? Do you know, was he never given a date when he should leave?

MR. McKENNA: The Administration-- I was not told to give him a date.

ASSEMBLYWOMAN MUÑOZ: I have to say, you know, if you're going to separate someone from your employment, but you have-- He could still be here today if not for the *Wall Street Journal* article.

MR. McKENNA: Well, look, I have, in the past, told people that they should look for another job; then I wasn't going to leave. And those people have stayed anywhere from four months to a year. If I want somebody out because they've done something wrong, I fire them that day. So I've run the full gamut. I was told, in this instance, that he just needed to look for a job.

ASSEMBLYWOMAN MUÑOZ: Well, you just said if you thought he had done something wrong, that you would ask him to leave that day. So you didn't have a sense that day that he had done something wrong?

MR. McKENNA: Well, that depends. It depends on what he had done wrong. I didn't think-- Look, what I had was -- I had my superiors, the people on the top of my chain of command, who knew the facts in this case; which I did not. And they -- the way they wanted this handled was they wanted him to find another job.

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. McKENNA: So I relayed that to him.

ASSEMBLYWOMAN MUÑOZ: I'm not trying to be hard on you. I just wanted -- we're just trying to get to some of the facts of how --

the sequence of events. And just as a person-- You know, it just seems like looking -- when you're told to look for another job, having an infinite amount of time to do so seems sort-- Is that a personnel policy, to let people have as long as--

MR. McKENNA: It depends upon the particular facts. I mean, working in law firms, sometimes if it wasn't working out, they didn't want to fire you, they said, "It's time to find another job." Sometimes it would take lawyers four months; sometimes it took them up to a year.

ASSEMBLYWOMAN MUÑOZ: Okay.

Thank you very much.

MR. McKENNA: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: Okay, thank you.

Senator Corrado.

SENATOR CORRADO: Mr. McKenna, can you tell us about your background? I believe you said you're an attorney? Where did you go to school, when did you graduate?

MR. McKENNA: That's a long time ago.

I went to law school, in the evenings, from 1982 to 1986. After that, I worked in private practice for six years at a firm in New York City. Then I spent 18 years at the U.S. Attorney's Office, and then I spent the last eight-and-a-half years with the State of New Jersey.

SENATOR CORRADO: When you said you worked at the U.S. Attorney's Office, which office did you specifically work in?

MR. McKENNA: The Newark office.

SENATOR CORRADO: And who was your boss at that time?

MR. McKENNA: At that time, Michael Chertoff.

SENATOR CORRADO: Okay. And did you happen to work with Chris Christie at any time?

MR. McKENNA: That's how I'm here before you today, yes.

SENATOR CORRADO: So I'm not sure-- You said you were at the SDA for four-and-a-half years; but you also said that you started in January 2010. So when did you actually transition over to the government side? When did you start working in government?

MR. McKENNA: State government?

SENATOR CORRADO: State government.

MR. McKENNA: January 2010.

SENATOR CORRADO: And what was your job?

MR. McKENNA: I was the Director of the New Jersey Office of Homeland Security and Preparedness.

SENATOR CORRADO: Okay; and how long did you do that for?

MR. McKENNA: Two years.

SENATOR CORRADO: And after that, what was your position?

MR. McKENNA: Chief Counsel to the Governor.

SENATOR CORRADO: Which Governor?

MR. McKENNA: Christie.

SENATOR CORRADO: And then, in 2014, you transferred over to the SDA?

MR. McKENNA: Correct.

SENATOR CORRADO: And can you explain to us what your duties were at the SDA? Because not everybody is familiar with what the agency does.

MR. McKENNA: Sure. What the Schools Development Authority does is it builds and renovates -- does major renovations on schools in 31 of the state's, let's say, most fiscally challenged school districts. They had been known as *Abbott Districts*, but now they are called *SDA Districts*.

So through bond funding that the Legislature has approved, we have a pot of money; and then we have a capital program. And with the Department of Education, we look to see what the educational needs are and what the facilities needs are, and then we try to fill those facilities' needs as best we can. And that's on one side of the house.

On the other side of the house is, we have what's called *Regular Operating Districts*; those are those districts that are non-SDA districts, the 600-or-so other than that. And there we administer a grant program so that schools in the Regular Operating Districts can do major repairs as well. That approval as to who gets that funding comes from the Department of Education.

So during my tenure we built schools in Newark, we built schools in Passaic, we built schools in Paterson, we built schools in Trenton. And that's our job, basically. So on any given day, we had about \$2 billion worth of construction projects on the street. And that's really where I spent most of my time.

SENATOR CORRADO: Okay. How many employees were under you at the time?

MR. McKENNA: Probably about 220.

SENATOR CORRADO: And who set their salaries?

MR. McKENNA: They, kind of, were set when I got there.

SENATOR CORRADO: Okay. Who set your salary?

MR. McKENNA: The Board of Directors.

SENATOR CORRADO: Okay; and may I ask what you made when you worked there?

MR. McKENNA: I made \$225,000.

SENATOR CORRADO: Okay.

And so you've been in government for a while. Did you think it was unusual that you got a text message saying, "Hey, here's your new guy. Al Alvarez is going to be your Chief of Staff"?

MR. McKENNA: No.

SENATOR CORRADO: Does that sound normal for government?

MR. McKENNA: This was the first transition that I had; and I felt that the new Governor was certainly well within his rights to either replace me immediately, or to have his person at my Authority to make sure that I was doing it right and not giving away the store.

SENATOR CORRADO: Right.

MR. McKENNA: So I didn't feel it was out of the ordinary; I felt they were well within their rights to either replace me or to give me a person who was going to make sure that I was comporting myself in the way that the Administration would want me to comport myself.

SENATOR CORRADO: So I don't disagree with what you just said, but did you think it was unusual that you were told that the new

person was going to be Al Alvarez; and the manner in which you were told was a text message? Is that normally how government operates, via text?

MR. McKENNA: I certainly have gotten any number of directions in my life in government via text.

SENATOR CORRADO: Okay. So who would text you in the past?

MR. McKENNA: Governors texted me in the past; Chiefs of Staff would text me in the past.

SENATOR CORRADO: Okay.

MR. McKENNA: You know--

SENATOR CORRADO: Okay, so normal course of business.

When Mr. Alvarez was there, you were contacted first, I believe, in April of 2018, by Mr. Platkin.

MR. McKENNA: No, that's not correct.

SENATOR CORRADO: You only had one conversation with Mr. Platkin?

MR. McKENNA: Yes; that's my recollection, yes.

SENATOR CORRADO: Okay. So originally he was told to separate; that was your first-- You got a phone call--

MR. McKENNA: Somebody called my administrative assistant and said that Mr. Platkin would like to see me; and that was in June.

SENATOR CORRADO: So I'm going to refer to some text messages that go back a little bit before that.

MR. McKENNA: Between me and Mr. Platkin?

(Senator Corrado confers with staff)

SENATOR CORRADO: So do you know who called you from the Governor's Office?

MR. McKENNA: I don't.

SENATOR CORRADO: So you didn't ask who called.

MR. McKENNA: When my administrative assistant says, "I got a call from the Governor's Office, and the Chief Counsel wants to see you," I generally don't worry about who made the call; I worry about showing up at the meeting on time.

SENATOR CORRADO: Okay. And so you went over to the meeting; and who was there?

MR. McKENNA: Mr. Platkin.

SENATOR CORRADO: And who else was there?

MR. McKENNA: In the meeting, or in the-- If you walk into the Governor's suite, there's a number of administrative assistants who sit there; and then there are a bunch of offices. So I went in; I believe somebody told me to sit down, and then I was told to go into Mr. Platkin's office.

SENATOR CORRADO: Okay. And who was there at the meeting?

MR. McKENNA: Mr. Platkin.

SENATOR CORRADO: No one else was there?

MR. McKENNA: No.

SENATOR CORRADO: Okay. Did you think it was unusual that he, as Chief Counsel, was calling you to tell you that there was a problem with an employee?

MR. McKENNA: Not really.

SENATOR CORRADO: When you were Chief Counsel, did you do that?

MR. McKENNA: On a few occasions, yes.

SENATOR CORRADO: So what did you do? There was something that could potentially be embarrassing; there was a problem with an employee; and you would pick up the phone and call the Director?

MR. McKENNA: Or I would fire -- have the person fired myself. I would go fire them.

SENATOR CORRADO: So I understand that you were in a precarious position, trying to keep your place at the SDA. But you really didn't want to know what the issue was?

MR. McKENNA: I felt that if they wanted me to know, they would have told me.

SENATOR CORRADO: Did you ask?

MR. McKENNA: I was told that they did not want to tell me; so, no.

SENATOR CORRADO: Did that concern you?

MR. McKENNA: Did it concern me? No.

SENATOR CORRADO: You weren't concerned that you were being told that it was serious, but not serious enough to ask what it was.

MR. McKENNA: I assumed that the people who knew the facts had looked at the facts and had decided that they wanted to take a course of action. And I was the person who was delivering that message to take that course of action.

SENATOR CORRADO: Okay.

So you served at least two years as the Chief Counsel to Governor Christie.

MR. McKENNA: Correct.

SENATOR CORRADO: And during that time, did you routinely advise the Governor of potentially damaging or problematic information to his Administration?

MR. McKENNA: I did.

SENATOR CORRADO: Place yourself back when you were Chief Counsel. If you had learned that a Chief of Staff or a Department agency was accused of rape, would you ask them to separate themselves from government, or would you ask that they be fired immediately?

MR. McKENNA: Well, we're talking Monday morning quarterbacking, hypothetical?

SENATOR CORRADO: Right.

MR. McKENNA: I would have done one of two things. I would have decided that the person needed to be separated from government immediately; or I would have conducted an investigation into what happened. They obviously-- But from where I was at the time, I didn't know what the facts were, so it appeared as though they were taking some action to separate this person from government. I assumed it was in proportion to what the facts were.

SENATOR CORRADO: Did you think you had the ability to fire Mr. Alvarez?

MR. McKENNA: Absolutely.

SENATOR CORRADO: Okay.

While you were at the SDA, from January to August, were any other employees given to you?

MR. McKENNA: He was the only employee who was given to me.

SENATOR CORRADO: Okay. And so you had this conversation with him in June; you have this meeting with Mr. Platkin. And are there follow-up discussions on a regular basis? “Mr. Alvarez, what are you doing? How’s it going? When are you leaving?”

MR. McKENNA: No.

SENATOR CORRADO: How about Mr. Platkin? Did he reach out to you and say, you know, “Mr. McKenna, what’s he doing? When’s he going?”

MR. McKENNA: No.

SENATOR CORRADO: Did you think that was unusual?

MR. McKENNA: I didn’t think that the timeline was that elongated that it was a problem.

SENATOR CORRADO: Did you think it was unusual that Mr. Platkin told you not to let Mr. Alvarez know that it was him who was the high-placed official in government?

MR. McKENNA: I thought the entire way that they did it was a little awkward. I mean, I don’t know why they included the Christie guy in the middle of that; but they did.

SENATOR CORRADO: Okay. As a Christie guy, you didn’t feel that you should ask more questions?

MR. McKENNA: I felt that if they wanted me to know, they would have told me.

SENATOR CORRADO: Okay. I would have wanted to know, but that's just me.

So now you have this--

MR. McKENNA: But if your boss is telling you they don't want you to know, you're in a little bit of a spot.

SENATOR CORRADO: That would raise a red flag, and I would be absolutely concerned that they're telling me, "Don't let them know who I am. I can't tell you what's going on, but there's a problem."

MR. McKENNA: And have him call me.

SENATOR CORRADO: Have him call me.

MR. McKENNA: Right.

SENATOR CORRADO: Right; and so-- And you know that Mr. Alvarez did call Mr. Platkin?

MR. McKENNA: I do.

SENATOR CORRADO: And they relayed that conversation to you?

MR. McKENNA: He told me that he spoke to him; he didn't tell me what he spoke about.

SENATOR CORRADO: And then you reached back out to Mr. Platkin, "He's a good guy; he knows what's going on; he seems to get it."

MR. McKENNA: Exactly.

SENATOR CORRADO: Okay.

MR. McKENNA: That was my experience with Mr. Alvarez. You have to understand, I knew nothing about the facts in this. Mr. Alvarez was somebody who came to work every day and did his job. He

was a fine employee for me. Would I have hired him myself? I don't know. But given the facts that I was dealing with, he was a good guy, yes.

SENATOR CORRADO: He was a good guy. How many employees did he -- did he supervise anyone during his time at SDA?

MR. McKENNA: He did, he did.

SENATOR CORRADO: How many employees did he interact with?

MR. McKENNA: Well, he probably interacted with anyone on the staff; but he directly supervised, probably, eight people.

SENATOR CORRADO: Knowing what you know now, about what the reason was, what the thing is that could embarrass the Governor, could potentially be embarrassing to the Governor -- that was a rape allegation -- don't you think you should have known to make sure you had a safe work environment at the SDA?

MR. McKENNA: I assumed-- Perhaps, but I assumed that the people who were making the decisions, who are above me, were making the decisions based upon their knowledge and, like I said, in proportion to what the facts were. It seems now it might be a little out of proportion.

SENATOR CORRADO: When did you find out you'd be leaving the SDA?

MR. McKENNA: Probably in mid-July.

SENATOR CORRADO: And how were you told?

MR. McKENNA: Probably a telephone call.

SENATOR CORRADO: By whom?

MR. McKENNA: It was either Matt Platkin -- I think it was probably Mr. Platkin, but it could have been the Chief of Staff.

SENATOR CORRADO: Mr. Cammarano?

MR. McKENNA: Correct.

SENATOR CORRADO: Who you would think is normally the person who involves themselves with personnel issues.

MR. McKENNA: When I was in the Governor's Office, it depended upon the issue -- whether I was going to handle it, or whether the Chief of Staff was going to handle it.

SENATOR CORRADO: So if the Chief Counsel was handling it, did you consider it a legal issue?

MR. McKENNA: No.

SENATOR CORRADO: Or that there was a potentially legal problem?

MR. McKENNA: No.

SENATOR CORRADO: Where do you work now?

MR. McKENNA: I work for a consulting group in Essex County.

SENATOR CORRADO: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Weinberg.

SENATOR WEINBERG: Yes, just a couple of questions on process.

You said that your salary was set by your Board?

MR. McKENNA: I assume with input from the Governor; but yes, it was set by the Board.

SENATOR WEINBERG: Okay. Does that Board have public meetings?

MR. McKENNA: They do.

SENATOR WEINBERG: And do they have minutes of those meetings?

MR. McKENNA: They do.

SENATOR WEINBERG: And would they have had to approve Mr. Alvarez's hiring?

MR. McKENNA: No, they would not.

SENATOR WEINBERG: Well, if they set your salary -- but they didn't approve your hiring?

MR. McKENNA: They approved my hiring, and they approved my successor's hiring. But they didn't approve any hirings beyond that.

SENATOR WEINBERG: Well, I didn't ask you if they did approve or didn't approve; but should they have been involved with approving a hire? Is that part of their responsibility?

MR. McKENNA: I think the way it was structured, it was not -- the day-to-day hiring of people under the CEO was the CEO's responsibility. I mean certainly--

SENATOR WEINBERG: Including the Chief of Staff?

MR. McKENNA: Correct.

SENATOR WEINBERG: Okay. So the only thing they're responsible for would have been setting the salary of the CEO.

MR. McKENNA: And hiring the CEO.

SENATOR WEINBERG: And the hiring of the CEO.

MR. McKENNA: Correct.

SENATOR WEINBERG: Okay; but there would be minutes. Did you report to them that you had been asked to have your Chief of Staff separate from employment?

MR. McKENNA: No, I did not.

SENATOR WEINBERG: Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman DeCroce; and then Senator Madden.

ASSEMBLYWOMAN DeCROCE: Thank you.

Thank you, Mr. McKenna, for being here today.

MR. McKENNA: No problem.

ASSEMBLYWOMAN DeCROCE: Two questions.

I want to just back up a little bit to the ethics training in your HR department. When an individual is trained once they're hired and they go through their HR department, do they not have to sign off that they received training?

MR. McKENNA: I believe they do.

ASSEMBLYWOMAN DeCROCE: Okay; are you aware that that training has to be sent in full, for every employee, to the Ethics Commission?

MR. McKENNA: I'm not specifically aware of it; but I assume the HR people are.

ASSEMBLYWOMAN DeCROCE: Well, that is the case; so there should be a record within the Ethics Commission of any employee who has received the proper ethics training.

MR. McKENNA: Okay.

ASSEMBLYWOMAN DeCROCE: Okay?

Just one question.

MR. McKENNA: Sure.

ASSEMBLYWOMAN DeCROCE: As you sit here today, and you know the circumstances of what took place, do you feel the reason why you were left out of conversation and left in the dark was you were a past employee from the past Administration -- that they did not want to involve you in it because they wanted to keep it quiet?

MR. McKENNA: I don't know that.

ASSEMBLYWOMAN DeCROCE: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Madden; and then Assemblywoman Lampitt is next.

SENATOR MADDEN: Hi, Mr. McKenna.

MR. McKENNA: How are you doing?

SENATOR MADDEN: Your words: *a unique hire*, was Mr. Alvarez.

MR. McKENNA: I won't say that I wasn't a unique hire, either. But yes, it was unique for me.

SENATOR MADDEN: So on the-- You used the same word *oddity* today as you did in the text message. It was an *oddity* that Al was gone when you got back, or is that -- when you were supposed to speak with him. And then that's followed up with a text coming back to you, "No problem. Thank you. By the way, if I wasn't clear, your timing works well on our side."

MR. McKENNA: Right.

SENATOR MADDEN: When--

MR. McKENNA: That had nothing to do with this; that was about my personal timing of leaving the government.

SENATOR MADDEN: Okay. "When you're ready to talk it through, we can go over it." So that--

MR. McKENNA: That was about me.

SENATOR MADDEN: --was all to do with you; okay.

Did you talk to Mr. Platkin in October, October 6?

MR. McKENNA: I'll tell you in a minute; I think so.

(checks his records)

I spoke to him on October 3--

SENATOR MADDEN: On October 3--

MR. McKENNA: --on October 5, and October 8, and October 16.

SENATOR MADDEN: Could you tell us the purpose of the phone calls? Because you had already separated from the State service at the time.

MR. McKENNA: Sure.

SENATOR MADDEN: You left in August, correct?

MR. McKENNA: I left August 10.

SENATOR MADDEN: Thank you, sir.

MR. McKENNA: So on October 3, he apparently called me and I missed the call, and I called him right back. And he told me that I would be getting a call from a reporter at the *Wall Street Journal* about Al Alvarez. I don't recall specifically what we said; we spoke, as I see, for 2 minutes and 31 seconds. I don't believe, then, he disclosed to me what it

was all about; and I said, “Fine, I’m going to do what I do to everybody. I’ll tell the reporter my story.”

Then, on October 5, which was two days hence, I spoke to him for 31 seconds; and I believe that was to tell him that, indeed, I had spoken to the *Wall Street Journal* reporter and I just wanted to let him know that I had done that.

Then he called me on October 8, and we spoke for 1 minute and 45 seconds; and then again, on October 16, for 59 seconds. I don’t recall what we spoke about, but I know it would have been about this. But I just don’t have a specific recollection of what was said.

SENATOR MADDEN: Okay. And then if we can go back now to June, again, with the texting back and forth--

MR. McKENNA: Correct.

SENATOR MADDEN: --that same exchange. This is from yourself, “He was calm. He seemed to understand the situation, and I think will begin to look. I told him that I was told if it became public it could get ugly and my hand would be forced, and it would not be a good situation, which could affect his ability to move forward. I suspect he gets it.”

MR. McKENNA: Correct.

SENATOR MADDEN: So in the middle of -- this is you writing -- yet you have no idea what the issue is with Mr. Alvarez--

MR. McKENNA: Correct.

SENATOR MADDEN: --other than the fact that--

MR. McKENNA: That it wasn’t a good issue.

SENATOR MADDEN: Excuse me?

MR. McKENNA: That it wasn’t a good issue.

SENATOR MADDEN: And you were being told that by Mr. Platkin.

MR. McKENNA: Correct.

SENATOR MADDEN: The words in your text message -- are these your words or are these words that you're repeating that came from Mr. Platkin, as it relates to-- "This would be ugly; my hand would be forced; it would not be a good situation; it could affect his ability to move forward"?

MR. McKENNA: I think it was probably--

SENATOR MADDEN: Where did all those-- I mean, there's a lot there, and this is an individual who you are claiming is not being fired--

MR. McKENNA: Correct.

SENATOR MADDEN: --and is not being ordered to leave a job.

MR. McKENNA: I was told that that was what it was about. I think what--

SENATOR MADDEN: So the context of this text message that I just read to you--

MR. McKENNA: Right.

SENATOR MADDEN: --are they your words, or are they the words that were given to you by someone who you were reporting to?

MR. McKENNA: I think they are probably a combination of both. You know, it's basically this is what I was told. Whether those exact words were used with me, I don't recall. Like, whether-- This isn't a direct quote from what Mr. Platkin told me, but it basically is, you know, essentially what I was informed -- that if he left, there wouldn't be a

problem; if he didn't leave, there would be a problem; it could get in the press, it could be -- I don't know if it was *unseemly* or *ugly*; I don't know exactly what the word was. And that I would have to take more direct action. In other words, if whatever it was hit the press, then my hand would be forced and I wouldn't be able to say, "You have to look for a job;" I might have to say, "You're out of a job."

And those were all things that had -- perhaps not in quotes -- but had been relayed to me.

SENATOR MADDEN: So with that understanding, with writing this -- this is in June -- your testimony is that, "Look, if you don't leave, my hand may be forced, and you'll be out of a job," is what--

MR. McKENNA: Correct.

SENATOR MADDEN: Correct?

So July, August; you leave in August. From your timeline, a pretty short window -- not very *elongated*, I believe was your testimony--

MR. McKENNA: Correct.

SENATOR MADDEN: --in terms of timeframe. So if in June his inaction to leave -- you think in your mind that that could have resulted in his termination, why do you--

MR. McKENNA: I'm not sure what you mean.

SENATOR MADDEN: You had said that, "This is going to get ugly; my hand will be forced--"

MR. McKENNA: It *could* get ugly.

SENATOR MADDEN: "*Could* get ugly; my hand could be forced, and you could be terminated" -- you think he could have been terminated.

MR. McKENNA: Correct.

SENATOR MADDEN: Why do you think that would not have happened in June, versus just waiting an indefinite amount of time for him to sometime leave, without any-- There's no timeline on him to find a job; like, "Hey, you have 60 days; you have 30 days to find a job, and you're done." There's no window there. It's just, "Hey, okay, I think--" Actually, you say, "I believe he'll be looking." And it--

MR. McKENNA: That was to get my arms around it.

SENATOR MADDEN: (Indiscernible) here you are running this entire operation; you get a unique hire. Then you get a call to the front office. You have a conversation that, essentially, tells you this individual needs to move on and separate. Emphasizing they're not being fired, not being ordered to leave; but under the veil of potentially a threat that it could get ugly, could affect your ability to move forward; and in your own words, maybe even be terminated.

MR. McKENNA: Correct.

SENATOR MADDEN: How do you handle that? Like, how do you just sit on that without--

MR. McKENNA: I handle it the way I was told to handle it.

SENATOR MADDEN: --taking some--

MR. McKENNA: I was handling it the way I was told to handle it; to tell him that he should look for another job. I wasn't given a time; I wasn't given a timeframe. And I probably asked, but I wasn't given a timeframe. And then I put him in touch with Mr. Platkin, and they would work it out.

SENATOR MADDEN: Thank you.

MR. McKENNA: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman Lampitt; and then Senator Ruiz.

ASSEMBLYWOMAN LAMPITT: Thank you.

Thank you, Mr. McKenna.

I want to focus a little bit of my conversation around Jose Lozano.

MR. McKENNA: Yes.

ASSEMBLYWOMAN LAMPITT: Let me just go back one second. Al Alvarez -- how much did he make?

MR. McKENNA: You know, I didn't set a salary, as you can see. I think he was making less-- I know he was making less than \$141,000, which was the government-- The reason that we could be paid more at SDA is that we were an Authority--

ASSEMBLYWOMAN LAMPITT: An Authority.

MR. McKENNA: --and not in government.

ASSEMBLYWOMAN LAMPITT: Yes.

MR. McKENNA: So if he had -- if my Chief of Staff had stayed throughout -- and there was, I think, a raise in the middle of it -- he probably would have -- my Chief of Staff would have been making more than \$141,000. But they told me that they didn't want him to make more than \$141,000. So he either made \$135,000 or \$140,000; but it was not more than \$141,000, I know that.

ASSEMBLYWOMAN LAMPITT: And you did not set the salary for him.

MR. McKENNA: I did not. In fact, there's some message between me and Mr. Lozano saying, "We have to discuss what his salary will be."

ASSEMBLYWOMAN LAMPITT: Right, right.

So just to go back to Jose for a minute. Did you know who Jose was?

MR. McKENNA: I did.

ASSEMBLYWOMAN LAMPITT: Were you expecting a phone call or a text from him to tell you who your next Chief of Staff was going to be?

MR. McKENNA: I was not shocked at all that the Administration wanted somebody in the Authority to, perhaps, watch over me or to make sure I was not, you know, going crazy, doing something that the Administration didn't want.

ASSEMBLYWOMAN LAMPITT: So you weren't expecting necessarily a phone call or a text from Jose himself; but you were expecting it from somebody.

MR. McKENNA: And look, I had a relationship with Jose; so I assumed that Jose would be the one to reach out, just because he knew who I was. I don't think I knew anyone else at the Transition Team.

ASSEMBLYWOMAN LAMPITT: Did you find this to be part of the uniqueness of this hiring?

MR. McKENNA: No, this-- I assumed that I was going to be told at some point that they wanted somebody, so I didn't find this overly unique, no.

ASSEMBLYWOMAN LAMPITT: What happened to your previous Chief of Staff?

MR. McKENNA: He had left about a year before, just because he wanted to leave.

ASSEMBLYWOMAN LAMPITT: And you were able to survive a year without having a Chief of Staff?

MR. McKENNA: I'm not a Chief of Staff guy; so, like, I didn't have a Chief of Staff at OHSP, although there had been one. And I didn't really feel the need for a Chief of Staff here.

ASSEMBLYWOMAN LAMPITT: I see.

So in a series of text message that you were just referring to--

MR. McKENNA: These are the Platkin ones or the Lozano ones?

ASSEMBLYWOMAN LAMPITT: The Lozano ones.

MR. McKENNA: Okay.

ASSEMBLYWOMAN LAMPITT: --where you stated, you know, "I met with Al, nice guy, need to talk salary. Not my salary, by the way; Al's salary."

MR. McKENNA: When I said it's not *my* salary, I didn't want him to think I was trying to get a raise.

ASSEMBLYWOMAN LAMPITT: Yes, yes, yes.

MR. McKENNA: It was Al's salary.

ASSEMBLYWOMAN LAMPITT: I got that, I got that. That requires the Board anyway; great.

Anyway, so, you know, basically Jose says, "Holler when you can." And then you went on to say something about, "Spoke with Phil."

MR. McKENNA: No, that is totally irrelevant to this. *Phil* was a different-- I would never refer to the Governor as *Phil*. It's a totally separate matter about an individual who he wanted me to talk to, having nothing to do with this.

ASSEMBLYWOMAN LAMPITT: Okay, all right.

Did you hire your previous Chief of Staff?

MR. McKENNA: No; my predecessor did.

ASSEMBLYWOMAN LAMPITT: Your predecessor did; okay.
That's it; thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Ruiz.

SENATOR RUIZ: Thank you, Chairwoman.

Did you find it strange-- And hello, Charlie.

MR. McKENNA: How are you?

SENATOR RUIZ: Did you find it strange that-- Let me start with this question. Did you have any prior knowledge of relationships that Al may have had with any members in the front office? You know, as far as timeframe, or knowing each other--

MR. McKENNA: At the time he was hired?

SENATOR RUIZ: Yes; did you have any point of reference--

MR. McKENNA: No, I didn't know who he was.

SENATOR RUIZ: Okay.

MR. McKENNA: He could have just come down from the moon.

SENATOR RUIZ: And I understand, in your line of questioning, you were asked to do something, and you followed through because being part of a team -- I get all of that. But didn't you find it

strange that they were asking “an outsider” instead of having someone who worked alongside this individual during the Campaign, during Transition, to have that uncomfortable conversation, to say the least?

MR. McKENNA: I would not have done it that way. I did think it somewhat odd that they used the Christie guy, yes.

SENATOR RUIZ: Did they ever tell you who your successor was going to be?

MR. McKENNA: About the middle of June; no, the middle of July -- when they told me I was out, they told me who my successor was going to be.

SENATOR RUIZ: They did fill you in.

After you have the conversation with Al about what the front office has suggested to you to have to intimate to him--

MR. McKENNA: Correct.

SENATOR RUIZ: --and you are aware that, through Matt’s text messaging, that they have circled back the loop, and the two of them have had some conversation, does Al ever come back one day into the office or anything and say to you -- any post follow-up to those conversations to say, “I spoke to the front office; you know, I’m aware--” whatever?

MR. McKENNA: I mean, Al-- After Mr. Alvarez spoke to Mr. Platkin, Mr. Alvarez came to me and said, “I had a conversation with Mr. Platkin.”

SENATOR RUIZ: And that was it.

MR. McKENNA: That was it.

SENATOR RUIZ: There was no further discussion.

MR. McKENNA: No, there was not.

SENATOR RUIZ: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman Schepisi; and then Senator Oroho.

ASSEMBLYWOMAN SCHEPISI: Okay; I promise not to ask you any rumors. (laughter)

But I-- Going back to talking about timing and timeline -- you had mentioned that you had first had discussions with Alvarez on June 7, 2018, about finding additional work, correct?

MR. McKENNA: We met at the Starbucks.

ASSEMBLYWOMAN SCHEPISI: Or thereabouts?

MR. McKENNA: It was sort of-- My understanding -- I was just going to meet him, because he was going to be my Chief of Staff. So, you know--

ASSEMBLYWOMAN SCHEPISI: And at that time, what was the status of his employment? Was he at-will, was he Civil Service? What was he?

MR. McKENNA: At what time?

ASSEMBLYWOMAN SCHEPISI: On June 7, when he was working for you.

MR. McKENNA: He wasn't working for me on June 7. He didn't come and work for me until the Governor was sworn in; so whatever date that was, which was a few days after June 7.

ASSEMBLYWOMAN SCHEPISI: No, I'm sorry; I was talking about 2018, not--

MR. McKENNA: Oh, 2018; oh, I'm sorry.

Every employee at the SDA is an at-will employee.

ASSEMBLYWOMAN SCHEPISI: Okay. So he could have been terminated--

MR. McKENNA: For any reason, or no reason, at any time.

ASSEMBLYWOMAN SCHEPISI: Okay.

You also mentioned that you left in August of 2018.

MR. McKENNA: Correct.

ASSEMBLYWOMAN SCHEPISI: What were the circumstances of you leaving?

MR. McKENNA: They had called me to say they had my successor in place; and they would like me to introduce her at the next Board meeting, and that she would take over.

ASSEMBLYWOMAN SCHEPISI: When did you receive that call?

MR. McKENNA: It was sometime in mid-July; a couple of weeks before it happened.

ASSEMBLYWOMAN SCHEPISI: So you had been in governmental service for seven-and-a-half years at that point, approximately?

MR. McKENNA: Nine-and-a-half.

ASSEMBLYWOMAN SCHEPISI: Nine-and-a-half.

MR. McKENNA: Oh, no, no; eight-and-a-half. I'm sorry.

ASSEMBLYWOMAN SCHEPISI: Eight-and-a-half. And you were given a couple of weeks' notice for you to vacate your position.

MR. McKENNA: Well, yes; and that didn't seem out of the ordinary. But I had already told them that I had another position, and that I needed to leave at some point.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. McKENNA: So this timeframe worked with my timeframe.

ASSEMBLYWOMAN SCHEPISI: Okay. And when you received that call for you to vacate, it was never an update as to what was going to happen with Mr. Alvarez, who was the at-will employee, correct?

MR. McKENNA: Correct, correct.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have no further questions.

ASSEMBLYWOMAN PINTOR MARIN: Senator.

SENATOR OROHO: Thank you, Madam Chair.

Hi, Charlie; how are you doing?

MR. McKENNA: Good, Senator.

SENATOR OROHO: Thank you very much for being here.

Just to confirm: Through your testimony -- so the only discussion that you had about Mr. Alvarez, regarding this situation, which you did not -- they did not tell you, was with Mr. Jose Lozano and Matt Platkin? Jose, when it was -- when you were hiring him--

MR. McKENNA: Jose was just, "This is going to be your Chief of Staff;" so that was Mr. Lozano. And then Mr. Platkin was, you know, sort of the bookends, right? Mr. Platkin was telling me that his government service needed to end at some point.

SENATOR OROHO: So I guess the discussion that you had with Matt Platkin, when he called you, you used the term -- you said that Mr. Platkin said, "Could embarrass the Governor."

MR. McKENNA: I'm not sure if Mr. Platkin used exactly that word; but that was sort of the gist of what I got -- that this could be embarrassing.

SENATOR OROHO: It could be embarrassing; okay.

Did you ever, at any point, have any discussion with the Governor about Mr. Alvarez at all?

MR. McKENNA: I've never had a discussion with the present Governor.

SENATOR OROHO: With the Governor at all? Okay.

The question is-- Now, you were a number of years, I think -- eight years with the U.S. Attorney's Office?

MR. McKENNA: Eighteen.

SENATOR OROHO: Eighteen years with the U.S. Attorney's Office.

MR. McKENNA: I wish it was eight, because then I'd be 10 years younger, but-- (laughter)

SENATOR OROHO: Very good. And also you were two years as the Governor's Chief Counsel.

MR. McKENNA: Correct.

SENATOR OROHO: Correct? And you testified that "they told me they did not want me to know."

MR. McKENNA: Correct.

SENATOR OROHO: Do you think, with your experience with the U.S. Attorney's Office, do you think it was purposely because of that?

MR. McKENNA: No, I--

SENATOR OROHO: Your experience with the U.S. Attorney's Office?

MR. McKENNA: --know that when I was Chief Counsel, there were a lot of times when I needed to do something, and I wanted somebody to do something, and I didn't really want them to know. And so it didn't seem -- it seemed odd that they were using me, because more times than not, if I was going to separate somebody or it was a major employment thing, I took care of it, right? So if I had somebody in my office and either I went to them and said they were fired -- and I did that with a few Port Authority employees, or other people -- I dealt with it, because I figured that was my job.

SENATOR OROHO: In your discussion back-and-forth with Mr. Platkin, you say "knows my situation," which, obviously, people knew that you were going to be replaced; you knew you were going to be replaced--

MR. McKENNA: I was sort of a hold-over guy.

SENATOR OROHO: --at some time; okay.

And just my last question -- you served two years as the Governor's Chief Counsel.

MR. McKENNA: I did. Not an easy job. (laughter)

SENATOR OROHO: Not an easy job. A lot of things happened all the time, every day.

MR. McKENNA: A lot of moving parts, and they don't always mesh well together.

SENATOR OROHO: You probably got daily briefings that the Governor would get all the time, about quotes of the day, embarrassing situations -- situations we have to watch out for, and whatnot.

MR. McKENNA: There were things we became aware of that we knew could embarrass the Governor, yes.

SENATOR OROHO: Okay. It's interesting (indiscernible) that could embarrass the Governor. In your serving in that situation for two years, had you been in that situation and it was Justin Braz who had indicated his duty to talk to his superior, would you have spoken to the Governor and let him know, if you knew that this was--

MR. McKENNA: If I was the Governor's Chief Counsel--

SENATOR OROHO: --sexual assault?

MR. McKENNA: I don't want to put myself in Justin's place, because he wasn't as close to the Governor as my position was.

SENATOR OROHO: No, I'm sorry--

MR. McKENNA: And I have to say that every Governor is different, but if the Governor who I worked for -- if I didn't tell him this, I would still be feeling the pain today. (laughter)

SENATOR OROHO: Okay; understood, understood.

Actually, my question wasn't for Mr. Braz; it was actually for the current Chief Counsel, Mr. Platkin. So I assume that your answer would be the same.

MR. McKENNA: Yes, it would be the same. But every Governor is different; so every-- The way that Governor Christie set it up, it was unfortunately my job to deliver bad news, and that wasn't always a very comfortable place, but it was the place I lived through.

SENATOR OROHO: So that's very important. So the issue of-- We talk a lot about policies, and procedures, and whatnot; we talk about the tone set by the chief executive of any corporation, or--

MR. McKENNA: At times, yes; and at times, no. But that's the way -- I know that's the way the Governor I worked for wanted it done.

SENATOR OROHO: Okay. So that position isn't, in your opinion, a position to help protect the Governor from knowing information. It would let them know that, "Hey, listen, here's this very -- a sexual assault has been accused;" that you would think that that position would let the Chief Executive know.

MR. McKENNA: I can only tell you what my working relationship was with the Governor I worked for. And everything's different, and there are a lot of moving parts. And having those jobs are really hard; it's always like, what do you handle yourself and what do you tell the Governor. There are days when you handle it yourself and the Governor finds out; and then the Governor says to you, "Nobody elected you; why are you dealing with this?" And then there are days when you bring something to the Governor, and the Governor says, "Why am I dealing with this? Why are you hired here today?" (laughter)

There's always a balancing act of trying to figure out what it is you bring to the Governor. There was a certain bright line with the Governor I worked for as to something like this.

SENATOR OROHO: Now, I know the Governor's Office, because of renovations, has moved down the street. But it's pretty much the same; set up the same way. There's a-- You walk in, there's a common

area. And I think the Governor's Office, the Chief of Staff, and the Chief Counsel all share that common area, just as -- I guess, similar to what--

MR. McKENNA: The physical set-up is the same, yes.

SENATOR OROHO: The physical set-up. So it was pretty much where you could easily walk in to the Governor's Office to let him know-- Actually, I think when you were serving as Chief Counsel it was almost -- there was a private door, I think, between the two.

MR. McKENNA: Between the Governor-- Yes, in the old thing, there was a-- That didn't give me a lot of time to think when the door opened. But he always knocked. (laughter)

SENATOR OROHO: Understood, understood.

There's no door here, but there is a common area here. And they basically share that common area. So you can basically walk from one office to the next.

MR. McKENNA: You can.

SENATOR OROHO: Okay.

I have no further questions.

Thank you; thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: Hello.

MR. McKENNA: Hello.

ASSEMBLYWOMAN McKNIGHT: I just want to follow up in reference to what Senator Ruiz asked you.

So this text message -- Matt says to you, "I spoke to Al; he was professional and will look for other employment." And you say, "I spoke

with him after he spoke to you. He really is a decent guy.” And Matt said, “Agreed.”

Any time after this text message, did Matt call you or contact you to find out what conversation you had with Al, after he spoke to Al?

MR. McKENNA: No.

ASSEMBLYWOMAN McKNIGHT: Thank you.

MR. McKENNA: You’re welcome.

ASSEMBLYWOMAN PINTOR MARIN: Mr. McKenna, before the professionals like you are--

MR. McKENNA: I’m not a professional like these guys, believe me. (laughter)

ASSEMBLYWOMAN PINTOR MARIN: Just one quick question. When you were told who your successor was, more or less, and when you would be departing, did you have a conversation with Ms. Delgado-Polanco when she came into her new position? Or did you have any kind of conversation with her?

MR. McKENNA: On the day of -- the day that the Board approved her becoming the CEO, she and I spoke for about 45 minutes, I guess, in a conference room.

ASSEMBLYWOMAN PINTOR MARIN: So did the conversation or topic about Al come up at any point?

MR. McKENNA: It did not.

ASSEMBLYWOMAN PINTOR MARIN: So--

MR. McKENNA: I just assumed that either Mr. Alvarez would talk to her, or that the Administration had already talked to her; because I know when you come into these jobs, who’s going to be your Chief of Staff

is usually foremost on your mind. And I just assumed that that was a matter that had been broached.

And it was an uncomfortable conversation, so I just didn't feel we needed to have it.

ASSEMBLYWOMAN PINTOR MARIN: It was an uncomfortable conversation, meaning the topic that you would be discussing with her; or was your conversation with her uncomfortable?

MR. McKENNA: No, no, no. My conversation with her was fine and comfortable

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. McKENNA: I just didn't feel it was my business at this point; that she probably knew because--

ASSEMBLYWOMAN PINTOR MARIN: And nor were you asked to have the conversation relayed to her that Mr. Alvarez was going to be separating himself.

MR. McKENNA: Oh, no, not at all. I just assumed that it happened.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Thank you.

MR. McKENNA: You're welcome.

MR. HAYDEN: Good afternoon, Mr. McKenna.

MR. McKENNA: Mr. Hayden.

MR. HAYDEN: Thank you for your voluntary appearance here today.

MR. McKENNA: No problem.

MR. HAYDEN: You've come here with a considerable amount of experience; I think you were 18-and-a-half years in the United States Attorney's Office. During that time, did you basically work criminal cases?

MR. McKENNA: I did.

MR. HAYDEN: And then you were eight-and-a-half years in the Administration, of which at least two years was Counsel to the Governor.

MR. McKENNA: Correct.

MR. HAYDEN: So you became aware of how the political process works.

MR. McKENNA: A little bit.

MR. HAYDEN: And how long were you the CEO of the SDA?

MR. McKENNA: Four years, eight months.

MR. HAYDEN: Four years, eight months. So were you very aware of how that agency worked?

MR. McKENNA: I was.

MR. HAYDEN: Now, in response to questions of many of our members, you referred to Mr. Alvarez as being a *unique hire*. In what respect was he a *unique hire*? Was it because of the nature of the hiring process? Was it because of the nature of the candidate? Was it because of the nature of the job?

MR. McKENNA: It was a political hire, that's all. In the four years, nine months that I had been there, I had never made a political hire there. So no Governor's Office ever called me up and said, "This guy's coming over to work for you." We had always interviewed people. Because there were a lot of engineers and architects there.

So this was the first political hire that I had. And as Senator Weinberg pointed out, I myself was a political hire, so it is not *that* unique. I mean, I understood the way it operates.

And so maybe *unique* wasn't the right word; it was unique to me, but I didn't view it as out of the ordinary. I viewed the Governor to have every right to have somebody come work there. If it wasn't in my spot, certainly my Chief of Staff's spot.

MR. HAYDEN: I don't think there's any suggestion the Governor didn't have that right; it's just the word *unique hiring*.

You indicated that you were familiar, for many years, with Jose Lozano.

MR. McKENNA: I was and am.

MR. HAYDEN: And the hiring process started, as far as you knew, when he sent you a text on January 9, "Can you meet with Al Alvarez, your new Chief of Staff; ha" and then a happy face and the text.

MR. McKENNA: Yes. And the happy face in the text comes more from the relationship Mr. Lozano and I have than it was for anything. When I first met Mr. Lozano, he was a Corzine holdover who was nervous about whether he would still have employment. I was the Christie guy who had the ability, I guess, to determine that.

I had said to Mr. Lozano, on more than one occasion, that all I cared about was what type of work he did for me; and I could care less who he supported, or who he worked for, or what his political beliefs were, so long as he did the job for me. He did. And he stayed there as long as he wanted, and then ultimately found another job and left because it was a better situation for him.

So we would often go back as to how these things change. So I think the smiley face and the “ha” was like, “Now guess what? I’m in control; you’re not.”

MR. HAYDEN: Shall we say it was casual, though?

MR. McKENNA: Excuse me?

MR. HAYDEN: It was casual in that it started with this text.

MR. McKENNA: Correct.

MR. HAYDEN: And then he asked, “Are you around tomorrow?” And you answered, “Yes,” and indicated a Planning Board meeting. And he wanted to know if you were around. And then he said, “1 p.m. at Starbucks.”

MR. McKENNA: Correct.

MR. HAYDEN: And was-- Had you ever interviewed anybody for hiring at Starbucks?

MR. McKENNA: No.

MR. HAYDEN: Did you wonder why it was that he wanted you to interview Mr. Alvarez at Starbucks?

MR. McKENNA: I didn’t view this as an interview; I viewed it as, “This is a guy who’s coming to work for you, unless you tell me it’s absolutely impossible for you to have a working relationship with him. In which case, we’ll decide whether we are going to have *you* there, or whether we are going to have Mr. Alvarez there.”

MR. HAYDEN: Kind of a reverse-courtesy interview.

MR. McKENNA: It was a courtesy. I agree, that’s--

MR. HAYDEN: It was a courtesy interview, except they wanted to know if you were comfortable with Alvarez, and they were giving you the ability to talk to him.

MR. McKENNA: Correct.

MR. HAYDEN: And, I guess, how long did you meet with Mr. Alvarez at Starbucks?

MR. McKENNA: Probably a half-hour.

MR. HAYDEN: And after that meeting, then, did you indicate in the follow-up text, "Met with Al; nice guy. We'll work together, and we need to talk salary." And that had to do with logistics.

MR. McKENNA: Correct.

MR. HAYDEN: And then you were advised, at some later point in time, what the salary should be.

MR. McKENNA: Correct.

MR. HAYDEN: Now, between-- When was it that Mr. Alvarez actually came on board? How much after the interview?

MR. McKENNA: I think he came on board either the day of the inauguration or the day after.

MR. HAYDEN: January 16, 17?

MR. McKENNA: Whatever; I don't remember what day that was, but yes.

MR. HAYDEN: And between January, February, March, April, May, into early June, I believe you indicated Mr. Alvarez was a fine employee.

MR. McKENNA: He did his job, yes.

MR. HAYDEN: There were no complaints about him?

MR. McKENNA: No, there were not.

MR. HAYDEN: As far as you were concerned, you were comfortable with him as your Chief of Staff?

MR. McKENNA: Correct.

MR. HAYDEN: Then you got a call from somebody in the Governor's Office scheduling your meeting with Mr. Platkin.

MR. McKENNA: Correct.

MR. HAYDEN: And that was June 6 to June 7?

MR. McKENNA: The meeting was June 6.

MR. HAYDEN: The meeting was June 6. You went down there believing, perhaps, there were going to be questions about your job performance. And after what I assume were a couple of minute's worth of pleasantries, Mr. Platkin then laid out the problem.

MR. McKENNA: Correct. I mean, having gone to Catholic school, when you get called to the Principal's Office, it's generally not a good thing. (laughter) So I was viewing this as being called to the Principal's Office, and I always assume the worst because, you know, why not?

MR. HAYDEN: But beyond that, at some point in time, when we're beyond the pleasantries, Mr. Platkin indicated what the problem was.

MR. McKENNA: Correct.

MR. HAYDEN: Okay. And tell us how he described again what the nature of the problem was.

MR. McKENNA: As I recall it, he said, "Something happened on the campaign, and because of that Mr. Alvarez is going to have to step away, step back," -- I can't remember the exact phraseology he used -- "and

so--” And then I said, “Are you telling me to fire him?” And he said, “No, you don’t have to fire him,” or, “I don’t want you to fire him, I just want you to tell him he needs to find another job.” And that if whatever this situation is gets in the press, “it could become an embarrassing and ugly situation,” whatever the phraseology was that he used. I understood it to mean that if this got into the press, it would not be a good situation for either the Administration or for Mr. Alvarez.

MR. HAYDEN: And at that point in time, we had an employee who was hired very quickly, apparently as far as you knew--

MR. McKENNA: I don’t know if he was hired quickly, or if there was a big deliberative process. I just don’t know that.

MR. HAYDEN: Did you ever review any background check done on him?

MR. McKENNA: I did not.

MR. HAYDEN: But certainly you had an employee who performed well for about six months, and then you’re told one day, out of the blue, that he had to be told to “separate himself.”

MR. McKENNA: Correct.

MR. HAYDEN: And implicit in telling somebody that they had to “separate themselves,” was not the message, “And if you don’t separate yourself, you might be terminated”?

MR. McKENNA: Yes.

MR. HAYDEN: So the polite way of talking about it is separation; but the implication is because this might get ugly there could well be a termination involved.

MR. McKENNA: Correct. Because I said, "If it gets into the press, my hand is going to be forced." And I think I remember saying something to him like -- he's got two kids -- like, "You really -- whatever this is, you don't want your kids reading about what you've done in the paper. So you're better off just to find a job and leave; but if you don't and this gets in the press, my hand may be forced and I'll have to take more immediate action."

MR. HAYDEN: Mr. McKenna, you're jumping ahead a little bit. And bear with me--

MR. McKENNA: I apologize.

MR. HAYDEN: --I want to stick to our timeline.

So we're back here in the beginning of June.

MR. McKENNA: Right.

MR. HAYDEN: At that point in time, you're an experienced lawyer and you're a savvy man.

MR. McKENNA: I don't know about that, but--

MR. HAYDEN: Oh, I think you're pretty savvy, Mr. McKenna.

Did you ask Mr. Platkin, "Why me?" Did you ask him directly, "Why are you asking me to do something that apparently you or the Administration believes is the right thing?"

MR. McKENNA: I didn't think it was my place to ask. My superior is telling me that he wants something done, and I carried it out.

MR. HAYDEN: Did you feel uncomfortable doing it?

MR. McKENNA: I felt a little odd doing it; but I didn't feel uncomfortable. And I think I wrote this: I mean, when you are the CEO of

an organization, there comes times when you have to take action to either fire somebody or to suspend somebody. You know, that's what you do as the CEO.

MR. HAYDEN: And was it at that point in time you said to Mr. Platkin, "I am sure he is not going to make a life-changing decision on the basis of my word; he's going to want to talk to somebody from the Murphy Administration"?

MR. McKENNA: Correct. I view this as more of an Administration-- Like, he didn't do anything wrong, as best I knew it, in my employ. This was something that happened on the campaign trail. So this, to me, was more of an Administration situation, and not an SDA situation, right? So politically they wanted him hired; I get it. Now politically they wanted him out of there.

MR. HAYDEN: Now, they-- This man who they wanted hired and had performed well -- as far as you were concerned -- all of a sudden is being fired. You must have realized -- or being told to separate or be terminated, you must have thought it was a very serious matter that occurred in the campaign to bring about that 180-degree turn.

MR. McKENNA: I didn't really put a level of seriousness on it, because some things can be not-so-serious and they get in the paper and-- You know, if he had a fist fight in a bar that would be enough, perhaps, to separate him; or something as great, you know, as this. And by *great*, I don't mean that this is *great*; I mean a *horrific* act like this.

So it could be-- There is a broad range of things that once they get in the paper, Governors have to take action.

MR. HAYDEN: But certainly to have a man like this make what you described in one of your text messages as, “a life-altering change in his life,” the underlying problem had to be serious.

MR. McKENNA: Well, let me explain what I meant by *life-altering*, right? He was a guy who told me that he liked politics; he obviously worked for the Murphy campaign for a long period of time with the hopes of becoming a major player in the Administration. He had gotten a good job with the Administration. There were rumors that he would take my job; but no one ever told me that.

And so I was going in and basically saying, “Guess what? Everything you kind of were leading to -- that’s done. So you’re going to have to change.” That, to me, was life-altering.

MR. HAYDEN: Right. And it had to be based upon some serious matter, or else there wouldn’t--

MR. McKENNA: I assumed that wouldn’t be the ask. I assumed he didn’t spit on the sidewalk.

MR. HAYDEN: You then ended up getting permission from Mr. Platkin to tell Mr. Alvarez, after you spoke to him, that if he had any questions he could follow back with Mr. Platkin. But you were not asked to identify the source of the information, for you, beyond “a senior Administration official.” Is that correct?

MR. McKENNA: For whatever reason, Mr. Platkin didn’t want me to say I had spoken to him; that he had been the person to give me these orders, as it were.

MR. HAYDEN: Right.

MR. McKENNA: But he did say that he could call -- that Mr. Platkin was the person who he should call.

MR. HAYDEN: And by the way, some people just don't like separating people, or firing people.

MR. McKENNA: Some people don't like to deliver bad news; no one likes to deliver bad news. Some people are more willing to do it than others perhaps.

MR. HAYDEN: Now, you went back that day to try to see if you could see Mr. Alvarez on the job, and he had already left.

MR. McKENNA: Correct.

MR. HAYDEN: You then had the conversation with him the next morning.

MR. McKENNA: Correct.

MR. HAYDEN: Now, your text to Mr. Platkin describing the conversation reads as follows. "He was calm; he seemed to understand the situation and I think will begin to look. I told him that I was told if it became public, could get ugly and my hand would be forced; and it would not be a good situation, which could affect his ability to move forward. I suspect he gets it." And I guess you mean if he was publicly fired, he'd have a very difficult time getting a job.

MR. McKENNA: Correct.

MR. HAYDEN: And if the underlying situation, even if you didn't know the particulars of it -- it was clearly very serious if it became public it was going to get ugly.

MR. McKENNA: It was serious; I assumed it was serious, but I assumed it wasn't quite so serious that they would have me fire him on the spot.

MR. HAYDEN: And he was an at-will employee--

MR. McKENNA: He was an at-will employee.

MR. HAYDEN: --at that point in time.

And then I believe you found out that, a little bit later on, Mr. Alvarez called Mr. Platkin; they had a conversation, and then you had a follow-up conversation with Mr. Platkin.

MR. McKENNA: I didn't have a follow-up conversation; Mr. Platkin wrote me to say Al called him, and I wrote back to basically say, "I know, because he has already told me that he called you." And that was the end of the--

MR. HAYDEN: Well, it says that "I spoke to Al; he was professional;" and "I spoke to him--"

MR. McKENNA: Right. So he wrote me and said, "I spoke to Al; he was professional." I said, "Yes, I know. I spoke with him after he spoke with you." And so I'm letting him know that I knew that he called. And then I say, "He's a decent guy," because, at the time, I believed him to be a decent guy. And Platkin agreed, probably because he didn't want to say, "Oh, maybe he's not such a decent guy because he did X, Y, and Z, which I don't want to tell you about."

MR. HAYDEN: But the status quo is, after the conversations, that he was advised he better separate and look for more employment; and if he doesn't, at some point in time he may be terminated.

MR. McKENNA: Correct; that was the gist of it.

MR. HAYDEN: Now, we go through June, we go through July, and we go through August. And then you leave in the middle of August and you're replaced.

MR. McKENNA: Correct.

MR. HAYDEN: And you've indicated, to recent questions before I started, that you had some conversations with your successor, but you didn't deal with the Al Alvarez situation.

MR. McKENNA: Correct.

MR. HAYDEN: Mr. Alvarez did not resign until -- I believe the testimony was -- October 2, in the wake of the questions which came in from the *Wall Street Journal* article, trying to interview him, but before it was published. That would mean that he didn't resign until almost four months -- not quite -- but almost four months after you had the conversation with him about separating.

MR. McKENNA: Correct.

MR. HAYDEN: Looking back on it, does it surprise you that four months later, until the *Wall Street Journal* called, he was still there?

MR. McKENNA: It was a little surprising, yes.

MR. HAYDEN: No further questions.

Thank you.

MR. CRITCHLEY: Good afternoon, Mr. McKenna.

MR. McKENNA: Mr. Critchley, we have to stop meeting like this.

MR. CRITCHLEY: I know, I know. (laughter) But now I don't have a judge ruling on my questions.

Mr. McKenna--

MR. McKENNA: I think you won more of them than--
(laughter)

MR. CRITCHLEY: Mr. McKenna, could you please tell me, when you were told that Mr. Alvarez was going to be your Chief of Staff, what were you told about him?

MR. McKENNA: Nothing really; just that I should meet him. I learned mostly about him when we met at the Starbucks.

MR. CRITCHLEY: Okay; and how long did you meet at the Starbucks?

MR. McKENNA: About a half-hour.

MR. CRITCHLEY: So in life you meet a guy at Starbucks for a half-hour, and he's going to be your Chief of Staff.

MR. McKENNA: Look, I--

MR. CRITCHLEY: I'm not-- Just saying--

MR. McKENNA: I generally hire people on 20-minute interviews. Maybe not my Chief of Staff, but yes.

MR. CRITCHLEY: Okay. Now, you ever hear that expression in the banking circles, when they engage in financial transactions with the customers, "Know your customer"?

MR. McKENNA: That would be under the money laundering, yes.

MR. CRITCHLEY: And as the Executive Director of a multi-billion dollar operation, when you're hiring a Chief of Staff don't you know that same principle applies, "Know your Chief of Staff"?

MR. McKENNA: I think that I may not have known him, but my sense was that the Governor knew him, the Governor's staff knew him,

and that he had been vetted, and that he was somebody who had some bona fides. He obviously had worked for the Corzine Administration as well. So I don't think it was my place to say, "Wait a second. You guys want him hired? I have to run my own checks here." That wasn't what they wanted McKenna to do.

MR. CRITCHLEY: Did you know when you met him at the Starbucks, your incoming Chief of Staff, that he was an accused rapist?

MR. McKENNA: I did not.

MR. CRITCHLEY: And the accusation was made by a credible accuser against--

MR. McKENNA: I did not.

MR. CRITCHLEY: --a high-ranking senior member of the Administration?

MR. McKENNA: I knew nothing of that.

MR. CRITCHLEY: Would you have wanted to know that?

MR. McKENNA: It would have been information that I would have found relevant, yes.

MR. CRITCHLEY: Because now he's working as your Chief of Staff.

MR. McKENNA: That would have given me ammunition to go back to the Administration and say, "Wait a second; let's talk about this."

MR. CRITCHLEY: "What are you giving me here?"

MR. McKENNA: Something to that effect.

MR. CRITCHLEY: Would you have been concerned if you knew there were credible allegations that Al Alvarez was accused of raping someone?

MR. McKENNA: I would have found that relevant, yes.

MR. CRITCHLEY: Why would you have found that relevant?

MR. McKENNA: Because I had a workforce of 225 people that I want to make sure can come to work every day and not be harassed in any way, sexually or otherwise. And that would have perhaps guided me in whether or not I accepted him, or whether or not I said, "This is really an untenable situation."

MR. CRITCHLEY: Do you feel right now, as you sit here, that when you were asked to hire Al Alvarez as your Chief of Staff -- forget common decency to you, forget legal obligations to the public -- you should have been told that the person they wanted you to have as your Chief of Staff was an accused rapist?

MR. McKENNA: I think it would have been relevant to know that.

MR. CRITCHLEY: Relevant?

MR. McKENNA: But as to what they tell me-- I mean, it was their hire, not mine.

MR. CRITCHLEY: I know; but it's your responsibility, once he works for you.

MR. McKENNA: Correct.

MR. CRITCHLEY: And--

MR. McKENNA: I would have liked to have known that; I agree.

MR. CRITCHLEY: You what?

MR. McKENNA: I'm not disagreeing with you. I would have liked to have known that.

MR. CRITCHLEY: And because, in addition to your other responsibilities, you have a fiduciary obligation to your other employees, correct?

MR. McKENNA: How about *obligation*; I'm not quite sure it's *fiduciary*.

MR. CRITCHLEY: Well--

MR. McKENNA: But I did; I cared about the people who worked for me, and I didn't want to put those people in peril. I spent four years building up a culture in that organization that people felt that *a*) they were safe; and *b*) that if there was a problem that they could come and talk to me about it.

MR. CRITCHLEY: Now, you have female employees in those couple of hundred employees, right?

MR. McKENNA: Many.

MR. CRITCHLEY: What measures would you have taken if you were told by Matt Platkin, or whoever contacted you, or by him, that he was an accused rapist? What measures would you have taken to ensure the employees under you are protected?

MR. McKENNA: I think I would have backed it up, and I would have had a serious discussion with Mr. Platkin about whether he should have been brought in, in the first place, or whether they should have conducted an investigation to see whether or not these allegations were true or false. As we sit here I still don't know if they're true or false.

MR. CRITCHLEY: Do you think there should have been an investigation?

MR. McKENNA: It's really not my place; but if it were me, I probably would have wanted an investigation before I hired someone like this, yes.

MR. CRITCHLEY: Someone like *what*? And I'm just-- Someone who has been credibly accused of rape.

MR. McKENNA: I think you owe both parties to find out what the situation was.

MR. CRITCHLEY: Now, when-- Now you have someone who is working closely with you for a matter of months who has been credibly accused of rape. You have no idea--

MR. McKENNA: And manifested, frankly, no conduct in that manner.

MR. CRITCHLEY: Well, I mean, do rapists act in a certain way that you would know they're rapists?

MR. McKENNA: I get the point you're making. But what I'm saying is there was-- Like no female employee came to me and said they felt uncomfortable around him.

MR. CRITCHLEY: Okay. Well, do you know that Katie Brennan made some complaints that she felt kind of uncomfortable?

MR. McKENNA: I assume she would be, yes.

MR. CRITCHLEY: Now, when there was an exchange going back and forth about people feeling "ugly," you know, "It could get ugly for you," you had no idea how ugly it could have gotten for Katie Brennan, do you?

MR. McKENNA: I didn't think it would be as ugly as it's gotten.

MR. CRITCHLEY: Yes; because when someone is, you know, coming forward and saying she's been raped, in addition to being "ugly" for the accuser, it has-- Well, I'll take that back.

MR. McKENNA: Mr. Critchley, I'm not going to in any way minimize what the accusation was--

MR. CRITCHLEY: Right.

MR. McKENNA: --or what the conduct is. I mean, it's totally abhorrent.

MR. CRITCHLEY: No, but I-- No, I can understand how people are concerned about how it could look ugly if the papers found out about it, and how Al Alvarez could have, you know, his future affected. But I'm just wondering if people are equally concerned about how ugly it got for Kate Brennan over that period of time. Because there seems to be a high level of concern for Al Alvarez, but in the record so far -- and it's not directed to you -- I don't see that high level of concern for Katie Brennan.

MR. McKENNA: I don't disagree with you; but I knew nothing of that, so I couldn't have any concern.

MR. CRITCHLEY: That's true.

And now when Mr. Platkin told you that he -- I don't know the words used, and I don't want to put words in your mouth -- in June, when you asked him about the issue, and he said, "It's a Human Resource problem." Can you please, again, tell me what he said, just for my recollection?

MR. McKENNA: He didn't-- And I'm not sure where-- He never said "Human resources problem."

MR. CRITCHLEY: What did he say?

MR. McKENNA: He said that he should “step away from government, step back from government,” because something had happened on the campaign trail; and that if it came to light, it could get “ugly, uncomfortable” -- I don’t know what the word was that he used -- and that if he left, apparently that was going to end the situation.

MR. CRITCHLEY: End the situation for *him*.

MR. McKENNA: I guess; I--

MR. CRITCHLEY: Well, did you ask him what the allegations were, or what the problem was, regarding Mr. Alvarez that he had to leave?

MR. McKENNA: Either I did and he said he wasn’t going to tell me; or he told me upfront, “I can’t go into this with you, because it’s a personnel issue.”

MR. CRITCHLEY: Well, did you know when you were the Executive Director of the SDA, and you have a Chief of Staff who’s credibly accused of rape, and the Administration doesn’t tell you -- and he directly reports to you, correct Mr. Alvarez?

MR. McKENNA: Correct.

MR. CRITCHLEY: And I don’t want to beat a dead horse, but this is something you would want to know about your direct report.

MR. McKENNA: That would have been relevant information for me, yes.

MR. CRITCHLEY: Well, they didn’t tell you, but as I can see so far, the people who knew -- besides someone who should have known -- his immediate supervisor Matt Platkin knew about these credible allegations during this period of time; Mr. Cammarano knew about these allegations, about this during the relevant period of time; Parimal knew about it; Justin

Braz knew about it; Heather Taylor knew about it; people in the Attorney General's Office -- Jodi Stipick knew about it; Melissa Lieberman knew about it. The only person who didn't know about it, and the person who asked about it, was you. Do you feel you were being set up?

MR. McKENNA: I don't feel I was being set up; I feel that they were doing what they thought was appropriate under the circumstances; circumstances that I didn't know. And if you ask me would I have liked to have known that -- yes, I would have entered into a discussion with them about it. But I assumed that they handled it the way they handled it. Whether-- It's for you to decide how they handled it, not me.

MR. CRITCHLEY: But as you say -- but God forbid something had happened involving Mr. Alvarez. Who would have been responsible for not taking the responsibility to conduct an adequate investigation as to his background?

MR. McKENNA: If something happened to one of my people while he was there, regardless of whether I knew or didn't know, I would have felt responsible. Because I feel, as the CEO of an organization, I owe a responsibility to my employees.

MR. CRITCHLEY: Now I'm going to ask you again: Do you think Matt Platkin let you down when he didn't tell you about the accused rapist?

MR. McKENNA: I'm not going to say whether Mr. Platkin let me down or not. I'm just going to say that it's relevant information.

MR. CRITCHLEY: And when you left, did you tell your successor, Lizette Delgado-Polanco, that Mr. Alvarez would be leaving?

MR. McKENNA: I did not.

MR. CRITCHLEY: Did you discuss with Ms. Lizette Delgado-Polanco the conversations you had with Mr. Platkin?

MR. McKENNA: I did not, I did not.

MR. CRITCHLEY: So she had no idea that he was leaving?

MR. McKENNA: I don't know if she had an idea that he was leaving. I assumed that when you come into a role like this, one of the early-on questions you ask is, "Who's the Chief of Staff? Can I bring my own Chief of Staff? What's the situation?"

MR. CRITCHLEY: When you hired Mr. Alvarez, was there a time commitment you expected him to stay on as Chief of Staff?

MR. McKENNA: No.

MR. CRITCHLEY: There was no, "Oh, okay. You're going to be hired, but you have to stay for a year, or two years"? Nothing like that?

MR. McKENNA: No.

MR. CRITCHLEY: Okay; I have nothing further.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Ms. Alito.

MS. ALITO: Good afternoon.

I have just a couple of questions.

MR. McKENNA: Sure.

MS. ALITO: During the period that you were the head of the SDA, what was the standard hiring process? If you could just walk through that, step by step.

MR. McKENNA: Well, I don't know how applicants would come to my door, but I believe we used, like, Monster.com and any number of electronic websites to try to get appropriate candidates.

I know that their résumés would come in, and then HR would do a first-cut on the résumés. And the reason I know that is because I stopped that. I wanted the particular supervisor, the person who the person would work for, to do the cut. I don't like using algorithms to pick perspective employees.

So the employee would then get interviewed by the appropriate department, and ultimately the department head; and then they would come to me and say, "We're going to hire this person; do you want to be -- do you want to have an interview with that person?" Sometimes I would want to have an interview with them; most times I would, but sometimes I would not.

And then I would ultimately make the final decision as to whether that person got hired or didn't get hired. And I don't think there was any instance that I can recall where I disagreed with my division heads.

MS. ALITO: And who-- You've indicated that there was an HR Department within the agency, correct?

MR. McKENNA: Correct.

MS. ALITO: And who was the head of that Department in 2018?

MR. McKENNA: Today, or when I left?

MS. ALITO: When you left.

MR. McKENNA: When I left it was a woman by the name of Maribell Osnayo-Lytle, but I don't believe she is there any longer.

MS. ALITO: Okay.

Now, going back to your conversation with Mr. Platkin, and I think you testified that he indicated something had happened during the campaign and that if it came out it could be embarrassing--

MR. McKENNA: Or ugly; I can't remember the word.

MS. ALITO: Embarrassing or ugly for the Governor--

MR. McKENNA: Not good, I think was the perception.

MS. ALITO: Not good -- and that this was the reason why Mr. Alvarez needed to look for a new job, correct?

MR. McKENNA: Correct.

MS. ALITO: And during that conversation was it ever said to you that Mr. Alvarez needed to look for a new job because employees were uncomfortable with his being in the workplace?

MR. McKENNA: No.

MS. ALITO: Was it ever said to you that Mr. Alvarez needed to look for a new job because he was creating a hostile work environment?

MR. McKENNA: No.

MS. ALITO: Thank you.

No further questions.

ASSEMBLYWOMAN PINTOR MARIN: Thank you; thank you very much, Mr. McKenna. Thank you for testifying, and for the entertainment that you offered us for a little bit.

MR. McKENNA: I tried to just answer -- play it straight down the line.

ASSEMBLYWOMAN PINTOR MARIN: No, we appreciate your testimony and your honesty.

Thank you very much.

ASSEMBLYWOMAN SCHEPISI: Chairwoman? I have one quick follow-up question if it's okay?

SENATOR WEINBERG: Excuse me?

ASSEMBLYWOMAN SCHEPISI: Would I be able to ask one quick follow-up question?

SENATOR WEINBERG: No, we're -- I think we're finished. We really have to -- we want to get to our next witness. So unless it's something of great urgency, can we move on? It's 2:35 p.m.

ASSEMBLYWOMAN SCHEPISI: Okay; it just came from the lawyer's question.

SENATOR WEINBERG: All right; well, one quick question, Assemblywoman.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. McKENNA: I'll run out a little faster. (laughter)

ASSEMBLYWOMAN SCHEPISI: This really is one. Were you ever aware that Mr. Alvarez had actually applied for your job?

MR. McKENNA: I was not, no.

ASSEMBLYWOMAN SCHEPISI: Okay. And prior to your transitioning out, was there ever a discussion about him succeeding you?

MR. McKENNA: No. There were any number of people in my office who believed that he was the successor; but it was all just rumor. No one from the Administration ever said, "He applied for your job; he was going to get your job." In fact, I had a conversation with Mr. Cammarano some months before, who told me that he would not get my job.

ASSEMBLYWOMAN SCHEPISI: Okay.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

MR. McKENNA: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Mr. McKenna.

SENATOR WEINBERG: Thank you.

We would now like to call Pete Cammarano.

Is Mr. Cammarano in the room? (no response)

I'm assuming that somebody is reaching out to Mr. Cammarano to say we're waiting for him.

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike)
He's on his way, Senator.

SENATOR WEINBERG: Okay; just before we begin, we did agree that the meeting would adjourn at 4 p.m.; for your edification, too, Mr. Cammarano. I'm not sure that we can keep to that; but we don't want to go much beyond that, unless we're in the middle of a sentence.

So we are going to begin. I don't know that we will complete it today; our next meeting is January 8.

P E T E C A M M A R A N O: Okay.

SENATOR WEINBERG: So we might be keeping you under oath and call back at that point--

MR. CAMMARANO: Okay.

SENATOR WEINBERG: --so that we don't go too late today, okay?

So thank you, Mr. Cammarano, for being so quickly available at that address that-- Mr. Critchley didn't know 225 West State Street -- where that was. But it's quite close.

Do you have any kind of a prepared statement?

MR. CAMMARANO: Yes, I do; and I'll be very brief.

SENATOR WEINBERG: Okay; but before you do, I'm going to swear you in, if that's okay.

MR. CAMMARANO: Okay.

SENATOR WEINBERG: Do you mind standing, please?

Oh, pardon me; I forget. The OLS-- You can sit down while the directions are being read to you. (laughter)

Thank you.

MS. WOZUNK (Committee Aide): Good afternoon.

Are you accompanied by an attorney today?

MR. CAMMARANO: I am.

MS. WOZUNK: Your testimony is being recorded, that it may be transcribed for the Committee, and it may be used in other proceedings.

Do you understand that?

MR. CAMMARANO: I do.

MS. WOZUNK: Please note all of your responses should be verbal; we cannot record a head shake or a nod. If you do not understand a question, please ask for clarification. Otherwise, the Committee will assume that you understand the question, and that your answers are responsive to that question.

Do you understand those directions?

MR. CAMMARANO: I do.

MS. WOZUNK: Mr. Cammarano, do you understand that if the statements you make today are willfully false, if you fail to answer a pertinent question, or if you commit perjury, you may be subject to penalties under the law?

MR. CAMMARANO: I do.

MS. WOZUNK: Do you understand that you have certain rights under the Code of Fair Procedure, including the right to have your Counsel submit proposed questions on your behalf?

MR. CAMMARANO: I do.

MS. WOZUNK: Does your Counsel have any questions to submit today?

CHRISTOPHER S. PORRINO, Esq.: No, not at this time.

MS. WOZUNK: You are entitled to a copy of the transcript of your testimony, at your expense, when such copy is available.

Do you understand that?

MR. CAMMARANO: I do.

MS. WOZUNK: You have the right to file a brief, sworn statement relevant to your testimony, for the record, at the conclusion of your appearance today.

Do you understand that?

MR. CAMMARANO: I do.

MS. WOZUNK: Before the Committee proceeds with the oath, do you have any questions?

MR. CAMMARANO: I do not.

SENATOR WEINBERG: Okay, thank you.

Now if you would stand, please.

Mr. Cammarano, raise your right hand, please.

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. CAMMARANO: I do.

SENATOR WEINBERG: Please have a seat.

And if you want to proceed with your opening comments, we'd be pleased to hear you now.

MR. CAMMARANO: Thank you.

Good afternoon.

My name is Pete Mr. Cammarano, and I serve as Chief of Staff to Governor Murphy.

Thank you to the Committee Chairs, Weinberg and Pintor Marin; Vice Chairs Corrado and Muñoz; and members of the Committee for allowing me to make this statement to assist the Committee in its reform efforts.

I'd like to begin my testimony by offering my sincere sympathies to Ms. Brennan. I admire her courage to speak out for herself, but also for so many others who have experienced the traumas of sexual assault.

I have no personal knowledge of what happened on the night of April 8, 2017; and most of what I know about Ms. Brennan's allegations I've learned recently through news accounts and Ms. Brennan's testimony.

I'm happy to offer testimony on the issues for which I have personal knowledge.

I have devoted much of my public career to public service, including positions with Senator Frank Lautenberg and Governor Richard Codey. I first began working with Governor Murphy shortly before the November 2018 general election, as an unpaid volunteer working on the Transition, offering assistance during the whirlwind of activity as the Governor-elect set up his new Administration.

The Governor had offered me a full-time position as his Chief of Staff, which I have accepted with honor.

It was during the Transition that I first learned that Al Alvarez had been accused of sexually assaulting someone. Specifically, on approximately December 1, 2017, I had a conversation with the Transition's outside counsel and Justin Braz who, at the time, was an aide for the Transition. Mr. Braz said that someone associated with the Transition had accused Mr. Alvarez of sexually assaulting her. He said that Mr. Alvarez might be arrested, and he thought that the Transition should know.

We asked Justin to share the name of the alleged victim, but Justin informed us he was not authorized to divulge her name. We, of course, respected the victim's privacy in her decision not to be identified.

It was also my understanding, at the time, that the victim did not know Justin was sharing this information with us, and she did not authorize his disclosure.

I thanked Justin for coming forward. After Justin left the office, Transition Counsel said he would need to consider how to handle the situation.

Not long after that, either later that day or the next day, Justin came back and told me that Mr. Alvarez would not be criminally charged after all. I again thanked him for the information. The head of Governor Murphy's Transition, and the Transition's outside legal counsel, and I discussed the situation. At that time, we did not know who the victim was, and it was our outstanding that the victim did not want us to know about her allegations. We had also been told the Prosecutor declined to charge Mr. Alvarez.

The Transition's outside legal counsel said he would perform a special background check on Mr. Alvarez to see if anything came up. The background check came back clean.

Counsel told us that we should take action to assure that Mr. Alvarez was not in a position to retaliate against the victim, whomever she might be, by limiting his hiring responsibilities and his ability to reject any résumés submitted to the Transition by anyone who could be the alleged victim.

Counsel also advised us not to speak to Mr. Alvarez about the matter, and to keep the matter confidential and not share the information with anyone else.

The next time I recall hearing of allegations against Al Alvarez was on March 26, 2018, when the Governor's Chief Counsel, Matthew Platkin, told me he had met with Ms. Brennan the day before and she told him that she had been sexually assaulted by Mr. Alvarez during the campaign.

This was the first time that I had heard that Katie Brennan was the person assaulted by Mr. Alvarez. Mr. Platkin said he was referring the

matter to Heather Taylor, the Chief Ethics Officer for the Governor's Office.

Mr. Platkin informed me of the confidentiality requirements and the State EEO rules, and thus advised me not to report the allegations to anyone else, including the Governor.

Based on the information that we had, Mr. Platkin and I decided that Mr. Alvarez should be asked to leave State government. I therefore asked Mr. Alvarez to come to my office in Trenton on March 26, 2018. I told him he had been accused of sexual assault, and that he should make arrangements to leave his State employment at the Schools Development Authority where he was working as Chief of Staff.

Mr. Alvarez adamantly denied the allegations; became teary-eyed and emotional. But I believe he fully understood my instructions that he was to leave State service. That was the last time I interacted with Mr. Alvarez.

Prior to the *Wall Street Journal's* inquiries in October of 2018, at no time did I speak to the Governor concerning the allegations against Mr. Alvarez. As I described, I was advised by two different lawyers at two different times that there are confidentiality requirements concerning the victim's allegations.

To the best of my knowledge, no one ever told the Governor. When the Governor and First Lady were informed of what Ms. Brennan said she had suffered through, I was present. That was on October 2, 2018, immediately after the *Wall Street Journal's* inquiry. They were both blindsided and completely shocked.

I'd like to reiterate my gratitude to the Committee for allowing me to begin my testimony with a short statement; and I am happy to answer any questions you may have.

SENATOR WEINBERG: Thank you very much, Mr. Cammarano; and thank you for coming here willingly. We appreciate that.

MR. CAMMARANO: Thank you.

SENATOR WEINBERG: Would you please tell us what your involvement with, and what role you played, in the Transition Team?

MR. CAMMARANO: As I mentioned in my statement, I was an unpaid volunteer during the Transition.

SENATOR WEINBERG: Beginning when, about?

MR. CAMMARANO: Probably mid-- It's hard to say, officially. Obviously, right after the election day; a little bit before unofficially. Probably mid-October; somewhere in there.

SENATOR WEINBERG: Okay; and you were just an advisor.

MR. CAMMARANO: Yes, I was an unpaid advisor. Later on I became the Chief of Staff-designee. But again, I continued to serve as an unpaid volunteer during the Transition.

SENATOR WEINBERG: And what are your responsibilities as Chief of Staff?

MR. CAMMARANO: During the Transition, or now?

SENATOR WEINBERG: No, when you became Chief of Staff.

MR. CAMMARANO: The Chief of Staff-- I am responsible for the day-to-day operations of the Governor's Office, as well as the day-to-day operations of our Cabinet departments, working with the Cabinet members, and advising the Governor.

SENATOR WEINBERG: Okay. And at some point Mr. Braz -- who reported to you during both Transition and now in the government, correct?

MR. CAMMARANO: Correct.

SENATOR WEINBERG: Okay; he came to you and he told you that Al Alvarez was accused of sexual assault; but he did not divulge the name of the victim. Is that correct?

MR. CAMMARANO: That's correct.

SENATOR WEINBERG: And about what timeline was that again?

MR. CAMMARANO: Around December 1.

SENATOR WEINBERG: Of 2017.

MR. CAMMARANO: Of 2017; correct.

SENATOR WEINBERG: Okay. And you then had-- It was soon following that, that you had a meeting with the Transition Counsel and the Governor's Chief Counsel?

MR. CAMMARANO: The Transition Counsel was present during my conversation with Mr. Braz.

SENATOR WEINBERG: He was in the room with you--

MR. CAMMARANO: Correct.

SENATOR WEINBERG: --when you spoke?

MR. CAMMARANO: Correct.

SENATOR WEINBERG: Okay. And he -- what was his advice?

MR. CAMMARANO: He indicated, after we spoke and after Justin left the room, that he needed to look into how we should handle the matter.

SENATOR WEINBERG: And when did he get back to you as to how you should handle the matter?

MR. CAMMARANO: The next conversation we had was after we learned that Mr. Alvarez would not be charged.

SENATOR WEINBERG: And about when was that?

MR. CAMMARANO: It was either the same day or the next day.

SENATOR WEINBERG: So that was in December also.

MR. CAMMARANO: Correct.

SENATOR WEINBERG: Okay. So you knew in December that he was -- between the time you knew that he was accused of rape and the time you found out that he was not being charged, what was that time span?

MR. CAMMARANO: It was either that same afternoon or the following morning, if my memory is--

SENATOR WEINBERG: Okay, so all of that happened within 24 hours.

MR. CAMMARANO: Correct.

SENATOR WEINBERG: Okay; so Justin--

MR. CAMMARANO: Give or take; I don't want to say, specifically, 24; it could have been 30.

SENATOR WEINBERG: Okay; well, I'll quote Mr. Critchley, "We're not doing a memory test," but as near as you can remember.

MR. CAMMARANO: Good thing; I'd be in trouble.

SENATOR WEINBERG: Were you involved at all in the decision to hire Mr. Alvarez?

MR. CAMMARANO: I don't know. You know, there were a lot of people there we were trying to place in jobs. But I don't specifically remember being involved in that.

SENATOR WEINBERG: Did you have to sign off on the senior positions that were being filled in the new Administration?

MR. CAMMARANO: My principal function, as Chief of Staff designee, was really to establish the front office operation or the Governor's Office operation; you know, the various aspects within there. I was not day-to-day, as far as hiring in all the departments.

SENATOR WEINBERG: Okay; when did you find out Mr. Alvarez was actually being hired, almost simultaneously with the day the Governor took the oath of office?

MR. CAMMARANO: It was probably around that time I became aware of him, as well as many others who were hired at that time.

SENATOR WEINBERG: So in the short time between December something, when Justin Braz came to you and told you that Al Alvarez was accused of rape, and the next day you were told that he wasn't charged with anything; and then fast forward a couple of weeks -- he is now a top-level employee with the State of New Jersey. Was anything done in that few-week period to find out where these allegations came from, who the victim might have been, what the process should be? I mean, it seems like there was this kind of short length of time.

MR. CAMMARANO: Yes, I mean, that would have been handled by the Transition Counsel, the outside counsel for the Transition, as far as investigating the process, how we should handle it, or what we should do.

As far as the victim's name, I think Justin made it clear to us the first day that she did not want her name disclosed; and candidly, we respected -- greatly respected that wish.

SENATOR WEINBERG: So when did the Transition Counsel get back to you to tell you how you should handle this?

MR. CAMMARANO: There was a discussion shortly after, and I don't know the exact date, where he advised us -- it was after we found out Mr. Alvarez was not being charged -- he advised us that we should put steps in place -- because we didn't know who the victim was -- to ensure that Mr. Alvarez, in his role on the Transition, didn't have the hiring authority or the ability to dismiss a résumé for someone seeking employment. And we made it a blanket policy with him, because we didn't know who the victim could have been.

SENATOR WEINBERG: Well, what had Mr. Alvarez's title been with the Transition?

MR. CAMMARANO: I don't actually know that.

SENATOR WEINBERG: Did we receive testimony that he was the Deputy Executive Director in charge of Human Resources -- Personnel?

MR. CAMMARANO: It's very possible that was his title. I just don't know it off the top of my head.

SENATOR WEINBERG: So that was his function in Transition. So you put processes in place to make sure that he -- since you didn't know who the victim was--

MR. CAMMARANO: Correct.

SENATOR WEINBERG: --that he was not involved with any hirings from what date forward?

MR. CAMMARANO: I don't know exactly when; I believe it's when we learned of the allegation. That was handled by the Transition Counsel.

SENATOR WEINBERG: So was that memorialized someplace in his file, or in his--

MR. CAMMARANO: I don't know.

SENATOR WEINBERG: --personnel file?

MR. CAMMARANO: I don't know that.

SENATOR WEINBERG: Well, then, how was it implemented, or put into a policy that he was put into a position to never be able to hire anybody?

MR. CAMMARANO: It would have been handled through the Transition structure, through the Transition Director, and the Transition Counsel.

Again, my role was a little bit different in that I was really establishing the structure of the Governor's Office and working to form the Cabinet.

SENATOR WEINBERG: Well, by mid-January, he was an Administration employee--

MR. CAMMARANO: Correct.

SENATOR WEINBERG: --or an employee of the Schools Development Authority, correct?

MR. CAMMARANO: Correct; that is correct.

SENATOR WEINBERG: So did you find it necessary -- knowing what you knew, that he should be prevented from hiring anybody in the Transition -- that, perhaps, that should have been held over into the governmental responsibility?

MR. CAMMARANO: The role and the responsibility of that, because of that role, does not fall under the Chief of Staff of the Governor's Office. It falls under the Authorities--

SENATOR WEINBERG: Well--

MR. CAMMARANO: It's an Independent Authority; and then the Authorities report, as you probably are aware, to the Counsel's Office.

SENATOR WEINBERG: Well, I know it's an Authority; but the fact remains he got a job at that Authority -- although Mr. McKenna described it as *unique* -- not so unique, because Mr. McKenna got a job there in the same manner.

So I find it a little bit disturbing; I'm sorry, Pete, but if you have -- the head of Personnel for the Transition Committee has been prevented, somehow, from hiring anybody, I would assume that that takes -- should follow him in his personnel file when he became an employee -- an administrative employee.

MR. CAMMARANO: Again, I would say that I was following the advice of the Counsel on how to handle the situation, and that's what we did.

SENATOR WEINBERG: But is that what the Counsel told you -- that he should be prevented from hiring anyone?

MR. CAMMARANO: I think the concern was that we took-- Because we didn't know who the victim was, and we knew that they could be involved in the Transition, we just wanted to make sure that that individual was treated fairly and not put in a position where they were being--

SENATOR WEINBERG: But you also didn't know whether that person was going to be hired by the Administration, if you didn't know who it was.

MR. CAMMARANO: We did not; we did not.

SENATOR WEINBERG: So wouldn't that have had to follow Mr. Alvarez in his file?

MR. CAMMARANO: I'm not a personnel attorney; I don't know the answer to that.

SENATOR WEINBERG: Okay. Do you know where it is -- you said in the EEO policies that you were advised not to tell the Governor or anybody else?

MR. CAMMARANO: Correct.

SENATOR WEINBERG: Is that correct?

MR. CAMMARANO: Yes.

SENATOR WEINBERG: And what EEO policy was quoted to you in that respect? Or what -- I'm not asking a paragraph number -- but the idea; what was--

MR. CAMMARANO: Again, I'm not an attorney, so I'm not going to quote policies or interpret them.

SENATOR WEINBERG: Well, how did the Transition Counsel interpret it to you?

MR. CAMMARANO: The Transition Counsel instructed us that it was a confidential matter and we should not disclose it to anybody.

SENATOR WEINBERG: Okay; did you ask him, specifically, if you could disclose it to the Governor?

MR. CAMMARANO: I don't remember if I did or not.

SENATOR WEINBERG: Did you ask the Transition Counsel if you could disclose it to the Governor?

MR. CAMMARANO: I don't remember if I did or not. Either way, the answer was we could not disclose it to anybody.

SENATOR WEINBERG: Okay.

But there's something missing here; I'm sorry if I'm sounding a little dense about this. You have an employee-- There is an employee -- not *your* employee; a Transition employee -- in charge of-- Deputy Director in Charge of Personnel, who's just been informed that he may not be-- Or was he informed? Let me put it that way. Did somebody tell Mr. Alvarez, "You no longer can be in charge hiring anybody"?

MR. CAMMARANO: I don't know if that was implemented, because I was not involved in that.

SENATOR WEINBERG: Who was involved in that?

MR. CAMMARANO: I believe the Transition Counsel handled that.

SENATOR WEINBERG: Did you follow up? I mean, you were in the meeting where you were told this. Did you follow up about that?

MR. CAMMARANO: I would not have been-- Again, my role, during the Transition, was putting together the structure in the Governor's Office. It was not the overall Transition structure. That fell to the Transition Director and the Transition Counsel.

SENATOR WEINBERG: Who was the Transition Counsel at that time?

MR. CAMMARANO: Raj Pirikh.

SENATOR WEINBERG: With--

MR. CAMMARANO: With Genova Burns.

SENATOR WEINBERG: Okay; so that's the same Transition Counsel whose letter we have, correct? Okay.

So you sat in at a meeting where you were told that Mr. Alvarez may not be in charge of hiring. You had to make a blanket hire ban, because you didn't know who the victim was.

MR. CAMMARANO: Correct.

SENATOR WEINBERG: But nobody followed through to find out if that followed, just--

MR. CAMMARANO: No, I--

SENATOR WEINBERG: --a week or two later, to Mr. Alvarez's position in the new Administration?

MR. CAMMARANO: I am not sure I follow your question.

SENATOR WEINBERG: Well, did anybody, then, tell Mr. Alvarez, "You may not be in charge of hiring anybody when you are now working in the Murphy Administration"?

MR. CAMMARANO: I'm not sure whether or not the Chief of Staff at the Schools Development Authority has hiring authority. I don't know the answer to that.

SENATOR WEINBERG: So do you know the answer as to whether or not anybody told Mr. Alvarez that he may not be in charge of any hiring?

MR. CAMMARANO: I do not know the answer to that.

SENATOR WEINBERG: Okay. Do you know whether anybody suggested that this go into Mr. Alvarez's personnel file -- the ban on hiring?

MR. CAMMARANO: I do not know that.

SENATOR WEINBERG: Okay. Who would have been in charge of following through on that?

MR. CAMMARANO: Again, we had referred it to the Transition Counsel to--

SENATOR WEINBERG: Well, you're no longer-- The place I'm at, you're now the Administration; past Transition.

MR. CAMMARANO: So I'm not quite sure I understand your question.

SENATOR WEINBERG: Well, Mr. Alvarez is hired, either the day of or the day after the Governor took the oath of office.

MR. CAMMARANO: Okay.

SENATOR WEINBERG: A pretty quick and early hire in a new Administration, if I have the timeline straight.

MR. CAMMARANO: Okay.

SENATOR WEINBERG: Somebody has been hired who has been banned in the Transition Committee from being in charge of hiring anybody. I think that's the testimony that -- well, that's what was shared with you as the course of action by the Transition Counsel.

MR. CAMMARANO: Okay. I---

SENATOR WEINBERG: Okay. Now, we have a new employee, probably one of the first employees, of the new Administration. He has been banned; does that ban follow him from his Transition period? Or nobody followed through to find that out?

MR. CAMMARANO: I don't know the answer. I will tell you that there were, probably, hundreds of people who started their State employment that day.

SENATOR WEINBERG: Okay.

MR. CAMMARANO: You know, we had worked through Transition; so the day after inauguration, some even the day of inauguration, there were people starting in every Department in State government who had been interviewed and lined up to report to work that day. So there were many people, actually, hired that day.

SENATOR WEINBERG: So of those being hired that day, were you aware of who they were? Did you ever see a list of those employees to be hired that day?

MR. CAMMARANO: There were some I may have been aware of, and there were many I was not aware of -- who went where. It was a very chaotic and fast-paced environment. And again, outside of the Governor's Office, it was sort of-- I mean, there were some I was aware of

outside the Governor's Office, but my purview was really, strictly, setting up the Governor's Office.

SENATOR WEINBERG: Okay; so who made those decisions of those hundreds of employees who came to work on--

MR. CAMMARANO: There was a process set up, and there were decisions made throughout the Transition, through interviews, reviewing résumés, sending them over to Departments for people to know. In some cases, the incoming Commissioners played a role. It was a very varied structure.

SENATOR WEINBERG: Okay. So the process was set up through the Transition Committee; is that correct?

MR. CAMMARANO: Most of the screening, interviewing, hiring was handled through the Transition at that point. And then people, on the day Governor Murphy was sworn in or the following day, would report to whatever office they were going to; very similar to other transitions.

SENATOR WEINBERG: Okay. So, you know, I get that. It's chaotic, it's fast-paced. But there are hundreds of people who were told to report some place the day of the swearing in, the day after, that first week of the new Administration. Somebody issued paperwork to tell them that they have been employed. I'm assuming they want to know what their title is, what their salary is.

MR. CAMMARANO: Well, all of that stuff was handled through the Transition Executive Director's Office. The paperwork, the packet, the background vetting that was done was all handled through the Transition Executive Director's staff and office, outside of my purview.

SENATOR WEINBERG: And the Transition Director was Jose Lozano, correct?

MR. CAMMARANO: That's correct.

SENATOR WEINBERG: And the Deputy Executive Director in charge of personnel was Al Alvarez. Is the correct?

MR. CAMMARANO: That is correct.

SENATOR WEINBERG: Okay; at some point in December, Mr. Alvarez was stripped of any hiring authority. Is that correct?

MR. CAMMARANO: That is my understanding; correct.

SENATOR WEINBERG: Okay. But you do not know whether anybody told this to Mr. Alvarez or if it was put in his personnel file.

MR. CAMMARANO: It is my understanding that that was handled by the Transition Counsel.

SENATOR WEINBERG: Okay. And now Mr. Alvarez becomes an employee on the day of the inauguration, or the day after, correct?

MR. CAMMARANO: Some time around there. I'm not sure of the exact day.

SENATOR WEINBERG: Okay; so does the Transition Counsel have any more role to play?

MR. CAMMARANO: He does not.

SENATOR WEINBERG: Okay

MR. CAMMARANO: He does not.

SENATOR WEINBERG: So we now have Mr. Alvarez, who has been accused of rape; who has been stripped of his hiring authority, based upon the testimony we just received; who is now working as the Chief

of Staff in the Schools Development Authority. But the Director of that Authority, based upon his prior testimony, has not been told.

That was a question, Pete; I'm sorry.

MR. CAMMARANO: Okay.

SENATOR WEINBERG: It had a question mark after it.

MR. CAMMARANO: I have to assume -- I don't know if he had been-- I'm assuming he hadn't been told at that point.

SENATOR WEINBERG: All right. I know this is all hindsight, and I realize it was a chaotic kind of upheaval. But if somebody had this unique situation to look at again, would you suggest that maybe we needed some paperwork follow-up, or some process, here? I mean, to me this is kind of astounding, really. I did not know that Mr. Alvarez was banned from hiring, and yet there was no follow-through. Should there not have been a process, or some kind of follow-up, or something in his personnel file?

If you were looking at this again today, from hindsight, would that have happened?

MR. CAMMARANO: Majority Leader, let me just tell you. I just want to-- My answer is really-- I'm not sure if it happened, because it wasn't my role. So I wouldn't want to say, definitively, that it didn't happen; but I'm not sure.

SENATOR WEINBERG: Well, when you say *it*, what do you mean?

MR. CAMMARANO: The follow-up or any of the--

SENATOR WEINBERG: The recommendation of the Counsel?

MR. CAMMARANO: Correct.

Now, to your question on hindsight -- there are a lot of times I think through this process, and I think about could we have done -- could I have done anything different; could I have moved in one way or not, to improve the system, to improve it? There probably are some things that I could have done differently; but I also think there are some issues for the Committee to look at. I think there are issues that, hopefully, the Verniero report will identify -- even Mamta Patel -- that may have been viewed as barriers, to a degree; or maybe people didn't feel they had the latitude they needed. I think those recommendations-- In my opening statement, I talked about looking forward to talking to the Committee in your reform efforts. And it is my hope that that's exactly where we get to go so that we're not in this situation again.

SENATOR WEINBERG: Well, with that I certainly agree. And I understand -- I put my question in terms of *hindsight*, and I know most of us in many situations might do things differently with hindsight.

But I think there are some basic processes here that nobody seemed to be in charge of; sort of, you know, floated between Transition to the actual government.

But based upon what you told us, hundreds of people were hired. So there had to be some process; these people didn't just all converge in their departments by magic.

MR. CAMMARANO: You're right. There was a process. Résumés were gathered and streamlined.

I tell you this -- but I will tell you that it's not something that I was in charge of. It goes back to the Transition Executive Director, and his staff, and his purview.

So there was a process; there were people who screened them; there were people who identified where people wanted to go, which Departments they wanted to be considered for; and then there were interview processes set up beyond that. So there were processes in place.

SENATOR WEINBERG: Right; but I would assume we didn't have many employees who were accused of rape, or many potential employees who were accused of rape. That's a rhetorical question, obviously.

So when this came to your attention, it was something pretty unusual about this set of circumstances.

MR. CAMMARANO: It was; it was unusual and serious.

SENATOR WEINBERG: And who told you that no charges were filed?

MR. CAMMARANO: It was, again, brought to me by Justin Braz later; either that day or the following day.

SENATOR WEINBERG: Okay. So you are dealing, then, with an employee -- to be fair -- who didn't have a potential employee who didn't have any charges filed against him; but on the recommendation from Counsel should not have been in any kind of a position where he could be in charge of personnel actions. That's an unusual set of circumstances.

MR. CAMMARANO: I think there was, somewhat, a little bit of caution there, in that we didn't really know. We had second-hand information from Mr. Braz, which we had no reason to doubt. It wasn't

information we had gotten through official channels; so, you know, I think there was some concern that even if there weren't charges we wanted to make sure that whoever the victim was, she was not put in a situation where she could be treated differently by someone.

SENATOR WEINBERG: So you erred on the side -- or the Counsel for the Transition erred on the side of caution.

MR. CAMMARANO: I think that was his goal; but I can't speak for him.

SENATOR WEINBERG: Okay; so we're not sure if anybody followed through on that advice into the Administration.

MR. CAMMARANO: Again, I don't know the answer to that--

SENATOR WEINBERG: Okay.

MR. CAMMARANO: --whether or not it was.

SENATOR WEINBERG: I'm going to switch gears a little bit, and I just have a couple more questions.

MR. CAMMARANO: Sure.

SENATOR WEINBERG: And this really does involve policies more so.

I sit on the Judiciary Committee. And I am honored to sit there, along with one or two other members of this Committee. And we have -- we are presented with applications from Judicial -- potential Judicial personnel; some non-Judicial personnel; and some who we don't even interview, but require advice and consent.

Those applications ask questions like, "Are you under investigation? Have you paid your taxes?" Do we have any kind of applications like that in State employment that are used in the Governor's

Office? I mean, these are pretty intrusive questions, and they are questions that the Judiciary Committee feels it needs an answer to before it can vote on those issues.

Do you know what the application process is, or what it was under Transition, and what it is now?

MR. CAMMARANO: There was an application during Transition, but I honestly do not know what questions are asked on it.

SENATOR WEINBERG: And now?

MR. CAMMARANO: We do have an application process in the Governor's Office; but again, I'm not -- we have a Human Resource area that handles all that, and I don't know what the application looks like.

SENATOR WEINBERG: Okay; I'd appreciate if we could get those -- copies of those documents.

Okay; I have no further questions.

MR. CAMMARANO: Thank you.

ASSEMBLYWOMAN ELIANA PINTOR MARIN (Co-Chair):

Good afternoon, Mr. Cammarano.

MR. CAMMARANO: Good afternoon.

ASSEMBLYWOMAN PINTOR MARIN: Just a few questions.

I know that you stated that your responsibility was mostly to set up the front office and the Cabinet positions, correct?

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN PINTOR MARIN: But you worked in conjunction with Jose Lozano, correct?

MR. CAMMARANO: I did.

ASSEMBLYWOMAN PINTOR MARIN: As part of the Transition Team.

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN PINTOR MARIN: So when Mr. McKenna stated that he received a text message saying that his Chief of Staff would be Mr. Alvarez, did Mr. Lozano, at any point, communicate to you that maybe some of these leadership roles -- even if they weren't part of the front office, but that they were -- as part of the Authority, or no?

MR. CAMMARANO: I'm having a little bit of a hard time hearing you.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So you worked in conjunction with Mr. Lozano.

MR. CAMMARANO: Right.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Lozano is the one who told Mr. McKenna who his Chief of Staff was going to be. And I know that you said you were going to be working mostly on the front office staffing and the Cabinet members. But did, at any point, Mr. Lozano let you know that Mr. Alvarez was chosen to be the Chief of Staff to the SDA?

MR. CAMMARANO: There were times where I would know that, and there were times where I wouldn't, just by virtue of the way we were going. So I don't know the answer to that.

ASSEMBLYWOMAN PINTOR MARIN: Okay. The reason why-- I think it's along the lines of what Senator Weinberg was asking. We're just trying to figure out if someone, who might have had a question in their background-- Not that it came up in a background check that you stated was done. But just some -- a question with regards to something that

had happened. And I understand that even though you were told that he was cleared, you still had some concerns, and the Counsel did as well.

Did you think that, maybe, in putting this person as a high-level position -- as a Chief of Staff to the SDA -- it could come back to be problematic?

MR. CAMMARANO: I don't know the answer. I mean, Mr. Alvarez was not somebody I knew very well. I think I had met him two or three times.

ASSEMBLYWOMAN PINTOR MARIN: And when you met with -- in your opening statement, when you met with Mr. Alvarez and, obviously, he was upset, did you give him a timeline for when he needed to leave?

MR. CAMMARANO: I did not.

ASSEMBLYWOMAN PINTOR MARIN: Was that the suggestion of the attorney; or do you think that that was just better for the Administration?

MR. CAMMARANO: It was just me suggesting to him that he needed to leave State government, based on what we had learned.

ASSEMBLYWOMAN PINTOR MARIN: Were you in the position that you would have been able to fire him if you so felt that that needed to happen?

MR. CAMMARANO: It's not very clear -- it's not very common for a Chief of Staff in a Department or in an Authority to get called into the Governor's Chief of Staff Office. I think, in the year I've been here, it may have only happened twice; and once being this case. So

it's an unusual circumstance; and I think it was pretty clear, and I believe Mr. Alvarez understood exactly what I was telling him.

ASSEMBLYWOMAN PINTOR MARIN: Did anyone contact you or the Governor's Office with regards to -- that this person was being potentially investigated for sexual assault?

MR. CAMMARANO: In regards to what?

ASSEMBLYWOMAN PINTOR MARIN: The Prosecutor's Office, anyone?

MR. CAMMARANO: Not that I'm aware of.

ASSEMBLYWOMAN PINTOR MARIN: So you're still not sure who made the ultimate decision that Mr. Alvarez should go. We know that Mr. Lozano was the one who told Mr. McKenna that he was going to be going there, but you don't know who officially signed off on Mr. Alvarez's application?

MR. CAMMARANO: I don't.

ASSEMBLYWOMAN PINTOR MARIN: Is that typical? Even if it's for an Authority?

MR. CAMMARANO: In a normal circumstance today, no, not at all. In the context of a transition, where you are literally going from zero to 70 in a relatively short period of time, and you're hiring hundreds of people to start State government all at the same time, it does happen. It is quite possible, you know, that it happens.

ASSEMBLYWOMAN PINTOR MARIN: And when you did learn, in your statement, that it was Katie Brennan; and then you, obviously, had put two and two together that it was Mr. Alvarez -- at that point, was there even a bigger red flag in the fact that you have two people

working under the same Administration, and that it could possibly get toxic?

MR. CAMMARANO: It was a concern. I do not know Katie Brennan; I think I met her once, and that was after she had been hired. I stopped in the conference room in our office when I saw a meeting going on with Chuck Richman, who, at the time, I believe, had just moved over to HMFA. Chuck and I have known each other a long time, so I stopped in to say “hi” to him. And I was introduced to Ms. Brennan, and I believe that’s the only time I ever met her. So in her case, it didn’t really ring a bell. But it did put pieces together, which is why I called him over to my office.

ASSEMBLYWOMAN PINTOR MARIN: At that point, when you had put the pieces together, and you said that it could potentially be a problem, did you think, maybe, to escalate it; that, maybe, the Governor should know?

MR. CAMMARANO: Throughout the -- both in the Transition and throughout this process, when I was informed by Mr. Platkin about his conversation with Ms. Brennan, I was advised that I should not tell anyone, including the Governor.

ASSEMBLYWOMAN PINTOR MARIN: Who advised you?

MR. CAMMARANO: The Chief Counsel.

ASSEMBLYWOMAN PINTOR MARIN: Were you aware, Mr. Cammarano, that besides you and Chief Counsel, that there were more people who knew of the situation -- besides Justin, obviously. So Justin, Matt Platkin; did you know Parimal Garg knew?

MR. CAMMARANO: I did not.

ASSEMBLYWOMAN PINTOR MARIN: Heather Taylor?

MR. CAMMARANO: I knew from Mr. Platkin, obviously, once I heard from him; the conversation I had with Justin during Transition. I was not aware that Parimal Garg was aware.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Obviously, then, when the *Wall Street Journal* contacted the front office about this information, I am sure -- I don't want to say *entered panicked mode*; but now, it's like, "Oh, my God, we should have told the Governor." Was that one of your instincts? I'm not saying that it's right or wrong. I think you-- (Indiscernible) it could have, maybe, had a different effect.

MR. CAMMARANO: I have to follow the advice that I get from my legal counsel.

ASSEMBLYWOMAN PINTOR MARIN: Fair.

MR. CAMMARANO: And--

ASSEMBLYWOMAN PINTOR MARIN: That's fair.

MR. CAMMARANO: --you know, I'm not an attorney. And it is very often I don't understand advice -- not just this legal counsel, or any legal counsel gives me -- because, to me, something may seem very logical. But if they're telling me not to do it, there has to be a legal reason for it. And I have to assume that they're giving me accurate advice, which I believe they believed they were.

Did I-- Yes; I mean, there were times where I wished I had told the Governor.

ASSEMBLYWOMAN PINTOR MARIN: And I'm sure, probably in their view -- whether it was the Transition or, at that point -- because this person was cleared, I'm sure you also had some concerns of--

MR. CAMMARANO: I'm sorry.

ASSEMBLYWOMAN PINTOR MARIN: No, I'm saying I'm sure that, in their view, because this person was "cleared" of any wrongdoing, based on what Hudson County came up with -- I'm sure that it also could have possibly presented a problem in the hiring process.

MR. CAMMARANO: I'm not sure I understand that.

ASSEMBLYWOMAN PINTOR MARIN: If he was cleared -- correct? -- and even though you did -- the Transition Counsel made sure that he wasn't in charge to be able to hire anyone, it was also difficult, at the same time, because you wanted to protect whoever, potentially, could have been the victim; but also making sure that, legally, you also did the right thing in not moving -- in continuing to move forward with Mr. Alvarez as is.

MR. CAMMARANO: I assume that was a factor, and was considered in their legal advice. That would make sense.

ASSEMBLYWOMAN PINTOR MARIN: And did you ever have any conversations with Mr. Alvarez again after that one time?

MR. CAMMARANO: I did not.

ASSEMBLYWOMAN PINTOR MARIN: Were you aware how long he was still working after you had that initial conversation with him?

MR. CAMMARANO: I was not aware until then, I guess, in June when we learned.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. CAMMARANO: I think it was June I became aware of that.

ASSEMBLYWOMAN PINTOR MARIN: And were you aware that Mr. Platkin had the conversation with Mr. McKenna?

MR. CAMMARANO: I don't remember if I was aware of that.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. CAMMARANO: I was not a part of that.

ASSEMBLYWOMAN PINTOR MARIN: Were you surprised that he was still working there, when you did--

MR. CAMMARANO: I was.

ASSEMBLYWOMAN PINTOR MARIN: Do you think that General Counsel should have had advised this person, maybe, earlier to-- If they were advised to look for another position, maybe have set a timeline that this person should have separated themselves or gotten another job?

MR. CAMMARANO: I'm not going to speculate on what they were thinking, or what they would have done. I can't.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

MR. CAMMARANO: Thank you.

SENATOR WEINBERG: If I may, Mr. Cammarano, I'd like to get into the period in June--

MR. CAMMARANO: Okay.

SENATOR WEINBERG: --when Katie Brennan texted the Governor because she didn't feel that anything had been done.

When were you aware of that text? Did the Governor speak to you at all about having received a text saying, "We want to -- I'd like to meet with you and the First Lady about a sensitive matter"?

MR. CAMMARANO: Are you talking about the e-mail?

SENATOR WEINBERG: It was an e-mail, yes. I'm sorry, not a text; e-mail.

MR. CAMMARANO: I was aware of it. I do not believe the Governor informed me of it. I think I was told of it by Matt Platkin. But I did not -- I was not copied on it, nor was I aware of the full contents at the time.

SENATOR WEINBERG: Okay, so did you and Mr. Platkin have a discussion on why Katie Brennan was reaching out directly to the Governor?

MR. CAMMARANO: I don't believe we did. I think Mr. Platkin, as Chief Counsel, handled that matter.

SENATOR WEINBERG: Okay. And very soon thereafter, within a couple of days, the attorney to the campaign -- we're now dealing with a different attorney, Washington D.C. attorneys -- reached out to Ms. Brennan. Were you aware that somehow the Transition -- I'm sorry -- the campaign attorney was called and told to contact her?

MR. CAMMARANO: I do not believe I was. Again, I was not part of the Murphy campaign. I didn't have much interaction with the folks from the campaign,

SENATOR WEINBERG: Okay, but this was June in the new Administration.

MR. CAMMARANO: Correct; I understand. My point is, I didn't -- I wouldn't interact with the attorneys from the campaign.

SENATOR WEINBERG: Okay, so you don't know who instructed the campaign attorney to call her.

MR. CAMMARANO: I do not.

SENATOR WEINBERG: Okay. So then I'll just ask the question to get on the record: You also wouldn't know who told the campaign attorney what this was in reference to, because according to Ms. Brennan she didn't tell the campaign attorney. He began the conversation knowing full well what the reach-out was about. So I know that's a complex question.

MR. CAMMARANO: Yes; I do not know the answer to that.

SENATOR WEINBERG: Okay, all right.

Senator Ruiz.

SENATOR RUIZ: Thank you, Chairwomen.

Thank you, Pete, for your willingness.

And I apologize in advance if I weave in between timeframes. And if there's ever a point of clarification, I'll be glad to try and make myself clear.

I think in some part of the conversation -- whether it was in your opening statement or in response to either of the Chairwomen's questions -- there was -- and I'm just going to summarize -- that there were, kind of, actions put in place, or that were referred to you by an attorney, of what Mr. Alvarez should or should not do, right? Some kind of parameters.

MR. CAMMARANO: Correct.

SENATOR RUIZ: Is that correct?

MR. CAMMARANO: That is correct.

SENATOR RUIZ: When you were having this conversation with the outside attorney, just for clarification -- and someone can check me, because I can't follow all these names -- that conversation was had with Raj?

MR. CAMMARANO: You're talking during the Transition?

SENATOR RUIZ: I'm not sure when you had the conversation with the attorney who tells you-- Do they tell you or you just get told that Alvarez should have, kind of, a structured framework?

MR. CAMMARANO: It was told to us after the fact, is my recollection. It was more, "We did this."

SENATOR RUIZ: And who told you that?

MR. CAMMARANO: That would be Raj Parikh.

SENATOR RUIZ: Raj did tell you that; okay.

MR. CAMMARANO: Correct.

SENATOR RUIZ: During this timeframe, when you're having these conversations with Raj-- Because now this is Administration time, I guess, when you're having these conversations, right? -- pretty much, maybe?

MR. CAMMARANO: Well, we wouldn't have Administration conversations with the Transition attorney.

SENATOR RUIZ: Okay; so this is before January.

MR. CAMMARANO: Correct.

SENATOR RUIZ: Is Matt Platkin in these conversations?

MR. CAMMARANO: I don't remember.

SENATOR RUIZ: Okay. I don't know if it's common practice, but I would think that if there is any conversation with an attorney seeking some type of legal opinion, that, perhaps, some written documentation would be provided just in an effort to protect any entity that's seeking that type of counsel. Are you aware of any of that documentation being provided?

MR. CAMMARANO: I am not aware.

SENATOR RUIZ: Okay.

MR. CAMMARANO: And again, it wouldn't -- I was not--

SENATOR RUIZ: It wouldn't have gone to you.

MR. CAMMARANO: Yes, it wouldn't have gone to me.

SENATOR RUIZ: I know; I know that.

MR. CAMMARANO: I was not the Executive Director

SENATOR RUIZ: It wouldn't have gone to you. I'm just asking, since some conversations were relayed to you--

MR. CAMMARANO: Correct, correct.

SENATOR RUIZ: --and others were not.

There's a kind of concept that -- and this was told to you -- that there was a mechanism put in place that would infringe on Alvarez's hiring abilities, as per the recommendation of the attorney. Transition time -- you're notified of this. So there was something done; at least there was an attempt to do something then.

When you are informed of the alleged incident, why wasn't there that same type of a need to do something? Did it not dawn on anyone who worked in the front office that two people would be working alongside of each other -- not physically in the same building, but part of the same Administration -- and that something should be done so that the woman who availed herself and said that -- I would suspect she may have used words like, "I am uncomfortable" -- that there would be a framework in place, the same way a framework was given during the Transition time?

MR. CAMMARANO: I guess I would say it would be difficult in that, at that time -- I think we're talking about a timeframe where we did not know who the victim was.

SENATOR RUIZ: No, I'm talking about when you do know; when you find out. You're chief of Staff, and you're made aware-- When are you made aware of the incident?

MR. CAMMARANO: In March.

SENATOR RUIZ: In March. So at that point, was there not, like, a convening of just upper level staffers to say, "Hold up; you know, we have a member of our team who doesn't feel good about this"?

MR. CAMMARANO: The only conversation that I had was with Mr. Alvarez--

SENATOR RUIZ: About asking him to leave.

MR. CAMMARANO: Correct.

SENATOR RUIZ: And so that's in March; and as we know, he doesn't leave until--

MR. CAMMARANO: Correct.

SENATOR RUIZ: When does he-- Where is the disconnect between that March conversation and when he actually leaves? I mean, you're the Chief of Staff, and you're making this recommendation. I don't understand that level of dysfunction that takes six, seven months for it to come to a close.

MR. CAMMARANO: It's something I look back on, and try and figure out, you know, why did that happen? And I don't have the answer to it.

We have a lot, as you know, that we deal with on a daily basis.

SENATOR RUIZ: Right.

MR. CAMMARANO: And I'm not making an excuse.

SENATOR RUIZ: Right.

MR. CAMMARANO: You know, we're talking about a time when we were formulating budget and all. So this is not something we interacted with on a daily basis. When I tell you that that was the last interaction I had with him, it was also, probably, the first. Maybe one other time I interacted with Mr. Alvarez in the whole window. So you're talking about two or three interactions in that time period all together, from Transition all the way through.

SENATOR RUIZ: Thank you.

Are you aware of Matt's text -- or the call to Charlie's office, to have him, then, repeat the same conversation that you had in March, in June?

MR. CAMMARANO: I was not aware of that.

SENATOR RUIZ: You were not aware of that?

MR. CAMMARANO: I was not aware.

SENATOR RUIZ: Okay.

Do you guys get together on a weekly basis to discuss, like, employment; like, top level. Obviously, we have -- we employ a lot of people. But I'm just curious as to what conversations are had just so that -- in an effort of moving forward. That things are like -- that are finished--

MR. CAMMARANO: Sure.

SENATOR RUIZ: --and closed.

MR. CAMMARANO: The Chief Counsel and I meet frequently, if not daily, several times daily, to discuss a number of issues.

As far as employment -- when you get down to the agency level-- This was an Authority; it falls under the Authority's Unit within the Counsel's Office. So the employment issues there would funnel up through the Authority's Counsel.

SENATOR RUIZ: And I know you answered this question before. You were advised not to tell the Governor.

MR. CAMMARANO: Correct.

SENATOR RUIZ: Did you think it was important to, maybe, tell him?

MR. CAMMARANO: There were times I thought we should.

SENATOR RUIZ: I appreciate your honesty.

I'm just going to close up with a series of -- and you probably have not seen any of these, but we were provided some e-mails. And a lot of information was redacted; and you're not on any of this, but I just want you to be aware of, kind of, what's happening.

It's hard, as a Committee member, kind of, to understand all these moving pieces of an Administration that's supposed to function cohesively, right? And I know it's new, and there are a lot of moving pieces, and a lot of different people are in charge of things. But there has to be one centralized point of where, you know, action or reaction gets disseminated.

So these--

MR. CRITCHLEY (Committee Special Counsel): Senator?

SENATOR RUIZ: Yes?

MR. CRITCHLEY: For the record, could you just give us the last three numbers on the docket you're referring to?

SENATOR RUIZ: So I'm going to start -- 285; and I think they work that way. I don't know if that's enough time.

Attorney Porrino, do you need to--

MR. PORRINO: I have it.

SENATOR RUIZ: And I'm not sure that Pete is going to be able to -- because he's not included in any of these -- but I want to ask you who some of these people are; and that perhaps you should know.

So January 8. The Governor takes office what date?

MR. CAMMARANO: What's that?

SENATOR RUIZ: When does the Governor take office?

MR. CAMMARANO: I would say January 16; but I don't remember.

SENATOR RUIZ: Oh, so this is still in the Transition phase.

MR. CAMMARANO: Yes.

SENATOR RUIZ: But it's-- Now they're referring to personnel as *Governor-elect*. So I think, at some point, now the Transition team has switched over to, maybe, Governor-elect staff. When were you hired as the Chief of Staff? I'm sorry; that was asked before.

MR. CAMMARANO: So I was actually formally hired as Chief of Staff the day the Governor was sworn in.

SENATOR RUIZ: When did you start functioning as the Chief of Staff?

MR. CAMMARANO: You know, I don't remember the exact date. I believe they announced it in early December--

SENATOR RUIZ: Okay; so--

MR. CAMMARANO: --or maybe before.

SENATOR RUIZ: So these e-mails--

MR. CAMMARANO: It may have been before.

SENATOR RUIZ: Okay, so the reason why I ask that is because this pre-dates him actually taking official office; but it's in that kind of weird phase where it's Governor-elect, Transition, Administration.

MR. CAMMARANO: Yes.

SENATOR RUIZ: So there's the e-mail on 285; and I'm not going to read the whole thing, but who is David Miller? Is he still employed; do you know who this person is?

MR. CAMMARANO: David Miller is not still employed. He was employed in the Governor's Counsel Office, but he's not anymore.

SENATOR RUIZ: So it's to Raj, who we know is the outside attorney; and there is some Margaret Leuzarder, who is CC'd. I don't who she is.

MR. PORRINO: Senator, 283?

SENATOR RUIZ: No, 285

MR. CAMMARANO: Margaret-- I'm not sure who that is.

SENATOR RUIZ: Okay.

So anyway, the point -- and I don't want to read the whole e-mail -- is, the subject is Re: Vetting. The attorney gets asked about updates over the weekend; and they're still missing a lot of information on what appears to be a running list of personnel who is getting vetted for employment.

MR. CAMMARANO: Correct.

SENATOR RUIZ: We get a bunch of charts that are redacted; the only name that's listed is Mr. Al Alvarez, probably because of the question that we asked; it was only pertinent to him, right?

The reason why I bring this up, it would be -- not that we want to know everyone else on here; but maybe, at some point, through the attorneys and the Chairs, if we could just get Employee A, Employee B -- I don't care what the names are -- because it sheds some context now-- In 284, January 8, same kind of things, same chart. We only see Mr. Alvarez's name. Then there's the attorney to Dave Miller, updated, green lights.

So from the tenor of the conversation, it sounds like -- and I'm not asking you to say "yes" or "no" on this -- but it sounds like they're going over a chart, and people have been vetted, and this is where potentially they're going to go, etc.

And then, on January 11, Al Alvarez responds to the e-mail, "Copy of staff to Department list; updated staff to Department list. Here you go."

And so I'm not sure -- and I'm not an attorney -- but it seems like, perhaps, that policy decision of not weighing in on hires was not conveyed to him. And I'm not sure how much he was weighing in on policy decisions, as far as hiring.

MR. CAMMARANO: I'm not sure I could answer that, given the role. I would say the Transition Counsel would probably have to deal with that. But I don't believe, at that point, he had any hiring authority.

SENATOR RUIZ: Okay.

Thank you, Chair; and thank you.

SENATOR WEINBERG: Okay.

Assemblywoman Muñoz.

ASSEMBLYWOMAN NANCY F. MUÑOZ (Co-Vice Chair): Thank you.

Thank you, Mr. Cammarano.

I want to start just by saying that one thing that you just said that really struck me was -- you said, "We had a lot to deal with, and so some of the things that were important sort of-- You almost made it sound like this wasn't really critically important.

MR. CAMMARANO: No, no, no. I would not want you to take that and walk away with that--

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. CAMMARANO: --impression at all. I mean, we took it pretty seriously. It was handled by the counsel, the legal counsel, throughout; both during Transition, and then it kicked over right away, including to our Chief Ethics Officer, who would handle complaints of this type in the Governor's Office.

ASSEMBLYWOMAN MUÑOZ: Okay; because I just--

MR. CAMMARANO: No,

ASSEMBLYWOMAN MUÑOZ: That is one thing that you-- I wrote it down as you said it, and I just wanted to-- Because, you know, as Mr. Critchley said, this is a really serious matter.

MR. CAMMARANO: It's an incredibly serious matter.

ASSEMBLYWOMAN MUÑOZ: Incredibly, incredibly serious.

And I also wanted to follow up on what Senator Weinberg was talking about. You write that you *limited* his hiring responsibilities. And I just want to be clear -- and again with Senator Ruiz -- what is the date that

you said he could no longer do the hiring? Because, again, as Senator Weinberg said, you didn't know who that person was; and he was in charge of hiring. And so *limiting* his hiring -- is that an absolute end to his hiring in the Transition?

MR. CAMMARANO: I did not indicate that I said we were limiting.

ASSEMBLYWOMAN MUÑOZ: Oh, the senior--

MR. CAMMARANO: It was handled by the Transition Counsel.

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. CAMMARANO: We were instructed -- we were informed that that's what they had done. Maybe it doesn't read the same, or it's not clear.

ASSEMBLYWOMAN MUÑOZ: Well, this is your written statement.

MR. CAMMARANO: But we did take steps to do that.

As far as hiring authority -- I don't believe the Transition Deputy of Personnel had hiring authority throughout the process.

ASSEMBLYWOMAN MUÑOZ: But do we have a date when you said he could not-- Because that -- we've been told that that was his job in Transition. So then -- now you're saying that it was *limited*. Are you telling us that there was a date when you told him that he could no longer have authority to hire?

MR. CAMMARANO: No; no, I am telling you that it would have been handled by the Transition Counsel. So I would not know when and how that was handled, but that's where it would have been handled.

And again, I was not the Executive Director of the Transition; I was the incoming Chief of Staff. So my prime focus was, really, establishing the Governor's Office and the Cabinet.

ASSEMBLYWOMAN MUÑOZ: You were told, I believe, in December, that there was an allegation, correct?

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN MUÑOZ: And you were not yet hired.

MR. CAMMARANO: Correct; I was a volunteer.

ASSEMBLYWOMAN MUÑOZ: Right. And you were told, along with Raj -- may I call him Raj?

MR. CAMMARANO: Sure.

ASSEMBLYWOMAN MUÑOZ: Raj Parikh--

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN MUÑOZ: Is that his last name?

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN MUÑOZ: Was there any decision by the two of you, jointly, or he, as Counsel, to investigate this allegation further? Or did you simply take these allegations as a statement, and then -- what did you do after you were told this?

MR. CAMMARANO: We-- He was looking into what we should do. It was handled by the Counsel.

It was a difficult situation, for a number of reasons. We were not aware of who the victim was; we were under the belief -- based on what we were told -- that the victim did not authorize the disclosure to us at the time.

ASSEMBLYWOMAN MUÑOZ: Of her name?

MR. CAMMARANO: Of her name, or even any information. It wasn't clear to us, but we believed that Mr. Braz brought it to our attention -- but was not authorized to do so -- because he felt we needed to know it.

ASSEMBLYWOMAN MUÑOZ: He told you it was an alleged rape, though?

MR. CAMMARANO: He couched it as a *sexual assault*.

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. CAMMARANO: And then there are other factors there. So it's difficult to investigate situations like that when you don't even know who the victim is.

ASSEMBLYWOMAN MUÑOZ: But you knew--

MR. CAMMARANO: However, we did-- The Transition Counsel did take it to look into how it should be dealt with. So it wasn't just pushed aside; it was handled through the attorney.

ASSEMBLYWOMAN MUÑOZ: Well, we all have that e-mail, where he-- And one of the suggestions was to leave it alone and let's see how it played out. I believe that--

MR. CAMMARANO: I don't know what e-mail you're talking about.

ASSEMBLYWOMAN MUÑOZ: Who has that e-mail? We don't have it?

I have it here, but we can-- I'll find it. It's amongst these--

SENATOR WEINBERG: It's the e-mail from Raj--

ASSEMBLYWOMAN MUÑOZ: Yes, exactly.

MR. CAMMARANO: We never saw that.

ASSEMBLYWOMAN MUÑOZ: And it states that, you know, we have three options. I don't have it right in front of me.

MR. CAMMARANO: I don't believe that's an e-mail I've seen.

ASSEMBLYWOMAN MUÑOZ: I have it right here, but I just have to find it, so--

SENATOR WEINBERG: Assemblywoman, hold on one moment. We'll get the docket number.

ASSEMBLYWOMAN MUÑOZ: Yes.

So the other thing is -- and let me just be clear, that--

(reads from e-mail)

“So there are three options; one is discussing the situation privately with *A*” -- which would be Mr. Alvarez, obviously -- and advising that he must recuse himself from any matters involving *her*. The other is keeping *him* in the dark, but monitoring” -- it goes onto page 2, and I'm not very good with laptops -- “monitoring the hiring process closely for the Departments in which *she* applies for a job; or remove those from his plate. And finally, we could do nothing and let everything play out and simply prepare for reactionary issues.”

MR. CAMMARANO: Assemblywoman, this is the first time I'm seeing this memo.

ASSEMBLYWOMAN MUÑOZ: This is from Raj.

MR. CAMMARANO: Again, because I was not the Transition Executive Director, or in that, I may not have seen that; or he may not have. But this is the first I'm seeing that.

ASSEMBLYWOMAN MUÑOZ: Do you think it's an appropriate-- I mean, do you think that is an appropriate response, to do nothing, considering the seriousness of this allegation?

MR. CAMMARANO: I don't believe that was the response that was taken. But having not read the memo--

ASSEMBLYWOMAN MUÑOZ: Okay; we'll make sure that you get a copy of that.

MR. CAMMARANO: Sure.

ASSEMBLYWOMAN MUÑOZ: Because you were with Raj when he was -- when the both of you, when the two of you were told--

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN MUÑOZ: --in December. So at that point, you could have, you know-- Do you have a discussion with him about what you should do in regards to this matter?

MR. CAMMARANO: The discussion was around how do we handle this matter; and he indicated that he was going to look into it, as the attorney, and he would let us know.

But again, it's really an issue on the overall Transition, and maybe not necessarily something that would fall into my purview.

Justin reported to me during the Transition, which is why I think he brought it to me.

ASSEMBLYWOMAN MUÑOZ: I'm having a hard time hearing you.

Yes; well, okay. So that was on December 3, just so you know. And it's from Raj to, I think, it's three -- must be other attorneys.

MR. CAMMARANO: Yes, I have not seen that.

ASSEMBLYWOMAN MUÑOZ: Okay. Well, we can make sure that you see it. You'll get a copy of that.

What did you or Counsel do, following this, to make sure that proper procedures were in place to handle these kinds of allegations? I mean, this was a serious allegation. Now, you're still in Transition; now, on January 16, you are the Chief of Staff. And I know that we have policies and procedures in place. But did you do anything within your job to make sure that these policies and procedures were followed?

MR. CAMMARANO: The policies and procedures in place, in the Governor's Office and government in general, are much more thorough and much more clear. During Transition, I do know -- and again, I was not in charge of the Transition -- but I do know we all received harassment training, we all received ethics training, and other training. Once I took over in government, there is a very clear reporting process and a very clear pattern of how incidents get reported, in a confidential manner at times. So everybody in the Governor's Office has been trained, both on harassment and conduct; as well as ethics.

ASSEMBLYWOMAN MUÑOZ: When you talk about *in a confidential manner* -- so when you were told this, and you were told that the woman didn't want her name named, did you consider that you couldn't do anything further at that point because you didn't have her name?

MR. CAMMARANO: No, I don't think that's what we did at all. I think we looked to the attorney for legal guidance on what we could and couldn't do.

When I said in a *confidential manner*, I was referring to the process we have now within the Governor's Office, where an employee can

go to our Ethics Officer, who would handle that confidentially. And even me, as Chief of Staff, would not be informed of that until they deemed there was an appropriate time for that. And that's to give the employee a sense of confidentiality, and a protection for that employee who may come forward with an issue.

ASSEMBLYWOMAN MUÑOZ: But then, in March, when you did learn that it was Katie Brennan, did that trigger a response from you or your office into investigating this issue?

Because now you are -- she's an employee, you're an employee, everyone's an employee -- who we're talking about.

MR. CAMMARANO: When Mr.--

ASSEMBLYWOMAN MUÑOZ: And you now know her name.

MR. CAMMARANO: When Mr. Platkin informed me of his conversation with Ms. Brennan the night before, he also informed me that he had referred it to our Ethics Officer to be investigated as an EEO case.

ASSEMBLYWOMAN MUÑOZ: And she told us, in her testimony, that because she wasn't, at that time, an employee of the State, that they couldn't handle the situation.

But now you have three employees -- we have two employees who, as Senator Ruiz said, are working closely together. Did it ever-- You know, he was an at-will employee. Did you ever think that you should fire him?

MR. CAMMARANO: I thought my language to Mr. Alvarez, on March 26, was pretty clear. And those of us who have been in Trenton for a long time do understand that when the Chief of Staff tells you, "You need to look for employment outside of State government," the message is

clear. And judging from his reaction at the time, and his conversation back and forth, he understood what I was saying.

ASSEMBLYWOMAN MUÑOZ: However, it didn't happen.

MR. CAMMARANO: It did not. I did not fire him, if that's what you're asking.

ASSEMBLYWOMAN MUÑOZ: Nobody fired him.

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN MUÑOZ: So you say it's clear-- I mean, I've been here for 10 years; and the public fires me by not reelecting me. But you know, you say it was *clear*, and yet nobody fired him,

MR. CAMMARANO: It was--

ASSEMBLYWOMAN MUÑOZ: Do you think that's a problem?

MR. CAMMARANO: I'm not sure I understand.

ASSEMBLYWOMAN MUÑOZ: Well, I mean, as we have already discussed, it was six months from the-- Well, five to six months from the time he was told to seek other employment, new employment outside of government, look for something; disconnect yourself -- however the phrasing was -- to disconnect yourself from government. Which means the language is, "Look for another job." Six months go by; we have -- Mr. McKenna leaves, Ms. Delgado Polanco becomes the Executive Director; and yet, it wasn't until the *Wall Street Journal* article that he leaves.

I mean, so I guess -- was it really clear that he should -- that he was being asked to leave?

MR. CAMMARANO: On the day that I met with him, it was pretty clear.

ASSEMBLYWOMAN MUÑOZ: What day was that?

MR. CAMMARANO: It was clear on the day that I met with him.

ASSEMBLYWOMAN MUÑOZ: What day was that?

MR. CAMMARANO: On March 26.

ASSEMBLYWOMAN MUÑOZ: So March until October; so that's seven months later. Is that really -- was it really clear?

MR. CAMMARANO: What I was saying to him was very clear.

ASSEMBLYWOMAN MUÑOZ: So why didn't you fire him?

MR. CAMMARANO: It's a difficult conversation to have; but the message was there -- that he needed to leave State government. And you can sit here -- I sit here all the time and say, "You know, if there was something I would have done different, it would have been to make sure he was gone." I did not have another conversation with Mr. Alvarez after that.

ASSEMBLYWOMAN MUÑOZ: You never had another conversation?

MR. CAMMARANO: I did not.

ASSEMBLYWOMAN MUÑOZ: So when did you find out that he left -- separated himself from government? When the *Wall Street Journal* article came out?

MR. CAMMARANO: I found out that he separated from government when we were informed that, I believe -- I'm not sure how -- that he had resigned.

ASSEMBLYWOMAN MUÑOZ: It seems to me that this is an important issue -- that, you know, you say the people in government are

clear; seven months later, you say, that person is still there. And it's such a serious issue that we would put it to the very top level, because it's a criminal -- it's an accusation of a crime.

He doesn't leave; he's not asked to leave. And you didn't feel like you should tell the Governor. And you've never felt like you should tell the Governor this?

MR. CAMMARANO: The issue-- It was an accusation that we were aware had been investigated; and the Prosecutor's Office, originally, in Hudson, had chosen not to proceed. So it was an accusation; but we were also aware it had been investigated by law enforcement.

It doesn't change the severity of the accusation, but it does become a factor.

ASSEMBLYWOMAN MUÑOZ: Okay. Well, you know, I think these are some serious questions that we're trying to get to the bottom of.

MR. CAMMARANO: Sure.

ASSEMBLYWOMAN MUÑOZ: And I think that we probably have to do a better job. When you say that the person is *clear*, what the message is -- that perhaps the message needs to be made *more* clear. You know, seven months later, and still being in the same job -- I don't think he got the message.

Thank you.

SENATOR WEINBERG: Okay; we agreed that we were going to end at 4 p.m.; it's now 3:53 p.m.

Assemblywoman DeCroce, hopefully, you can ask a question now.

ASSEMBLYWOMAN DeCROCE: I'm going to be quick.

SENATOR WEINBERG: Ending means that, hopefully, with Mr. Cammarano's cooperation, we will reconvene on January 8; and continue with the order of witnesses that we led out, starting with Mr. Cammarano, who will still be under oath, except when it comes to his going home, (laughter) at which point you're released from the oath.

But go ahead, Assemblywoman.

MR. CAMMARANO: I'll let that one go without comment.

ASSEMBLYWOMAN DeCROCE: I'm just going to drill down a little bit more to that timetable in March.

MR. CAMMARANO: Okay.

ASSEMBLYWOMAN DeCROCE: So on March 26, when you asked Mr. Alvarez to come into your office and you spoke to him -- correct?

Okay; so you made it clear, "You need to separate employment from the State of New Jersey--

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN DeCROCE: --and I am Chief of Staff to the Governor, and you need to understand this." He was an at-will employee?

MR. CAMMARANO: Correct.

ASSEMBLYWOMAN DeCROCE: Okay. So let's fast-forward now to March 26. Mr. Platkin and Mr. Alvarez came to your office, okay? So now let's-- On the 26th. But why on June 6 did you-- Were you aware that Mr. Platkin called Mr. McKenna and again told him to tell Mr. Alvarez to separate, to look for another job? Why was that call made? Why did Mr. Platkin call Mr. McKenna, when you already gave that direct message?

Were you aware that Mr. Platkin called Mr. McKenna and reiterated something that was from March, in June?

MR. CAMMARANO: I don't remember if I was aware. But I do want to be clear, on March 26 it was only Mr. Alvarez and myself. Mr. Platkin wasn't there; I think you stated he was.

ASSEMBLYWOMAN DeCROCE: Okay, I apologize.

MR. CAMMARANO: No, it's fine. I just wanted to clear that up.

ASSEMBLYWOMAN DeCROCE: But there was a point in time when Mr. Platkin became involved and made that call to Mr. McKenna.

MR. CAMMARANO: There is.

ASSEMBLYWOMAN DeCROCE: And that's where I'm confused; because March 26 was -- that was it. And then June 6, there was another call made by a different person, who reports to you, saying, "You've got to look for a job," and that didn't even happen until October. And I think it's -- that is what's very bothersome to all of us.

MR. CAMMARANO: No, I understand that; I do. But I don't know the answer to your question.

ASSEMBLYWOMAN DeCROCE: Okay.

MR. CAMMARANO: That's something that Mr. Platkin will probably have to--

ASSEMBLYWOMAN DeCROCE: Okay, thank you very much.

MR. CAMMARANO: Thank you.

SENATOR WEINBERG: Okay, thank you, everybody; thank you for your patience.

I wish everybody -- odd circumstances, but I wish everybody a happy holiday; a safe, happy, and healthy New Year.

And we appreciate your patience, Mr. Cammarano.

Thank you all.

MR. PORRINO: Thank you.

(MEETING CONCLUDED)