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STATE OF NEW YORK
COMMISSION ON PUBLIC INTEGRITY

IN THE MATTER OF AN INVESTIGATION
INTO THE ALLEGED MISUSE OF RESOURCES
OF THE DIVISION OF STATE POLICE

STENOGRAPHIC MINUTES OF SWORN TESTIMONY
conducted of MARLENE TURNER, held on the 17th day of
October, 2007 at the offices of NEW YORK STATE ETHICS
COMMISSION, Alfred E. Smith Building, 80 South Swan
Street, Suite 1147, Albany, New York, commencing at
2:50 p.m., before Diane Daly-Gage, a Shorthand
Reporter and Notary Public in and for the State of New
York.

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EXHIBITS

COMMISSION'S EXHIBIT NO.		PAGE
110	E-mail dated 4/30/07 at 2:53 p.m. to Catesby Perrin.....	23
111	E-mail dated 6/27/2007 at 2:56 p.m. to Suzanne Brackett.....	34

P-R-O-C-E-E-D-I-N-G-S

MARLENE TURNER,

(having been first duly sworn by the Notary
Public, was examined and testified as
Follows:)

EXAMINATION

BY MS. TOOHER:

Q Just state your full name for the record, please.

A Marlene Turner.

Q And you're here voluntarily today; is that correct?

A Yes.

Q And you're represented by counsel?

A Yes, I am.

MS. TOOHER: Would YOU state your
appearance for the record?

MR. FITZPATRICK: Thomas Fitzpatrick.

BY MS. TOOHER:

Q And Ms. Turner, where are you employed?

A At the Governor's Office of New York State.

Q And what is your position?

A Chief of Staff.

Q And how long have you been employed there?

A Since January 1.

Q And what are your duties?

1 A Well, I know the title sounds very exalted, but it's
2 not. I basically oversee the administration of the
3 New York City office and the Albany office.

4 Q And what are your responsibilities concerning
5 executive travel?

6 A I actually am the person who signs -- to whom
7 requests for aircraft come. To whom requests for
8 aircraft would come and who actually authorizes by
9 signature the use of the aircraft.

10 Q And when you say "the aircraft, what--

11 A -- state aircraft.

12 Q And who's custody is the state aircraft in?

13 A The state troopers. It's their Aviation Unit.

14 Q And who comes to you to utilize the aircraft?

15 A Well, comes to me, obviously, I arrange the
16 Governor's travel. So I'm the one who comes to me
17 for that. The Lieutenant Governor, it would be
18 either through his, I guess, his advance person or
19 his chief of staff. And the only other person who
20 has ever come to me for use of the aircraft is
21 Senator Bruno and that would be through a woman
22 named Leslie in his office.

23 Q And do you know what Leslie's position is in his
24 office?

1 A You know, I honestly don't. I'm sorry.

2 Q And how does a request for the aircraft get put in?

3 A Leslie would call and say that she's going to be
4 sending a request by fax and that would be it.

5 Q And what information does she send to you when she
6 makes a request?

7 A She just tells me -- does she send me...

8 Q Does she provide you any information?

9 A Well, she has to. There is a form. I actually
10 when -- I should correct myself.

11 When she calls, I send her an aircraft request
12 form that is then filled out and returned to me.

13 Q And does she provide you any other documentation
14 when she fills out the form?

15 A That's it.

16 Q And what type of information is on the form?

17 A I believe it says where they are requesting to leave
18 from and to fly to and there is a clause that asks
19 to describe the state business, the government
20 business, I'm not sure of the phrasing, I'm sorry,
21 that will be conducted during the hours of departure
22 and return.

23 Q And is any information provided concerning what
24 business is conducted?

1 A As far as Senator Bruno's, I think his just said
2 State Legislative business or something to that
3 effect.

4 Q Is there any schedule provided by Senator Bruno?

5 A No.

6 Q And what do you do with that request?

7 A I initial it and I send it to the Aviation Unit,
8 which is the formality of accessing the plane.

9 Q The Aviation Unit with the state police?

10 A With the state police. Exactly.

11 Q And do they provide you any additional information,
12 the state police?

13 A You know, it's funny. I'm trying to think of where
14 the tail number and the pilots' names come in. I
15 think it probably comes on the Aviation Unit form.
16 So there is that information, just having to do with
17 the airplane or the aircraft.

18 Q And do you have any further contact with the request
19 once you provide it to the state police?

20 A No.

21 Q Do you have anything further to do with the
22 scheduling and use of the state aircraft after you
23 send a request to the state police?

24 A No, unless there was a change that I would

1 communicate, but I don't recall there ever been a
2 change.

3 Q And by "change," you mean the individual using the
4 plane, if they change--

5 A -- I mean if they were flying to a different city or
6 not returning at the hour they thought they were
7 going to return at, I would advise Avation.

8 Q And what do you do as far as FOIL in the Executive
9 Chamber? Do you have any contact with FOIL
10 requests?

11 A Only when there is a FOIL request I may be asked to
12 produce documents, but that's it. I would get that
13 from Counsel, a request from Counsel's Office.

14 Q Who do know who in Counsel's Office handles the FOIL
15 requests?

16 A Mriya Treisman. M-R-I-Y-A, T-R-E-I-S-M-A-N.

17 Q And are you responsible for the Governor's
18 scheduling?

19 A I am. I'm not his scheduler, but I oversee his
20 scheduling.

21 Q And do you provide the Governor's schedules to the
22 public at all?

23 A When -- no. I mean they're not disseminated.

24 Q And do you provide them to the Press office?

1 A Maybe there have been a few times when they've asked
2 to see, you know, a day or two from his schedule.
3 But, yeah, I would share them. I mean they're
4 public within the agency.

5 Q Are there different schedules? Are there public and
6 private schedules for the Governor?

7 A No.

8 Q There's just one schedule?

9 A Hum-hum.

10 MR. FITZPATRICK: You probably have to
11 answer for the record, yes or no.

12 Q Yes, you do have to speak so she can get it.

13 A I'm sorry. Yes.

14 Q And are you familiar with Darren Dopp?

15 A Yes.

16 Q And how do you know Mr. Dopp?

17 A I worked with Mr. Dopp at the Attorney General's
18 Office. That's when I first met him.

19 Q And how long have you known him?

20 A Nine years.

21 Q And you worked with him at the Executive Chamber as
22 well?

23 A Yes.

24 Q And is Mr. Dopp still employed at the Executive

1 Chamber?

2 A No.

3 Q And what was your understanding of his role in the
4 Executive Chamber?

5 A He was Director of Communications. I'm not sure if
6 that was his exact title, but he oversaw
7 Communications.

8 Q And did you interact with him on a regular basis?

9 A Yes.

10 Q Daily, weekly?

11 A I would see him when I was in Albany. That was it.

12 Q And how often are you in Albany?

13 A During Legislative session, two or three days a
14 week. Out of Legislative session, rarely. When the
15 Governor is here, generally.

16 Q And what about Bill Howard, do you know Bill Howard
17 at all?

18 A I do.

19 Q And how do you know Mr. Howard?

20 A From working at the Executive Chamber.

21 Q And what are your interactions with Mr. Howard?

22 A He was actually a great resource for just procedural
23 information. He had worked for Governor Pataki and
24 so he knew quite a bit about administrative matters.

1 Q And did you ever have discussions with Mr. Howard
2 about the use of the state airplane?

3 A I don't know if was about use of the state airplane,
4 but I did have discussion with him about how to
5 compute reimbursement or computing of income for use
6 of the state aircraft.

7 Q And when did you have that conversation with him,
8 roughly?

9 A I want to say maybe April. I honestly am not
10 certain.

11 Q You mentioned a little earlier the certification on
12 the state airplane form. Is that something new?

13 A The certification by the person requesting use?

14 Q Yes.

15 A Yes, that was new.

16 Q And how did that come about?

17 A I was the person to authorize state aircraft. It
18 concerned me that if someone outside of the Governor
19 or Lieutenant Governor, both of whose entire
20 schedules we would have, if someone else requested
21 an airplane, it occurred to me that we should have
22 some sense that, in fact, they are traveling on
23 state business. And so I devised a form that had
24 the requester certify that whatever they stated as

1 the business was, in fact, accurate.

2 Q And this form--

3 A -- and the passengers and whatever information was
4 on the form.

5 Q Did you devise this form yourself or did you do it
6 in the consult with other people?

7 A I probably did the first run at it, but certainly
8 showed it to Counsel's Office.

9 Q And who did you show it to in Counsel's Office?

10 A I assume it was David Nocenti. That's my
11 recollection. N-O-C-E-N-T-I.

12 Q And did you discuss this form with Bill Howard at
13 all?

14 A Not that I recall. No.

15 Q And do you recall having a meeting with Mr. Howard
16 and Walt Teppo with the state police concerning the
17 use of the aircraft?

18 A Not concerning the use. I remember meeting
19 Mr. Teppo and his delivering to me a whole document
20 of aircraft facilities throughout the state.

21 Q Do you know what kind of aircraft?

22 A I don't know, I have to tell you. You know what, I
23 probably haven't looked at it since -- I don't know.
24 Maybe I met Mr. Teppo in February. But it was just,

1 I think, technical data about where the planes --
2 where the planes are serviced. I honestly don't
3 even remember. But it was more about technical use
4 of the airplane than anything else, and who the
5 pilots were, who I should call with questions about
6 logistical or technical. I never spoke to Mr. Teppo
7 again. Perhaps I should have for some reason, but I
8 didn't.

9 Q And when you spoke to Mr. Teppo, Mr. Howard was
10 present?

11 A I believe so. Yeah, I believe so.

12 Q And did Bill Howard ever discuss with you Senator
13 Bruno's use of the craft?

14 A No.

15 Q And did he make any mention of Senator Bruno when
16 you met with Mr. Teppo?

17 A Not that I recall. No.

18 Q And when you changed the form, when you devised the
19 form, you didn't discuss that with Bill Howard at
20 all?

21 A Honestly, I don't remember his being involved at
22 all.

23 Q And do you remember discussing it with Rich Baum?

24 MR. TEITELBAUM: B-A-U-M.

1 A Yes.

2 Q And what was your discussions with Mr. Baum?

3 A I think just showing him my draft as I showed it to
4 Mr. Nocenti.

5 Q And did he say anything to you about that?

6 A At the end I can't recall what he said.

7 Q In sum or substance.

8 A I think he thought it was a good idea to have the
9 certification.

10 Q And did you have any discussions about how you would
11 implement that? Would you provide notice to anyone?

12 A I verbally told whoever -- well, the only person who
13 actually requested the airplane out of our Executive
14 Chamber was Mr. Bruno's office. And I verbally told
15 Leslie of his office that we did have a form and
16 sent her the form.

17 Q Did you tell her that you had modified the form?

18 A I'm sure I did. I'm sure I did. I probably said we
19 made some modifications.

20 Q Did you ever have a discussion with anyone about
21 requiring ground itineraries from Mr. Bruno or
22 anyone else using the form?

23 A No, not a ground itinerary. There was an idea to
24 ask for an attachment that would have an

1 hour-by-hour. But we ended up not using that.

2 Q And why not?

3 A Because I think it was, you know, we decided that
4 having the description of the business that they
5 were conducting and the certification by the user
6 were sufficient.

7 Q And when you say "we decided," who made that
8 decision?

9 A David, Richard and I.

10 Q David Nocenti, Richard Baum and yourself?

11 A Right.

12 Q And did Mr. Baum ever discuss with you a hesitancy
13 on the part of the Senate to provide any kind of
14 schedules?

15 A No.

16 Q And do you have any recollection of Mr. Baum
17 relaying to you a conversation he had with Ken
18 Riddett in the Senate?

19 A No.

20 MR. FITZPATRICK: Ken?

21 Q Riddett.

22 What are your standards for approving the
23 flight?

24 A It's very interesting. More than predominantly

1 state business. That was my standard.

2 Q And when you say "more than predominantly state
3 business..."

4 A You had to be going for state business. If there
5 was something personal or political that was
6 incidental or, you know, followed a whole day's
7 worth of state business, then that was fine.

8 Q How would you know that about Senator Bruno?

9 A I didn't. I only knew that when he filled out the
10 form that he was certifying that the business that
11 he was doing was Legislative business meetings. I
12 think that's the phrase that he used. And I
13 didn't -- and that's it. By his certification.

14 Q And where did you get the more state business
15 standard in your head, the predominate state
16 business?

17 A Just from my head. That I thought that was
18 appropriate.

19 Q Did you discuss that with anyone?

20 A I really don't think I did, to tell you the truth.
21 It just seemed common sense to me.

22 Q And did you have any discussions with anyone about
23 applying any kind of standard to the use of the
24 aircraft?

1 A No. I honestly don't think I did. I don't think it
2 was anything that ever came up as something to
3 question.

4 Q And did you ever use any other factors besides the
5 state business factor in evaluating use of the
6 aircraft?

7 A I did.

8 Q And what was that?

9 A If there was a -- for Lieutenant Governor I seem to
10 remember inquiring as to whether there were
11 alternative means of transportation.

12 Q So you would request some information about
13 alternative means of transportation?

14 A Yes.

15 Q And you did that only with the Lieutenant Governor?

16 A That's what I recall. Yes. And I did it internally
17 with myself for the Governor.

18 Q And did you do that with Senator Bruno at all?

19 A I did not.

20 Q And did you keep records concerning the use of state
21 aircraft?

22 A I kept the forms.

23 Q The certification forms?

24 A Hum-hum.

1 Q Did you keep the flight manifests?

2 A They're part of the form of the Aviation Unit's form.
3 They list the passengers on the plane.

4 Q So when the Aviation Unit gets the request from you,
5 they return the manifests?

6 A Hum-hum. They return the form. You know I
7 honestly, I think that as part of the request you're
8 asked who else is flying, who is flying with the
9 requester and then that gets incorporated into the
10 Aviation Unit's form, which has the actual manifest
11 on it.

12 Q And then they send that back to you?

13 A And then they send that back to me for my files.

14 Q And you keep all of this information on file?

15 A Hum-hum.

16 Q Is that kept in your office?

17 A Hum-hum. Yes.

18 Q And did you have other interactions with Mr. Howard
19 beyond, I think you mentioned, reimbursement or a
20 cost issue?

21 A As far as particular to Aviation?

22 Q Yes.

23 A You know, probably in the beginning when I met with
24 Mr. Teppo I did because I may have been trying to

1 get an understanding of how the aircraft was
2 requested and how to communicate to the state
3 troopers. I think I did, but honestly if you asked
4 me if I could swear on a stack of bibles that I had
5 a conversation, I can't.

6 Q You don't need you to swear on a stack of bibles.
7 Just under oath is fine.

8 A Okay.

9 Q And were you aware that Mr. Howard was inquiring
10 about the plane early on in the administration in
11 March?

12 A No, I wasn't.

13 Q And were you aware of Mr. Howard's contact with
14 Felton Preston in the state police about the state
15 aircraft?

16 A No, I was not.

17 Q There came a time Mr. Howard was with the prior
18 administration; is that correct?

19 A That's correct.

20 Q And there come a time when he was going to stay on
21 with the Spitzer administration?

22 A Yes.

23 Q Were you aware of those decisions?

24 A I was aware that the decision was made, sure, to

1 keep Bill Howard.

2 Q Did you speak with Mr. Howard about the decision at
3 all?

4 A I probably said how wonderful, how nice to have you.
5 I'm glad you're staying.

6 Q And beyond the conversation with Walt Teppo, had you
7 had discussions with Mr. Howard about Senator
8 Bruno's flights?

9 A No.

10 Q And did there come a time where you spoke with the
11 Governor about Senator Bruno's flights?

12 A Where I spoke with him?

13 Q Early in the administration.

14 A I don't think so.

15 Q Was there ever a discussion about the approval
16 process for Senator Bruno?

17 A With the Governor?

18 Q Yes.

19 A No.

20 Q Was there a discussion with Mr. Baum?

21 A I guess early on there was, you know, just letting
22 him know that Bruno had, I'm sure, the first
23 request, that there had been a request. Yes.

24 Q And when you would approve Mr. Bruno's flights, did

1 you discuss that with anyone else?

2 A I didn't discuss it, no.

3 Q Did you relate it to anyone else?

4 A Yes.

5 Q And who would you relate that to?

6 A To Rich Baum. And there may have been occasions
7 when I would've told the Governor that Mr. Bruno had
8 requested a flight.

9 Q And why would you relay that information to the
10 Governor?

11 A Just because. I mean honestly, just because no one
12 else ever requested flights and I thought he should
13 know when somebody else requested a flight, other
14 than someone in the Executive Chamber.

15 Q So did you do that from day one, January on?

16 A Well, I don't know -- I don't recall when the first
17 flight request was. I don't know that I would tell
18 him every time there was a request. If the request
19 came in and I walked through his office to give it
20 to the secretary to fax, I may have mentioned it to
21 him. I would say, I have a request from Bruno.

22 Q And you would let Mr. Baum know when you received a
23 request from Senator Bruno?

24 A Yes. I'm not sure in every instance, but certainly

1 early on I would let him know.

2 Q And how would you let him know?

3 A I would just say it, we have a request from Bruno
4 for the aircraft.

5 Q I'm going to show you what's been marked as
6 Commission's Exhibit 37, which appears to be an
7 e-mail from you to Richard Baum and Catesby Perrin.

8 A Yes.

9 Q Subject is helicopter request.

10 A Hum-hum.

11 Q Can you explain this document?

12 A I can. It was unusual because it was a request for
13 two days. That is, I had never had a request for
14 use of an airplane from Senator Bruno for anything
15 more than a one-day flight to New York City and back
16 to Albany. And I realized this was an overnight
17 stay and I thought it was unusual and that I should
18 bring it to his attention.

19 Q "His attention," being Richard Baum?

20 A To Richard's, and I also thought that the Governor
21 should know.

22 Q And who is Catesby Perrin?

23 A Catesby Perrin is now a law student. But at the
24 time he was the special assistant to the Governor,

1 who always traveled with the Governor.

2 Q And so you thought in bringing it to Mr. Perrin's
3 attention, you were letting the Governor know?

4 A Right. I just wanted Catesby -- honestly, I
5 honestly don't remember why I cc'd Catesby, other
6 than I cc'd him on many, many things that I sent
7 that I thought might come to the attention of the
8 Governor.

9 Q And did you get any response to this e-mail?

10 A Not -- as my recollection is, not immediately
11 because Rich did not always answer my e-mail's
12 immediately. They were not necessarily priority
13 e-mails.

14 (Commission's Exhibit 110, E-mail dated 4/30/07
15 at 2:53, was marked for identification.)

16 BY MS. TOOHER:

17 Q I'm showing you Commission's Exhibit 110. This is
18 an e-mail from you to Catesby Perrin, 4/30/2007 at
19 2:53 p.m. Can you explain this document?

20 A I believe I probably realized that Catesby wouldn't
21 know what I was talking about from the request --
22 from the e-mail to Rich, and I just wanted him to
23 have a heads-up why I was asking, because it was
24 unusual.

1 Q And that he should speak to the Governor about this?

2 A Just so that he would know. I mean in case I called
3 or wanted to explore it with the Governor.

4 Q I'm going to show you what's been marked as
5 Commission's 38.

6 A Yes.

7 Q Again, this is an e-mail from you to Richard Baum,
8 4/30/2007 now at 5:57 p.m.

9 A Right.

10 Q And the bottom tread in the e-mail you indicate from
11 your list is Bruno helicopter?

12 A Right.

13 Q And again, this was the flight that your earlier
14 e-mails reflect?

15 A Right.

16 Q And did you hear from Mr. Baum on this e-mail?

17 A I guess eventually I did. I guess I sent the first
18 one at 10:00 o'clock in the morning and this was at
19 6:00 o'clock in the evening. Just -- I mean I'm
20 reading it, so I'm asking Rich when we're going to
21 speak.

22 Q Can you tell me who Suzanne Brackett is?

23 A She is the secretary in the Executive Chamber in the
24 Governor's Office. She acts as the Governor's

1 secretary and my secretary.

2 Q And what are her functions in terms of, if any, in
3 terms of flight requests?

4 A She keeps the file, so she keeps the master file and
5 she would fax back and forth the request. She would
6 deliver the fax to me that was sent by Bruno's
7 office and then fax to the Aviation Unit and then
8 give me the Aviation Unit's form for me to sign and
9 she would send it back to the Aviation Unit.

10 Q I'm going to show you what's been marked as
11 Commission's Exhibit 39. It appears to be a string
12 of e-mails from you to Richard Baum.

13 A Yes.

14 Q Can you explain this document?

15 A I think I was trying to find out what both he and
16 the Governor thought about the two-day flight,
17 whether or not I should approve it.

18 Q And had you discussed it with him at that point?

19 A I guess I must've, just from the language of my
20 e-mail.

21 Q Do you remember what that conversation was?

22 A I don't. I don't.

23 Q And then later in the e-mail, "Eliot agrees we
24 should okay." Had you discussed it with the

1 Governor?

2 A It seems to me that I must have either discussed it
3 directly with him or either via Catesby, and I don't
4 know which.

5 Q And do you recall the outcome of that conversation?

6 A Yeah, that we would okay it.

7 Q You would okay Senator Bruno's flight?

8 A Right, the two-day flight.

9 Q And did you continue the practice of letting
10 Mr. Baum know about Senator Bruno's flights?

11 A I probably did. I can't tell you that in every
12 instance I did.

13 Q Would you routinely reach out to him and just let
14 him know that Senator Bruno was flying?

15 A I would just let him know, hum-hum.

16 Q And did you let the Governor know?

17 A I don't think -- certainly not with regularity. You
18 know, if he happened to be there and it crossed my
19 mind, I would say it.

20 Q And do you remember if there were additional two-day
21 flights?

22 A That is the only one that I recall.

23 Q Do you recall a request from Senator Bruno in May
24 for a two-day flight?

1 A No, I don't, actually. I mean unless -- well, this
2 is the one. I mean May 1st, this was still
3 enstamped. But this is the only one that I recall.

4 MR. FITZPATRICK: You're talking about a
5 different May 1, you believe?

6 MS. TOOHER: Yes.

7 BY MS. TOOHER:

8 Q I'm going to show you Commission's Exhibit 5 and ask
9 you if you've seen this document before?

10 A I honestly don't remember seeing this. I certainly
11 don't remember seeing this document. No.

12 Q Do you recall any conversations in the Executive
13 Chamber concerning the May 17th and 18th flight?

14 A I don't.

15 Q Do you remember any meetings in the Executive
16 Chamber concerning Senator Bruno's use of the
17 aircraft around this time, the middle of May?

18 A I don't.

19 Q And have you ever been provided with one of Senator
20 Bruno's itineraries before?

21 A No. I've never seen one.

22 Q And did Mr. Howard or Mr. Dopp ever speak to you
23 about Senator Bruno's itineraries?

24 A No.

1 Q Did they ever ask you if you had copies of Senator
2 Bruno's itineraries?

3 A No.

4 MS. SULLIVAN: On the earlier trip was
5 there a thought or discussion as to ground...

6 MR. FITZPATRICK: Would you start the
7 whole question over? I just didn't hear you.
8 I missed the beginning of it.

9 MS. SULLIVAN: On the earlier trip was
10 there thought given to deny Senator the use of
11 the plane on that trip?

12 THE WITNESS: I don't think -- I don't
13 remember saying we should reject it. It was
14 just a question because it was unusual.

15 MS. SULLIVAN: It was just unusual in your
16 mind because of the overnight stay?

17 THE WITNESS: Yes, exactly.

18 MS. SULLIVAN: Did you wonder what the
19 Senator was doing in New York on that trip?

20 THE WITNESS: Well, I think that's why I
21 brought it to the attention, because I realized
22 it would include an evening and he's certified
23 Legislative business meetings. And I'm sure in
24 my mind, you know, it triggered one doesn't

1 necessarily have meetings at night.

2 MS. SULLIVAN: But you don't recall
3 discussing that with Richard Baum?

4 THE WITNESS: Again, I raised it to him.
5 So we had, you know, a discussion at least via
6 e-mail.

7 MS. SULLIVAN: Okay.

8 BY MS. TOOHER:

9 Q I'm going to show you a document marked Commission's
10 Exhibit 30.

11 A Hum-hum.

12 Q It's a May 17, 2007 statement by Darren Dopp. Have
13 you ever seen this document before?

14 A No. No, I haven't.

15 Q Take a moment to look at the content of this
16 document.

17 A Hum-hum. (Witness complies with request.)

18 Q Do you recall being present in a meeting with
19 Mr. Baum, Mr. Nocenti and Mr. Dopp discussing the
20 contents as reflected in this statement?

21 A No, I don't. No, I don't.

22 MR. TEITELBAUM: Ms. Turner, are you
23 saying that no such meeting occurred?

24 THE WITNESS: I wasn't part of any such

1 meeting. I don't know if such a meeting
2 occurred.

3 MR. TEITELBAUM: No. I mean there was no
4 such meeting in which you participated, Nocenti
5 and Dopp and Baum, around this time concerning
6 Senator Bruno's use of aircraft?

7 THE WITNESS: Right. I didn't participate
8 in any such meeting.

9 BY MS. TOOHER:

10 Q Do you recall having discussions with Mr. Baum about
11 the use of the airplane around the end of May?

12 A I honestly don't have a specific recollection of it.

13 Q Do you recall having conversations with Mr. Baum
14 about the use of the airplane?

15 A Through the period of time from the first request to
16 the last request, yes, I remember telling him that
17 the plane was being used and then again, you know,
18 the overnight one. But that's honestly all that I
19 can remember raising as a conversation. And again,
20 I don't even remember if it was a conversation or by
21 e-mail.

22 Q I'm going to show you what's been marked as
23 Commission's Exhibit 44. It appears to be an e-mail
24 from you to Richard Baum, the subject is the

1 airplane folder.

2 A Yes.

3 Q Can you explain this document?

4 A I'm assuming that I'm in New York City and Suzanne
5 and Rich are in Albany and Rich had a question about
6 some Avation forms and the folder is kept in Albany.

7 Q And do you remember him requesting the Avation form?

8 A I don't know. I think that -- I guess -- and again,
9 here, I'm surmising from it that he may have asked
10 me to look at something and I didn't have the
11 information. So I asked Suzanne to fax me whatever
12 I had in the Avation folder.

13 Q So you don't remember Mr. Baum asking for the
14 Avation folder?

15 A Again, I'm assuming that he did because I'm telling
16 him that Suzanne faxed me the information.

17 Q And do you recall having a discussion with Mr. Baum
18 about the Governor's use of the airplane at the end
19 of May?

20 A I'm not sure what the dates were. I'm sure I did.
21 Honestly, it would help me a lot if I had the
22 e-mails, but I'm sure I did.

23 Q Do you recall having a conversation with Mr. Baum
24 around the time he was requesting the airplane

1 folder?

2 A I'm trying to say I did. I'm sure I did. I'm sure
3 I did.

4 Q Do you know what the sum and substance of that
5 conversation was?

6 A I think Rich wanted to know what kind of records we
7 keep or to know that we had complete records of use
8 of the aircraft.

9 Q And do you recall what he asked you?

10 A I'm sorry, I don't.

11 Q And did you provide flight information to anyone
12 else than Mr. Baum?

13 A I'm sure that I did. Both to -- there would be a
14 request either from sometimes the Press Office or
15 from the Counsel's Office.

16 Q And how often would you get those requests?

17 A Infrequently.

18 Q Once a month, once in the past six months?

19 A I don't know. Maybe three times. I really don't
20 know.

21 Q And did they ever indicate what they were looking at
22 those records for?

23 A No.

24 Q And did Darren Dopp ever request the flight records

1 from you?

2 A I believe he did.

3 Q How often would Mr. Dopp request them?

4 A I honestly think maybe once, maybe twice. It was
5 very infrequent that I would get the request at all.

6 Q And did he indicate to you why he was looking for
7 those records?

8 A No.

9 Q I'm going to show you what's been marked as
10 Commission's Exhibit 79. I'll ask you to take a
11 moment to look at that document.

12 A Hum-hum.

13 Q And can you explain this document?

14 A Just as it is on its face. I assume this goes
15 earliest to latest?

16 Q Yes, it goes from earliest to latest.

17 A He asked me to fax him the latest flight request
18 from Senator Bruno. And again, I was in New York
19 City and he was in Albany.

20 Q So you would have relayed that request to somebody
21 in Albany?

22 A To Suzanne.

23 Q And have her provide the information to Mr. Dopp?

24 A Or to -- I think I asked her to fax him or bring him

1 a copy of it.

2 Q And did Mr. Dopp indicate why he was looking for
3 Senator Bruno's flight information?

4 A He did not.

5 Q And did Mr. Dopp ask you any other questions about
6 Senator Bruno's use of the airplane?

7 A No.

8 Q And did you give him any other information beyond
9 the flight forms or requests?

10 A No.

11 (Commission's Exhibit 111, E-mail dated
12 6/27/2007, 2:56 p.m. was marked for
13 identification.).

14 BY MS. TOOHER:

15 Q I'm showing you what's been marked as Commission's
16 Exhibit 111. It appears to be an e-mail from
17 Suzanne Brackett to you, copied to Darren Dopp,
18 dated June 27th, 2007. Can you explain this
19 document?

20 A It seems to start with a request from Darren as to
21 whether or not we had any flight requests for the
22 Senate Minority Leader, the Assembly Minority
23 Leader, the Controller or the Lieutenant Governor.

24 Q And do you know why Darren was asking you for this

1 information at this time?

2 A I don't.

3 Q And did you provide him that information?

4 A It seems to me that I told him that I had
5 information for the LG, and asked Suzanne to give
6 her whatever was in the Avation file for the LG.

7 Q And did Mr. Dopp follow-up with you at all on this
8 request?

9 A I don't recall. I don't recall. No, I think that
10 was it.

11 Q And were you aware at any time that Mr. Dopp was
12 responding to a FOIL request?

13 A No.

14 Q Did he ever discuss with you that he had received a
15 FOIL request?

16 A No.

17 Q And were you ever privy to any meetings between
18 Darren and Mr. Baum concerning the use by Senator
19 Bruno of the state aircraft?

20 A No.

21 Q And were you privy to any meetings with anyone else
22 in the Executive Chamber concerning Senator Bruno
23 and his use of the state aircraft?

24 A No. Other than my conversations with Rich.

1 Q And were you aware of the *Times Union* article that
2 came on July 1st concerning the use by Senator Bruno
3 of the state aircraft?

4 A Sure. I read it.

5 Q And what was your reaction to the article when you
6 read it?

7 A I was amazed at how it didn't -- it seemed to
8 emphasize something that I knew nothing about and
9 emphasized my recollection, and I don't really
10 remember the particular article because there have
11 been so many articles since. Well, if it was the
12 first article, I guess it was about Bruno's use of
13 the state aircraft and questioning whether it was
14 for state business, if that was the first article.
15 I honestly don't remember the date of the first
16 article.

17 Q I think you said you were "amazed." Was that the
18 word you used?

19 A I may be thinking of subsequent articles. So I
20 don't know which article you mean. I was assuming
21 it was a different article. But if it was not a
22 Dicker article, D-I-C-K-E-R, then I wasn't amazed.
23 I should've asked you what article, because I was
24 answering without knowing.

- 1 Q Mr. Dicker writes for the *New York Post*?
- 2 A He does.
- 3 Q And the Dicker article that you referred to...
- 4 A My recollection of the Dicker article is that it --
- 5 and I think I'm thinking of the right article. That
- 6 it made it seem as though there was something
- 7 inappropriate about inquiring about state use of the
- 8 aircraft by Mr. Bruno.
- 9 Q I'm going to show you what's been marked as
- 10 Commission's 85, which is the *Times Union* article I
- 11 was referencing a moment ago.
- 12 A Hum-hum. This wasn't the one that I was amazed at.
- 13 Q Have you seen this article, Commission's 85?
- 14 A I'm sure I did. But I probably didn't see it on
- 15 Sunday, when I see it was published.
- 16 Q Did you have any reaction to Commission's 85?
- 17 A Yeah. I thought that it was, you know, describing a
- 18 question about his use of aircraft.
- 19 Q And did you discuss that issue with anyone at that
- 20 time?
- 21 A I don't think so. No, I didn't. You mean did I
- 22 comment on the article after I read it to anyone?
- 23 Q The subject matter of the article?
- 24 A I'm sure I did, but I don't remember who or what. I

1 mean, when articles, you know, appeared in the paper
2 I would have conversations with various people in
3 reaction to them. So, you know, did you see that?
4 The *Times Union* had a story about Bruno's use of the
5 aircraft. I imagine I did have those conversations.
6 I don't remember particulars of them.

7 Q Did you take any actions in response to that
8 article?

9 A No.

10 Q And was there any change in protocol as far as
11 granting use of the airplanes following the article?

12 A There was not. I may have, and again, you know I
13 wish I did have better recollection, but I may have
14 the next time a request came in, I may have been
15 more deliberate in presenting it to Rich. But I can
16 tell you I honestly don't recall that it occurred to
17 me to change how we were approving it.

18 Q Did you discuss your testimony here today with
19 anyone besides your attorney before you came in?

20 A Just my attorney.

21 Q And were you shown any documents by anyone prior to
22 coming in here today?

23 A There were e-mails that were given to me.

24 Q And who provided those documents to you?

1 A I think Richard Rifkin. I'm not sure. I don't
2 remember who handed me the documents. Or it may've
3 been Counsel's Office.

4 Q Someone from Counsel's Office provided you with
5 documents before you came in here today?

6 A Yes.

7 Q I think that's it, unless there's anything that you
8 would like to say?

9 MR. TEITELBAUM: Is there anything you'd
10 like to say on the record?

11 THE WITNESS: Thank you, no. I've said
12 enough.

13 MR. TEITELBAUM: You're a smart witness.
14 (Whereupon, the proceedings in the
15 above-entitled matter were concluded at
16 3:37 p.m.)

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1 STATE OF NEW YORK)

2) ss.

3 COUNTY OF)

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5 I have read the foregoing record of my
6 testimony taken at the time and place as noted
7 in the heading hereof and I do hereby
8 acknowledge it to be a true and correct
9 transcript of the same.

10

11

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13 Sworn to before me this _____

14 day of _____, 200_____

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Notary Public
Commission Expires:

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C E R T I F I C A T I O N

I, Diane Daly-Gage, Shorthand Reporter and
Notary Public in and for the State of New York,
do hereby certify that the foregoing record
taken by me at the place and date noted in the
heading hereof is a true and accurate
transcript of same to the best of my ability
and belief.


Diane Daly-Gage

Dated: October 18, 2007