

In the Matter of the)
Independent Investigation)
under New York Executive)
Law Section 63(8))
_____)

HIGHLY CONFIDENTIAL

VIDEO RECORDED TESTIMONY OF ANDREW CUOMO

New York, New York

Saturday, July 17, 2021

Reported Stenographically By:
PATRICIA A. BIDONDE
Registered Professional Reporter
Realtime Certified Reporter
JOB #: 365765

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July 17, 2021
8:17 a.m.

HIGHLY CONFIDENTIAL Video
Recorded Testimony of Andrew Cuomo, held
at 633 Third Avenue, New York, New York,
before Patricia A. Bidonde,
Stenographer, Registered Professional
Reporter, Realtime Certified Reporter,
Certified eDepoze Court Reporter, Notary
Public of the State of New York, and
Notary Public of the State of
Connecticut.

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18 ALSO PRESENT:

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P R O C E E D I N G S
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THE VIDEOGRAPHER: We are on the record at 8:17 a.m. on July 17, 2021. Audio and video recording will continue to take place until all parties agree to go off the record. Please note that microphones are sensitive and may pick up whispering and private conversations.

This is the video recorded testimony of Andrew Cuomo in the matter of the Independent Investigation under New York State Executive Law Section 63(8).

We are located at 633 Third Avenue, New York, New York. My name is Christian Bidonde. I am the legal video specialist on behalf of U.S. Legal Support. The certified stenographer is Patricia Bidonde on behalf of U.S. Legal Support.

I am not related to any party in this action nor am I financially interested in the outcome.

1 Counsel will state their
2 appearances for the record after which
3 the certified stenographer will swear in
4 the witness.

5 MR. KIM: My name is Joon Kim.
6 I'm an attorney at Cleary, Gottlieb,
7 Steen & Hamilton. I'm appearing today
8 in my capacity as a Special Deputy to
9 the First Deputy Attorney General for
10 the State of New York. My colleagues
11 here with me are Jennifer Kennedy Park,
12 Andrew Weaver, and Charlotte Chun, all
13 from Cleary Gottlieb.

14 MS. CLARK: And I'm Anne Clark
15 from the law firm of Vladeck, Raskin &
16 Clark, also appearing today in my
17 capacity as Special Deputy to the First
18 Deputy Attorney General of the State of
19 New York.

20 MS. GLAVIN: Well, good morning,
21 everybody. My name is Rita Glavin. I
22 am here in my capacity as counsel to
23 Governor Cuomo. With me today is Sharon
24 Nelles, who is also representing the
25 governor with me, along with our

1 colleagues Nicky Friedlander, Jacob
2 Singer, Sareen Armani, and Katie
3 Petrino.

4 I know that there are three other
5 people in the room on your side which
6 you've introduced.

7 MR. KIM: Yes.

8 A N D R E W M. C U O M O, called as a
9 witness, having been duly sworn by a
10 Notary Public, was examined and
11 testified as follows:

12 EXAMINATION BY

13 MR. KIM:

14 Q. Good morning, Governor.

15 A. How are you?

16 Q. Good. Thank you for meeting with
17 us today.

18 A. No, thank you.

19 Q. As you know, the New York
20 Attorney General has appointed our firm and
21 Ms. Clark's firm to conduct an independent
22 investigation under section -- New York
23 Executive Law Section 63(8) into allegations
24 of sexual harassment brought against you and
25 the surrounding circumstances. And you're

1 here today pursuant to a testimony subpoena
2 issued in connection with that investigation.

3 Do you understand that?

4 A. I understand that.

5 Q. And as you know, you've just been
6 placed under oath. And that means that you
7 have to testify fully and truthfully as if you
8 were in a court of -- court of law before a
9 judge or a jury, and that your testimony is
10 subject to the penalty of perjury.

11 Do you understand that?

12 A. I understand that. I didn't
13 understand when you said you were the Special
14 Deputy to the First Deputy and then said you
15 were appointed by the attorney general.

16 Q. That's the title that we've been
17 given as a Special Deputy to the First Deputy
18 Attorney General.

19 A. But you said you were Special
20 Deputy appointed by the attorney general.

21 Q. Appointed by an order by you, and
22 the attorney general selected us.

23 A. But you're counsel to the first
24 deputy?

25 Q. We're Special Deputies to the

1 First Deputy Attorney General. That's our
2 title.

3 A. Okay.

4 Q. So I was saying, the fact that
5 you are under oath subjects you to the penalty
6 of perjury. And although this is a civil
7 investigation -- although this is a civil
8 investigation, the attorney general's office
9 has criminal enforcement powers. And as a
10 result, you have the right not to answer
11 questions if you believe it will incriminate
12 you.

13 Do you understand that?

14 A. I understand. I'm a former
15 attorney general. I'm aware of the attorney
16 general's power. I'm aware of the special
17 prosecutor power, independent investigator
18 power, and I understand there may be
19 subsequent investigations to this
20 investigation, yes.

21 Q. Understood. But I just need
22 to --

23 A. I understand. I understand.

24 Q. -- on the record make sure --

25 A. I understand.

1 Q. -- we're advising you of -- of
2 your rights.

3 A. I understand.

4 Q. And although you have a right not
5 to answer questions that you believe may
6 incriminate you, a refusal to answer questions
7 under the Fifth Amendment may have
8 consequences in civil proceedings, and it can
9 be used against you in a --

10 A. I understand that also.

11 Q. -- civil proceeding.

12 Do you understand that?

13 A. Yes, I do.

14 Q. And we have a court reporter here
15 present and a videographer. So I know you're
16 obviously well familiar with it, but I will
17 try to and if you could also try to make sure
18 I finish my question before you answer.

19 A. Yes, sir.

20 Q. And I will try to wait for a
21 complete answer before I ask a follow-up
22 question. And our team will do the same.

23 A. Great.

24 Q. We're going to be asking you some
25 questions about some specific dates and

1 events. And if you don't remember a specific
2 name or time or date, please tell us. But if
3 you do have a general recollection,
4 that's -- we ask that you provide the general
5 recollection of what you do remember while
6 noting that you may not remember certain
7 specific things.

8 A. I understand.

9 Q. Could you please confirm that
10 you're not otherwise recording this testimony
11 other than the testimony that -- the recording
12 that's being done by the court reporters
13 today?

14 A. I am not.

15 MR. KIM: Could counsel confirm
16 that others are not, that counsel is
17 not?

18 MS. GLAVIN: We are not
19 recording. But as everyone in this room
20 is well aware in these situations, we
21 take copious notes.

22 MR. KIM: Understood. I fully
23 expect people will be taking notes. But
24 in terms of a physical recording or a
25 transcript.

1 MS. GLAVIN: Yeah. And we will
2 discuss afterwards, as we've mentioned
3 before, our desire to get a copy of this
4 transcript. But that's not for today.

5 MR. KIM: Understood.

6 A. Transparency is normally a good
7 thing, Mr. Kim. But go ahead. I understand.

8 Q. Can you also confirm that you are
9 not streaming this realtime to someone outside
10 of the room and that you won't consult and
11 talk to people other than your lawyers about
12 the substance of your testimony while we're on
13 breaks?

14 MS. GLAVIN: We are not streaming
15 this realtime. Okay. The governor is
16 not streaming this realtime. And we
17 made that clear to you in a letter that
18 we sent to you, Mr. Kim. And the
19 governor will be consulting with his
20 counsel as needed throughout.

21 MR. KIM: Understood. Not
22 intending any offense by asking these
23 questions. We have had instances of
24 people -- said they were trying to
25 record --

1 MS. GLAVIN: Of live streaming?

2 MR. KIM: -- not -- yes, not live
3 streaming yet. So -- but you understand
4 why we need to --

5 MS. GLAVIN: Okay. Okay.

6 MR. KIM: -- have that on the
7 record.

8 MS. GLAVIN: Yes.

9 BY MR. KIM:

10 Q. Governor, are you on any
11 medication or drugs or anything that might
12 make it difficult for you to understand --

13 A. No, sir.

14 Q. -- my questions? And is there
15 any reason that you would not be able to
16 answer the questions today truthfully --

17 A. No, sir.

18 Q. -- and fully? If you could wait
19 until the end -- end of the question.

20 A. Yes, sir.

21 Q. Other than conversations with
22 your attorney, what have you done to prepare
23 for today's testimony?

24 A. Conversations with my attorneys.

25 Q. Have you spoken to anyone else

1 about the substance of your testimony?

2 A. No, sir.

3 Q. Are you familiar with what type
4 of conduct constitutes sexual harassment under
5 New York State law?

6 A. Yes, sir.

7 Q. Can you tell us your
8 understanding of what type of conduct
9 constitutes sexual harassment under New York
10 State law?

11 A. We changed the sexual harassment
12 law recently -- 2019, I believe. It's
13 physical sexual advances, sexually explicit
14 statements that would be discriminatory,
15 derogatory, cause offense to the hearer, the
16 listener, the recipient of the remarks or
17 interfere with their job performance.

18 Q. Okay. And over the years as
19 governor, have you completed sexual harassment
20 training?

21 A. I've taken sexual harassment
22 training since I was Secretary of Housing and
23 Urban Development. Attorney general, we had
24 sexual harassment training. As governor we
25 have sexual harassment training.

1 Q. And have you taken sexual
2 harassment training every year?

3 A. We have taken -- I believe the
4 last time I took it was 2019. Last year we
5 were busy with COVID which basically shut down
6 state government in many ways. So I don't
7 know that the annual trainings were done
8 during the COVID year.

9 Q. So you took it 2019. You're not
10 sure about 2020. How about prior to 2019?

11 A. We had trainings prior also.

12 Q. And have you taken sexual
13 harassment training in the years prior to
14 2019?

15 A. Yes.

16 Q. Every year that you've been
17 governor?

18 A. I don't know how many years. I
19 would have to check.

20 Q. Do you remember any year where
21 you did not take sexual harassment training?

22 A. I don't remember what years I did
23 or didn't take sexual harassment training.

24 Q. So is your recollection that you
25 think you did take every year, or you would

1 have to check?

2 A. I just said I would have to
3 check. I don't recall what years I took it,
4 what years I didn't take it.

5 Q. So you don't specifically recall
6 taking it every year?

7 A. I don't recall not taking it
8 every year either. I don't recall.

9 Q. Understood. So you don't recall
10 one way or the other?

11 MS. GLAVIN: I think it's asked
12 and answered.

13 A. That's what I've said three
14 times.

15 Q. I apologize if some of the
16 questions may sound repetitive. I'm just
17 trying to get a clear understanding.

18 A. I understand.

19 MR. KIM: Just -- just to start
20 off, Ms. Glavin, I know you may have an
21 urge to object or insert objections like
22 "asked and answered." This is not a
23 civil deposition. We are preserving
24 rights. This is an investigation where
25 we're just trying to get information.

1 I understand you may continue to
2 do it, but it's just going to take more
3 time. And I'd -- I'll obviously advise
4 if there's issues of privilege that you
5 need to consult with the governor on,
6 please tell us and feel free to do it.
7 But I'm largely not going to respond to
8 objections like "asked and answered."
9 You can do it. It will just take time.

10 MS. GLAVIN: Yeah, I know. The
11 reason I made that objection is because
12 it also takes time when the same
13 question gets asked over and over.

14 MR. KIM: I understood.
15 Understood.

16 BY MR. KIM:

17 Q. So is your recollection that you
18 did take it every year before 2019?

19 A. I do not remember what years I
20 took it, what years I didn't take it.

21 Q. Okay. And in 2019 you do
22 remember taking it?

23 A. Yes, sir.

24 Q. And did you sign attestations
25 saying that you took the sexual harassment

1 training?

2 A. Either I signed the attestation
3 or I would have my assistant sign the
4 attestation, that I took it.

5 Q. Okay. And do you remember either
6 you signing or your assistant signing it every
7 year that you've been governor?

8 A. For the years that I took it, I
9 don't remember if there's always an
10 attestation attached to the form.

11 Q. So there may have been some years
12 when you took it, but no attestation form was
13 signed?

14 A. I don't know if every year had an
15 attestation attached to it. You're assuming
16 that every training had an attestation. I
17 don't know that that's a fact.

18 Q. I'm not assuming anything,
19 Governor. I'm just asking you whether you
20 recall signing an attestation every year. If
21 the answer is no, it's no. But do you
22 remember --

23 A. I don't remember if --

24 Q. -- signing an attestation every
25 year?

1 A. -- if the -- the training had an
2 attestation or not.

3 Q. Okay. And so when you say it has
4 an attestation, is it your recollection that
5 the training form comes with an attestation?

6 A. 2019, my recollection is it had
7 an attestation.

8 Q. And so if it did not have an
9 attestation, then --

10 A. Then you couldn't sign it.

11 Q. You could ask for an attestation.
12 Correct?

13 A. If it wasn't part of the
14 training -- if it wasn't part of the training
15 and the training didn't come with an
16 attestation and the recipient just took the
17 training, would I then ask, "Please send me an
18 attestation that I took training that is
19 not" -- when you don't require an attestation?

20 Q. So is it your understanding that
21 if an attestation form does not come attached
22 to whatever form or documents provided to you,
23 that the signing of an attestation form is not
24 required?

25 A. If the attestation form was

1 required, I would assume that they would
2 attach an attestation form to the training.
3 Some documents have attestation forms
4 included, some don't. If they include it,
5 whoever did the training, I don't know if they
6 always included an attestation form or not.

7 Q. So you only signed it or had your
8 assistant sign it if there was an attestation
9 form attached to the material provided to you?

10 A. I would assume so. I don't
11 recall. But I would assume that if there was
12 an attestation -- no attestation form, then
13 there would have been nothing to sign.

14 Q. Okay. And how -- what kind of --
15 what form did the sexual harassment training
16 come to you in?

17 A. It came as a printout of an
18 electronic presentation.

19 Q. Okay. And it came out as a
20 printout of an electronic presentation, and
21 your -- your recollection is on -- on some
22 occasion it also came with an attestation?

23 A. On 2019, I recall it came with an
24 attestation.

25 Q. But on other years -- well, do

1 you remember taking it ever other than 2019?

2 A. I recall taking it at other
3 times.

4 Q. Okay. But just not clear whether
5 it's every year. You definitely remember at
6 least once other than 2019?

7 A. I recall taking it at other
8 times, in other offices also. I don't recall
9 whether or not they had attestation forms
10 attached.

11 Q. How about as governor? Any other
12 year other than 2019 that you do remember
13 taking it?

14 A. I remember taking it prior to
15 2019. I don't remember when.

16 Q. And it came to you in a printout
17 form. And who gave that to you?

18 A. It would have been given to me by
19 one of the administrative assistants.

20 Q. And what do you remember doing
21 once you received that form?

22 A. I remember reviewing the
23 training, going through the training, and then
24 either signing it myself or telling my
25 assistant, "Sign the attestation. Fill it

1 out."

2 Q. And do you remember, for the one
3 you did take, 2019, do you remember what kind
4 of substance the sexual harassment portion of
5 it covered?

6 A. Yeah, it was basically a printout
7 of a PowerPoint presentation. It talked about
8 definitions, and then it gave models,
9 scenarios with little true/false after it. A
10 little vignette. Is this true, is this false.
11 Little subsets of a practical nature for
12 employees in a practical workplace. If your
13 boss says this, then this. So ...

14 Q. And was the -- the form something
15 that was created by GOER?

16 A. I don't know who created --

17 Q. You don't know.

18 A. -- the form or the training.

19 Q. But you remember there being
20 models or hypotheticals about --

21 A. Yes.

22 Q. -- if your boss --

23 A. Yes.

24 Q. -- does this, is it sexual
25 harassment, false -- true or false, that kind

1 of thing?

2 A. Right. Right.

3 Q. Do you remember any models or
4 hypotheticals that involved a boss who would
5 touch at someone's hand or shoulder and would
6 get too close to that employee? Do you
7 remember a hypothetical involving that kind of
8 fact pattern?

9 A. I don't remember that one
10 specifically, no.

11 Q. How about a fact pattern that
12 involved comments that an employee made about
13 a colleague's jewelry and why they were
14 wearing jewelry?

15 A. Yeah, models to that effect I
16 remember. I don't remember jewelry
17 specifically.

18 Q. But you would -- you actually
19 read through --

20 A. Yes.

21 Q. -- the harassment policy?

22 A. Yes.

23 Q. Or the training, sorry?

24 A. Yes.

25 Q. Okay. And if you can look -- we

1 have a binder in front of you. We won't
2 necessarily refer to it that often, but we
3 have some documents there just in case. If
4 you can turn to Tab 131. And don't -- don't
5 worry, I don't -- we won't be going through
6 all of it. But we didn't have our office at
7 our availability. So ...

8 A. Okay.

9 Q. So this is a transcript of a
10 press conference that you had on May 13 of
11 this year.

12 A. Right.

13 Q. And if you go to page 18, the
14 page numbers show up on the lower right-hand
15 corner. 18 of 23. And if you could tell me
16 when you're there.

17 A. Okay.

18 Q. So during the -- are you there?

19 A. Yes.

20 Q. So during the press conference,
21 you were asked a second question:

22 "Can you say where and when did
23 you personally take the sexual
24 harassment class you mandated others to
25 take -- employees?"

1 And you answer:

2 "Yeah, I took it in my office in
3 Albany.

4 "When?"

5 You say:

6 "The executives have a PowerPoint
7 they go through. You don't participate
8 in a class. So, you're given a
9 PowerPoint. You take it every year."

10 And the reporter asks:

11 "But I mean this year, when did
12 you take the class?"

13 You say:

14 "Oh, I don't know the date, but I
15 took it this year."

16 Do you see that?

17 A. Yes.

18 Q. And when you were referring to
19 the PowerPoint here, is this -- are you
20 referring to the same thing we've been talking
21 about --

22 A. Yes.

23 Q. -- the document you get?

24 A. Yes.

25 Q. And at this time, were you

1 aware -- and when you were saying "I took it
2 this year," you were talking about 2021 you
3 took it?

4 a. No. This is -- this press
5 conference is on what date?

6 q. May of 2021.

7 a. No. Then if -- it was not this
8 year. It was 2019.

9 Q. So you recall only taking it in
10 2019. You don't remember taking it in 2021?

11 A. 2020 was last year. 2021 is this
12 year. We were overcome with COVID. State
13 government basically closed down. Employees
14 were sent home. Only essential workers were
15 working.

16 So a lot of the normal operations
17 of government ceased for COVID, not just this
18 state, but all across the nation, all across
19 the world. So there are many normal functions
20 that went on that didn't happen because of
21 COVID.

22 I don't believe we did the
23 trainings -- sexual harassment trainings
24 during the COVID year, like we didn't do many
25 things.

1 Q. Okay.

2 A. The Department of Motor Vehicle
3 offices were closed, the essential services
4 were closed. There was nobody in the office
5 to perform anything.

6 So I don't know that anyone did
7 the trainings. We're now back up and running
8 and we're -- we're rebooting government.

9 Q. So for 2021 and 2020 -- 2020 and
10 2021, you did not take sexual harassment
11 training?

12 A. I believe that's right.

13 Q. Okay. 2019 you did?

14 A. I believe that's right.

15 Q. Okay. And if you can turn to
16 Tab 18. And -- are you there, Governor?

17 A. Yes, I am.

18 Q. And this is a mandatory training
19 attestation form. Is this a type of
20 attestation form that we were talking about
21 earlier?

22 A. Yes, sir.

23 Q. And this says that in 2019, you
24 took -- you completed the following mandatory
25 training course, and Sexual Harassment in the

1 Workplace is one of those that's checked off.

2 Do you see that?

3 A. Right.

4 Q. And it has under your name:

5 "I have read and understand the
6 material and acknowledge that I am
7 responsible for complying with its
8 contents -- Andrew Cuomo." And there's
9 a signature, October 8, 2019.

10 Do you see that?

11 A. Yes.

12 Q. Is that your signature?

13 A. That may be my signature or may
14 be Stephanie Benton's signature. Sometimes I
15 will sign it and then say, "Fill it out" or
16 sometimes I'll say, "Sign it and fill it out."

17 This signature could be mine or
18 hers. She definitely filled that out. I
19 didn't write that "Andrew Cuomo" or the dates.

20 Q. So the "Andrew Cuomo," that's not
21 your handwriting?

22 A. No.

23 Q. The signature you're not sure
24 whether --

25 A. I'm not sure.

1 Q. Okay.

2 A. But if she -- if she filled out
3 the name, she may very well have signed it
4 also.

5 Q. Okay. If you look at Tab 9 --
6 and if you could just, kind of, keep your
7 finger on Tab 18 as well. This is an
8 executive order that you signed --

9 A. Right.

10 Q. -- and if you look at the last
11 page, that -- that you signed this executive
12 order?

13 A. I don't think I signed this
14 executive order. I think this was autopenned.

15 Q. Okay. Is that an autopen of your
16 signature?

17 A. That is an autopen of my
18 signature.

19 Q. This signature you recognize as
20 yours?

21 A. This signature I recognize as my
22 autopen signature.

23 Q. Okay. The signature on 18,
24 you're not sure. It could be your signature,
25 it could be Stephanie Benton signing?

1 A. Yes, I often will say to her,
2 "You sign it for me." Or she can autopen
3 documents.

4 Q. What other doc- -- what other
5 types of documents does Stephanie Benton sign
6 for you?

7 A. All sorts of documents.

8 Q. What types of documents?

9 A. Virtually almost any document
10 that comes across my desk. You know, I get
11 hundreds of documents per day that have to be
12 signed. So it's very -- there are multiple
13 ways of signing. The autopen can sign it or
14 she can sign it or I can sign it.

15 But I normally will -- I sign
16 very few actually myself. I'll often review
17 the material, review the documents, tell her
18 to sign them, or autopen them.

19 Q. So does she sign checks for you?

20 A. She can sign almost anything for
21 me.

22 Q. Executive orders?

23 A. She could sign an executive
24 order. Well, if you can autopen it, she can
25 sign --

1 Q. Not an autopen. Not -- but
2 actually --

3 A. She could sign --

4 Q. -- replicating someone's
5 signature?

6 A. She could sign an executive
7 order.

8 Q. Has she signed an executive
9 order?

10 A. Or she can authorize an autopen.

11 Q. Has she physically signed an
12 executive order?

13 A. I don't know.

14 Q. Has she physically signed any
15 bills?

16 MS. GLAVIN: Do you mean
17 legislation?

18 MR. KIM: Yes, legislation.

19 A. Laws tend to be autopenned.

20 Q. Autopenned with your actual
21 signature?

22 A. Well, it's not my actual
23 signature. It's an autopen.

24 Q. Okay.

25 A. It's a mechanical signature.

1 Q. Okay. But -- but it's a
2 mechanical signature. I understand what an
3 autopen is. It's your actual signature and
4 then it -- it replicates that very image. And
5 then there's -- that's different than someone
6 else just signing your name as if --

7 A. It's a machine signing my name.

8 Q. I'm not asking about autosigning,
9 I'm asking about physically signing a
10 document. Has Stephanie Benton physically
11 signed bills for you, legislation?

12 A. She may have.

13 Q. How about bills or, like, checks?
14 She may have?

15 A. She may have signed anything that
16 I would be required to sign.

17 Q. So she's authorized to sign
18 anything?

19 A. Yes.

20 MS. CLARK: When did you --
21 Governor, this lists a number of topics
22 that were covered in training. Did you
23 do all the trainings that are checked
24 off here?

25 THE WITNESS: Yes, ma'am.

1 MS. CLARK: And did you do them
2 all in the same day?

3 THE WITNESS: I would assume so
4 but I don't have a specific
5 recollection.

6 MS. CLARK: Do you recall how
7 long it took you to get through all the
8 training on these six subjects?

9 THE WITNESS: I don't remember.

10 BY MR. KIM:

11 Q. I see fire safety and internal
12 controls was not checked off. Do you remember
13 why those were not checked off?

14 A. No, I don't.

15 Q. And you mentioned earlier that
16 the law was changed in 2019. And that's
17 legislation that expanded workplace sexual
18 harassment protections?

19 A. Well, it changed the law, yeah.

20 Q. It changed the law. And it
21 actually eliminated the severe or pervasive
22 requirement for sexual harassment to be
23 actionable?

24 A. Right.

25 Q. If you can look at Tab 14.

1 A. Okay.

2 Q. And this is a press release that
3 went out when, I believe, that law was signed?

4 A. Okay.

5 Q. And you say in here -- the quote
6 from you is:

7 "There has been an ongoing
8 persistent culture of sexual harassment,
9 assault, and discrimination in the
10 workplace."

11 A. Yep.

12 Q. Do you see that?

13 A. Yes, I did.

14 Q. Is that something you recognize
15 that's a problem --

16 A. Yes.

17 Q. -- in 2019?

18 A. Yes.

19 Q. Is that something you
20 recognize --

21 A. Yes.

22 Q. -- as a problem today?

23 A. Yes, yes.

24 Q. If you could just for the court
25 reporter's sake --

1 A. Yes.

2 Q. -- let me finish the question.

3 A. Oh.

4 Q. Okay. And it goes on to say:

5 "By ending the absurd legal
6 standard that sexual harassment in the
7 workplace needs to be severe or
8 pervasive."

9 Was that a standard that you
10 believed at the time was absurd?

11 A. Yes.

12 Q. Absurdly high?

13 A. Yes.

14 Q. And is that something sitting
15 here today you believe --

16 A. Yes.

17 Q. -- still?

18 A. Yes.

19 Q. Yes?

20 If you could turn to Tab 24. And
21 this is the equal employment opportunity of
22 New York State handbook rights and
23 responsibilities, a handbook for employees of
24 New York State agencies, Andrew M. Cuomo,
25 Governor.

1 A. Right.

2 Q. Do you recognize this document as
3 the employee handbook?

4 A. Yes.

5 Q. And this is a handbook that
6 governs New York State agencies including the
7 executive chamber?

8 A. Right.

9 Q. And does it apply to you as well?

10 A. Yes.

11 Q. And if you look at page 11,
12 that's the part of this -- or the bottom -- a
13 part of this employee handbook that addresses
14 sexual harassment.

15 A. Okay.

16 Q. And it defines sexual harassment.
17 And I want to read you parts of this and ask
18 you if it's consistent with your understanding
19 of sexual -- New York State sexual harassment
20 law.

21 It says:

22 "Sexual harassment includes
23 unwelcome conduct which is either of a
24 sexual nature or which is directed at an
25 individual because of that individual's

1 sex. When such conduct has the purpose
2 or effect of unreasonably interfering
3 with an individual's work performance or
4 creating an intimidating, hostile, or
5 offensive work advisement even if the
6 reporting individual is not the intended
7 target of the harassment -- sexual
8 harassment."

9 Second bullet:

10 "Such conduct is made either
11 explicitly or implicitly a term or
12 condition of employment. Or submission
13 to or rejection of such conduct is used
14 as the basis for employment decisions
15 affecting an individual's employment."

16 Does that part -- is that part
17 consistent with your understanding --

18 A. Yes.

19 Q. -- of sexual harassment law?

20 A. Yes.

21 Q. And then it continues:

22 "Actions that may constitute
23 sexual harassment based upon a hostile
24 work environment may include, but are
25 not limited to words, signs, jokes,

1 pranks, intimidation or physical
2 violence which are of a sexual nature or
3 which are directed at an individual
4 because of that individual's sex."

5 Is that consistent with your
6 understanding of New York State law?

7 A. Yes. This is the policy right?

8 Q. Yes.

9 A. There's -- you're not reading the
10 law.

11 Q. Well, I -- I'd like to know if
12 it's -- if it's consistent with --

13 A. It's a policy --

14 Q. -- I'll start with is it
15 consistent with your understanding of the New
16 York State policy?

17 A. Yes.

18 Q. Is it consistent with your
19 understanding of New York State law?

20 A. Yes.

21 Q. It goes on to say:

22 "Sexual harassment also consists
23 of any unwanted verbal or physical advances,
24 sexually explicit derogatory statements, or
25 sexually discriminatory remarks made by

1 someone which are offensive or objectionable
2 to the recipient, which cause the recipient
3 discomfort or humiliation, or --"

4 A. Yes.

5 Q. "-- or which interfere with the
6 recipients job performance."

7 Is that consistent with your
8 understanding of the policy?

9 A. Yes.

10 Q. Is that consistent with your
11 understanding of the law?

12 A. Yes.

13 Q. And then it goes on -- on the
14 next paragraph, I won't read the first
15 sentence but the second sentence:

16 "Sexual harassment need not be
17 severe or pervasive to be unlawful and
18 can be any sexually harassing conduct
19 that consists of more than petty slights
20 or trivial inconveniences."

21 Is that consistent with your
22 understanding of the policy?

23 A. That is. Yes, it is.

24 Q. Is it consistent with your
25 understanding of the law?

1 A. Yes, it is.

2 Q. Next paragraph it says:

3 "It is not a requirement that an
4 individual tell the person who is
5 sexually harassing them that the conduct
6 is unwelcome."

7 Is that consistent with your
8 understanding of the policy?

9 A. Yes.

10 Q. Is it consistent with your
11 understanding of the law?

12 A. Yes.

13 Q. It goes on to say:

14 "In fact, the human rights law
15 now provides that even if a recipient of
16 sexual harassment did not make a complaint
17 about the harassment to the employer, the
18 failure of the employee to complain shall not
19 be determinative of whether the employer is
20 liable."

21 Is that consistent with --

22 A. Yes.

23 Q. -- your understanding of the --

24 A. Yes.

25 Q. -- policy?

1 A. Yes. I will stipulate, Mr. Kim,
2 the -- this is the policy of the state which I
3 believe is consistent with the law.

4 Q. -- with the law. Okay. If you
5 can turn to -- well, sorry. My question was:

6 Is it consistent with your
7 understanding of the policy?

8 A. Yes.

9 Q. And your understanding --

10 A. Yes.

11 Q. -- of the law?

12 A. Yes.

13 Q. If you go to the next page, page
14 13:

15 "Any complaint whether verbal or
16 written must be investigated by GOER or
17 pursuant to the employing agency's
18 policy."

19 Is that consistent with your
20 understanding of the policy here?

21 A. Yes.

22 Q. And are you aware of any other
23 employee -- any other policy in the executive
24 chamber --

25 A. Well, it says -- you didn't --

1 just so we're clear:

2 "The employee should complain
3 promptly to GOER."

4 Is that what you're reading?

5 Q. No. I'm reading at the -- in the
6 reporting of sexual harassment paragraph:

7 "Any complaint whether verbal or
8 written must be investigated by GOER or
9 pursuant to employing agency's policy."

10 If there's other parts of this
11 that you'd like to read into the record --

12 A. Well, the -- the piece before
13 that --

14 Q. Okay.

15 A. -- that you omitted:

16 "As with all forms of
17 discrimination and harassment, if an
18 employee, including an intern or
19 contractor working in a State workplace,
20 experiences sexual harassment, or
21 observes it ... the employee should
22 complain promptly to GOER."

23 MR. KIM: Where are you reading
24 from, Governor?

25 MS. GLAVIN: The very first

1 sentence on page --

2 A. The first sentence that you
3 omitted.

4 Q. I'm not reading the entire page.
5 You can -- so I'm going to ask questions, but
6 you're welcome to read other parts of --

7 A. Yeah, I'm just saying it's --
8 you're starting in the middle of a paragraph.
9 I just -- I think to give the context of the
10 paragraph you start at the beginning normally
11 if you want to represent --

12 Q. Okay.

13 A. -- the paragraph.

14 "The employee should complain
15 promptly to GOER." Here's the form.

16 "If the employing agency is not subject
17 to Order 187, the employee should file a
18 complaint in accordance with their
19 employer's discrimination complaint
20 procedure. The employee may also report
21 such conduct to a supervisor, employee,
22 or personnel administrator. The
23 complaint will be verbal or in writing."

24 Okay.

25 Q. Okay?

1 A. Yup.

2 Q. Is that consistent with your
3 understanding --

4 A. Yes, sir.

5 Q. -- of the policy?

6 A. Yes.

7 Q. Okay. If I can continue it says:

8 "If the complaint is verbal, a
9 working complaint will be requested for
10 the employee in order to assist in the
11 investigation."

12 Is that consistent with your
13 understanding --

14 A. Yes.

15 Q. -- of the policy?

16 And then it says:

17 "If the employee refuses to
18 reduce the complaint to writing, the
19 supervisor or other individual who
20 received an oral complaint should file
21 it in writing --"

22 A. Yes.

23 Q. "-- under New York State employee
24 discrimination complaint form."

25 Is that consistent --

1 A. Yes.

2 Q. -- with your understanding of the
3 policy?

4 A. Yes.

5 Q. And then it goes on to say:

6 "Any complaint whether writ- --
7 verbal or written must be investigated
8 by GOER or pursuant to the employing
9 agency's policy.

10 A. Yes.

11 Q. Okay. Is there any other policy
12 within the executive chamber that would be
13 inconsistent with the requirement that it must
14 be investigated by GOER that you are aware of?

15 A. Not that I'm aware of.

16 Q. And then it goes on to say:

17 "Furthermore any supervisory or
18 managerial employee who observes or
19 otherwise becomes aware of conduct of a
20 sexually harassing nature must report
21 such conduct so that it can be
22 investigated."

23 Is that consistent with your
24 understanding of the policy?

25 A. That is. Yes. Just for

1 clarity's sake, we understand that this is
2 talking about a complaint that would be a
3 sexual harassment complaint as defined by the
4 sexual harassment law and policy.

5 Q. Is that your understanding? That
6 when someone receives a complaint that that
7 supervisor role is to determine first whether
8 it satisfies that person's definition of
9 sexual harassment under the law before they
10 report it?

11 A. I'm just -- that's the reading in
12 the paragraph:

13 "If an employee, including an
14 intern or contractor working in the
15 workplace, experiences sexual
16 harassment," then everything you read.

17 Q. So my question is: In your mind,
18 you read that as saying that a supervisor who
19 is informed of a complaint or learns of a
20 complaint first must decide whether, in his or
21 her view, it satisfies sexual harassment under
22 the law before reporting it?

23 A. No, I'm not expressing a view.
24 I'm expressing what the words say.

25 Q. That's how you read these words?

1 A. It's not -- that's the literal
2 reading of the words. It's not how I read
3 them. I have no interpretation of them. I
4 have no opinion. That's the literal reading
5 of the words.

6 Q. That's how you literally read
7 this paragraph?

8 A. Well, that's how it's written.
9 That's how the paragraph is written.

10 Q. The paragraph doesn't talk about
11 whether a supervisor needs to make a
12 determination legally whether the conduct
13 satisfies sexual harassment --

14 A. I never said it did.

15 Q. Right.

16 A. I just read the literal --

17 Q. I'm asking a follow-up question:

18 In your mind, is that a
19 requirement that's part of the policy?

20 A. I have no opinion or
21 interpretation. The literal words of the
22 paragraph say:

23 "Experiences sexual harassment or
24 observes it."

25 Q. You're just reading the words?

1 A. Yes, just reading the words.

2 Q. Going on to the next paragraph.

3 It says:

4 "If an employee is harassed by a
5 co-worker or a supervisor, it is very
6 important that a complaint be made to a
7 higher authority promptly."

8 Is that consistent with your
9 understanding of the policy?

10 A. Yes.

11 Q. An agency cannot stop sexual
12 harassment unless it has knowledge of the
13 harassment?

14 A. Yes.

15 Q. (Reading):

16 "Once informed the conduct must
17 be reported to GOER or the employing
18 agency which is required to initiate an
19 investigation and recommend prompt and
20 effective remedial action where
21 appropriate."

22 A. Yes.

23 Q. That's consistent with your
24 understanding of the policy?

25 A. Yes, all qualified by sexual

1 harassment. Experiencing sexual harassment.

2 Q. If you can turn to page 39 of
3 this document. It talks about retaliation.
4 And you can read any part, but drawing your
5 attention to the last sentence -- the second
6 to last sentence in the first paragraph:

7 "Retaliation can be any action
8 more than trivial that would have the
9 effect of dissuading a reasonable person
10 from making or supporting an allegation
11 of discrimination."

12 Do you see that?

13 A. Yes.

14 Q. Is that consistent with
15 your understanding --

16 A. Yes, sir.

17 Q. -- of the policy?

18 A. Yes.

19 Q. (Reading):

20 "And such action may be taken by
21 an individual employee."

22 Is that consistent with your
23 understanding? Yes?

24 A. Yes.

25 Q. And it says in the second

1 paragraph:

2 "Actionable retaliation by an
3 employer can occur after the individual
4 is no longer employed by that employer."

5 Is that consistent with your
6 understanding --

7 A. Yes.

8 Q. -- of the policy governing
9 retaliation?

10 A. Yes.

11 Q. And this says -- it goes on to
12 say:

13 "This can include giving an
14 unwarranted negative reference for a
15 former employee."

16 A. Yes.

17 Q. That's consistent with your
18 understanding?

19 A. Yes.

20 Q. Okay. We can put the --

21 MS. CLARK: Actually before
22 you --

23 MR. KIM: Go ahead. Sorry.

24 MS. CLARK: Sorry. Governor, if
25 you can turn to page 42. It's a section

1 that starts on page 40, "Reporting
2 discrimination in the workplace." And
3 at the top of page 42, it says:

4 "Any discrimination or potential
5 discrimination that is observed must be
6 reported even if no complaint has been
7 made. Failure to comply with the duty
8 to report may result in disciplinary
9 and/or administrative action."

10 Was that your understanding of
11 the policy?

12 THE WITNESS: Yes.

13 BY MR. KIM:

14 Q. I think we can put the binder --
15 or, actually, you can leave it there if that's
16 easier. But I'm going to switch topics.

17 A. Okay.

18 Q. Governor, when did you first meet
19 Lindsey Boylan?

20 A. I met her when she was chief of
21 staff at Empire State Development Corporation.

22 Q. And about when was that?

23 A. Several years -- I don't remember
24 the years. Several years ago.

25 Q. Does 2015 sound about right?

1 A. Sounds about right.

2 Q. Okay. And how did you first meet
3 her?

4 A. She was the chief of staff to the
5 Empire State Development Corporation. The
6 head of the corporation was Howard Zemsky.
7 And I met her in those interactions.

8 Q. Okay. And how often -- while she
9 was chief of staff to Howard Zemsky, how often
10 did you see her?

11 A. Not -- not that often. Empire
12 State Development Corporation is located in
13 this building. It's the primary state agency,
14 you could say, in terms of economic
15 development. But not that frequently.

16 Q. And which floor was Empire State
17 Development in, of this building?

18 A. I think it's the 36th.

19 Q. And so about how often did you
20 see or interact with her when she was chief of
21 staff to Howard Zemsky?

22 A. When we would have meetings on
23 related issues or economic development events.

24 Q. And would that roughly be once a
25 month, a few times a month? Or ...

1 A. A few times a month.

2 Q. And when you met Lindsey Boylan
3 in that context, would it generally be with
4 other people, or would -- sometimes
5 one-on-one?

6 A. Generally with other people.

7 Q. And who would the other people be
8 generally?

9 A. Other economic development
10 people.

11 Q. Howard Zensky?

12 A. One -- yes.

13 Q. And on occasion would you also
14 meet with her one-on-one?

15 A. Probably on occasion.

16 Q. Okay. And would they generally
17 be here in New York City or up in Albany or
18 both?

19 A. Both. Could be both.

20 Q. And at some point in time Lindsey
21 Boylan moved to the executive chamber.
22 Correct?

23 A. Yes.

24 Q. And she became the deputy
25 secretary for economic development?

1 A. Yes.

2 Q. Okay. When was that?

3 A. That was sometime after. That
4 was a -- I would say a couple of years after
5 she started.

6 Q. Okay. So around March of 2018?

7 A. Sounds right enough.

8 Q. Okay. And once she moved into
9 that role, did that change the frequency of
10 your interactions with her or seeing her?

11 A. Yes.

12 Q. Okay. What happened?

13 A. Deputy secretary role is
14 basically the governor's liaison to that
15 agency. It goes governor, secretary, director
16 of operations, deputy secretary. Deputy
17 secretary has a portfolio of agencies. Deputy
18 secretary for economic development, the main
19 agency is Empire State Development
20 Corporation.

21 She had been the chief of staff
22 to Empire State Development Corporation.
23 Becoming the chief of staff means she is also
24 the liaison to Empire State Development but
25 vis-à-vis the governor's office.

1 Q. Okay. And so you met with her,
2 or interacted with her more frequently once
3 she took on that role?

4 A. Yes.

5 Q. Okay. How -- what was the
6 frequency of your interactions with her?

7 A. I think it's fair to say we would
8 have, like, weekly staff meetings as a general
9 rule that she would attend, biweekly staff
10 meetings.

11 Q. With members -- other members of
12 your staff?

13 A. Yes.

14 Q. And, again, would -- once she
15 came into that role, were most of the meetings
16 that you had with her -- interactions you had
17 with her with other people present?

18 A. Yes.

19 Q. Were there times when you met
20 with her one-on-one?

21 A. Yes.

22 Q. Okay. And, again, were those
23 primarily -- or were they in New York City or
24 Albany or both?

25 A. They could be both.

1 Q. Okay. And did she travel with
2 you?

3 A. She would travel on trips and
4 events.

5 Q. Okay. How often?

6 A. Not often at all.

7 Q. Okay. Would that be once a
8 month, more than once a month, or less than
9 once a month?

10 A. I would say less than once a
11 month. But -- we can find out, but I don't
12 really remember.

13 Q. So she would travel with you on
14 your -- on the airplane?

15 A. With other people, yes.

16 Q. Okay. And the helicopter?

17 A. I'm sure one or the other or
18 both.

19 Q. How about in cars?

20 A. If we went to an event in a car.

21 Q. And how did the decision come
22 about that she would become the deputy
23 secretary for economic development?

24 A. I was part of the process, deputy
25 secretaries, I'm part of the process. Other

1 people may have recommended it also. But I
2 thought it was a good idea.

3 Q. Deputy secretary is an important
4 position?

5 A. Deputy secretary is an important
6 position. But the deputy secretary, within
7 the framework of the bureaucracy, the deputy
8 secretary has a portfolio of agencies.

9 Here the main agency was economic
10 development, which then has a commissioner.
11 Howard Zemsky's the commissioner. The deputy
12 secretary is the liaison to a commissioner to
13 the governor. But a commissioner believes
14 they're a commissioner, and they are the head
15 of the agency.

16 And the deputy secretary believes
17 that they are the governor's
18 representing -- representative over the
19 commissioner. These are often tense
20 relationships. In the case of economic
21 development, the head was Howard Zemsky who
22 had a very good working relationship with
23 Lindsey Boylan and did not like to be
24 micromanaged by the chamber staff.

25 So Lindsey, as the deputy

1 secretary, made sense because she had a good
2 relationship with Howard Zemsky and could
3 facilitate it, because we had had issues.
4 Howard was a very talented person and a senior
5 person. The staff people are sometimes
6 younger people.

7 And Howard Zemsky's attitude was,
8 I don't need this person telling me how to do
9 economic development. I'm the commissioner.
10 So Lindsey made sense because of her
11 relationship with Howard.

12 Q. Okay. And you said you were part
13 of the decision to put her in that position.
14 Why did you think she would be good for that?

15 A. As I just explained.

16 Q. Just her relationship with Howard
17 Zemsky?

18 A. Yes. We had had issues in the
19 past with Howard, who was a very valuable
20 member of the administration, bristling at
21 micromanagement. And I thought Lindsey
22 wouldn't present that problem, would
23 facilitate the relationship.

24 Q. And who was in that role prior to
25 Lindsey Boylan?

1 A. We had a number of people. It
2 was a very difficult position to fill because
3 of the dynamic I mentioned.

4 Q. And when Lindsey Boylan took that
5 position, did she physically move onto your
6 floor?

7 A. She kept the other hat of being
8 the chief of staff at Empire State Development
9 Corporation, which was a different model. So
10 she remained chief of staff at Empire State
11 Development, but also served as the liaison.

12 Q. But physically she kept her
13 office where she had it at Empire State
14 Development?

15 A. I believe so but I don't know.
16 And then I don't know where she -- what her
17 office was in Albany, et cetera. I just don't
18 know.

19 Q. Okay. And while she was working
20 as a chief of staff to Howard Zemsky, did you
21 have conversations with Mr. Zemsky about
22 Ms. Boylan?

23 A. I certainly would have before she
24 was appointed to -- because part of it was to
25 make sure the relationship with Howard was

1 facilitated.

2 Q. And did you discuss her work with
3 Howard Zemsky?

4 A. Her work in terms of his level of
5 confidence in her, to that extent, yes.

6 Q. And what was his view of
7 her -- the quality of her work?

8 A. He thought she was very good.

9 Q. And what was your view of the
10 quality of her work based on what you
11 observed?

12 A. I thought she was very good, and
13 to the extent she could facilitate the
14 relationship with Howard Zemsky, even better.

15 Q. Did you discuss -- while she was
16 chief of staff to Howard Zemsky, did you
17 discuss Lindsey Boylan's appearance with
18 Mr. Zemsky?

19 A. I don't remember any conversation
20 that I had with Howard about her appearance.

21 Q. Okay. How about anyone else?

22 A. I don't remember having a
23 conversation with anybody else about her
24 appearance.

25 Q. And I had limited my earlier

1 question to while she was chief of staff to
2 Howard Zensky, but how about ever? Have you
3 ever made any comments about Lindsey Boylan's
4 appearance?

5 A. I don't remember ever making any
6 comments about her appearance to anyone.

7 Q. Okay. Do you remember saying
8 ever that you thought Lindsey Boylan was
9 beautiful?

10 A. I don't ever remember saying I
11 thought Lindsey Boylan was beautiful.

12 Q. Do you remember ever saying that
13 she looked lovely?

14 A. I don't remember saying that, no.

15 Q. Do you remember ever saying --

16 A. But that -- excuse me. But that
17 is something I'm capable of saying to someone.

18 Q. Okay. So do you remember --

19 A. Not you, Mr. Kim, but just --

20 Q. I'm not --

21 A. Okay.

22 Q. Do you remember ever saying to
23 her, Ms. Boylan, "You look lovely today," or
24 words to that effect?

25 A. I don't remember saying that, but

1 I wouldn't be shocked if I made that comment.

2 Q. And you wouldn't be shocked
3 because that -- you can see yourself making a
4 comment to someone saying they look lovely?

5 A. I could see -- maybe not lovely.
6 Lovely's not really my word. But I could see
7 complimenting someone.

8 Q. On their looks?

9 A. On their appearance. "You look
10 nice today."

11 Q. What are some -- so what are some
12 of the things that you would say when you
13 complement people on their appearance?

14 A. I could say, "You look nice
15 today."

16 Q. Okay. Anything else?

17 A. Generally that, you know,
18 that -- that expression.

19 Q. That someone is beautiful? Have
20 you said that, "You look beautiful"?

21 A. No. It's -- no, it's not my word
22 or my expression.

23 Q. How about the Italian version of
24 beautiful?

25 A. The Italian expression is bella,

1 which is more of a greeting than a -- than a
2 statement of -- bella, ciao bella. Ciao bella
3 is hello. It's a greeting more. I have said
4 "ciao bella" on occasion. It's casual,
5 informal, but I have said "ciao bella."

6 Q. Okay. So you've -- you do say
7 things like "ciao bella." It sounds like
8 "lovely" may not be a favorite term, but
9 something to that effect, someone looks nice,
10 someone looks attractive?

11 A. I could say to a man or a woman,
12 "You look nice today."

13 Q. Man or a woman?

14 A. Man or a woman.

15 Q. Okay. And so that's why you
16 don't -- it wouldn't surprise you if -- you
17 don't remember it, but it wouldn't surprise
18 you if you said something like, "You look
19 lovely" to --

20 A. Lovely is not really my word.

21 Q. Okay. Or "You look good today,"
22 "You look nice today"?

23 A. I could say to someone, "You look
24 nice today."

25 MS. GLAVIN: Mr. Kim, just to

1 clarify the question, when you're
2 saying -- commenting on, you know,
3 somebody's looks, are you including
4 people's clothing in this question? Are
5 you referring to that as well? Because
6 I --

7 MR. KIM: Yeah. The
8 question -- yeah. Yes -- appearance --

9 A. It's primarily about the
10 clothing.

11 Q. Okay. Primarily about clothing?

12 A. Yes. "That's a nice tie." I
13 don't really think it's a nice tie, but for
14 purposes of illustration, I happen to think
15 it's a nice tie. "It's a nice tie." "You
16 look nice today."

17 MS. GLAVIN: Shoes?

18 THE WITNESS: "Nice shoes."

19 Q. Okay. For women, what have you
20 said about people's appearance, either
21 clothing or otherwise, their appearance?

22 A. "You look nice today," "It's a
23 night outfit." Just general human
24 interaction, welcoming, hospitable comments.

25 Q. "Nice dress"?

1 A. I don't know that I would really
2 get into dress. That's a generic comment.

3 Q. Okay. How about making fun of
4 people about their clothing? Have you done
5 that?

6 A. Sometimes with men about ties,
7 where I just teased you about your tie.

8 Q. How about with women?

9 A. No, not really.

10 MS. CLARK: Did you ever ask a
11 woman wearing a dress to spin around for
12 you?

13 THE WITNESS: Never. That I
14 recall, never. That's not something I
15 would do, and I don't have any
16 recollection about that.

17 Q. Going back to Ms. Boylan, do you
18 remember ever comparing her to any actresses?

19 A. No, I do not recall that.

20 Q. In discussions with anyone, not
21 directly with her?

22 A. No, I do not.

23 Q. Okay. Do you remember ever
24 comparing her with any ex-girlfriends of
25 yours?

1 A. Not an ex-girlfriend. I did say
2 to her words to the effect of -- in just small
3 talk, "You have a clone. Do you know that you
4 have a clone? A person who looks just like
5 you." And -- because there is a person I know
6 who has an uncanny -- in my opinion -- an
7 uncanny resemblance to her. And that was
8 that.

9 And then I said to Stephanie
10 later on, as I recall, "Tell her to Google a
11 woman named Lisa Shields," who is the person I
12 was referring to as the, quote, unquote,
13 "clone," or replica. I forget exactly what I
14 said. And that was it.

15 Q. And so you recall having a
16 conversation with her where you said in words
17 to the effect of, "You know you have a clone."

18 Did you say at that time "Lisa
19 Shields"?

20 A. I don't think I said the name at
21 the time. And that's why I told Stephanie
22 afterwards, "Tell her to Google Lisa Shields."
23 I did not say Lisa Shields was a girlfriend.

24 Q. Okay. Was she a girlfriend of
25 yours?

1 A. She was a friend of mine 20 years
2 ago. I think Lindsey herself in one of her
3 tweets or letters called her "rumored to be a
4 girlfriend," which I found interesting.

5 Because rumored can mean -- a
6 girlfriend means -- I did not say she was a
7 girlfriend. Because if I said she was a
8 girlfriend, she would have said, "Who the
9 governor said was a girlfriend." She said,
10 "rumored to be a girlfriend."

11 I don't believe there's a news
12 article that ever said she was a girlfriend.
13 There may be a news article -- this is 20
14 years ago. I don't remember. But there may
15 be a news article that says "rumored to be a
16 girlfriend," or something like -- you know, a
17 Page Six piece or something like that.

18 Q. So my question was actually: Was
19 she a girlfriend of yours?

20 A. She was a friend. How do you
21 want to define "girlfriend"?

22 Q. Did you date her?

23 A. How do you want to define "date"?

24 Q. How do you define "date"?

25 A. But it doesn't matter how I

1 define "date." How do you define "date"?

2 Because it's your question.

3 Q. My question is -- you don't
4 understand the question of -- first I'll go to
5 my earlier question: Was she your girlfriend?
6 You don't understand that question?

7 A. I -- was she my girlfriend,
8 meaning?

9 Q. Do you understand what a
10 girlfriend is?

11 A. Well, girlfriend means different
12 things to difference people.

13 Q. Okay. What does it mean to you?

14 A. What a girlfriend means to me may
15 be different than what a girlfriend means to
16 you.

17 Q. What does it mean to you?

18 A. It doesn't matter what it means
19 to me. It matters what you want to know.

20 Q. I'd like to know whether you
21 thought she is -- was a girlfriend of yours.
22 Do you not understand? What is your
23 understand of a girlfriend?

24 A. I don't know what -- my
25 understanding doesn't matter.

1 Q. It actually does, though, with
2 all respect --

3 A. She is a friend who is -- okay.
4 It is a friend who is a girl.

5 Q. That's how you define
6 "girlfriend"?

7 A. Yes.

8 Q. Okay. How about someone you
9 date, have relations with?

10 A. Have relations?

11 Q. Kiss -- you kiss. You go on
12 dates -- would you go on dates --

13 A. Did I kiss her? Yes. There was
14 a period of time that I kissed her.

15 Q. Okay. You kissed Lisa Shields?

16 A. Yes.

17 Q. You went on dates with her?

18 A. She was a friend and we did
19 activities together.

20 Q. Okay. You kissed her on the
21 mouth?

22 A. Mm-hmm.

23 Q. Okay. That's, I think, a
24 general -- and you have relations with?

25 A. Nowadays --

1 Q. Physical relations with?

2 A. Nowadays, Mr. Kim, I believe you
3 have to be very careful about how you define
4 what term. "Girlfriend" could mean this:
5 I -- she is a woman who was a friend who I did
6 see romantically for a period of time.

7 Q. Okay. If you define "girlfriend"
8 as a woman-friend who you see romantically for
9 a period of time, was Lisa Shields a
10 girlfriend of yours?

11 A. If that is your definition, yes.

12 Q. Okay. And did you tell Stephanie
13 Benton to say that she looks like Lisa Shields
14 but a better-looking version?

15 A. No.

16 Q. No. Okay. So if you can turn to
17 Tabs 6 in your binder. And this is a text
18 exchange between Ms. Benton and Lindsey Boylan
19 that has been made public. You've probably
20 seen it before -- have you seen this before?

21 A. I think I have seen this before.

22 Q. And Stephanie Benton says to
23 Lindsey Boylan: "He said, 'Look up Lisa
24 Shields.'"

25 And you testified that you did

1 tell Stephanie Benton to tell Lindsey Boylan
2 to look her up?

3 A. Yes.

4 Q. Okay. And then it says:

5 "You could be sisters."

6 Is that something you asked

7 Stephanie Benton to convey?

8 A. I don't remember asking Stephanie
9 to say that. I think she said -- I think
10 Stephanie is saying:

11 "You could be sisters, except
12 you're the better-looking sister."

13 Q. Do you remember asking Stephanie
14 Benton to convey that Lindsey Boylan was the
15 better-looking sister --

16 A. No.

17 Q. -- of Lisa Shields?

18 A. No. I do not remember that. I
19 don't remember saying -- to say, "You could be
20 sisters, except you're the better-looking
21 sister."

22 I certainly didn't tell her to
23 say, "You're the better-looking sister." I
24 don't remember telling Stephanie to say, "You
25 could be sisters," either.

1 Q. Okay. So just so we have it
2 straight, you don't remember saying: "You
3 could be sisters, except you're the
4 better-looking sister."

5 You don't remember telling her to
6 say either of those two things?

7 A. That's right.

8 Q. Okay. You -- you don't remember,
9 but you may have said you could be -- they
10 could be sisters?

11 A. I don't remember saying, "You
12 could be sisters." I remember saying just the
13 first remark, "Look up Lisa Shields."

14 Q. Okay. And then, "except you're
15 the better-looking sister," that's something
16 you don't remember saying?

17 A. I don't remember saying, "you
18 could be sisters," or, "except you're the
19 better-looking sister."

20 Q. Okay. Could you have said those
21 things?

22 A. I could not -- I do not see
23 myself at all saying, "you're the
24 better-looking sister." I could have said,
25 "you could be sisters," because it's

1 consistent with my recollection of saying "you
2 could be clones," "you're -- you're a clone,"
3 "identical twin." I could have said,
4 "sister."

5 Q. And why could you not see
6 yourself saying, "you're the better-looking
7 sister"?

8 A. It's just not something I would
9 say.

10 Q. You would never say
11 that -- something like that?

12 A. No, I wouldn't say something like
13 that.

14 Q. Why not?

15 A. It's just not me.

16 Q. It's not you to --

17 A. And I don't think it's -- I
18 wouldn't want to go down that road.

19 Q. What do you mean by that?

20 A. Commenting on who's
21 better-looking between two women.

22 Q. That -- would that be
23 inappropriate?

24 A. I don't know if it would
25 be -- it's not who -- I would not feel

1 comfortable with it.

2 Q. You would not feel comfortable
3 with saying to Lindsey Boylan that she's the
4 better-looking sister of Lisa Shields?

5 A. You know, it's -- comfort level
6 is based on the facts and circumstances in the
7 relationship. With Lindsey Boylan, I wouldn't
8 have felt comfortable saying that.

9 Q. Okay. And you say it depends on
10 the "facts and circumstances in the
11 relationship." What facts and circumstances
12 would make you feel comfortable saying
13 something like that?

14 A. If I was talking to a friend who
15 I knew for a long time, talking to a
16 girlfriend.

17 Q. As you've defined it?

18 A. As we've defined it --

19 Q. Yeah.

20 A. -- mutually.

21 Q. Okay. And how about to someone
22 who's a staffer of yours, an employee of
23 yours, or someone who works, you know,
24 underneath you?

25 A. Yeah, I don't make comments about

1 physical -- comparing who's prettier, better
2 looking with staff. You know, the -- "you
3 look nice today," that's one thing. I am more
4 free with men, frankly, more on the negative
5 side, the teasing/joking side. I think I have
6 more license there to tease men who I know.

7 And I know they know it's just
8 teasing, and it's more for the benefit of the
9 whole group, you know. But with female
10 staffers, this is not a -- this is not an area
11 that I would be comfortable.

12 Q. So comparing appearances and
13 looks for female staffers, that's something
14 that would not be comfortable for you?

15 A. I would not be comfortable
16 saying, "You're better looking than this one."

17 Q. Would one of your
18 discomfort -- or part of your discomfort be
19 that they might feel that you're attracted to
20 them?

21 A. They could feel that, I'm
22 disparaging someone else, I'm complimenting
23 them on their looks.

24 Q. And could one of it -- your
25 concerns be that they might think that you're

1 coming onto them?

2 A. Yes.

3 Q. Propositioning them?

4 A. Yes.

5 Q. Is that one of your concerns?

6 A. That's why I think reader's
7 clarification was important. It's easier and
8 safer, I think, when you're talking about
9 appearance with clothing, "That's a nice
10 outfit." But personal attractiveness, I'm not
11 comfortable with.

12 Q. Other than Stephanie Benton and
13 Lindsey Boylan herself, have you mentioned to
14 anyone else that she looks like Lisa Shields?

15 A. Not that I remember.

16 Q. Did you tell Lindsey Boylan at
17 any point about [REDACTED]
18 [REDACTED], had also dated Lisa Shields?

19 A. I don't remember saying that. It
20 happens to be true, but I don't remember that
21 conversation.

22 Q. Are you aware of that --

23 A. Well, I don't know if it's true.
24 It happens to have been reported in the
25 newspaper. I knew Lisa, like, 20 years ago,

1 in that ballpark. I haven't spoken to her
2 since. So it has been reported in the
3 newspaper. I don't remember telling Lindsey
4 Boylan that.

5 If she did Google Lisa Shields,
6 that would probably be the first thing that
7 came up now is that she supposedly dates that
8 person. But I don't recall telling her that.

9 Q. Okay. Okay. When Lindsey Boylan
10 served as the chief of staff to Howard Zensky,
11 do you remember ever inquiring with anyone as
12 to whether Lindsey Boylan would be coming to a
13 particular event or any meeting -- any
14 particular meeting?

15 A. I don't recall any particular
16 inquiry. But it would be commonplace. I
17 often inquired who was coming to what meeting
18 and what of -- well, who was coming to what
19 meeting and what event.

20 First of all, I needed certain
21 people at certain events, and I would say,
22 "Does X think they're going, because I need X
23 to go to the meeting." Or "I need X to go to
24 the event." So that is a common interaction.

25 Q. So it's something you do often,

1 which is ask people who's going to be there,
2 "Is so-and-so going to be there"?

3 A. Yeah. Who -- is this person
4 going to be there? They have to be there.
5 This person should be there. Find out if this
6 person thinks they're going.

7 If they think they're going, tell
8 them not to go. If they -- if they don't
9 think they're going, tell them to go. That's
10 a daily occurrence.

11 Q. Okay. So is that something you
12 ever remember doing with respect to Lindsey
13 Boylan?

14 A. I may very well have.

15 Q. You may very well have, but you
16 don't have a particular recollection --

17 A. No, but if the commissioner
18 doesn't come to an event, then somebody -- and
19 I feel someone has to be there from that
20 subject area -- and they say, "Well, Howard
21 Zemsky's not coming."

22 I would then say -- it would be
23 commonplace for me to say, "Well, then, is
24 Lindsey coming if he's not coming"? That type
25 of situation.

1 Q. Okay. So commonplace, but you
2 don't have a specific recollection of doing
3 it --

4 A. Right.

5 Q. -- with respect to Lindsey
6 Boylan?

7 A. Right.

8 Q. Okay. Have you ever hugged
9 Lindsey Boylan?

10 A. I'm sure I have.

11 Q. In what context?

12 A. In greeting, hello, goodbye,
13 events, congratulations, well done.

14 Q. And would you -- do you recall
15 hugging Lindsey Boylan every time you met or
16 said goodbye, or just sometimes?

17 A. It more depends on the frequency
18 of how long ago I just saw a person. If I
19 didn't see a person in a while, then it's more
20 likely to hug. Or if the person is -- if the
21 person upon meeting goes to hug, then I will
22 hug.

23 You know, I'm -- I'm trying to
24 make you feel comfortable. So I will respond
25 to your cues. So if you walk in and you are

1 commencing, initiating an embrace, I will
2 embrace you.

3 Q. So hugging people generally,
4 which also applied to Ms. Boylan, would depend
5 on the frequency.

6 If you hadn't seen that person in
7 a long time, you're more likely to hug. Is
8 that fair?

9 A. Yes. But with the general caveat
10 of I hug a lot. There are thousands of
11 pictures of me embracing people. It is part
12 of my customary greeting. Maybe it's
13 cultural, maybe it's personal, but I hug a
14 lot.

15 Q. Okay.

16 A. In all situations, women and men.

17 Q. Okay. Let's maybe -- sticking
18 for the moment with staffers, whether you're
19 likely to hug a staffer depends on if you
20 hadn't seen them in a while?

21 A. Or if they initiated a hug.

22 Q. Or if they initiate a hug.

23 Do you ever -- or have you ever
24 asked a staffer permission before hugging
25 them?

1 A. Usually not on a hug.

2 Q. You say "usually not." Do you
3 ever remember asking?

4 A. I think a colloquial expression I
5 have used is "Give me a hug."

6 Q. Got it. So "Give me a hug" may
7 be -- and then they would initiate it in
8 effect?

9 MS. GLAVIN: Just on the point to
10 give context, can you just, sort of,
11 give circumstances, Governor, where
12 it's, sort of -- if there are occasions
13 where you say, "give me a hug," what's
14 going on in that moment?

15 THE WITNESS: "Give me a hug" is
16 more of a colloquial expression that
17 would be in the moment, ceremonial,
18 celebratory.

19 I don't even have a specific
20 recollection of saying -- doing it to
21 tell you the truth. But I'm familiar
22 with the expression, "Give me a hug."

23 BY MR. KIM:

24 Q. How about kisses?

25 A. More in the personal context. I

1 do it more with my daughters.

2 Q. Give me a hug?

3 A. Because with them I have to ask
4 for a hug. They are not initiators of hugs
5 unfortunately with me. I'm sorry. Your
6 question, sir?

7 Q. How about kisses? We'll just
8 start with staffers.

9 A. I will customarily kiss people
10 who -- on the cheek, who I feel it's
11 appropriate. And, again, I deal with the cues
12 from people. I recently -- fairly recently
13 have started to say to women on occasion, "May
14 I kiss you?"

15 That's fairly recent. More
16 responsive to the shifting norms if you -- as
17 you may call it. But I'll do that on
18 occasion, "May I kiss you," before even
19 kissing them on the cheek.

20 Q. And you say the asking "May I
21 kiss you" is a more recent thing to do. How
22 recent? Have you --

23 A. A couple of years. More if I
24 don't know the person.

25 Q. And before that you would, on

1 occasion, kiss staffers?

2 A. On the cheek.

3 Q. On the cheek. Okay. And before
4 that, you may not have -- you don't remember
5 asking, "May I kiss you," before doing that?

6 A. Not as a practice. I may have.
7 But a few years ago, with people who I don't
8 know, I would start asking, "May I kiss you?"

9 Q. And is that now, as of a couple
10 of years ago, is that in every instance that
11 you ask that?

12 A. It's not in every instance. It's
13 more with people who I don't know, and more
14 with people who I -- more with people who I
15 don't know. And, you know, you
16 sometimes -- there's a situation where you get
17 a feel for people.

18 Some people are much more
19 outgoing and much more affectionate, and they
20 just -- you know, they grab you and they're
21 kissing you and they're hugging you. You
22 know, more formal setting.

23 Q. So going back to Lindsey Boylan,
24 have you kissed her on the cheek?

25 A. I probably kissed her on the

1 cheek.

2 Q. Do you have any recollection of
3 doing it?

4 A. No. But it would be unusual for
5 me -- she -- we've been to a lot of social
6 events together. You know, you do Christmas
7 parties, et cetera.

8 It would be usual for me in
9 relation to her to kiss her on the cheek on
10 occasion.

11 Q. Okay. So you don't have a
12 particular recollection of it, but it would be
13 usual to --

14 A. Yes.

15 Q. -- kiss her on the cheek at an
16 event --

17 A. Yes.

18 Q. -- or -- or on occasion?

19 A. Yes.

20 Q. Okay. On both cheeks or one
21 cheek?

22 A. Good question. Probably one
23 cheek.

24 Q. And why do you say, "Probably one
25 cheek"?

1 A. Because I don't -- the -- the
2 two-cheek kiss is more of an ethnic greeting.

3 Q. So are there people you are more
4 likely to have -- engage in the two-cheek kiss
5 versus the one-cheek kiss?

6 A. I haven't really thought through
7 this area.

8 MS. GLAVIN: Yeah, I was going to
9 follow up. Governor, do you have a
10 policy on the --

11 A. Actually, no.

12 MS. GLAVIN: Okay.

13 A. I don't think I've ever thought
14 about cheek kissing as much as I have in these
15 past few minutes. I don't have a -- a policy.
16 But I don't think I would have kissed her
17 twice.

18 Q. Well, you've said that the
19 "two-cheek kiss is more of an ethnic
20 greeting." What did you mean by that?

21 A. I think it -- Italian people
22 often kiss on both cheeks. Jewish people
23 sometimes kiss on both cheeks. I think
24 there's a cultural greeting element to it.

25 But I don't think -- I don't

1 think I would have kissed Lindsey on both
2 cheeks.

3 Q. How about on the forehead?

4 A. I kiss women on the forehead on
5 occasion.

6 Q. And on what occasions?

7 A. Just as a greeting, appreciation,
8 thank you.

9 Q. And so you -- do you recall ever
10 kissing Lindsey Boylan on the forehead?

11 A. No.

12 Q. But it's possible?

13 A. But it's possible.

14 Q. Do you -- have you kissed other
15 staffers on the forehead?

16 A. I saw a picture of me last
17 night -- and actually, I was looking through
18 pictures -- kissing congresswoman Nita Lowey
19 on the forehead.

20 I don't recall kissing staff
21 people on the forehead, but I would not be
22 surprised that I have.

23 Q. Okay. Was your relationship with
24 Lindsey Boylan such that you would joke around
25 with her on occasion?

1 A. On occasion. She was not an
2 especially -- I would just say on occasion.

3 Q. Sometimes. But she
4 wasn't -- when you were going to say, "she was
5 not especially," what were you going to say?

6 A. It was -- we didn't -- I didn't
7 interact with her that much. So we also
8 weren't in those settings where people would
9 be more jovial.

10 Q. But generally it's fair to say,
11 when she was in the roles that she was in the
12 executive chamber and the ESD, that you had a
13 friendly relationship with her?

14 A. Friendly. Friendly. I did not
15 have a -- I don't even recall having at any
16 time a problematic relationship with Lindsey.

17 That's one of the things that was
18 so shocking. She had issues with many, many
19 staff people; but not with me. Not with me.
20 That's one of the things that was so shocking
21 here.

22 Q. You thought you had a good
23 relationship with her?

24 A. Yes.

25 Q. Never -- you hadn't perceived any

1 problems?

2 A. No.

3 Q. Did you ever ask her about her
4 personal life?

5 A. I met her husband. I met her
6 child. She brought them to an event.

7 Q. Did you talk to her about her
8 husband?

9 A. We chatted about him. At one
10 point his friend had a wife who was helping us
11 in Puerto Rico with disaster recovery.

12 Q. Did you ask her about her
13 husband's job?

14 A. Well, she -- the husband was in a
15 hedge fund that worked with this other hedge
16 fund manager whose wife was from Puerto Rico
17 and was helping on the Puerto Rico disaster
18 relief, so it did come up.

19 Q. Did you talk to her about or joke
20 with her about how much money he made?

21 A. A hedge fund person? I don't
22 remember it, but was I capable of making a
23 comment about a hedge fund person?

24 Q. You don't specifically recall,
25 but it's not -- it wouldn't be unusual?

1 A. To joke about hedge-funders, it
2 would not be wholly unusual, no.

3 Q. Okay. Did you ever show
4 Ms. Boylan the boardroom in your office in the
5 Capitol?

6 A. I don't remember -- I know her
7 story that she --

8 MS. GLAVIN: Can we just stop
9 right there? When you say "board room,"
10 what do you mean?

11 MR. KIM: Or -- or did you show
12 her your offices and --

13 Q. You have described, I
14 think -- and we'll get to some of the
15 documents, sort of a standard tour of your
16 office space in the Capitol.

17 Do you remember ever showing or
18 giving Lindsey Boylan such a tour?

19 A. Can you show me the document that
20 we're referring to?

21 Q. We'll get to it. I just want to
22 see what your recollection is, whether you
23 remember ever showing her.

24 A. I don't remember it. I saw a
25 document where she says she was in the

1 conference room. There's a conference room.

2 Q. Conference room?

3 A. So I don't remember that at all,
4 but I know what she describes.

5 Q. Okay. You don't specifically
6 remember showing her the things in the
7 conference room?

8 A. No, sir.

9 Q. But you know the space she's
10 talking about?

11 A. Yes.

12 Q. Okay. And is that the space that
13 has the cigar box --

14 A. Yes, sir.

15 Q. -- from Bill Clinton?

16 A. Yes, sir.

17 Q. Okay. And so do you remember
18 showing her the cigar box from Bill Clinton?

19 A. No. Specifically her, no.

20 Q. Okay. But that wouldn't surprise
21 you if at any -- at some point you did show it
22 to her?

23 MS. GLAVIN: I'm going to say,
24 Governor, to the extent that what
25 Mr. Kim is asking is raising for

1 you -- sort of, if you had any type of
2 pattern or practice with respect to your
3 conference room.

4 THE WITNESS: Yes.

5 A. The -- if you visit Albany, you
6 will see there's the outer office. There's
7 then an inner office which is Stephanie's
8 office. There's then a conference room, and
9 then there's my office on the other side of
10 the conference room.

11 The conference room in Albany is
12 much different than this conference room. It
13 is almost a museum of really magnificent
14 artifacts. And when someone comes in, I do a
15 tour, if you will, which is standard and
16 routine; I've done hundreds of times.

17 It starts at the door, and the
18 first thing is the Clinton memorabilia. And
19 there is a box of cigars -- it's actually not
20 a humidor, it's a little box like this -- that
21 has his name on the top with a signed note
22 card to me that says, "These are the last
23 batch of cigars legally imported from Cuba,"
24 which means they were pre-1965, pre the
25 Kennedy embargo. So that's there.

1 There's then a bowl from Clinton.
2 I was a cabinet secretary, housing and urban
3 development secretary to Bill Clinton. He had
4 this bowl designed for the cabinet members
5 when they left. An original FDR memento
6 poster calling him the way he is, the
7 progressive champion on -- and FDR, everyone
8 now talks about progressive, progressive,
9 progressive. FDR, original poster: "I'm the
10 progressive candidate."

11 American flag that Ted Kennedy
12 got for me, which was the flag that flew over
13 the Capitol the day I was confirmed at HUD.
14 And Senator Kennedy, God rest his soul, had it
15 taken down, put in a flag box, poster done by
16 my daughter.

17 Indian honeymoon fan -- fans from
18 the Tlingit -- Tlingit Haida Indian tribe. As
19 HUD secretary, I went to all the
20 different -- many of the different
21 Indian reservations, because HUD did the
22 Indian housing. And they were -- presented me
23 with caribou hair honeymoon fans, which are
24 there.

25 So there's a tour that I have

1 done just because I think it's interesting and
2 I think people find it enjoyable. On that
3 tour, the first stop in the normal trajectory
4 is the box with the card from president
5 Clinton.

6 No one has ever said to me, "I
7 got the implication of Monica Lewinsky," which
8 is the implication that she drew. No one has
9 ever said that to me. And it's been there for
10 ten years. And I bet you I've done this tour
11 a thousand times in that period of time.

12 Q. Okay. So you've done that tour
13 that includes the cigars from President
14 Clinton many, many times?

15 A. Yes.

16 Q. And so although you don't have a
17 specific recollection of giving such a similar
18 tour to Lindsey Boylan, it could have
19 happened?

20 A. Yes.

21 Q. And you are -- no one's ever
22 said it to you but -- no one's ever
23 said -- brought up Monica Lewinsky when you
24 showed them the cigar box cigars? Okay.

25 You are aware of the Monica

1 Lewinsky story with Bill Clinton and cigars?

2 A. Yes.

3 MR. KIM: I think we've been
4 going, like, an hour and --

5 MS. GLAVIN: I could use a
6 bathroom break.

7 MR. KIM: Yeah, so -- sure. I
8 can tell from her face that this might
9 be -- sorry.

10 THE WITNESS: He means that in a
11 nice way.

12 MR. KIM: No --

13 THE WITNESS: Don't take offense.

14 MS. GLAVIN: I do think you
15 commented on her looks.

16 MR. KIM: She looks -- she looked
17 unhappy.

18 THE VIDEOGRAPHER: Okay. The
19 time is 9:48 a.m. This concludes Media
20 1. Off the record.

21 (Recess taken from 9:48 a.m. to
22 10:02 a.m.)

23 THE VIDEOGRAPHER: The time now
24 is 10:02 a.m. This begins Media 2. On
25 the record.

1 BY MR. KIM

2 Q. Governor, how long did Lindsey
3 Boylan work as deputy secretary for economic
4 development?

5 A. Several -- a couple of years.

6 Q. Okay. You think a couple of
7 years or --

8 A. Or so. A couple -- frankly I
9 don't -- I don't really know how long she was
10 in that job.

11 Q. I see. That job versus the chief
12 of staff.

13 A. Yeah. Yes.

14 Q. Do you remember the circumstances
15 of her departure from the executive chamber?

16 A. Yes.

17 Q. Okay. What do you remember about
18 that? Or, actually, can I phrase that
19 differently, because you may have learned
20 since --

21 At the time she left, what did
22 you -- who -- what did you learn or know about
23 her departure?

24 A. At the time, I knew that there
25 were a number of complaints against Lindsey

1 from staff people, higher up staff people and
2 subordinate staff people.

3 And this was a constant theme,
4 although she did not have issues with me. I
5 would hear about them from the others, and
6 there were issues about her coming directly to
7 me and bypassing all the other staff people,
8 the senior people. And that she would keep
9 coming to me. So I would hear it that way.

10 They would say, "She keeps coming
11 to you. Tell her she has go through the chief
12 of staff, the chain of command." But they
13 were not about me. I knew she had issues with
14 the staff.

15 They had progressed to the level,
16 which surprised me, where there were formal
17 complaints that went to the general counsel.
18 And the general counsel interviewed her on
19 these complaints. And they were much more
20 serious than anything I had thought about.

21 The meeting ends -- or she walks
22 out of the meeting or she gets offended at the
23 meeting and then calls me a couple of days
24 later. And the counsel says to --

25 MS. GLAVIN: Do not go into any

1 privileged conversations that you had
2 with your counsel.

3 THE WITNESS: Okay.

4 A. The -- she calls my office. I'm
5 told not to talk to her, and basically I'm
6 then told, "Don't talk to her. She -- this is
7 what happened. We had a counseling session.
8 There were complaints. They're very serious."

9 I learned -- I don't know at that
10 time or subsequent -- that ESD wanted her
11 terminated. And she left the meeting upset,
12 resigned, and then called back and said, "I
13 want my job back."

14 The couns- -- the counsel
15 wouldn't agree to give her her job back. She
16 was then calling me to intervene with the
17 counsel.

18 MS. GLAVIN: And, Governor, let
19 me just stop you there. When you say
20 she called you?

21 THE WITNESS: She called my
22 office.

23 MS. GLAVIN: Okay.

24 A. Spoke to Stephanie and said
25 basically to Stephanie, as I understood it, "I

1 want my job back. I love the governor. They,
2 the senior staff, are not serving him well. I
3 can serve him better than they can. I want my
4 job back. Please tell him to call me."

5 I never called her back pursuant
6 to the advice I got. I did not feel
7 comfortable not calling her back, because I
8 had had a very friendly relationship with her.
9 And I said at that time, look, I don't -- even
10 if I don't get into the job, just on a
11 personal level, I want to call her back and
12 say, "I'm sorry this happened this way."

13 And -- but the advice I got was
14 "No, no, no. Stay out of it." This was very
15 serious. I think they didn't want me
16 saying -- because ESD had recommended
17 termination her. They didn't want me giving a
18 contrary opinion. And that was the last time
19 I spoke to her.

20 MS. GLAVIN: Well, you didn't
21 speak to her.

22 THE WITNESS: Yes.

23 A. I did not speak to her. So it
24 was prior to that.

25 Q. So let's unpack that a little

1 bit. So you said that you learned there were
2 complaints about her and issues with her, both
3 senior and below her.

4 Is that something you had heard
5 before she had left?

6 A. I heard a constant din of Lindsey
7 issues, just a constant din.

8 Q. How long was that constant din?

9 A. I think as soon as she became the
10 deputy secretary position.

11 Q. Okay. And who conveyed this
12 constant din of issues about Lindsey Boylan?

13 A. It was just atmospheric.

14 Q. Okay. Atmospheric, but someone
15 must have said something to you?

16 A. It was virtually, Mr. Kim, all of
17 the senior staff.

18 Q. Can you name any particular
19 people that you remember raising it --

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] She had constant issues.

1 I heard about it because they
2 would say to me, "Tell Lindsey to follow the
3 chain of command," which I did. I would say
4 to her, "Please follow the chain of command,
5 get along with everyone, let's play nice,"
6 basically, without those words.

7 Q. Did she on occasion come to you
8 directly without going through other people?

9 A. Apparently yes.

10 Q. See, but you would know if she
11 came to you directly?

12 A. Well, you can call me directly
13 and go through the chain of command. You
14 could have gone to the -- her boss, her
15 supervisor, and said, "I want to call him and
16 talk to him about the [REDACTED] factory."

17 And [REDACTED]
18 says, "Okay. Fine. Call him and talk to him
19 about [REDACTED] factory." Therefore, when she
20 called me and talked to me about [REDACTED]
21 factory, I told her to do something, they
22 didn't know anything about it.

23 Q. So there were occasions when she
24 would call you directly, talk about something,
25 you didn't know whether it had been run up the

1 chain or --

2 A. That's right.

3 Q. -- or not?

4 A. That's right.

5 Q. But there are occasions where she
6 reached out to you directly about issues?

7 A. But there are -- yes. But that
8 is -- that is the modus operandi. People talk
9 to me directly all the time. It's up to them
10 to check the boxes on the chain of command.
11 Right?

12 Q. So you heard a din of issues that
13 people raised with you. One of them was he
14 comes -- she comes, tells you things, it
15 hasn't been run up the chain or socialized or
16 whatever the word would be?

17 A. Difficult -- very difficult
18 personally, emotional; just along those lines.

19 Q. Okay. And then you've also
20 mentioned some specific complaints that you
21 said the counsel at the time was looking into.
22 Was that Alphonso David?

23 A. Yes, sir.

24 Q. Okay. When did you learn about
25 the issues that Alphonso David was looking

1 into?

2 A. Generally, when they were telling
3 me not to call her back, which I was resistant
4 to, just on a human level, they -- I don't
5 think they got into the specifics, but they
6 said these are very serious complaints.

7 And they were afraid that I
8 would, in some way, say -- say something in
9 the conversation to diminish the complaint.
10 And they didn't want me to have that
11 conversation. And they had to communicate to
12 me to stop me from calling, that these are
13 very serious complaints, and you don't want to
14 be a witness in these complaints.

15 Q. So you heard about it that way?

16 A. Yes.

17 Q. Okay. And do you remember that
18 the issue that Alphonso David was looking into
19 was right around the time she left or shortly
20 before?

21 Do you remember him looking into
22 some issues right before she left?

23 A. My understanding is at the
24 meeting with him, going through these
25 complaints. And, again, now that I know he

1 had a termination recommendation from the
2 agency signed by Howard Zemsky.

3 It was -- that's very serious. I
4 don't even remember a time where the counsel
5 to the governor's office didn't follow the
6 recommendation of the agency. So he has a
7 recommendation to fire. It was serious.

8 She gets upset, as it was relayed
9 to me in that meeting. She leaves the
10 meeting. She sends an e-mail that says, "I
11 resign."

12 She then -- sometime after that
13 meeting -- she then calls back the next day,
14 next two days, next three days, or something,
15 and says to the counsel, "I was" -- words to
16 the effect of, "I acted out of emotion. I
17 didn't mean it. I want to come back."

18 He basically says no. She then
19 calls me to appeal that decision, is the way I
20 understood it.

21 Q. Okay. And so this recommendation
22 signed by Howard Zemsky, termination
23 recommendation, have you seen that document
24 yourself?

25 A. Only recently.

1 Q. Okay.

2 MS. GLAVIN: Let me stop you
3 right there. Have you actually seen a
4 document signed by Howard?

5 THE WITNESS: No, I've not seen
6 that.

7 MS. GLAVIN: Okay.

8 A. I've seen one referring to -- I'm
9 sorry. I don't even know that the document
10 referred to Howard Zemsky. I think the
11 document referred to ESD was recommending
12 termination.

13 Q. So you have never -- you have
14 never seen a document signed by Howard Zemsky
15 with a termination recommendation?

16 A. I don't be- -- I don't remember
17 seeing Howard Zemsky's name signed on that
18 letter. But I may be wrong.

19 Q. So at the time that Alphonso
20 David is looking into this issue, I'm just
21 trying to figure out, when were you informed
22 of that? Before that, at the time, or after?

23 A. After.

24 Q. I see.

25 A. Not until I was being told,

1 "Don't call."

2 Q. I see. So it's she has left, and
3 then you were told, "Don't call her back,"
4 because -- whatever the reason. Don't call
5 her back. Or don't call or communicate with
6 her.

7 A. She left, sends a letter of
8 resignation, calls the counsel back, says, "I
9 want my job back." Words to that effect. He
10 says no. Words to that effect.

11 She calls me to appeal the
12 counsel's decision. They come to me and say,
13 "Don't call her back."

14 Q. Okay. And it's at that time you
15 learned --

16 A. Yes.

17 Q. -- what's happened?

18 A. Yes.

19 Q. So it's -- you're not hearing
20 about it or know about it before, you learn
21 later?

22 A. Yes.

23 Q. Okay. But before is when
24 you -- you have heard the din is --

25 A. Constantly, yes.

1 Q. And that's mostly -- or some of
2 it is about coming to you directly. Anything
3 else?

4 A. Everything.

5 Q. Just not pleasant --

6 A. Everything.

7 Q. Like, what's everything?

8 A. Just personal human dynamic,
9 difficult, emotional, always complaining.
10 Just the whole repertoire of human
11 relations -- exaggeration.

12 Q. But your interactions -- but your
13 interactions with her had been fine?

14 A. Fine.

15 Q. Did you ever raise with her
16 what's going on?

17 A. I had said to her, "Please, it
18 has to work as a team. We're a team." Words
19 to this effect. "It doesn't work -- you have
20 work well with them, because it has to work as
21 a team. Please just make every effort to try
22 to make it work.

23 "It'll be better for you. It'll
24 be more productive, more enjoyable. It's
25 better for everyone."

1 Q. So you -- you -- you had these
2 conversations with her?

3 A. Yes, yes, yes.

4 Q. How often did you have these
5 conversations with her?

6 A. Not that often. A couple of
7 times, because her response was, "It's them.
8 It's them." And my instinct was, you know,
9 there's only so much you can do in one of
10 these interpersonal situations.

11 So I raised it a couple of times.
12 I raised it in a positive way, team, et
13 cetera. And that was it.

14 Q. And when she said it was "them,"
15 who was she referring to? Who did you
16 understand her to be referring to?

17 A. [REDACTED], Jill DesRosiers,
18 Stephanie, anyone who was in a supervisory
19 position to her. In retrospect, when she was
20 at Empire State Development, it was just her
21 and Howard. She reported to Howard. And she
22 basically ran the agency.

23 And then she had just Howard.
24 And she had a very good relationship with
25 Howard. And she just ran ESD. Deputy

1 secretary, you now have a whole infrastructure
2 above you. You have to go through four
3 levels. And I think that's what created the
4 tension.

5 Q. So you never spoke to her after
6 she left?

7 A. Never.

8 Q. Have you spoken to her at all?

9 A. No.

10 Q. Have you seen her?

11 A. No.

12 Q. Okay. So between Ms. Boylan's
13 departure and the time when she starts to
14 tweet things about the executive chamber,
15 which happens in the beginning of December of
16 last year, did you have any discussions with
17 anyone about Lindsey Boylan?

18 A. I did not talk to Lindsey Boylan.
19 I heard there were some conversations about
20 her clashing with them still. But just,
21 again, generic din.

22 Q. Nothing specific?

23 A. No.

24 Q. Do you remember that she -- you
25 learning that she ran to challenge Jerry

1 Nadler in a primary?

2 A. Oh, I knew that she ran against
3 Jerry Nadler, yes.

4 Q. Was that the subject of
5 discussions --

6 A. No.

7 Q. -- among the staff? Okay.

8 And when you said, "general din,"
9 was some of it around tweets she was sending,
10 or you don't remember the specific --

11 A. No.

12 Q. -- impetus?

13 A. In retrospect, when I reconstruct
14 it, I do -- I did not know about her
15 retaliation threat at the time. Or I
16 didn't -- if they mentioned it to me, I didn't
17 remember. It didn't register at the time.
18 But that's probably what prompted the renewed
19 conflict.

20 Q. Okay. So if you can turn to your
21 binder to Tab 29. This is one of her tweets
22 and follow-on tweets from December 5 of 2020.
23 And the top one, she says:

24 "Most toxic team environment?

25 Working for @New York Gov Cuomo."

1 Do you remember learning about
2 this tweet in that time period, December 5?

3 A. I don't. I'm not on Twitter. I
4 don't read tweets. If I read all the tweets
5 about me, I would pull out my hair, whatever's
6 left.

7 I don't remember when -- they
8 would normally alert me to things I needed
9 know about in the press office. I don't know
10 when they first said to me, you know, "Lindsey
11 is taking this attack."

12 Q. Okay. And by "them," you mean
13 the press operations?

14 A. Yes.

15 Q. And who was that at end of 2020?

16 A. That would be whoever was in the
17 press office. They would brief me when I was
18 going to do a press event on things that might
19 come up.

20 So whenever they thought this
21 might have come up with Lindsey is when they
22 would've briefed me on it.

23 Q. Okay. But you don't -- you're
24 not on Twitter, so the only way you would know
25 is if someone told you?

1 A. Yes.

2 Q. Okay. And so you don't have a
3 specific recollection of "toxic team
4 environment"?

5 A. No.

6 Q. And if you look at the next tab,
7 Tab 30, it's more -- more tweets from Lindsey
8 Boylan. Now it's a week and a half later,
9 December 13. Then she's now tweeting more
10 about sexual harassment?

11 A. Right.

12 Q. And she originally says at the
13 top:

14 "My first experience with
15 workplace sexual harassment was when my
16 mom got her first real office job."

17 And then going down she says:

18 "Yes, @NYGovCuomo sexually
19 harassed me for years. Many saw it and
20 watched. I could never anticipate what
21 to expect: Would I be grilled on my
22 work (which was very good) or harassed
23 about my looks. Or would it be both in
24 the same conversation? This was the way
25 for years."

1 Et cetera, et cetera. She has 12
2 others.

3 A. Yes, sir.

4 Q. Do you remember learning about
5 this tweet or this substance of this
6 allegation that now she was saying --

7 A. They must have told me --

8 Q. -- that she was sexually --

9 A. -- about it at the time. I don't
10 remember it but I'm sure they told me about it
11 at the time.

12 Q. Do you -- do you remember being
13 told, in substance, "She's now saying this"?

14 A. Yes.

15 Q. And like -- you don't have a
16 specific recollection, but likely the
17 press --

18 A. Yes. Yes.

19 MS. GLAVIN: Yeah, and just to be
20 clear on this point, Governor, in terms
21 of what Mr. Kim just showed you at
22 Tab 29 -- which were a series of tweets
23 on December 5, and then Tab 30 which are
24 tweets on December 13 -- do you remember
25 having separate conversations about it

1 between the 5th or the 13th, or do you
2 remember this together?

3 THE WITNESS: I don't remember
4 any of it.

5 MS. GLAVIN: Okay.

6 THE WITNESS: I'm just sure that
7 at one point, it reached the level where
8 they said we -- "He's going out there,
9 we have to talk to him about it."

10 BY MR. KIM:

11 Q. You don't have -- even looking at
12 this, you don't have a specific
13 recollection --

14 A. No.

15 Q. They came and told me
16 about -- you just have a general recollection
17 at some point, they said to the
18 effect -- something to the effect of, "You
19 should be aware --

20 A. Yes.

21 Q. -- she's saying stuff"?

22 A. Yes. Yes.

23 Q. And then was there any discussion
24 that you were involved in about how to respond
25 to this?

1 A. The -- yes. Well, then it became
2 a question, what do we -- what do -- what do I
3 say when I go out there, which was more after
4 she wrote her magazine article.

5 Q. Okay. So putting aside -- and
6 we'll get what you should say if you're asked
7 at an event, a press event or something, about
8 how -- what can -- what you and the executive
9 chamber should do to respond or react.

10 A. It was about what I should say.
11 You know, I am the responder -- right? -- so
12 it was about, when they ask me, what do we
13 say? Right?

14 Q. So putting that to the side, how
15 about, should we do anything to --

16 A. Well, that's all part of the same
17 thing.

18 Q. Okay. Were there any discussions
19 that you were part of where people
20 said -- where you -- you or others discussed
21 releasing documents relating to her issues?

22 A. I was not -- I do not remember
23 having any conversations about releasing the
24 items about the complaints against her. I
25 don't believe I was involved in that. There

1 was a protracted group discussion about what
2 is the best way to handle this and what to
3 say.

4 Q. And what -- who were part of
5 these protracted group discussions?

6 A. Everybody and their mother.

7 Q. Okay.

8 A. Everybody had an opinion.

9 Q. And who -- like, Melissa DeRosa?

10 A. Melissa had an opinion, Steve
11 Cohen had an opinion, the press office had an
12 opinion. They then would ask outside advisors
13 what's their opinion. They then talked to
14 lawyers, what's your opinion. Then they
15 talked to advocacy groups, what's your
16 opinion.

17 Because you need to say
18 something. This is not an option, go say
19 nothing. But obviously a high level of
20 sensitivity has to be taken in what you say so
21 that you don't -- you're not perceived as
22 attacking her for saying it.

23 So they talked to Time's Up, they
24 talked to counsel, female plaintiffs'
25 counsels, and everybody had an opinion. And

1 by the way, I think we wound up saying
2 nothing.

3 Q. Okay.

4 A. We just --

5 Q. But on the question of releasing
6 the documents about her issues and the
7 complaints, were you part of any discussions
8 about that decision?

9 A. I don't remember being part of
10 that conversation.

11 Q. Did you remember learning about
12 that, that that had happened?

13 A. After the fact.

14 Q. You learned about it after the
15 fact?

16 A. Yes.

17 Q. Who'd you learn that from?

18 A. I think I learned about it when
19 it was in the newspaper, and then we would
20 talking about my response to the press and
21 what was in the press.

22 Q. And then who told you -- well,
23 you read in the paper. And did you -- did
24 someone in your staff confirm that it had been
25 released?

1 A. Yeah -- well, the -- yes, they
2 must have because they were saying it was
3 accurate.

4 Q. And who confirmed for you that
5 that had happened?

6 A. The general liaison with me was
7 the press office through this.

8 Q. And who was in the press office
9 at the time?

10 A. It would have been Ajemian or
11 Azzopardi or -- I don't know if Dani Lever had
12 left at this point or not.

13 Q. And do you know why they had not
14 consulted with you before making public or
15 sending out these files?

16 A. You know, the -- there's such a
17 constant banter with the press and constant
18 assaults on Twitter. And they do a lot
19 without me being involved. I only get
20 involved when I have to go out there and what
21 am I going to say.

22 Q. Okay. So it didn't -- you
23 weren't surprised that they hadn't consulted
24 with you before sending that out?

25 A. No.

1 Q. What was your reaction when you
2 found out that they sent that out?

3 A. I asked them about it. And they
4 had -- I talked to Melissa about it. And they
5 had thought about it, talked to counsel about
6 it, but they wanted the facts out, and they
7 thought that what Lindsey had said was totally
8 contrary to the truth, and that this was
9 responsive, and that the counsel said that it
10 was responsive --

11 MS. GLAVIN: Oh, yeah, I was
12 going to say, we don't want to get into
13 privileged conversations.

14 Q. Okay. And what was it that she
15 said was -- what was -- what was your
16 understanding that what was it that she said
17 that was contrary to what was reflected in
18 these documents that were released?

19 A. I don't remember if it was
20 released before the Medium piece -- or was it
21 released after the Medium piece? Do you know?

22 Q. It was before.

23 A. Then they -- what she was saying
24 in the tweets. I don't know exactly what she
25 was saying in the tweets, but that it was

1 responsive to what she was saying in the
2 tweets.

3 Q. Were you aware of what
4 specifically she was saying in the
5 tweets --

6 A. No.

7 Q. -- that it responded to?

8 But you were told, in effect,
9 that --

10 A. Yes.

11 Q. -- we released it because it was
12 contradictory?

13 A. Yes.

14 Q. Okay. And you said that -- who
15 told you that counsel had been consulted?

16 A. I don't remember who. It could
17 have been Azzopardi. It could have been any
18 of them.

19 Q. And when they said "counsel," who
20 did they -- what was your understanding of who
21 they consulted?

22 A. They had consulted in-house
23 counsel, outside counsel, special lawyers for
24 female plaintiffs, the Time's Up group I know
25 they spoke to. They were talking to everyone.

1 Q. And so when you say "in-house
2 counsel," who?

3 A. In-house counsel --

4 MS. GLAVIN: If you know
5 specifically.

6 A. I don't know specifically.

7 Q. You don't know who?

8 A. No.

9 Q. Did you have an understanding
10 when they said "in-house counsel" who it would
11 have been?

12 A. I heard Beth Garvey. But I don't
13 know if that's who they were talking about.

14 Q. How about outside counsel?

15 A. Steve Cohen. They were talking
16 to Linda Lacewell, they were talking to --

17 MS. GLAVIN: And just -- just to
18 be clear, when you "say they were
19 talking to," Governor, do you know what
20 specific topics on this that they were
21 speaking to them about?

22 THE WITNESS: No.

23 A. I just know that they were all
24 talking.

25 Q. So you were saying Steve Cohen,

1 Linda Lacewell. Anyone else?

2 A. Time's Up person.

3 Q. Who is the Time's Up person? Do
4 you know who it is?

5 A. No.

6 Q. You also mentioned a plaintiff's
7 lawyer.

8 A. I heard -- I believe, it was
9 Robbie Kaplan but I'm not sure.

10 Q. Did you have any conversations
11 directly with Robbie Kaplan on this subject of
12 responding to Lindsey Boylan?

13 A. I don't recall having any
14 conversations. I may have. I know her. But
15 I don't recall direct conversations. But I
16 may have.

17 Q. Anyone else you remember being
18 consulted?

19 A. (Shaking head.)

20 Q. Did anyone tell you GOER was
21 consulted?

22 A. I don't remember that.

23 Q. You said Steve Cohen.

24 Who did you understand Steve
25 Cohen to be representing at that time as a

1 lawyer?

2 A. Well, I consider Steve Cohen
3 representing -- represents me, represents
4 other people in the chamber.

5 Q. So you viewed Steve Cohen as
6 someone who represents you?

7 A. Yes. And other people in the
8 chamber. They -- many of them, they have
9 relations that go back a long time with them.

10 Q. And when you say "other people in
11 the chamber," who else did you think or
12 understand he would represent?

13 A. I don't know.

14 Q. And when it's you -- when you say
15 he represents you, what do you mean by that?

16 A. That he is -- he is a lawyer.
17 Started in an office that many people deem
18 credible, US Attorney's Office. But I would
19 consult him for legal advice.

20 Q. And so he's a lawyer -- fair to
21 say you trust his judgement?

22 A. Most times.

23 Q. Most of the time. And you would
24 consult him as a lawyer?

25 A. Yes.

1 Q. Not in any -- have you ever
2 retained him formally in any context?

3 A. We kid about the bill, when the
4 bill comes due.

5 Q. Does he send you bills?

6 A. He has not yet sent me a bill.
7 But he threatens that the bill is going to be
8 very large when it comes.

9 Q. So he's never actually sent you a
10 bill?

11 A. Not yet, but he talks about it
12 often.

13 Q. As a joke?

14 A. No, I think he's going to send me
15 a bill.

16 Q. For how many years of work?

17 A. Could be multiple years.

18 Q. But that's not a joke? You
19 actually think Steve Cohen will send you a
20 bill --

21 A. I think he could --

22 Q. -- for legal work?

23 A. You know Steve Cohen. I think he
24 could.

25 Q. But no engagement letter? You've

1 never had a formal engagement with him?

2 A. No.

3 Q. So more -- just want to, sort

4 of --

5 A. I may have done an engagement

6 letter with him at one time, I think.

7 Q. Okay. When?

8 A. I may have. It may have been

9 Moreland. I may have done an engagement

10 letter with him. But I would have to check.

11 I don't -- I don't remember.

12 Q. Did he -- did he advise you

13 personally on Moreland?

14 A. I don't -- I don't remember

15 Moreland. I'm sure your recollection is

16 better than mine on that one.

17 Q. And so he's someone you've turned

18 to for advice, a lawyer. He has

19 said -- threatened either jokingly or for

20 real -- that he's going to one day send you a

21 bill. But for many years -- he hasn't been

22 with the executive chamber in a long time.

23 Right?

24 A. Right.

25 Q. Did you specifically ask that

1 Steve Cohen be consulted on issues relating to
2 Lindsey Boylan?

3 A. I would have, yes.

4 Q. Who would you have told?

5 A. I would have told Melissa, I
6 would have told Linda Lacewell, "In the normal
7 course, talk to Steve."

8 Q. And "talk to Steve" as someone
9 who is acting as your lawyer?

10 A. Yes -- or their lawyer. You
11 know, I don't -- I don't -- I don't know --
12 they also have a relationship with Steve for
13 many years.

14 MS. GLAVIN: Did you understand
15 that people in the chamber would call
16 Steve for his legal advice from time to
17 time?

18 THE WITNESS: Yes, all the time.

19 Q. Okay. Who did you understand did
20 that?

21 A. Melissa did. Linda Lacewell did.
22 My counsels did.

23 Q. Okay. So he's just generally
24 someone that you and others, including Melissa
25 DeRosa and Linda Lacewell, call and consult

1 with for legal advice?

2 A. Yes.

3 Q. You also consult him for general
4 advice that may not be purely legal in nature?
5 Judgment calls?

6 A. Not so much.

7 Q. Most --

8 A. He may -- he offers them, but his
9 legal advice I have more trust in than his
10 political or life or public relations advice.

11 Q. Okay. On public relations, would
12 you -- did you have an understanding that Josh
13 Vlasto was being consulted?

14 A. Josh Vlasto, former pressperson,
15 was one of the people they were talking to.

16 Q. Okay. How about Richard
17 Bamberger?

18 A. Richard Bamberger, they were
19 talking to. Former pressperson.

20 Q. Anyone else?

21 A. Not that I recall.

22 Q. And do you know, when they were
23 consulting with lawyers, what they were told
24 about the files that were going to be
25 released?

1 A. Oh, I don't know that they were
2 consulting with them about the files. I don't
3 know what --

4 Q. You don't know that? So you
5 don't know --

6 A. I don't know the topic of the
7 conversation.

8 Q. Just to make sure we have it
9 straight, you did not learn about the release
10 of those files until after?

11 A. That's my recollection, yes.

12 Q. But you did learn that -- or they
13 told you that they had consulted various
14 people prior to doing that?

15 A. They had consulted counsel before
16 releasing the records. They were talking to
17 various people about the overall response.

18 Q. Okay. But with respect to what
19 they were telling counsel or various other
20 people, did you have any knowledge about the
21 specifics of what they were being told?

22 A. No.

23 MS. CLARK: One second, Joon.

24 MR. KIM: Yeah.

25 MS. CLARK: During your

1 administration, were there other
2 occasions when you know that your staff
3 released any -- anyone's personnel
4 records to the press?

5 MS. GLAVIN: I just want to say,
6 how do you define "personnel records,"
7 just so we can start on this?

8 MS. CLARK: Sure. Any document
9 relating to the terms and conditions or
10 issues related to someone's employment.

11 THE WITNESS: I
12 can't -- Ms. Clark, I don't remember
13 specifically. But I believe we have, if
14 a person misrepresented their employment
15 or something that happened, that we
16 would correct the record. But I
17 don't -- I can't, as we sit here, say
18 who or when.

19 MS. CLARK: Do you recall
20 anything more about the circumstances
21 other than it was somebody
22 misrepresenting their employment?

23 THE WITNESS: Well, not
24 misrepresenting the employment, but --
25 but misrepresenting the facts of -- that

1 happened during their employment, right?
2 So it wasn't just their employment, but
3 they said they had a great working
4 history. In fact, they were terminated
5 for this reason.

6 MS. CLARK: How many times did
7 that happen?

8 THE WITNESS: I don't remember
9 the specifics, but I believe it's
10 happened a number of times.

11 MS. CLARK: And do you recall any
12 of the positions the person held that
13 had their records released?

14 THE WITNESS: I don't -- no.
15 Because I don't recall the specific
16 person. But, you know, we've had
17 thousands of people leave and thousands
18 of people out there in the universe
19 saying things -- running for office,
20 like, in this occasion, saying things.
21 And if they were not correct, I believe
22 we released the documentation correcting
23 them.

24 MS. CLARK: And are you aware of
25 any process that the chamber goes

1 through in determining whether or not to
2 release that information?

3 THE WITNESS: I don't know the
4 law on releasing records.

5 MS. CLARK: Did Melissa DeRosa
6 tell you that she expected any sort of
7 negative reaction from releasing
8 Ms. Boylan's records?

9 THE WITNESS: On this complaint?

10 MS. CLARK: Yes.

11 THE WITNESS: No. There was a
12 general conversation on what is the
13 right response to the entire situation.
14 I believe it's not factually accurate.
15 I believe there are total falsehoods. I
16 believe it was slanderous to me and
17 defamatory to me.

18 On the other hand, there's a high
19 level of sensitivity about what you say
20 and how you say it, because it could be
21 a backlash in the public statement. So
22 there were ad nauseam discussions among
23 them about what to say, to such an
24 extent that we literally wound up saying
25 nothing.

1 Different ideas -- you know, we
2 just all lived through the Biden
3 campaign. I thought something that the
4 Biden campaign did which was intelligent
5 was, rather than Biden saying "I think
6 this," former staff people for Biden
7 said, "I think this" -- female staff
8 people.

9 I thought that was more credible
10 than Biden just saying. So we talked
11 about a number of alternatives. But
12 they were all debated to death, and then
13 we literally wound up doing nothing.
14 And I had, like, a two-line statement
15 that I issued at the end of the day.

16 MS. CLARK: Was it your idea to
17 try to get women to sign on to some
18 supporting you?

19 THE WITNESS: I thought it was
20 more effective than just me going out
21 there saying, "No, none of this
22 happened." I thought it was more
23 effective to have female staff people
24 say -- make a statement.

25 That's what Biden did. That's

1 what other politicians have done in this
2 circumstance. I thought that was an
3 effective vehicle.

4 MS. CLARK: Who did you discuss
5 that with?

6 THE WITNESS: I discussed it with
7 the press people.

8 MS. CLARK: And when you say "the
9 press people," which press people?

10 THE WITNESS: It would have been
11 Azzopardi, probably Melissa.

12 MS. CLARK: I'll -- I'll let you.

13 BY MR. KIM:

14 Q. You said you were -- one of the
15 things that you talked about was the public
16 backlash, you know, and -- of what would --
17 what -- about attacking a complainant.

18 Was there any discussion that you
19 were a part of where anyone raised the
20 possibility that it could be considered
21 retaliation?

22 A. Well, that was part of the theory
23 of the backlash. Now, you have to remember
24 the context for this. In the concept and the
25 conceptual, if you look at this without any

1 context, you could say here's a person who was
2 making a complaint.

3 The context here is this is a
4 person who threatened retaliation, who, in a
5 really outrageous text, announces she's
6 running for office, and then happens to put
7 out a totally different set of facts that are
8 directly contrary everything that actually
9 happened, almost point by point. And that
10 this was Lindsey -- either in her new race for
11 Manhattan Borough president -- preemptively,
12 prophylactically protecting herself from the
13 truth, by asserting the charges the exact same
14 way -- opposite way.

15 Toxic work environment. She was
16 accused of toxic work environment by a
17 subordinate or words to that effect. She was
18 accused of harassing people and using them as
19 a punching bag. Those were all allegations
20 against her. She takes every allegation and
21 puts it against me, literally weeks after the
22 election.

23 So --

24 MS. GLAVIN: When you say "after
25 the election" --

1 A. -- after she announced she was
2 going to run. And many of my people
3 understand life and politics -- right? -- you
4 announce you're going to run for office.
5 First question your campaign people say to you
6 is, "What do we to know and what do we have to
7 worry about?"

8 The way they would hear this
9 is -- she said, "Well, this is what happened
10 when I was in the State. I had this meeting,
11 here were the complaints. I quit. I tried to
12 get the job back."

13 And this was a reversal of
14 everything that she had been -- all the
15 complaints against her, she made against me.

16 Q. And so is it your understanding
17 that if a complainant has had similar
18 complaints made against them, that it's okay
19 to make those public following any complaint
20 that they made?

21 A. No. No.

22 Q. That's not --

23 A. But, Mr. Kim, this is what I
24 would say in a practical context, because this
25 is not an abstract textbook situation.

1 She -- Ms. Boylan -- has said multiple times,
2 "I have the resources. I'm coming after
3 a-holes. I'm going to retaliate."

4 They believed she had a
5 plaintiff's attorney working with her. The
6 question I would ask is: Why didn't she ever
7 file a complaint? If this was all true, why
8 didn't she file a complaint?

9 She had the plaintiff's lawyer.
10 They were trying to put together a class.
11 Why, if -- if this were true, why wouldn't you
12 file a complaint? Only one reason, my
13 opinion, you don't want a real investigation.
14 It's a political situation, not a real legal
15 situation.

16 Because the first thing your
17 lawyer would have said was, "We have to file a
18 complaint. She's got 57 advisors. Call GOER.
19 Go to EEO. Go to Division of Human Rights.
20 She's got a specialized lawyer. Why no
21 complaint? If this was true, why no
22 complaint?"

23 Q. So my question was: Is it your
24 understanding that if a complainant has had
25 similar complaints made against them, that

1 it's okay to make public those complaints
2 because they had --

3 A. No, I didn't say that, no.

4 Q. So -- so that you don't agree
5 with?

6 A. No. You can -- you can be a
7 perpetrator of sexual harassment and be a
8 victim of sexual harassment. You can be both.

9 Q. But that was one of the things
10 you mentioned in terms of what was being
11 discussed in terms of responding to Lindsey
12 Boylan, that she had these complaints against
13 her, which -- so that was diametrically
14 opposed, you said, or in conflict with her
15 allegations.

16 A. No.

17 Q. One of the reasons why --

18 A. I was saying I believe the way a
19 reasonable person would look at this situation
20 in this environment, in this moment. She runs
21 for office. She said all good things about me
22 before then. Wrote articles, all beautiful
23 tweets, "He respects women, he's the greatest
24 thing since sliced bread."

25 All of a sudden you're announced

1 for office. Two weeks later, all these
2 allegations out of nowhere, which mirror every
3 allegation against you, and your lawyer
4 doesn't say a single word. Funny.

5 MS. CLARK: Can I -- can I jump
6 in for a second, Joon?

7 MR. KIM: Sure.

8 MS. CLARK: I just want to
9 clarify one point. Are you -- is it
10 your understanding that any of the
11 complaints against Ms. Boylan were that
12 she engaged in sexual harassment?

13 THE WITNESS: Oh, I think you can
14 read those allegations to include sexual
15 harassment. I mean, I just read that
16 top sheet, but "treated me as a punching
17 bag."

18 I think there was a suggestion
19 about racial discrimination. Fired
20 people illegally, harassing, bullying.
21 I think it's very possible that had
22 those -- you pursue those complaints,
23 that you would wind up with racial
24 discrimination, very well sexual
25 harassment. You had men and women in

1 there. And again, it was enough of a
2 basis for ESD to recommend termination.

3 MS. CLARK: You said there was a
4 possibility of racial discrimination and
5 sexual harass -- sexual discrimination.
6 Do you know if that was referred to
7 GOER?

8 THE WITNESS: I don't -- do not
9 know what happened once she was
10 dismissed.

11 See, I don't believe -- if I may
12 was Ms. Clark, I don't believe -- when
13 she says "I resigned," I believe that is
14 an untruth. You did not resign. You
15 resigned, and then you called and you
16 asked for your job back, and they
17 refused to give you your job back.

18 You then called the governor and
19 asked him to intervene to get your job
20 back. He refused. You resigned, but
21 you recanted.

22 If you got the CV of an attorney
23 coming -- looking to come to your firm
24 that says "I quit working at Sullivan &
25 Cromwell," and then you called Sullivan

1 and Cromwell and said, "Well, yeah, he
2 quit but then he called and wanted his
3 job back," I think you would say, well,
4 it's misleading or a mischaracterization
5 to say he resigned.

6 MS. CLARK: So my question was
7 whether the allegations against
8 Ms. Boylan that you think could possibly
9 be race discrimination or sex
10 discrimination were ever referred to
11 GOER?

12 THE WITNESS: I don't know if
13 they were by the counsel because she was
14 effectively terminated.

15 MS. CLARK: And you've -- you've
16 raised questions about why she never
17 filed any sort of complaint. When you
18 had been working in legislation for
19 sexual harassment, has anyone ever
20 shared with you what percentage of women
21 who say they've been sexually harassed
22 have taken any sort of formal action or
23 filed any sort of complaint?

24 THE WITNESS: Yeah, but this
25 would be a different question: What

1 percentage of women who have gone public
2 have hired a high-profile plaintiff's
3 lawyer, are working to put together a
4 class, never ultimately file a
5 complaint? What percent of people who
6 have retained you, and you work to put
7 together a class, and then you never
8 filed any complaint?

9 MS. CLARK: Well, I'm not
10 answering questions today. You keep
11 referring to the high-profile
12 plaintiff's lawyer. Who did you
13 understand or believe that Ms. Boylan
14 was working with?

15 THE WITNESS: I don't have the
16 name with me. But it was a high-profile
17 person as relayed to me.

18 MS. CLARK: And --

19 THE WITNESS: By the way,
20 Ms. Clark, there can't be that many,
21 because otherwise the firms would go
22 broke. Right?

23 MS. CLARK: Do you have any
24 knowledge as to what, if anything,
25 Ms. Boylan may or may not have consulted

1 with an attorney about?

2 THE WITNESS: No.

3 MS. CLARK: Who was sharing
4 information with you with speculation as
5 to what Ms. Boylan was doing with an
6 attorney?

7 THE WITNESS: I think it's just
8 something that they had picked up from
9 Google or the Internet or I don't know.

10 MS. CLARK: You say "they picked
11 up." Who picked -- who picked it up?

12 THE WITNESS: I think the press
13 office. I think a reporter probably
14 asked them, "This lawyer is representing
15 Lindsey," but I'm just speculating. I
16 don't know how they heard it.

17 BY MR. KIM:

18 Q. And you'd said that you'd heard
19 that she was putting together a class. Who
20 did you hear that from?

21 A. I heard that from a -- from the
22 press office from reporters.

23 MS. GLAVIN: When you say
24 "class," I want to make sure that
25 everyone understands what you mean. Did

1 you hear that she was reaching out to
2 get other people?

3 THE WITNESS: A group.

4 MS. GLAVIN: Okay. Is that what
5 you meant?

6 THE WITNESS: That's what I
7 meant.

8 MS. GLAVIN: Okay. Not in the
9 quote/unquote "class action"?

10 THE WITNESS: You're right.
11 You're right. That's right.

12 MS. GLAVIN: Okay. Because that
13 has a --

14 THE WITNESS: You're right. Good
15 point, Counsel.

16 BY MR. KIM:

17 Q. Can you look at Tab 10? And
18 these are some documents, including a memo
19 from Alphonso David, "Re: Confidential
20 personnel matter," and then e-mails relating
21 to Lindsey Boylan and complaints about her.

22 Have you seen -- there's another
23 memo, sort of, about seven or eight pages in.
24 There's also a memo from Alphonso David to
25 Julia Kupiec -- sorry, from Julia Kupiec to

1 Alphonso David. Have you seen these documents
2 before?

3 A. Yeah. Let me say, Mr. Kim. I
4 made a mistake earlier. When you said to me,
5 did the document I saw say that Howard Zemsky
6 authorized it, and I said, "I don't remember
7 seeing Howard Zemsky's name," I did see this
8 document, and it does have Howard Zemsky's
9 name.

10 Q. Other than in -- with your
11 counsel or in preparation for this testimony,
12 do you remember seeing these documents before?

13 A. No, I saw this with my counsel.

14 Q. I see. But prior and -- and
15 recently?

16 A. In the past few days.

17 Q. Okay. Before that or around the
18 time when Lindsey Boylan was -- when she left,
19 do you remember seeing any of these documents?

20 A. I don't remember seeing these
21 documents, no, sir.

22 Q. Do you remember anyone showing
23 you documents as the documents that related to
24 the complaints against Lindsey Boylan?

25 A. No. I think this is what they

1 characterized to me at the time when I was
2 telling you they said to me, "Don't return her
3 phone call because there's serious
4 complaints." I think they were characterizing
5 this situation.

6 Q. And it was your understanding
7 that these were the documents that were
8 inconsistent with whatever Lindsey Boylan was
9 alleging, which is why they released it?

10 A. I don't know what else they based
11 it on.

12 Q. Okay. Do you know what
13 was -- was it your understanding that these
14 are the documents that were released?

15 A. I don't know were they actually
16 released.

17 Q. But you -- you knew that what
18 they released related to the complaints
19 against Lindsey Boylan?

20 A. Yes.

21 Q. Okay. Actually, can you turn to
22 Tab 11, which is actually an e-mail from
23 Richard Azzopardi to Zack Fink, with some of
24 these documents, with a memo -- two memos.

25 Are you at -- are you at Tab 11?

1 And if you look at the first page, you'll see
2 it's an -- it's an e-mail, "As discussed."

3 A. By the way, let me just correct
4 the record again. I may not have made a
5 mistake. I may have seen this document, which
6 doesn't have Howard Zensky's name on it.

7 Q. So do you remember seeing these
8 particular memos or documents?

9 A. I saw this document in --

10 MS. GLAVIN: In the last couple
11 of weeks?

12 THE WITNESS: Last couple of
13 weeks.

14 MS. GLAVIN: Okay. So at the
15 time, Governor --

16 THE WITNESS: No.

17 MS. GLAVIN: Okay. You would not
18 have --

19 THE WITNESS: No.

20 MS. GLAVIN: -- been given the
21 memos?

22 THE WITNESS: Right.

23 BY MR. KIM:

24 Q. Okay. So the -- all these
25 documents you've seen recently, meaning within

1 the last month?

2 A. Yes.

3 Q. Okay. So at the time,
4 in -- we're talking December of 2020 -- do you
5 remember seeing any documents relating to
6 Lindsey Boylan?

7 A. I do not remember seeing any of
8 these documents.

9 Q. So at the time, you would not
10 have known or thought of -- that there was a
11 memo that either Howard Zensky was mentioned
12 in or signed. At the time, you didn't see or
13 know about any of those documents?

14 A. Well, when we were talking about
15 the -- there are three time periods: When it
16 actually happens when Lindsey
17 leaves -- right? -- and then the response to
18 Lindsey and what should the press response be.

19 At the time of the press
20 response, they were telling me about the
21 actuality of her departure. And I didn't
22 review documents, but they were telling me
23 about the complaints, et cetera.

24 Q. Okay. So it was just being
25 informed to you, it was being characterized to

1 you?

2 A. Yes.

3 Q. Described to you?

4 A. Yes.

5 Q. Okay. And were you aware -- so
6 you haven't -- other than in your prep with
7 your counsel, you haven't seen the version of
8 documents that were sent to reporters?

9 A. That is my recollection.

10 Q. And if you look at page 2,
11 there's sort of white-out and handwritten an
12 itemization of people -- "ESD Official 1,"
13 "ESD Official 2."

14 A. Right.

15 Q. Do you remember seeing any memo
16 like this with redactions?

17 A. I do not remember seeing any memo
18 like this at the time.

19 Q. Okay. At the time. And do you
20 remember at the time having any discussions
21 about some of the documents being redacted
22 before being sent to reporters?

23 A. I don't remember having that
24 conversation.

25 Q. And if you go to the third page

1 of this, one memo from Julia Kupiec to
2 Alphonso David is privileged and -- draft
3 privileged and confidential attorney-client
4 privileged communications.

5 Any discussion or knowledge at
6 the time that the documents --

7 A. I do not recall seeing this
8 document at the time.

9 Q. But any discussions at the time
10 that documents that were provided to reporters
11 were marked privileged and confidential?

12 A. I do not remember any
13 conversation that I was part of.

14 Q. Did you know or hear whether
15 these documents were provided to reporters on
16 the record or off the record?

17 A. I don't remember having any
18 conversation about that.

19 Q. Okay. Did you hear from anyone
20 that some outlets didn't want it?

21 A. No.

22 Q. And that the press office sent it
23 in any -- in any event?

24 A. No.

25 Q. Did you express a view one way or

1 the other after you learned that files of this
2 nature had been sent out to reporters?

3 MS. GLAVIN: When you say
4 "files," you mean documents?

5 MR. KIM: Documents.

6 Q. Okay. Did you express a view one
7 way or the other when you learned that
8 documents relating to Lindsey Boylan had been
9 sent to reporters?

10 A. No. But -- but I didn't -- we
11 never really got into that conversation. I
12 didn't know what the documents were. They
13 said that they had done it. They said that
14 they had spoken to counsel about it. It was
15 responsive. I didn't get into it more than
16 that.

17 Q. You knew they related to
18 complaints that had been made against Lindsey
19 Boylan?

20 A. I knew basically what it said in
21 the paper.

22 Q. Okay. You mentioned earlier that
23 one of the things you did do was talk about,
24 sort of, drafting a letter from former
25 staffers. Right?

1 Did you draft that yourself or
2 draft a draft of that yourself?

3 A. I participated in drafts. There
4 was -- there was a circulating, revolving
5 draft where everybody put in two cents and
6 then the next person took out four cents and
7 then the next person put in two cents. And it
8 was just a continuous talking to yourself
9 exercise.

10 Q. But you personally participated
11 in some of the drafting or advising?

12 A. Yeah, I'm -- I'm sure I did.

13 Q. And generally, your practice, how
14 do you draft documents and material? Do you
15 type yourself, do you handwrite, dictate, all
16 of the above?

17 A. I don't type myself. I will
18 dictate or handwrite and correct.

19 Q. And do you have a recollection
20 with respect to this document, the letter,
21 proposed letter, how you participated in its
22 drafting or revision? Do you remember
23 writing -- handwriting something or dictating
24 or --

25 A. We -- we had a number of

1 conversations, because I didn't really know
2 the facts here. So there were a number of
3 conversations that I talked to with people to
4 get their two cents.

5 There was then a draft that
6 started circulating. As I said -- I'm just
7 thinking of the draft -- went on forever.

8 There was no consensus on the draft.

9 Everybody had a different opinion. And we did
10 nothing. We wound up doing nothing.

11 For myself, I ascribe to the
12 Lincoln theory. President Lincoln would read
13 an article in the newspaper that totally
14 infuriated him, where he was accused of all
15 sorts of things. He would sit down, handwrite
16 a long response letter, and then crumple it up
17 and throw it out.

18 It was just cathartic for him to
19 express the outrage and the truth and then
20 just, you know, what's the point? I'm over
21 it. So that's also part of these drafts, for
22 me anyway.

23 But at the end of the day, we did
24 nothing because it was such a complicated
25 issue that we just did nothing.

1 Q. And do you remember handwriting
2 this letter?

3 MS. GLAVIN: Can we go to a
4 document, just so it's specifically?
5 Because I think he's --

6 MR. KIM: Let me ask him the
7 question then --

8 A. I don't remember handwriting any
9 document. I know I participated in drafts. I
10 don't know if I started it or if I
11 was -- someone else started it and then I
12 chimed in.

13 Q. Okay. Let's take a look at
14 Tab 34. And this is a long e-mail from
15 Stephanie Benton to Linda Lacewell that gets
16 forwarded to Judy Mogul. And it's a -- it's a
17 draft of a letter or an op-ed. And is it --
18 when Stephanie Benton -- let me take that
19 back.

20 As a matter of practice, do you
21 sometimes ask Stephanie Benton to send things
22 for you?

23 A. Yes, sir.

24 Q. And if she sends something for
25 you -- substantive like this, is it fair to

1 assume it's coming from you?

2 A. Yes. She normally says it's from
3 me. But, yeah.

4 Q. Right. This one just has the
5 text. So if you could, sort of -- I know it's
6 somewhat long, but if you could skim it and
7 see if, you know, this looks like one version
8 of -- of a --

9 A. This was a version. But this has
10 input from other sources, because this has
11 things that I wouldn't have known.

12 Q. Okay. So can we look to the
13 first paragraph here? And it says Dani Lever
14 served -- it's a proposed letter that comes
15 from Dani Lever, Cathy Calhoun, Alphonso
16 David.

17 A. Right.

18 Q. Is -- is -- is that something you
19 remember thinking, that those three could
20 be people who could --

21 A. There would -- that's what this
22 is saying, there would be three.

23 I had suggested, frankly, women.
24 This has Alphonso David.

25 Q. Dani Lever and Cathy Calhoun are

1 women, though?

2 A. Yes.

3 MS. CLARK: Are there other women
4 you suggested?

5 THE WITNESS: No, I had suggested
6 just women.

7 Q. All right. So just women?

8 A. Yes. I thought that's
9 what -- I'm pretty sure that's what the Biden
10 campaign did, but -- and that's what I was
11 thinking of.

12 Q. And if you go down to the third
13 paragraph here, it says the fact that she
14 served as an advisor to the governor for nine
15 months:

16 "In those nine months there were
17 no less than six complaints against
18 Ms. Boylan."

19 Did you know that there were six
20 complaints?

21 A. No, that's why I said this had to
22 be done with input from other people. I
23 didn't know that.

24 Q. You didn't know that. So -- but
25 people inputted it?

1 A. I had -- it had to be because I
2 didn't know that.

3 Q. And then:

4 "Complaints against Ms. Boylan,
5 African American and white women."

6 Do you remember that -- or do you
7 see that here?

8 A. I see that.

9 Q. Okay. Is that something that you
10 played a role in putting in there?

11 A. No, because I wouldn't have known
12 that. I didn't know about who the
13 complainants were.

14 Q. Did you think it was important to
15 note the race of the complainants?

16 A. Well, one of the accusations by
17 Ms. Boylan was, "I'm surrounded by white men,"
18 which --

19 Q. That's what someone had told you
20 was one of the --

21 A. No -- yeah, that I'm surrounded
22 by white men. Governor Cuomo sits there at
23 the COVID briefing surrounded by white men.
24 That's not factually true. And that's one
25 that you want to create the opinion that I'm

1 biased or I don't have a diverse staff. I
2 mean, that's not true. But I don't know
3 the --

4 Q. So --

5 A. -- point of this.

6 Q. Did you think it was important to
7 note that one of the complainants was an
8 African American woman?

9 A. I didn't know there was an
10 African American woman. So I couldn't have
11 put it in.

12 Q. But you knew it was in a draft?

13 A. Well, yeah, as I see it
14 now -- yes. I don't know that I reviewed this
15 draft all that carefully because it was never
16 going anywhere. So I don't read drafts that
17 are circulating among people until it's a
18 final draft, because otherwise it's a waste of
19 time that you will circulate 50 drafts among
20 themselves in a constant revolving chain.

21 And the drafts are wholly
22 irrelevant because anyone can add anything in
23 at any given time and change the whole draft.
24 So I just don't engage in them until
25 they -- we say, "Here's a final," and then

1 I'll actually read it.

2 And this is in that dishwasher,
3 washing machine of draft circulation.

4 Q. But in that dishwasher, washing
5 machine draft circulation, if it's -- it's
6 coming from Stephanie Benton to going out and
7 saying "last," it would have been likely
8 something that you would have reviewed?

9 A. Yeah, last of the series. But we
10 never got to a final.

11 Q. You would've reviewed a letter
12 like this that Stephanie Benton was sending?

13 A. Well, the "last" doesn't mean the
14 last. It means of those circulating, this
15 is -- the way I read it is this is the last of
16 the current spin cycle.

17 Q. No, but my question was:
18 Stephanie Benton generally sends things
19 that -- on your behalf? Like, this isn't
20 Stephanie Benton's --

21 A. Yes. I don't believe this was a
22 final draft.

23 Q. But it was something you would
24 have reviewed?

25 A. I don't remember reviewing this

1 one, because frankly I think I would have said
2 not to include Alphonso David.

3 Q. So you think now you didn't
4 review this because it includes Alphonso
5 David?

6 A. Well, if I did, I would
7 have -- my suggestion was just have female
8 staffers respond. That's -- was my main
9 point.

10 Q. Let me ask it differently, then.

11 Do you remember the letter -- any
12 version of the letter you looked at -- having
13 the substance of six complaints, one of the
14 complainants being African American and one
15 being a white woman? Do you remember that
16 being in any version that you looked at?

17 A. I don't -- I don't remember that.
18 I remember these words, "punching bag,"
19 "degrading," "insulting," "bully." I remember
20 that.

21 Q. Okay. But you don't remember
22 "African American"?

23 A. I don't remember "African
24 American." I knew I knew that. I don't
25 remember it being the letter.

1 Q. Although you remember that
2 Lindsey Boylan had said that --

3 A. Yes.

4 Q. -- towards white men.

5 A. Yes.

6 Q. So when -- you remember thinking,
7 well, one way to respond to that is to show
8 that one of the complainants --

9 A. I don't remember that, no.

10 Q. -- was African American?

11 A. I don't remember that.

12 Q. And then it goes on to say that
13 Ms. Boylan, people have said, was "rude,"
14 "treats people like children," "punching bag,"
15 "degrading," "insulting," "harassing," and "a
16 bully."

17 That you remember?

18 A. I remember those words or words
19 to that effect, yeah.

20 Q. Okay. And those are things that
21 you would find inappropriate?

22 A. I thought the words -- I thought
23 they were worse words than that. And I
24 thought that it said "racial discrimination."
25 So my memory is off. I thought the complaints

1 against her included racial discrimination.

2 So my memory is off.

3 Q. And so do you also recall feeling
4 like this letter should respond to that?

5 A. No, I -- I think --

6 Q. Well, sorry.

7 A. If --

8 Q. I put it improperly.

9 Do you remember thinking that the
10 letter should disclose that she had been, in
11 effect, accused of racial discrimination?

12 A. No. But I would have gotten that
13 from a draft that I reviewed, and that's how I
14 remembered it. So either I am remembering it
15 incorrectly, or there was a different draft
16 that had it.

17 Q. Okay.

18 A. But also to what end, Mr. Kim?
19 It never went out. I mean, how many drafts do
20 you write where you just -- are cathartic a la
21 Abraham Lincoln but never go out?

22 MS. CLARK: Were you advocating
23 that it actually go out in some form?

24 THE WITNESS: I thought if we
25 were going to do a response, a response

1 from female staff would have been the
2 best vehicle a la Joe Biden.

3 MS. CLARK: And it wasn't going
4 through multiple drafts just as
5 catharsis. Correct?

6 THE WITNESS: Well, there was
7 a -- this was not even from all women.
8 I would have argued against putting in
9 Alphonso David in the letter. And they
10 were having a discussion amongst
11 themselves with this very large group
12 with different opinions.

13 And I'm sure for everyone it was
14 a little cathartic, because they were
15 all upset about it, you know. Many of
16 them had personal situations with
17 Lindsey. So -- you know, it's a
18 person-by-person, but I think a lot of
19 them, part of it was probably cathartic.

20 MS. CLARK: Was that the intent
21 in drafting a letter and having it go
22 through multiple iterations and having a
23 large group of people of involved, was
24 the intent to just have a catharsis for
25 the staff?

1 THE WITNESS: No. The intent is
2 theoretically to come up with a final
3 that would actually go out. The -- I
4 think it winds up just being cathartic
5 for people, and everybody gets to
6 express their opinion. But it's very
7 often that we start drafts that go
8 nowhere.

9 MS. CLARK: And Mr. --

10 MS. GLAVIN: So I just want to
11 finish on that point. And why is that?
12 Is there sometimes there's an idea?

13 THE WITNESS: Yeah, everyone has
14 an idea. And you have an idea, okay, do
15 a draft. Send out your draft. Joon
16 gets the idea, he says he doesn't like
17 that, he puts in his idea. Rita gets
18 the next draft. She takes out both of
19 your ideas.

20 So it's this -- this washing
21 machine of drafts that just continues.
22 I don't really get engaged until there's
23 a final and we're actually going to do
24 it. And we just never got to that
25 point.

1 MS. CLARK: Did Ms. DeRosa ever
2 speak with you as to whether she was in
3 favor of sending out a letter that had
4 details about Ms. Boylan's departure and
5 issues such as that?

6 THE WITNESS: Everybody had a
7 different opinion about everything. I
8 don't remember -- you have a spectrum of
9 more aggressive response, more
10 conservative response. And then you
11 have 15 people along that spectrum.

12 And I don't know who was where.
13 But there were just too many opinions to
14 ever conclude a document. And we did
15 nothing.

16 MS. CLARK: Okay.

17 BY MR. KIM:

18 Q. If you go to the second page of
19 this. It says:

20 "Ms. Boylan claims the governor
21 made comments 'about her looks.'"

22 Do you see that paragraph?

23 A. Mm-hmm.

24 Q. (Reading):

25 "Ironic given that Ms. Boylan

1 referred to the governor as 'handsome,'
2 and told staff that she 'loved' the
3 governor."

4 Do you remember that being in the
5 draft of the letter?

6 A. I don't remember. It was someone
7 else's memory, I think, about the "handsome"
8 point. But I don't remember if -- I don't
9 remember the particulars.

10 Q. Okay. It goes on --

11 A. I remember the "handsome."

12 Q. Someone told you that --

13 A. Stuck out with me.

14 Q. -- that she referred to you as
15 handsome?

16 A. It resonated.

17 Q. Had you been there when --

18 A. It doesn't happen often, Mr. Kim.
19 But when it does, I take note.

20 Q. Did she say that to you?

21 A. She said it apparently in a text
22 to me.

23 Q. You don't remember the text?

24 A. I remember it now. But someone
25 else remembered it first.

1 Q. And it says here that -- that:

2 "Ms. Boylan's conduct was
3 unprofessional and inappropriate
4 intimate behavior."

5 Did you consider her calling you
6 handsome as inappropriate behavior?

7 A. I think what they're talking
8 about is the next sentence.

9 Q. Okay. But let me ask the
10 question first. The calling you handsome, do
11 you think that's inappropriate?

12 A. I think -- no. Do I find it
13 offensive? No.

14 Q. Okay. So that's not -- the
15 calling you handsome part is just in there.
16 It's not because it's inappropriate?

17 A. That's not what this is saying.
18 You're misreading it. It said:

19 "Inappropriate intimate
20 behavior" -- colon -- "sitting on
21 coworker's laps, kissing them in public
22 in the presence of other coworkers.
23 Even to the extent that she felt
24 compelled to send multiple text messages
25 to apologize to a male staff member."

1 Q. Okay. Then on that, sitting on
2 coworkers' laps, is that something you had
3 heard that happened?

4 A. No. What I did hear was she sat
5 on the lap of a person named [REDACTED] and
6 kissed him. She had been drinking. He was
7 highly offended, complained. She called him
8 the next morning and apologized profusely to
9 stop him from forwarding the complaint.

10 Q. Who did you hear that from?

11 A. Josh Vlasto was there.

12 Q. And so this was a reference to
13 that?

14 A. Yes.

15 Q. Okay. Has any member of your
16 staff ever sat in your lap?

17 A. Not as a general rule. But I
18 wouldn't be surprised, at a social event or
19 something, somebody may have sat on my lap.

20 Q. Okay. Who -- who do you remember
21 sitting on your lap at a social event?

22 A. I don't recall anyone
23 specifically. But, you know, I have people
24 who have worked with me 14 years, 10 years. I
25 go to their weddings. We do social events.

1 We do Christmas parties.

2 You know, I don't -- if somebody
3 were to sit on my lap, you know, I
4 wouldn't -- I wouldn't push them off, you
5 know. But as a general rule, no.

6 Q. Yeah, but you do -- do you
7 remember anyone in particular ever sitting on
8 your lap?

9 A. I don't remember anyone in
10 particular. I can tell you this: I don't
11 remember anyone -- I don't remember sitting on
12 anybody's lap, kissing them, they said they
13 were going to complain, and I had to call them
14 the next morning and apologize for what I did.
15 That never happened.

16 Q. Has Stephanie Benton ever sat on
17 your lap?

18 A. Oh, she may have. But -- I don't
19 remember but she may have.

20 Q. And on a -- on a boat cruise,
21 downtown Manhattan, do you remember her
22 sitting on your lap?

23 A. We did a -- I don't remember her
24 sitting on my lap. We did, like, an office
25 cruise social event on the Hudson River. I

1 don't remember her sitting on my lap but she
2 may have. I've known her for 14 years. You
3 know, she's -- I've gone through a lot with
4 her. There may have been an event where she
5 sat on my lap, but I don't recall it.

6 Q. How about Annabel Walsh? Has she
7 ever sat on your lap?

8 A. She may have. She may have.
9 Annabel, the same thing. She's a friend.
10 She's worked with me for probably seven, eight
11 years, something like that. We've gone
12 through a lot together.

13 Q. How about Dani Lever? Has she
14 ever sat on your lap?

15 A. I don't remember her ever sitting
16 on my lap either.

17 Q. How about Melissa DeRosa?

18 A. I don't remember her ever sitting
19 on my lap.

20 Q. Okay.

21 A. But nobody -- Mr. Kim, you just
22 want to leave out -- I understand how it works
23 for you. But nobody where the next morning I
24 called and apologized and said, "I am sorry
25 for what I did in offending you." Right?

1 Q. Understood. I didn't ask that.
2 I wasn't trying to leave that out.

3 A. I know. But that's -- that's the
4 point of that paragraph.

5 Q. Do you see later in the letter it
6 talks about coincidentally, her political
7 campaign consultant is also a consultant to
8 Jumaane Williams, a political opponent of the
9 governor. Do you see that?

10 Is that something you were aware
11 of at the time?

12 A. I was aware that her [REDACTED]
13 [REDACTED] -- I don't know at what point I became
14 aware of it, but her [REDACTED] is a
15 [REDACTED] -- not [REDACTED],
16 her [REDACTED] is a -- was a
17 [REDACTED]
18 who had conversations with the [REDACTED]
19 [REDACTED].

20 Q. That's something you knew at the
21 time?

22 A. No. I said I didn't know at what
23 time I became aware of that.

24 Q. I see. So in December
25 of -- December 16 of 2020, do you know what

1 this was a reference to?

2 A. It's also true that the
3 consultant worked for Jumaane Williams and for
4 the Working Families Party, which is the
5 coalition of many of the people who are
6 political opponents to me and have been part
7 of orchestrating and resonating the complaints
8 against me.

9 Q. That's what you thought in
10 December of 2020?

11 A. No. No.

12 Q. Oh.

13 A. I said I didn't have that
14 knowledge then.

15 Q. That's what you think now?

16 A. That's what I know now. There
17 were conversations between Boylan's [REDACTED]
18 [REDACTED], which created this
19 narrative, and the [REDACTED]
20 [REDACTED]. And they had
21 communications on multiple occasions at the
22 time, which raises significant ethical and
23 legal issues.

24 Q. And who's that consultant?

25 A. [REDACTED]

1 Q. And where did you learn this,
2 that they were having multiple communications
3 with the [REDACTED]
4 [REDACTED]?

5 A. The -- I learned that from my
6 staff.

7 Q. Who in your staff?

8 A. Well, it's a matter of public
9 record that [REDACTED] works for Lindsey Boylan
10 and [REDACTED] worked for the attorney
11 general's campaign. Any investigation would
12 have seen that fact because it's in both
13 filings.

14 It's a matter of fact that
15 [REDACTED] was a [REDACTED] for Tish
16 James. [REDACTED] was working for [REDACTED]
17 [REDACTED]. And then I know from my staff that
18 [REDACTED] was having conversations with
19 [REDACTED]

20 Q. Did you either -- have you heard
21 either from your staff or anyone else whether
22 [REDACTED] was in touch with Charlotte Bennett?

23 A. I have not heard that.

24 Q. Have you heard or -- from your
25 staff or anyone else that [REDACTED] had

1 advised or pushed Charlotte Bennett to make
2 her complaint?

3 A. Well, [REDACTED] is a consultant
4 to the Boylan campaign. You then have the
5 attorney that the Boylan campaign consulted
6 and other people associated with the Boylan
7 campaign. So did [REDACTED] make a network
8 with certain individuals? I don't know who
9 did what.

10 Do I have the belief and
11 understanding that there were multiple
12 networkings from the Boylan campaign to other
13 complainants and political officials who have
14 been involved in this matter? Yes.

15 Q. But you're also aware that
16 Charlotte Bennett first raised her issue with
17 people in your staff in June 2020. Correct?

18 A. Yes.

19 Q. Okay. And that was six months
20 before Lindsey Boylan -- any tweet from
21 Lindsey Boylan --

22 A. Yes, but as you're aware, to the
23 extent the facts matter, what she said at that
24 time, Charlotte Bennett, is markedly different
25 than what she said post Lindsey Boylan.

1 Right? You know that.

2 Q. We'll get to that. The question
3 was simply, and -- and you would aware that in
4 June of 2020 Charlotte Bennett had raised an
5 issue about interactions with you. Correct?

6 A. That had nothing to do with what
7 she then said post Lindsey Boylan.

8 Q. The question was simply:

9 You were aware, though, that in
10 June of 2020, she had raised issues with
11 members of your staff relating to an
12 interaction with you --

13 A. I was aware that she said at that
14 time, I did not sexual harass her, I did not
15 make inappropriate advances, she considered me
16 a friend, and that I was paternalistic and a
17 mentor. That's what she said.

18 Q. That's your understanding of the
19 extent of what she said?

20 A. Yes. And then a much different
21 story post the Lindsey Boylan announcement.

22 Q. Have you seen or had read to you
23 the notes that Judy Mogul and Jill DesRosiers
24 took of their conversation with Charlotte
25 Bennett --

1 A. I haven't seen them or read them,
2 no.

3 Q. You have not?

4 MR. KIM: They've been produced.

5 MS. GLAVIN: I was going to say,
6 and with respect to -- don't talk about
7 any conversations you've had with
8 counsel -- okay? -- on that issue.

9 THE WITNESS: Okay.

10 MR. KIM: All right. Except,
11 well we can -- those notes have been
12 produced and been --

13 MS. GLAVIN: Oh, I understand.
14 I'm talking about conversations with
15 counsel about them.

16 MR. KIM: Okay.

17 MS. CLARK: You made reference to
18 you understand that there were
19 communications between [REDACTED] and the
20 [REDACTED]
21 [REDACTED].

22 Which of your staff members told
23 you about that?

24 THE WITNESS: Multiple. I think
25 there were multiple conversations.

1 MS. CLARK: Multiple
2 conversations between your staff and
3 somebody else, or multiple conversations
4 between [REDACTED] and [REDACTED]?

5 A. Both.

6 Q. And which of your staff members
7 told you about conversations they were
8 involved with about this?

9 THE WITNESS: For sure Melissa
10 DeRosa.

11 MS. CLARK: And what did Melissa
12 DeRosa tell you?

13 THE WITNESS: That she had had
14 conversations with [REDACTED] who said
15 that he had a relationship with [REDACTED]
16 [REDACTED] said -- [REDACTED] relays
17 [REDACTED] saying the campaign isn't
18 advancing these harassment complaints.

19 It's all Lindsey Boylan on her
20 own, and that there was an issue with a
21 press secretary, quit subsequently
22 because she felt that these were not
23 bona fide complaints and didn't want to
24 advance them. I'm not sure exactly who
25 said what in that cluster.

1 MS. CLARK: And I'm just trying
2 to understand what you're alluding to.
3 Are you suggesting that [REDACTED] said
4 this to [REDACTED] who said this to Ms.
5 DeRosa to try to advance the claims
6 against you? I'm just trying to
7 understand.

8 THE WITNESS: No, I'm just saying
9 the, as a matter -- what I heard was
10 [REDACTED] says [REDACTED] said the campaign is not
11 advancing these complaints. Period.
12 Fast forward, the campaign does advance
13 the complaints.

14 And the press secretary then
15 leaves for, what I believe, her
16 secretary says, she was uncomfortable
17 advancing the allegations because she
18 asked Ms. Boylan about it, and
19 Ms. Boylan did not have any bona fide
20 evidence.

21 MS. CLARK: Who conveyed that to
22 you?

23 THE WITNESS: I heard that from
24 Melissa DeRosa.

25 MS. CLARK: Did Ms. DeRosa tell

1 you that she asked [REDACTED] to reach out
2 to [REDACTED]

3 THE WITNESS: I don't know how
4 those conversations went.

5 BY MR. KIM:

6 Q. Do you remember that after
7 versions of these -- this letter was
8 circulated, there was a discussion about
9 something shorter that's more --

10 A. There were multiple discussions
11 about multiple things.

12 Q. Do you remember discussion about
13 a letter similar to the one that was sent out
14 for Tom Brokaw?

15 A. I -- there were so many
16 conversations of so many options, I didn't
17 even pay any attention.

18 Q. Okay. So if you go to Tab 35.
19 And you're not on this, and I understand that
20 you don't really use e-mail. But there's a
21 e-mail exchange including to Melissa DeRosa
22 with some text from a letter for -- that was
23 used in Tom Brokaw. And it talked about doing
24 that instead of the longer letter?

25 A. Yeah, I'm not aware of this. But

1 I -- it doesn't shock me. As I said, there
2 would -- everybody had an opinion.

3 Q. Do you remember there being
4 discussions about trying to get as many as 50
5 people to sign on to a letter?

6 A. I don't remember that.

7 Q. Anyone tell you that they were
8 trying to get 50 people?

9 A. They may have. But, again,
10 Mr. Kim, there were so many ideas and options
11 and discussions, you know, I just tuned out.
12 It was all irrelevant.

13 Q. Okay. If you go to Tab 36. And
14 if you go to the e-mail on the second page,
15 there's one from Stephanie Benton to Linda
16 Lacewell copying Melissa DeRosa with a long
17 list of people. And it says:

18 "So this is progress. How do we
19 get him 50-plus names. Would be great
20 to keep his mind on this path, and would
21 be real shot in the arm if we can get
22 him names in a.m."

23 Does that -- reading that jog
24 your memory at all about Stephanie Benton and
25 others talking to you about getting 50 names

1 plus?

2 A. No, except that it it's
3 consistent with what I said to you, which is
4 my idea was get female staffers to sign a
5 letter.

6 Q. And do you remember -- and this
7 e-mail references keeping his mind or your
8 mind on "this path."

9 Do you remember people trying to
10 get you along this path as opposed to a longer
11 letter --

12 A. I thought it -- I thought it was
13 my idea to get the staff to sign the letter.
14 I never had a suggestion about a long letter,
15 short letter.

16 Q. Or a letter that's -- was more of
17 the type we saw earlier versus the Tom
18 Brokaw letter. You don't remember a
19 discussion about that?

20 A. I don't remember hearing Tom
21 Brokaw.

22 Q. Or -- well, a supportive -- a
23 positive, short letter versus a longer letter?

24 A. No, but I wasn't -- I wasn't,
25 like a short or long; or, you know, positive,

1 not positive. I just thought the vehicle of
2 female signators was a good idea.

3 Q. Okay. Beyond that, you don't
4 have a recollection?

5 A. No. And then they were all
6 talking to -- among themselves about, you
7 know, what to say, how to say it.

8 Q. Okay.

9 A. But this is all to no point, if I
10 may add, Mr. Kim. Right? How many drafts of
11 papers do you do on a filing that tot- -- turn
12 out totally irrelevant. You know?

13 15 AUSAs give you their ideas.
14 Then you say, "Thank you very much, but we're
15 doing it this way."

16 MS. CLARK: This e-mail's from
17 Ms. Benton to Ms. Lacewell. And it's
18 talking about getting the 50-plus names.
19 And if you go to the next page after a
20 long list of names, it says:

21 "Send to Linda. Tell her ask 50
22 names to sign the following letter."

23 And then in quotes there's a page
24 of statement.

25 Did you draft that portion?

1 THE WITNESS: (Document review.)

2 No.

3 MS. CLARK: Do you know who did?

4 THE WITNESS: I do not know.

5 That's a fairly innocuous -- that's the
6 saying that's on our pin.

7 MS. CLARK: I didn't characterize
8 it one way or the other. I'm just
9 asking if you drafted the -- "send this
10 to Linda, and ask her 50 names to sign
11 the following letter."

12 THE WITNESS: I may have. I
13 don't recall.

14 BY MR. KIM:

15 Q. Other than discussions of a
16 possible letter, do you remember discussions
17 about anything else to do in response to
18 Lindsey Boylan's allegations?

19 THE WITNESS: No.

20 Q. Any discussions about identifying
21 and circulating the positive things she had
22 said about you in the executive chamber?

23 A. I don't remember but it may be a
24 good idea.

25 Q. Okay. How about identifying and

1 publicizing the threatening texts that I think
2 you mentioned earlier that she had sent to
3 people?

4 A. I don't remember that either but
5 I think her threat -- I don't remember this at
6 the time. I'm telling you to this as we sit
7 here today. I think her threat of retaliation
8 and then her retaliation are, kind of,
9 relevant. Right?

10 MS. GLAVIN: Governor, on the
11 point where -- you've mentioned this a
12 few times about the "threat of
13 retaliation."

14 If you could just provide some
15 context for what the texts -- what you
16 understand they were related to, what
17 the issue was.

18 THE WITNESS: We passed during
19 COVID -- the election law requires that
20 you must go out and get 50,000
21 signatures -- pick a number -- to sign
22 an election petition to put you on the
23 ballot. To get a signature you have to
24 go knock on the door, Hello, I'm Anne
25 Clark. Hi. Are you a registered

1 democrat? Yes, I am. Would you sign
2 this petition?

3 Or you do it in a shopping
4 center, grocery store, something like
5 this. COVID, you can't go knock on
6 people's door. And we don't want all
7 this interaction. I reduced the number
8 of signatures that are required to be on
9 the ballot statewide for every
10 candidate.

11 I don't remember the numbers.
12 40,000 down to ten thousand or
13 something -- okay? -- five thousand.
14 But it was every candidate in the state.

15 MS. GLAVIN: Did you reduce the
16 number of days?

17 THE WITNESS: We may have.

18 MS. GLAVIN: Okay.

19 THE WITNESS: But the point is
20 you're doing a lot of interpersonal
21 contact. We reduced the number of
22 signatures required. Lindsey
23 apparently -- I didn't know this at the
24 time -- responds to that saying,
25 basically, "I know this was directed at

1 me. We will be okay anyway."

2 But -- and pardon my
3 language -- something like, "Life is
4 about getting even with a-holes, and I
5 have the resources to do it." I think
6 she even used the word "retaliation" in
7 there. You must have it.

8 BY MR. KIM:

9 Q. Yeah, if you want to turn to
10 Tab 34, it's later in that letter that we were
11 looking at.

12 If you look at page -- bottom of
13 page 2 to 3 -- top of 3, that's what you were
14 referring to. Right? It was in the draft:

15 "And the future is about coming
16 after as assholes."

17 A. (Reading.)

18 "Absolutely not helpful. Please
19 relay that while we are okay, I see what
20 the point is here and I will find ways
21 to respond."

22 "The point is here" was
23 not -- had nothing to do with her personally.
24 She's one of, you know, 2,000 elections.

25 "I'll find ways to respond. Life

1 is long. And so is my memory. And so
2 are my resources."

3 I mean, she makes that threat and
4 then she follows up and she does it. I'm going
5 to shoot you, and then three months later,
6 somebody shoots you. You know -- normally
7 people would find that factually interesting?

8 Q. So this is what you're referring
9 to, this part of the letter?

10 A. I don't know if that's the full
11 text.

12 THE WITNESS: Is that the full
13 text?

14 MS. GLAVIN: Yeah. Ask him.

15 Q. No -- we have the --

16 A. Full text?

17 Q. Do you remember any discussions
18 about looking into her donors,
19 Charlotte -- Lindsey Boylan's?

20 A. No.

21 Q. Okay. How about looking into,
22 like -- getting the list of her vendors?

23 A. No. I know it was looked at to
24 the extent that they identified [REDACTED] but
25 that's all public information. It's on the

1 record.

2 Q. How about looking for evidence of
3 campaign fraud?

4 A. No.

5 Q. Did you direct anyone to do that?

6 A. No.

7 Q. And so we talked earlier
8 about -- one of the things you talked about
9 with your staff was how to respond to if you
10 got questions about Lindsey Boylan.

11 What do you remember the advice
12 being or the discussions you had?

13 A. The advice was all across the
14 lot. They circulated dozens of drafts. I
15 agreed to a two-line statement, basically,
16 that I put out.

17 Q. And so if you can look at Tab 31.
18 And this is a text exchange that includes
19 Melissa DeRosa, Josh Vlasto, Dani Lever, Rich
20 Bamberger, Steve Cohen, Linda Lacewell,
21 Richard Azzopardi, Peter Ajemian.

22 Are these some of the people you
23 were consulting with during that time?

24 A. This is the -- some of the people
25 who were consulting with themselves.

1 Q. Okay. And then if you look at
2 the second page, they've drafted some possible
3 responses:

4 "Yes, I heard about the tweet,
5 about the comments that were supposedly
6 made, and there's just no truth to it.

7 Or: Yes, I heard about the tweet, and
8 there is just no truth to it."

9 It also looks like they're
10 preparing you:

11 "Did you comment on her
12 appearance?"

13 It says:

14 "There's just no truth to the
15 tweets."

16 And then a statement:

17 "I support women having the
18 opportunity to speak out -- I believe in
19 transparency, but there was nothing
20 inappropriate that happened here."

21 Do you see that?

22 A. I see that.

23 Q. Okay. Is that, sort of, some of
24 the back and forth that was going on before
25 you --

1 A. I didn't pay attention to the
2 back and forth, but this is now getting down
3 to more, like, two lines. And I eventually
4 did two lines. I don't think these are the
5 two lines.

6 Q. Yeah. If you look at the last
7 page of this, Steve Cohen has some thoughts
8 about -- actually you can look at the second
9 to last as well. Linda Lacewell says:

10 "Does he get away with not
11 answering if he commented on her
12 appearance?"

13 And Steve Cohen says:

14 "I think going down that path
15 doesn't end cleanly. 'No' doesn't make
16 sense. 'Yes' invites another question
17 and sounds funky."

18 And, quote:

19 "'I often comment' seems
20 similarly weird. The problem is LB
21 doesn't mean what she says. She must
22 mean 'he made a comment that was an
23 inappropriate sexual innuendo.' To that
24 the answer is a strong 'it didn't
25 happen.' But you're forced to unpack it

1 to get to the direct no."

2 Do you see that?

3 A. Yeah.

4 Q. Do you --

5 MS. GLAVIN: I was just going to
6 say, and I note for the record, the
7 governor is not on this pin.

8 MR. KIM: Understood.

9 A. Yeah. I don't know what they're
10 talking about here.

11 Q. Okay. Do you remember having
12 discussions with anyone about how to answer
13 that question if someone asks, "Did you
14 comment on her appearance"?

15 A. No. I don't remember any
16 conversations like that. I remember this
17 wound up being a two-line sentence, and that's
18 what we released.

19 Q. Yeah. Or you said it actually?

20 A. Yeah.

21 Q. But at the time in December if
22 asked, "Did you comment on her appearance,"
23 you couldn't have just said no. Right?

24 A. Did I comment on her appearance?
25 Well, it's going to get into your point about

1 the clothes versus might I have commented
2 on -- what is the comment, "You look nice
3 today"? What is that? That would be that
4 conversation.

5 Q. Right. On the comment here from
6 Steve Cohen about -- that the suggestion was
7 that he made a comment that was an
8 inappropriate sexual innuendo, in your mind,
9 does a comment -- for a comment about
10 appearance to be inappropriate, does it need
11 to be about sexual innuendo?

12 A. No, I don't think so.

13 Q. You can say inappropriate things
14 about someone's appearance even if it's
15 not -- doesn't have sexual innuendos?

16 A. I think that's right.

17 Q. Okay. So if you go to Tab 32,
18 this is actually a transcript of the press
19 conference. If you look at page 12 out of 17.

20 And at the top, at 34 minutes
21 43 seconds, you're asked by Zack Fink about
22 the tweet. And you say:

23 "I heard about the tweet and what
24 it said about comments that I had made.
25 It's not true, Zack. Look, I fought for

1 and I believe a woman has a right to
2 come forward and express her opinion,
3 express issues, concerns that she has,
4 but it's just not true."

5 That's the short statement that
6 you made. Right?

7 A. I assume, yes.

8 Q. And in this type of context, if
9 you've had some prep with staff about things,
10 about questions you might get, do you
11 generally go out with something written? Or
12 do you after prep have it in your head?

13 A. Well, it's only two lines. Two
14 lines I can have in my head.

15 Q. Have in your head. So this is
16 the type of thing you kept in your head?

17 A. Yeah.

18 Q. Okay. And when you said "it's
19 just not true, Zack," what's the "it" here?

20 Actually, at this point there was
21 just the -- a limited tweet about sexual
22 harassment. Right?

23 MS. GLAVIN: Actually, can we go
24 back to have him look at the tweet --

25 MR. KIM: Sure.

1 MS. GLAVIN: -- so he has that in
2 front of him?

3 MR. KIM: The tweet.

4 MS. GLAVIN: So this is a press
5 conference on the 14th. So if you can
6 just turn us to the tab.

7 A. What time is it?

8 Q. The press conference?

9 A. No, the -- 33 you said?

10 Q. The press conference is 14.

11 MS. GLAVIN: Yup.

12 Q. And then the tweet is Tab 30.

13 A. (Document review.)

14 Yeah, I got it. It's -- Zack
15 says an accusation by "a former aide of yours
16 that accused you of sexual harassment and said
17 that it happened over a period of years. I
18 want your reaction to that."

19 "I heard about the tweet and what
20 it said about comments that I had made,
21 and it's not true."

22 The "it" refers to sexual
23 harassment.

24 MS. GLAVIN: And also go -- if
25 you could look over at -- go to 30. Go

1 to Tab 30.

2 THE WITNESS: Yeah.

3 "Cuomo sexually harassed for
4 years. Many saw it and watched. I
5 could never anticipate what to expect:
6 Would I be grilled on my work or my
7 looks" --

8 MS. GLAVIN: Or harassed about my
9 looks.

10 A. -- "or harassed about my looks."

11 So the "it" refers to sexual
12 harassment.

13 Q. Had you seen this, the full tweet
14 before the press conference?

15 A. I probably did.

16 Q. Had you ever grilled her on her
17 work?

18 A. "Grilled" is your word. Did we
19 have conversations about her work? Of course.

20 Q. Okay. Sometimes you criticized
21 it?

22 A. "Criticized" is your word. Would
23 we have discussions about the work? Do I ask
24 questions about the work? Yes, I ask
25 questions about the work.

1 Q. She wasn't perfect?

2 A. She was very good. She was very
3 good. The -- I don't know that she was
4 accustomed -- she was not an attorney. And I
5 don't know that she was accustomed to the
6 drilling down on questions. Right?

7 We want give [REDACTED] plant a
8 [REDACTED] grant to rebuild. Are they going
9 to create jobs? Are there more jobs than
10 there are there now? Do they repay the [REDACTED]
11 [REDACTED]? You know, I -- I don't know that she
12 was familiar with the drilling down on
13 questions, but she was very good.

14 Q. She was very good, sometimes she
15 could do better and --

16 A. Everyone can do better. Right?

17 Q. So at some point in February of
18 this year, did you become aware of Lindsey
19 Boylan publishing a longer piece in the
20 Medium --

21 A. Yes.

22 Q. -- with more details?

23 A. Yes.

24 Q. How did you first learn about
25 that?

1 A. The press office would have told
2 me about it.

3 Q. Do you remember being in a
4 meeting where it literally posted and people
5 saying she just posted something?

6 A. No. It may have happened but I
7 don't remember.

8 Q. Okay. And have you read it?

9 A. I have read it since.

10 Q. Yeah. Was it -- so you don't
11 remember a meeting where you and members of
12 your staff were preparing for something else,
13 nursing home stuff, and then it posting and
14 then people reading it aloud?

15 A. I don't remember that but it may
16 have happened. That happens all the time.
17 You know, people post.

18 Q. Okay. If you go to Tab 53, it's
19 the -- this is the Medium post. And it's a
20 long piece, and obviously you're free to read
21 all of it or as we go forward, but just
22 focusing on her allegations.

23 It starts off with the "Let's
24 play strip poker," and her saying that on a
25 plane ride you had said sarcastically -- or

1 you had said, "Let's play strip poker," and
2 she said, "That's exactly what I was
3 thinking."

4 Do you remember anything like
5 this happening?

6 A. Yeah. Let's -- first on this
7 piece, I don't believe she wrote this piece.
8 I know her voice. I know how she writes.
9 I've read many things that she's written. I
10 don't think she wrote this piece.

11 If you look, which I'm sure you
12 have, her campaign hires a woman named [REDACTED]
13 [REDACTED] who is a writer who specializes in
14 sexual assault, et cetera. Are you familiar
15 with this?

16 Q. It really doesn't matter whether
17 I'm familiar with it or not.

18 A. All right. It actually does,
19 but -- and --

20 Q. Not for the purposes of today's
21 testimony.

22 A. Well -- and she also posts on
23 Medium, [REDACTED]. "Let's play strip
24 poker." That never happened. I've never
25 played strip poker. I've never used -- used

1 the expression, "Let's play strip poker."

2 Q. Can we just pause there? You've
3 never in your life said "strip poker," or
4 let's -- any version --

5 A. I've never said, "Let's play
6 strip poker."

7 Q. Never in your life.

8 A. I've never played strip poker.

9 Q. Oh. Well, not whether you've
10 played --

11 A. In my life I never remember
12 saying, "Let's play strip poker."

13 Q. Or the words "strip poker"?

14 A. I don't ever remember saying
15 "strip poker. "

16 Q. Okay.

17 A. (Reading.)

18 "We're flying home on a
19 taxpayer-funded jet."

20 Oh, sensational. There is no tax
21 payer-funded jet. It's a 1974 propeller plane.
22 If you were on the plane, you would know it had
23 propellers because it's a dual propeller plane.
24 I don't think you'd call it a jet when -- and
25 she was on the plane a number of times,

1 Lindsey.

2 It's very hard to miss twin
3 propellers. Would you agree with me? Just as
4 a matter of fact? Okay.

5 Q. Yeah. Not -- not trying to be
6 rude, but this isn't about me answering
7 questions.

8 A. Okay. I know. I'm just asking.
9 So it's not a tax-payer --

10 "He was sitting facing me so
11 close our knees almost touched."

12 It is impossible to sit on that
13 plane -- the seats face each other. There are
14 only basically -- it's a very tiny plane. It's
15 impossible to sit on the plane without the
16 knees almost touching. There were two seats
17 facing each other. But it sounds sensational.

18 "His press aide was to my right
19 and a state trooper behind us."

20 By the way, none of those people
21 ever heard "strip poker." She says whatever
22 she says she said.

23 "Governor Cuomo has created a
24 culture within his administration where
25 sexual harassment and bullying" --

1 MS. GLAVIN: Do you want the
2 governor to go through this piece by
3 piece and --

4 MR. KIM: Look, I have parts that
5 I was going to ask. But it's also --
6 this also is an opportunity for -- you
7 know, if he wants to hop through it, I
8 know at other times when I'll focus on
9 one part.

10 You and the governor have
11 suggested that I deliberately didn't
12 focus on some other parts, so on this
13 one I'm happy for him to go through it,
14 or I can have -- focus on particular
15 allegations.

16 BY MR. KIM:

17 Q. So the strip poker never
18 happened. You've never said that at work?

19 A. Right.

20 Q. If you go to page 2 at the top.

21 A. (Reading):

22 "Parts of a supposed confidential
23 personnel file were leaked in an effort
24 to smear me."

25 That's one version. The other

1 version is she's making statements to the
2 public in the middle of a campaign which were
3 not true about her employment in public
4 service.

5 And what is the duty to correct
6 those statements? AUSA says, "I tried the most
7 important organized crime case ever in the
8 Southern District." Totally not true, but
9 they're running for DA and they say that.

10 Is there -- should the US
11 attorney's office say, "That actually isn't
12 right," and they're running for office and
13 you're going to vote, and the voter has a right
14 to know?

15 But Ron Kim spoke out publicly.
16 Bill de Blasio said bullying is nothing new.
17 De Blasio said a lot of things about me as you
18 know.

19 "Governor's aides were attempting
20 to disparage me."

21 Nobody attempted to do anything.
22 She was the aggressor who threatened
23 retaliation, et cetera. Right? The Lisa
24 Shields we discussed --

25 Q. So if you go -- before Lisa

1 Shields, there's a reference to a "first
2 encounter":

3 "Governor came at January 6,
4 2016, event at Madison Square Garden ...
5 new Penn Station-Farley Complex ... he
6 stopped to talk to me. I was new on the
7 job and surprised by how much attention
8 he paid me."

9 Do you remember seeing her
10 at --

11 A. No.

12 Q. -- at this event?

13 A. No. But it would be normal for
14 me to say hello to staff when I'm at the
15 event. That's what I do.

16 Q. Next allegation is:

17 "My boss soon informed me that
18 the governor had a crush on me."

19 Had you ever said that?

20 A. I had never said that to Howard
21 Zemsky, and I don't know why he would say
22 that.

23 Q. Okay. Have you ever asked Howard
24 Zemsky whether he said that to her?

25 A. No. Howard and Lindsey had a

1 complex relationship, so I don't know why he
2 would say that. But I haven't asked him
3 since.

4 Q. So you don't know whether Howard
5 Zemsky said that to him --

6 A. Or not. That's right.

7 "The governor touched my lower
8 back, arms, and legs."

9 I may very well have touched her
10 lower back.

11 Q. Okay.

12 A. We take a photo.

13 "Began keeping tabs on my
14 whereabouts."?

15

16 (Continued on the next page.)

17

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1 MR. KIM: So I have a note saying
2 that the court reporter has informed us
3 that we've hit the two-hour mark. So I
4 know we're in the middle of this letter,
5 but maybe we take a ten-minute break.

6 MS. GLAVIN: Okay.

7 THE WITNESS: Okay.

8 THE VIDEOGRAPHER: The time is
9 12:00 p.m. This concludes Media 2. Off
10 the record.

11 (Lunch recess taken from
12 12:00 p.m. to 12:35 p.m.)

13 (Continued on the next page.)

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1 A F T E R N O O N S E S S I O N

2 - - -

3 (Time noted: 12:35 p.m.)

4 - - -

5 THE VIDEOGRAPHER: The time is
6 12:35 p.m. This begins Media 3. On the
7 record.

8 A N D R E W M. C U O M O, resumed and
9 testified further as follows:

10 CONTINUED EXAMINATION

11 BY MR. KIM:

12 Q. Governor, when we took the lunch
13 break, we were in the middle of Lindsey
14 Boylan's Medium piece, which is Tab 53.

15 A. Yes, sir.

16 Q. I think if you -- when we broke,
17 we were starting to address the part on
18 page -- I don't know. It doesn't have page
19 numbers. But one, two, three, four, where it
20 says:

21 "I had complained to friends that
22 the governor would go out of his way to
23 touch me on my lower back, arms, and
24 legs."

25 I think it's right above the

1 picture of the next page.

2 A. Okay.

3 Q. Right above the picture of
4 the --

5 A. Okay.

6 Q. Okay. And so on that allegation,
7 had you touched her on the lower back, arms,
8 legs?

9 A. I had not gone out of my way to
10 do it. If I did it, it was incidental. You
11 take a picture with somebody, you may put your
12 hand on their back.

13 An arm, I don't know what that
14 means. Legs, I don't remember touching her
15 legs. But it was only incidental. I never
16 went out of my way to do it.

17 Q. Okay. And the next is senior
18 staff keeping tabs on whereabouts, and
19 that -- that you had talked about before,
20 people asking where they are?

21 A. I think this is more of her and
22 the senior staff, but they ask, "Where are you
23 going to be? There's a meeting."

24 Q. Okay. And then if you go to the
25 next page, after the text chain, there's her

1 discussion about senior staff employees
2 gathered at the Empire State Plaza Convention
3 Center in Albany to celebrate the holidays.

4 And that's when she says she -- was called to
5 your office and there was the cigar box.

6 Do you remember that party,
7 December of 2016?

8 A. I don't remember that, but that
9 would've been the annual Christmas party.
10 There's about 500 people at the party.
11 And -- well, that's it. There's about 500
12 people at the party.

13 Q. Do you remember her coming up to
14 your office during or after that party?

15 A. I don't remember that, but you
16 have 500 people in the party. So you have a
17 lot of the senior staff there.

18 A lot -- when I go back to my
19 office and I just need to work on something,
20 I'll say, you know, "Can you get X to come?"
21 And if you're in a party or if you're in your
22 office, they would just call you to come.

23 Q. So that's not unusual to call
24 someone up, a staff, for -- from a party?

25 A. No. That's the -- you have to

1 remember -- the state campus, they call it,
2 it's like a college campus. It's, like, eight
3 buildings. They're all connected by
4 underground tunnels. So if you're in one of
5 those buildings, I'm at one end.

6 If I'm going to have a meeting,
7 if I say, you know, "We're going to talk about
8 X, can you ask Anne Clark to come over?" You
9 might be in your office at the other end of
10 campus and you come over.

11 Q. But you don't remember
12 specifically Lindsey Boylan coming that day?

13 A. No. No.

14 Q. Then at the bottom it says:

15 "His inappropriate gestures
16 became more frequent. He gave roses to
17 female staffers on Valentine's Day and
18 arranged to have one delivered to me,
19 the only one on my floor."

20 Is it true that you have -- in
21 certain years, had roses delivered on
22 Valentine's Day?

23 A. I've gotten into trouble for not
24 sending roses, now I'm getting into trouble
25 for sending roses. What happened here is, had

1 a public relations friend who told me one
2 year, he said, "I'll give you a great idea.
3 What I do on Valentine's Day, I send women one
4 rose in the office, and it's a nice gesture."

5 I told Stephanie years ago, "Why
6 don't we do that? On Valentine's Day send the
7 senior staff one rose."

8 I didn't even know we still do
9 it, and she must have just gone down the
10 senior staff list and sent the roses. It's
11 one rose.

12 That is disconnected from the
13 picture. I didn't send a rose and a picture
14 of me. The picture is when we do an event, if
15 there's a staff member at the event, they send
16 them a picture pro forma afterwards.

17 Q. And on the rose, is that
18 something that Stephanie Benton handled every
19 year?

20 A. Yes. It has nothing to do with
21 the power dynamic or anything. She makes a
22 list of the senior staff, she sends them a
23 rose.

24 Q. Did -- did you look at the list
25 of who got it?

1 A. No.

2 Q. Okay. Did you know who got it?

3 A. No.

4 Q. Okay. Do you have a sense of
5 where the women who got it sat in the
6 building? Was it this floor versus other
7 floors?

8 A. I am sure she just went down the
9 top 20 or 30 people. Lindsey because of her
10 dual hats is the only senior person who sits
11 at ESD. And that's why she would have been
12 the only person on her floor, because she sits
13 at Empire State Development. There are no
14 other senior staff there. You understand what
15 I'm saying?

16 Q. Yeah. Do you know if the year
17 that she received the rose she was already
18 deputy secretary or dual roles or just chief
19 of staff?

20 A. I don't know. My guess is she
21 was deputy secretary.

22 Q. And if she was just chief of
23 staff to Howard Zemsky, would there have been
24 a reason for her to be -- to get a rose?

25 A. Depends when the cutoff was.

1 Even as chief of staff she came to senior
2 staff meetings, because economic development
3 was, like, her main portfolio. And she was
4 chief of staff to Zemsky, but she basically
5 ran that agency.

6 And Howard lives in Buffalo so he
7 didn't come to many meetings and he sent her,
8 so I don't know. But it was -- I'm sure
9 Stephanie just used the senior staff list or
10 the staff meeting list or some list.

11 Q. And so you don't have a
12 recollection of either discussing with
13 Stephanie Benton who should get it or looking
14 at the list --

15 A. I never told her who's on the
16 list, who's not on the list.

17 Q. Did you ever see it?

18 A. I don't think I ever saw the
19 list.

20 Q. Okay. She says on page -- top of
21 the next page, she kept her old agency office
22 and remained on a separate floor.

23 That was correct, right? That
24 was true, right?

25 A. Yes, that's true.

1 Q. Then it says that the governor
2 made unflattering comments about the weight of
3 female colleagues?

4 A. Yea, I do not do that.

5 Q. Have you made comments,
6 unflattering or not, about people's weight?

7 A. No, I don't make weight -- I
8 don't make comments about people's weight.

9 Q. How about being skinny or fat?

10 A. No, I don't make comments about
11 weight, period.

12 Q. Never?

13 A. I've dealt with some people who
14 had weight issues in life. I make no -- I'm
15 very sensitive about weight comments.

16 Q. Have you ever said, **Senior Staffer #1**
[REDACTED] is too skinny?"

18 A. I don't even -- I don't even
19 think I said that.

20 Q. "Look how skinny she is?"
21 Nothing like that?

22 A. No.

23 Q. Even as a joke?

24 MS. GLAVIN: Governor, is it
25 possible that you would notice if you

1 thought someone lost weight or were
2 worried or something along those lines?

3 THE WITNESS: Yeah, but it would
4 be as a positive way or, you know, if
5 some -- if there's an issue with a
6 person.

7 A. But it's normally an issue, a
8 topic I stay away from.

9 Q. So you don't remember saying
10 Senior Staffer #1 is -- commenting on how skinny
11 she is?

12 A. I may have because she tends to
13 think she's heavy. I don't want to get
14 into -- but -- so I may have been, like,
15 trying to counteract that. But as a general
16 topic I don't get into it.

17 MS. CLARK: Did you ever speak to
18 [REDACTED] about his weight?

19 THE WITNESS: No. They did tease
20 [REDACTED] about it, though. Quite
21 often.

22 MS. CLARK: When you say they,
23 who's "they"?

24 THE WITNESS: There was actually
25 a Christmas party that the troopers did

1 a spoof video. And in this spoof video
2 I think there were comments about his
3 weight.

4 MS. CLARK: Which troopers did
5 the spoof video?

6 THE WITNESS: It was the
7 overall -- there's a Christmas party for
8 the troopers, and the troopers do a
9 spoof video.

10 MS. CLARK: Do you recall any of
11 the troopers who were involved with
12 that?

13 THE WITNESS: Yeah, I -- well, we
14 let them know -- I didn't handle it
15 directly, but we let them know that was
16 over the top. It wasn't actually his
17 weight. They had [REDACTED] because
18 his name is [REDACTED]. So they had him
19 depicted in this stupid cartoon as a

20 [REDACTED]
21 MS. CLARK: And you -- who -- who
22 was told that that went over the top?

23 THE WITNESS: The -- this goes
24 back years, but it was whoever was in
25 charge of the detail at that time.

1 MS. CLARK: Anyone other than the
2 troopers ever make any comments about
3 [REDACTED] weight?

4 THE WITNESS: I don't know. I
5 don't know.

6 MS. CLARK: But -- but you never
7 did?

8 THE WITNESS: No. Not that I
9 recall.

10 BY MR. KIM:

11 Q. So if you go to the next part of
12 that -- the Medium piece, it says:

13 "He ridiculed them about their
14 romantic relationships and significant
15 others."

16 How about that allegation?

17 A. I don't know what that means. I
18 can make jokes sometimes about marriage.

19 Q. What kind of jokes have you made
20 about marriage?

21 A. Just about the basic advisability
22 of the institution.

23 Q. Have you said -- go ahead.

24 A. No. I --

25 Q. Have you said to anyone who was

1 about to get married, "Why are you getting
2 married, it always ends in divorce"?

3 A. No, I did say publicly, "I passed
4 gay marriage now, but don't ask me to pass gay
5 divorce," or something like that. But no,
6 I'll tease a little about marriage, divorce.

7 Q. Have you said to anyone that
8 marriage just ends up in losing money?

9 A. No, I don't think so.

10 Q. Have you said to anyone that
11 marriage results in decline in your sex drive?

12 A. No, I don't think I said that.

13 Q. Okay. So what kind of jokes --

14 A. I don't think those are -- I
15 don't think those are necessarily funny or
16 true. Just, you know --

17 Q. So what kind of jokes have
18 you made?

19 A. I don't even remember what kind
20 of jokes. Just -- I don't remember what
21 marriage jokes I've made.

22 MS. GLAVIN: But -- but you think
23 you've probably had humor about
24 marriage?

25 THE WITNESS: Yes.

1 MS. GLAVIN: Yeah.

2 Q. So -- and you've -- have you
3 talked to staffers about their personal lives
4 and their romantic lives?

5 A. I'll talk to people, you know,
6 getting married. I've married staff members.
7 Staff members have mentioned they are getting
8 married. They are getting divorced, they're
9 having a baby.

10 Q. You've asked people about whether
11 or not they have a boyfriend or a girlfriend?

12 A. Yeah, I'll ask in sort of -- if I
13 have that kind of relationship with them, "Are
14 you still with your girlfriend? You still
15 with your boyfriend?"

16 MS. CLARK: Did you ever suggest
17 staff members date each other?

18 THE WITNESS: Not -- no, that's
19 more of a Senator Schumer boast, is he's
20 at 22 marriages among his staff. But
21 I've never suggested a particular
22 coupling.

23 Q. So the next line here, it says:

24 "He said the reasons that men get
25 women were money and power."

1 Is that something you've said?

2 A. No.

3 Q. You've never said, "Men get women
4 through money and power"?

5 A. No, it sounds like a line in a
6 movie but it's not mine.

7 Q. You never said it?

8 A. No.

9 Q. And then she says -- she has the
10 part in here about being in your office, and
11 as she got up to leave, that you stepped in
12 front of her and kissed her on the lips?

13 A. Yeah. That did not happen.

14 Q. Okay. Nothing like --

15 A. Just as a factual matter, it did
16 not happen, no.

17 Q. Okay. Have you kissed any staff
18 member on the lips?

19 A. I kiss on the cheek. There may
20 be an occasion where a staff member kissed me
21 on the lips. But I kiss on the cheek as a
22 rule.

23 Q. Okay. And so who -- which staff
24 member has kissed you on the lips?

25 A. I don't recall anyone

1 specifically, but it could happen that
2 somebody kisses on the lips. You know, some
3 people peck on the lips, never a romantic
4 kiss, but some people peck on the lips.

5 Even at public events, by the
6 way, people I don't know. But as a general
7 rule, I kiss on the cheek.

8 Q. So -- but you don't -- you think
9 a staff member may have kissed you on the lips
10 but you don't remember who?

11 A. Yeah. I wouldn't say to you, "No
12 one has ever kissed me on the lips on the
13 staff." You know, but I don't kiss people on
14 the lips as a rule.

15 Q. Okay. So you can't say no staff
16 member has kissed you on the lips, but you
17 can't say who may have kissed you on the lips?

18 A. Right.

19 Q. Does it happen often?

20 A. No.

21 Q. How many times do you think it's
22 happened in the last ten years?

23 A. Not many. But that's what some
24 people do and -- in life. And never a
25 romantic kiss -- right? -- we're just talking

1 about a peck on the lips.

2 Q. Okay. So, but -- and you don't
3 remember who among your staff had done
4 that -- has done that?

5 A. No.

6 Q. And that's -- when you say you
7 they -- you never kissed anyone on the lips
8 but they kissed you. Obviously, you both
9 have -- you both -- you mean both your lips
10 touched, right?

11 A. I'm -- my intent is to kiss you
12 on the cheek. Then it becomes, you know,
13 sometimes maybe it's accidental or maybe
14 sometimes people just want to do a peck on the
15 lips.

16 Q. Okay. But you don't know who?

17 A. No.

18 Q. Okay. How about **Senior Staffer #1** ,
19 has ever -- that ever happened with **Senior Staffer #1**
[REDACTED]

21 A. It may have. I don't recall
22 doing it, having a kiss on the lips with her.

23 Q. You don't remember?

24 A. No.

25 Q. But it may have happened?

1 A. Yeah.

2 Q. But that would have been

3 because --

4 A. Mostly there are different
5 events. You know, I was at her wedding. So
6 sometimes there's different social functions.
7 But I don't remember that, no.

8 Q. Okay. But it may have happened?

9 A. It may have happened.

10 Q. How about **Senior Staffer #2** ?

11 A. I don't remember, but I'm not
12 going to rule out that I've ever kissed
13 someone -- a peck on the lips.

14 Q. About --

15 A. Or half a peck on the lips, you
16 know.

17 Q. Okay. Pecks -- by "peck," you
18 mean lips touching. Right?

19 A. Yeah.

20 Q. Annabel Walsh, have you ever
21 kissed Annabel Walsh on the lips?

22 A. Not that I recall, but I may
23 have.

24 Q. **Senior Staffer #4**?

25 A. Not that I recall, but I may

1 have. You know, these people -- this is,
2 like, ten years with people. Social events,
3 weddings, parties, deaths, wakes.

4 Q. Brittany Commisso?

5 A. Brittany Commisso never.

6 Q. That you're sure never?

7 A. Yeah.

8 Q. Why you so sure about that?

9 A. Well, I had very limited
10 interaction with her.

11 Q. Okay. But -- so you -- it's got
12 to be someone you have a lot of interaction
13 with?

14 A. Well --

15 Q. You don't remember for sure, you
16 may have, but definitely not Brittany
17 Commisso?

18 A. Well there's a -- the other
19 people a long period of time and a much closer
20 relationship. Brittany Commisso only started
21 working with me really during COVID. So it's
22 a relatively short period of time. And I
23 didn't know her that well and have that many
24 dealings with her.

25 Q. And -- but Lindsey Boylan, no?

1 A. No.

2 Q. That -- that could not have
3 happened?

4 A. No.

5 Q. Okay. Why is that?

6 A. I -- I didn't have that kind
7 of -- first of all, I don't do it in general.
8 There may be exceptions. And I didn't have a
9 close -- that kind of close relationship with
10 Lindsey. I may have given her a kiss on the
11 cheek once in a while.

12 But no, and not in the offices
13 like that. The way she claims on the way out
14 of the office, in front of Stephanie Benton.
15 No.

16 Q. Some of the people you're close
17 to who you may have had kisses on the lip,
18 that could have been someone that was -- could
19 have been in the office?

20 A. I -- it could have. You know,
21 you're asking me to speculate. It could have.
22 It could have been at a wedding. It could
23 have been at a birthday party.

24 Q. So who are the -- who are the
25 staffers with whom you have a close enough

1 relationship such that you think you may have
2 kissed on the lips?

3 A. No, I don't think I have kissed
4 anybody on the lips. I just don't want to sit
5 here and say to you, "I have never kissed
6 anyone on the lips. Absolutely no, period."

7 Q. Well, I thought with respect to
8 some you said, it's possible and with respect
9 to Brittany Commisso you said, not possible
10 because she's not someone I'm close to.

11 I'm trying to understand, who are
12 the people with whom it's possible?

13 A. I'm looking at tenure. People
14 who I've known -- I've worked with **Senior Staffer #2**

[REDACTED] for **[REDACTED]** years. I don't even remember
16 all the situations that I've been in with her,
17 the weddings, the -- the deaths, funerals.

18 Over **[REDACTED]** years could I have kissed
19 her on the lips? Am I absolutely sure I never
20 kissed her lips? No, I'm not absolutely sure
21 I never kissed her on the lips.

22 Brittany Commisso is the past
23 year, always in one type of environment, yeah,
24 I feel confident saying I've never kissed her
25 on the lips.

1 Q. Okay. So who else is in that
2 category of **Senior Staffer #2**?

3 A. The long-term employee who I've
4 been in a variety of situations with, where I
5 would be uncomfortable to say I never kissed
6 them on the lips.

7 Q. So **Senior Staffer #1** would be in
8 that category?

9 A. **Senior Staffer #1** would be in that
10 category.

11 Q. Annabel Walsh?

12 A. She would be in that category.

13 Q. **Senior Staffer #4**?

14 A. **Senior Staffer #4** would be in that
15 category.

16 Q. **[REDACTED]**?

17 A. **[REDACTED]** would be in that
18 category.

19 Q. **[REDACTED]**?

20 A. **[REDACTED]** would be in that
21 category.

22 Q. Have you kissed any men on the
23 lips?

24 A. Not purposefully. I kiss them on
25 the cheek often.

1 Q. Okay. But not -- not on the lips
2 other than accidentally?

3 A. I may have kissed a man on the
4 lips.

5 Q. Who?

6 A. I don't know.

7 Q. But not -- none that you
8 remember?

9 A. No. But same answer. I'm not
10 going to say I've never kissed a man on the
11 lips.

12 Q. Have you -- have you ever lied
13 town on a couch with your head on the lap of a
14 staffer?

15 A. I have -- lay down on the couch
16 often because I have a bad back. So I will
17 often lay down on the couch with staff in the
18 room and when we're going over documents or
19 something else. I normally -- I'll put my
20 hand behind my head to, sort of, prop it up
21 and look at the documents.

22 There have been times people are
23 sitting on the couch and I'll lay down on the
24 couch. Sometimes they move, sometimes they
25 stay there. I don't remember a time where I

1 had my head on their lap, but I'll lay on the
2 couch and there will be a person who
3 is -- there's been times when a person sat on
4 the couch.

5 Q. Okay. So when you lay down on
6 your couch, sometimes people sit on the couch.
7 But you don't ever remember ever lying down
8 with your head on their lap?

9 A. On their lap.

10 Q. You don't remember that ever?

11 A. No.

12 Q. **Senior Staffer #1**, did you ever do
13 that with **Senior Staffer #1** ?

14 A. No. It could be proximate. You
15 know, I put my hand on my -- my head on my
16 arm.

17 MS. GLAVIN: And your arm perhaps
18 leaning against?

19 THE WITNESS: Yes.

20 A. Propped up. But I don't remember
21 having my head on their lap.

22 Q. How about **Senior Staffer #2** ?

23 A. No, same.

24 Q. **Senior Staffer #3** ?

25 A. Same.

1 Q. Senior Staffer #4?

2 A. Same.

3 Q. You don't have a recollection of
4 putting your head on her lap and lying on the
5 couch?

6 A. I don't have a recollection. I
7 have a recollection of laying on the couch
8 quite often with people sitting next to me
9 quite often. I don't have a recollection of
10 my head on their lap.

11 MS. GLAVIN: But your -- when you
12 say that your arm could be on the back
13 of your head, could that be leaning
14 against the side of their leg?

15 THE WITNESS: Yes. Yes.

16 Q. Is that -- do you remember that
17 or is it --

18 A. Yes, and that's what I was saying
19 to you when I had my arm behind my head.

20 Q. Okay. Have you ever lied down
21 with your head on lap without your arm there
22 but just --

23 A. I may have.

24 Q. You may have, but you don't
25 remember?

1 A. Right.

2 Q. Have you ever touched any staffer
3 on the butt, on the behind?

4 A. If anything a man, not a woman.

5 Q. Okay. Which men did you --

6 A. I don't know. I don't remember
7 any man, but if it ever happened, it might
8 have been with a man.

9 Q. [REDACTED]

10 A. No, I don't remember any
11 particular man. But I just want to say as a
12 blanket it never happened, and if it happened,
13 it might have happened with a man.

14 Q. How about **Senior Staffer #1** ?

15 A. No.

16 Q. **Senior Staffer #2** ?

17 A. No. I don't have any
18 recollection of ever -- ever touching a woman
19 on her butt.

20 Q. You don't remember ever touching
21 any woman on the butt?

22 MS. GLAVIN: Well, let's qualify
23 this. Okay. He has been married.

24 MR. KIM: He can answer his
25 question. I understand -- he's fully

1 capable of understanding the question.

2 A. I have no recollection of
3 touching a woman on her butt. May it have
4 happened accidentally? Incidentally? Yes.
5 But I don't have any recollection of
6 purposefully touching a woman on the butt.

7 May I have given a man a pat on
8 the butt? I don't remember that either, but
9 that may have happened.

10 Q. And presumably, touching women on
11 the butt, there are people you were in
12 relationships with at the time you may have?
13 I don't want to exclude that as a possibility.

14 A. Say that again, please.

15 Q. People you're dating, seeing --

16 A. Oh, if I'm dating a woman, yes.
17 Then I may have touched her on the butt.

18 Q. But other than that, you don't
19 remember ever intentionally touching any woman
20 on the butt?

21 A. Right.

22 Q. Does that include any area near
23 the -- near the butt?

24 MS. GLAVIN: Could you define
25 "near the butt"?

1 Q. Do you understand where a human's
2 butt is? And anywhere near there?

3 A. Well, near the butt now becomes
4 an expansive area.

5 Q. I'll explain. You may hold
6 people in pictures near the lower back.
7 That's what I'm trying to explore. What do
8 you remember --

9 A. Yes, in a picture might I have my
10 hand, you know, you have a number of people,
11 you're taking a picture, you're taking a group
12 shot. Do you have your hand on the lower
13 back? Do you have your hand on a hip?
14 Depending on the configuration that might
15 happen.

16 Q. But you have no recollection of
17 intentionally putting your hand on anyone's
18 butt?

19 A. No, right.

20 Q. Other than people with whom you
21 have an intimate --

22 A. Right.

23 Q. -- relationship at the time?

24 A. Right.

25 Q. Do you remember a regional

1 economic development counsel award event where
2 Maria Bartiromo served as the MC?

3 A. Yes.

4 Q. Do -- did she do that more than
5 once, or --

6 A. I think she's done it a couple of
7 times.

8 Q. And do you remember any such
9 event when Lindsey Boylan was also in
10 attendance?

11 A. She would have been in attendance
12 at those events while she was here, because
13 those were a main economic development event.

14 Q. And are those award events, are
15 they in Albany or are they in New York City?

16 A. Albany.

17 Q. And do you remember any such
18 events where you traveled there or back with
19 Maria Bartiromo?

20 A. I don't, but on the state
21 helicopter, a -- it is for the transport of
22 authorized personnel only who are state
23 employees. So if Maria Bartiromo went up or
24 down, I would have probably been on the
25 helicopter with her, or another state employee

1 probably would have been with her.

2 Q. But you don't have a recollection
3 of taking the helicopter with her?

4 A. Not specifically.

5 Q. Do you have a general
6 recollection of being on the -- on a
7 helicopter with Maria Bartiromo?

8 A. I do not.

9 Q. Do you have any recollection of
10 after one of those events there being a
11 discussion about whether Lindsey Boylan should
12 come back with you and Maria Bartiromo on the
13 helicopter?

14 A. I don't remember any
15 conversation.

16 Q. Do you remember ever saying that
17 she should come back with you and her not
18 coming back with you on the helicopter?

19 A. No, I don't remember that. I
20 wouldn't have that conversation about
21 directly -- normally anyway.

22 Q. What do you mean by that?

23 A. I wouldn't normally say to
24 someone, "I want you to come on the
25 helicopter." You know, the staff determines

1 who travels where.

2 Q. Right. Did you talk to any staff
3 about having Lindsey Boylan come back with you
4 on the helicopter with Maria Bartiromo?

5 A. No, I don't have any recollection
6 of that.

7 Q. Do you remember ever being on an
8 airplane or helicopter with Maria Bartiromo
9 and Lindsey Boylan?

10 A. I don't remember that.

11 Q. Have you commented on Maria
12 Bartiromo's appearance to anyone, physical
13 appearance?

14 A. Not that I recall. Except to
15 quote my father who said, "She had a face like
16 Sophia Loren."

17 Q. So you quoted your father saying
18 that she has a face like Sophia Loren? Who
19 did you make that comment to?

20 A. I may have said that -- I may
21 have said that a couple of times.

22 Q. To who?

23 A. I didn't say it to Maria
24 Bartiromo. Just in passing, I don't remember
25 to who.

1 Q. Have you ever made any comments
2 to people about [REDACTED] breasts?

3 A. No.

4 Q. Have you ever been with Lindsey
5 Boylan at the mansion where your dog was
6 there?

7 A. My dog is always at the mansion.

8 Q. Okay.

9 A. She has been at the mansion at
10 events.

11 Q. And have you ever been there
12 where your dog was scratching or jumping onto
13 or around Lindsey Boylan?

14 A. I don't remember my dog jumping
15 near Lindsey Boylan. He normally
16 doesn't -- they don't come in to events.

17 Q. But if -- whether it's at an
18 event or not, you don't remember any
19 interactions with Lindsey Boylan involving
20 your dog?

21 A. No. He's not the most socially
22 friendly dog. So we tend not to expose him to
23 a lot of people.

24 Q. Has he bitten people?

25 A. No. But he's -- he's big and he

1 bumps and he jumps and ...

2 Q. Has he bitten any troopers?

3 A. He, as a general rule, doesn't
4 like troopers. I don't think he's bitten any
5 troopers. But he -- he's not fond of some of
6 them. Some of them he loves; some of them he
7 doesn't love.

8 Q. Any time when the dog was either
9 jumping around or on Lindsey Boylan where you
10 said words to the effect of "If I, you know,
11 if I was a dog, I would mount you too"?

12 A. That is a gross and vulgar
13 statement, and I wouldn't say that to anyone
14 under any circumstance.

15 Q. Because you've never said that?

16 A. That's a gross and vulgar
17 statement, no.

18 Q. Okay. Now, after the Medium
19 article, do you remember discussions with your
20 staff about how to prepare and respond to some
21 of the more specific allegations in the Medium
22 article?

23 A. I remember the discussion just as
24 a whole continuum that we were talking about
25 earlier.

1 Q. Although there was some time
2 difference. So the tweet comes out in early
3 December, and the Medium piece comes out in
4 February. So it's not -- there is some --

5 A. Yeah, I don't remember any
6 differentiation.

7 Q. Okay. If you look at Tab 59
8 that's in front of you. You see this is a
9 list of questions that Melissa DeRosa --

10 A. Yeah.

11 Q. -- sent to Stephanie Benton?

12 A. Yeah.

13 Q. Do you remember, sort of, going
14 through a list of questions like that?

15 A. No, I don't. No, I don't, sir.

16 Q. You don't?

17 A. No.

18 Q. Okay. Can you stay on that tab?

19 A. Yeah.

20 Q. I just wanted to go through some
21 of these questions.

22 So I think in our testimony today
23 we've probably covered most of all these
24 questions, but did you forcibly kiss
25 Ms. Boylan, the answer is no, from your prior

1 answer?

2 A. Right.

3 Q. Did you touch her in the legs and
4 arms, torso, we covered that. Strip poker,
5 we've covered.

6 Did you ever call Lindsey Boylan
7 Lisa?

8 A. No, I don't remember that.

9 Q. Okay. Could you have by mistake
10 or you don't remember?

11 A. I don't remember ever calling her
12 Lisa.

13 Q. Okay. There's a question here
14 of:

15 "Have you ever had any
16 inappropriate relationships with women
17 on your staff?"

18 What's the answer to that
19 question?

20 A. "Inappropriate" I assume means a
21 sexual relationship with women on my staff.
22 The answer is no.

23 Q. Have you had any romantic
24 relationship with any member on your staff?

25 A. No.

1 Q. Never?

2 A. No.

3 Q. Never?

4 A. Never.

5 Q. The question -- and you don't
6 remember going through and preparing questions
7 like this?

8 A. No. No.

9 Q. Okay. What the -- what's your
10 understanding of why Melissa DeRosa might send
11 an e-mail like this to Stephanie Benton?
12 Would it be to convey --

13 A. These are questions that I, you
14 know, they'll often say, before I go out to a
15 press conference, she's saying these are
16 questions that he is going to get asked.

17 Q. Okay. Do you know if Lis Smith
18 ever prepared a list of questions to prepare
19 you for a press conference?

20 A. She wouldn't send them to me.
21 She -- Lis Smith may have been working with
22 Melissa and that group, but not with me -- to
23 me directly.

24 Q. What's your understanding of Lis
25 Smith's role in advising you or the executive

1 chamber during this time related to sexual
2 harassment allegations?

3 A. She's a -- she's a political
4 advisor, press advisor, friend of Melissa's.
5 Melissa trusts her judgment. She's very
6 smart. So Melissa will talk to her as a press
7 advisor.

8 Q. Do you talk to her --

9 A. She worked for me in a campaign.
10 I think my last campaign she was a paid
11 advisor.

12 Q. Have you had discussions with her
13 directly on issues relating to the sexual
14 harassment allegations?

15 A. She was a -- I think she was in
16 attendance at a meeting that we had or on a
17 phone where they were all giving their two
18 cents on how it should be handled.

19 Q. And what was her view on how
20 things should be handled?

21 A. I don't remember whatever it was.

22 Q. So if you go down here, there's a
23 question:

24 "Do you have regrets about the
25 language you have used toward women in

1 the workplace?"

2 Do you remember being asked that
3 question in preparation for any of your public
4 appearances or ever?

5 A. No. Ever. I don't think the
6 press have ever asked me that.

7 Q. Do you -- do you have any regrets
8 about the language you've used towards women
9 in the workplace?

10 A. I don't have regrets. Look, if
11 you could always state everything over, I'm
12 sure I would state things -- if I could
13 restate everything I've ever said to a woman
14 or a man, I'd say it differently. But
15 generally, no.

16 Q. You have no general -- you have
17 no regrets generally or specifically about the
18 language you have used with women in the
19 workplace?

20 A. No.

21 Q. The next question starts:

22 "You have a long history of
23 saying inappropriate things to women."

24 Is that something that someone
25 suggested you have done?

1 A. No. Oh, eat the whole sausage.
2 I did say that. That was taken totally out of
3 context. There is a tradition at the New York
4 State Fair in Syracuse that every elected
5 official goes to a out -- a store
6 that -- vendor that sells sausage.

7 And the political tradition is
8 you order a sausage in a bun with peppers.
9 And I was with my daughters. And the
10 political tradition is you have to eat the
11 whole sausage. You can't just take a bite and
12 then put it aside.

13 And the press was all around. So
14 that's what I was talking about. It was at a
15 sausage event at a sausage shop. But some
16 press quipped that it had some other
17 connotation, sausage.

18 Q. Have you ever referred to any
19 women on your staff as "honey"?

20 A. I may have.

21 Q. "Sweetheart"?

22 A. Well, on the staff, I frankly can
23 be a little old fashioned this way. And I'm
24 conscious of it. And I have three daughters
25 who keep me conscious of it, not to say

1 "sweetheart," "darling," "honey," "hun." And
2 I am conscious of it. Have I slipped on
3 occasion? Yes.

4 Q. And who are some people who you
5 may have called "honey," "sweetheart,"
6 "darling"?

7 A. I don't know.

8 Q. But it could've happened?

9 A. Could've happened.

10 Q. But you don't think recently?

11 A. I don't think anywhere near the
12 frequency. You know, one time in my life,
13 "honey" was a fine thing to say, "darling" was
14 a fine thing to say. It's not anymore. So
15 I'm very aware of it. But there are times
16 that I slip.

17 Q. But that's not an example of
18 regrets about language you've used toward
19 women in the workplace? You don't have
20 regrets about it?

21 A. I didn't think of it in terms of
22 that. I thought it was more asking about
23 specific things that I may have said to a
24 woman.

25 Q. I'm going to now move off of

1 Lindsey Boylan. But before I do, I don't know
2 if any of my colleagues have any questions.

3 And also, if they don't, is there
4 anything about your interactions with Lindsey
5 Boylan or her allegations that we haven't
6 covered based on my questions that you can
7 think of that you want to --

8 A. No, I think you have --

9 MS. GLAVIN: Why don't we do
10 this. When we have a break, if there is
11 anything, he can confer with us. And we
12 can do something at the end.

13 Q. And -- and at the end, we
14 can -- you can also give a sworn statement on
15 the record of, you know, whatever topic you
16 want. There will be an opportunity.

17 A. Okay.

18 MS. GLAVIN: Everything's sworn.
19 It's all sworn all across the board.

20 MR. KIM: A statement -- a
21 statement not tied to any particular
22 question.

23 MS. GLAVIN: Yeah, I mean, if
24 there's anything that we want to clean
25 up at the end, I may ask him some

1 questions.

2 MR. KIM: Yeah. At the end, we
3 should obviously take a break and then
4 before we close the record.

5 MS. GLAVIN: Right. Okay. New
6 topic.

7 MR. KIM: New topic, so we're
8 making progress.

9 BY MR. KIM:

10 Q. When did you first meet Charlotte
11 Bennett?

12 A. A couple of years ago.

13 Q. And did you -- how do you
14 remember meeting her first?

15 A. The most salient recollection I
16 have of meeting her was I was working at the
17 mansion. She brought over a PowerPoint. She
18 dropped it off, and we had a conversation.

19 Q. And when she came and dropped it
20 off, what do you remember her role or position
21 being?

22 A. She was a junior
23 assistant/briefer, sort of a starting
24 position. People do briefings for the next
25 day, general office work.

1 Q. So there are people who go by the
2 function or title of briefers?

3 A. Briefer.

4 Q. Briefer. And do they put
5 together books --

6 A. They'll put together a briefing
7 book, will do administrative work.

8 Q. And how many briefers are there
9 at any given time?

10 A. Three or four.

11 Q. And so are they different then
12 than your executive assistants?

13 A. Yes.

14 Q. Okay. But do they sometimes --

15 A. Yes.

16 Q. -- do some of them sometimes play
17 the role of helping?

18 A. Yes.

19 Q. And the executive assistants,
20 what are their general duties?

21 A. Phones, dictation, typing.

22 Q. Okay. And briefers are putting
23 the binder together and dropping it off with
24 you?

25 A. (Nodding.)

1 Q. But sometimes there are briefers
2 who would help out on the phone, dictation,
3 typing?

4 A. Yes, sir.

5 Q. Is that -- does that generally
6 fit the description of Charlotte Bennett's
7 role over a time?

8 A. Yes.

9 Q. So she started out as a briefer
10 and then started helping out on --

11 A. No. The briefers help out on the
12 administrative's functions also.

13 Q. Okay. Do you remember at what
14 point in time Charlotte Bennett started
15 helping out more on the executive assistant
16 type functioning?

17 A. No, I don't think you really
18 transition from briefer to helping out on
19 administrative things. Briefers do help out
20 on administrative things.

21 Q. Did Charlotte Bennett sometimes
22 travel with you?

23 A. Yeah.

24 Q. And not -- do all the briefs
25 travel with you?

1 A. Briefers who are also doing
2 administrative duties do.

3 Q. And who are some of those people?
4 Who are some of the briefers who have had
5 those administrative duties?

6 A. I forget. I don't remember their
7 names. There are people who will come down
8 basically to the city when I'm in Albany, and
9 Stephanie's busy, stays in Albany, they come
10 down to answer the phones.

11 Q. Did you --

12 A. Or they staff the phone here if
13 they're in New York City.

14 Q. Did you play any role in deciding
15 to have Charlotte Bennett help out on the
16 administrative side?

17 A. No, I didn't hire Charlotte
18 Bennett. I don't get involved really in
19 Stephanie's decision of who works where.

20 If a person doesn't do their job
21 or doesn't work, I'll tell Stephanie. But if
22 it's working, then it's fine.

23 Q. So once they've started to help
24 and things are not working out, you may tell
25 Stephanie, "So and so is not that good"?

1 A. Yeah. Yeah.

2 Q. How about in deciding who's going
3 to -- someone who hasn't been doing that to
4 start other discussions between you and
5 Ms. Benton about if so and so should play that
6 role or not, you know --

7 A. No, it's more a person doesn't
8 work and then we go to the next person, that
9 person doesn't work, we go to the next person.

10 Q. So with the Charlotte Bennett you
11 don't remember having a discussion or being
12 part of the decision to have her start playing
13 that role?

14 A. No. But she -- she seemed
15 competent and capable and eager. So, you
16 know, I think she would've -- and in her
17 performance she was competent and good.

18 Q. And so it sounds like -- and did
19 you find her to be competent and good?

20 A. Yes.

21 Q. Were your interactions with
22 Charlotte Bennett generally positive?

23 A. They were generally positive but
24 different.

25 Q. And what do you mean by that,

1 "different"?

2 A. Different. She had a particular
3 background and a particular mindset and was at
4 a particular place in her life that she was
5 working through, which is different than other
6 employees.

7 Q. Okay. So tell us about the
8 particular mindset, particular place in her
9 life, and what she was working through which
10 you said is different from other employees?

11 A. When I -- the most memorable -- I
12 don't know when I actually first met her. But
13 the most memorable interaction I had, she
14 brought something over to the mansion, a memo
15 or draft or PowerPoint, whatever it was.

16 And it was, like, a Saturday or
17 something and I was just going true all this
18 paperwork and I said to her, "So, basically,
19 what brought you here?" And -- meaning to the
20 administration.

21 And she started to say she came
22 because of what the administration had done on
23 sexual assault, and the laws that we have
24 passed on sexual assault, which were national
25 groundbreaking laws. And she was so excited

1 about that work, that she wanted to come be
2 part of the administration, and volunteered in
3 a very forthright way. She had been a victim
4 of sexual assault.

5

[REDACTED]

[REDACTED] And I'm going to tell

8 you this, but obviously leave it to your
9 discretion as to the use of the information to
10 respect her privacy. [REDACTED]

11

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[REDACTED] and the college
was unfair and biased. And she had a fight
with the college.

[REDACTED] And she got
through it anyway and then started an -- an
organization on campus, I believe, to organize
students, and has -- [REDACTED]

[REDACTED] and wanted to be a woman's

1 advocate for justice, and was attracted to the
2 administration because of all the good things
3 it did. And she wanted to learn the skills
4 necessary to pursue that.

5 Q. And she said these things to you
6 when you spoke to her in January at the pool
7 house?

8 MS. GLAVIN: Excuse me. I don't
9 think he gave a timeframe.

10 Q. So did you remember when it was?

11 A. It was when she came to drop
12 something over at the pool house. I don't
13 have a day. But that forthcoming with that
14 detail in sometimes a clinical way and then
15 sometimes a very emotional way.

16 And I was just stunned by what
17 she said and touched by what she said and
18 disturbed by what she said.

19 Q. And did you say anything in
20 response?

21 A. I said to her I was going through
22 a situation in my own personal family that was
23 eerily identical to the situation she was
24 talking about. So eerily identical that I had
25 first thought to myself, Is there's a way that

1 she actually knows this? It was that close to
2 what I was going through.

3 So I said to her, "Look, I
4 understand a little bit because I have someone
5 in my family who had the same basic type of
6 experience." I said to her, "I'm telling you
7 this in confidence. I don't want you to share
8 it because people don't know, and I don't want
9 people to know. More importantly, the victim
10 doesn't want people to know.

11 "But I understand what you're
12 dealing with, and it takes tremendous courage.
13 And I am sorry for what you've gone through.
14 And I respect you taking that energy and
15 putting it in a positive place. And the trick
16 is to take the pain and turn it positive.

17 "There will be pain in life, but
18 how do you take that pain and bring it to a
19 positive place. And that's what you're doing.
20 And that's a good thing. And any way I can
21 help you do that, I will."

22 Q. And in telling him about in
23 your -- in your family's experience, did you
24 say -- did you use the words "cone of
25 silence," did you tell her "in the cone of

1 silence?"

2 A. Yeah, cone of silence in
3 confidentiality, because it was about my
4 family member. It was not public. I wanted
5 her to know that I had a situation that I
6 could relate to her.

7 And this wasn't bizarre and I
8 wasn't being judgmental. I -- I got it
9 because of this. But cone of silence, please
10 don't share it because of the privacy of my
11 family member.

12 Q. And when she had told you about
13 the work that the administration had done, did
14 she specifically mention Enough is Enough in
15 2015?

16 A. I don't know what legislation she
17 mentioned. We had done a number of bills. I
18 think she was talking about mostly our work
19 vis-à-vis universities.

20 Q. Okay. And did you tell her -- do
21 you remember telling her in words or substance
22 that she shouldn't let that experience define
23 her because -- and because people in power
24 never give up power?

25 Do you remember saying words to

1 that effect?

2 A. No. She would often juxtapose
3 concepts. On the advocacy, she wanted to be a
4 female advocate and change the way
5 institutions treat women and especially how
6 universities deal with sexual assault. And we
7 had done a tremendous amount on that.

8 I was saying that is a long
9 battle. You have to chip away at it.
10 Don't -- don't think you become an advocate
11 and in one fell swoop you're going to change
12 the world. It's a process. It's a journey.
13 It's a destination. And it's hard.

14 She was -- she -- I think she
15 said something like, "Well, why don't you make
16 the universities do this?"

17 And I was saying, "We did
18 everything we could. But these are calcified
19 institutions, and you don't just change
20 everything overnight."

21 Q. And you said that she would often
22 juxtapose subjects. What do you mean by that?

23 A. She could hear things through a
24 filter, is the best way I could say it. She
25 processed what she heard through her own

1 filter. And it was often not what was said
2 and not what was meant.

3 Q. How did you know how she
4 processed?

5 A. Because she would repeat it and
6 it was different from what I just said.

7 Q. Okay. So you would say
8 something, she would repeat it, and it
9 wouldn't be what you said?

10 A. Right. Right.

11 Q. What are some examples of that?

12 A. Just in general. Just --

13 Q. Any examples?

14 A. No, but sometimes she would put
15 two concepts together like institutions are
16 powerful people -- it wasn't people, it was
17 powerful institutions. But there was a
18 disconnect sometimes.

19 Q. So it sounds like this was a
20 conversation. How long did that conversation
21 last?

22 A. That was a long conversation.

23 Q. Hour?

24 A. She told that whole story, like,
25 without break.

1 Q. So how long?

2 A. Half an hour.

3 Q. Anything else you remember about
4 that conversation?

5 A. It was very tough for me because
6 it brought back -- it didn't brought back,
7 because it wasn't over. It -- it was her in
8 pain and trauma and working through the trauma
9 and trying to find out -- figure out what to
10 do with it.

11 And angry at parts but then a
12 little light at parts and crying at parts.
13 And I was in the midst of dealing with a
14 family member on the same thing, and having
15 the same -- same discussion and the same
16 issues. And it was just a repeat for me.
17 So -- and it was sad. Sad, sad, sad.

18 Q. And you said earlier that it
19 sounded so similar to something you were going
20 through, you thought for a second, did she
21 look it up and say -- what was that about?
22 Did you think she was --

23 A. That's my paranoid, been in
24 public service too long, been under the
25 microscope too long. It was so similar that I

1 said, "Is there any way she knows about this
2 other situation with my family member?" It
3 was that similar. But I quickly dismissed
4 that.

5 Q. That was something you were
6 thinking at the time?

7 A. Yeah. It was that similar. It
8 was, like, incredible.

9 Q. Anything else you remember about
10 that conversation?

11 A. No. I was just wiped out
12 afterwards.

13 Q. So that sounds like
14 a -- obviously a very serious conversation.
15 And that happened in Albany at the pool house?

16 A. (Nodding.)

17 Q. Prior to that, were your
18 interactions primarily with her in New York
19 City?

20 A. I don't even remember.

21 Q. -- New York --

22 A. I don't even remember her before
23 that.

24 Q. You don't remember meeting her
25 before that?

1 A. I don't remember any incident
2 with her or any discussion with her before
3 that.

4 Q. Do you remember seeing her?

5 A. I had to see her before. It was
6 not the first time I saw her.

7 Q. Right.

8 A. But I don't remember any dealings
9 with her.

10 Q. You don't remember any
11 conversations with her?

12 A. No.

13 Q. You don't remember coming in to
14 provide dictation or --

15 A. Before that?

16 Q. Yeah.

17 A. No, I don't.

18 Q. How about just banter? Any
19 friendly discussions with her?

20 A. No.

21 Q. Do you remember talking to her
22 about her about her family?

23 A. In that conversation or --

24 Q. Before?

25 A. No. In that conversation.

1 Q. Okay.

2 A. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Other than conversations on that
8 day about the family [REDACTED], any
9 discussions with her about her father?

10 A. Only about this.

11 Q. Okay.

12 A. [REDACTED]

13 [REDACTED] That
14 was the main point. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. How about, not about that event,
19 but her father, for example, liked
20 motorcycles, and having discussions with
21 you --

22 A. I don't remember anything --

23 Q. No -- no discussions about the
24 father?

25 A. No, because there were, like, you

1 know, ten people in that category that come in
2 and out all day and I tried to -- you know, I
3 talked to them but I don't remember.

4 Q. Yeah. I'm trying to just gather
5 what you do remember.

6 A. Yeah. I don't remember.

7 MS. CLARK: Just one second.

8 I think you said you didn't
9 recall when the conversation happened
10 where you talked about her history of
11 being a sexual assault victim.

12 Was it before or after the
13 pandemic started? Can that help you
14 place it --

15 THE WITNESS: It was -- it must
16 have been before.

17 MS. CLARK: Thanks.

18 MR. KIM: And any -- so you don't
19 remember any interactions with her
20 before that?

21 A. No.

22 Q. You don't remember talking to her
23 about her boyfriends?

24 A. No, [REDACTED]

25 [REDACTED]

1 Q. Okay.

2 A. She then talked about her
3 boyfriends after this.

4 Q. Later?

5 A. Yeah.

6 Q. So, like, including [REDACTED]

7 [REDACTED]?

8 A. [REDACTED]

9 Q. That's all -- that's after?

10 A. Yeah.

11 Q. How about just joking with her,
12 talking with her, for example, about singing a
13 song? Do you remember telling her to sing
14 Danny Boy?

15 A. I think that would have been
16 afterwards.

17 Q. That would have been after too.
18 So before that, there -- you don't have a lot
19 of interactions with her?

20 A. No.

21 Q. So what's the next thing you
22 remember happening -- your -- what's the next
23 interaction you remember with Charlotte
24 Bennett after that meeting?

25 A. Then just a series of -- for me

1 that was a moment of new awareness. And then
2 when I would deal with her, this was always
3 the backdrop of our discussions.

4 Q. Okay. So then what kind of
5 discussions did you end up -- do you have with
6 her after that?

7 A. She -- it was before the
8 pandemic, because then she comes up to Albany
9 at one point to help on the pandemic. And
10 everything was basically closed down. She had
11 been at Westchester before where she lived.
12 She came to Albany to help. She was staying
13 in a hotel.

14 She -- there were only a few
15 people working. She -- I said, "How are you
16 doing? How are you feeling? How is
17 everything going."

18 She had, like, a regimen. She
19 was exercising and I was saying that's great.
20 She was doing a lot of analytical work. And
21 she said she had no -- all she did was work
22 and go back to the hotel, and there was no
23 real -- she hadn't made any friends on the
24 floor, that there was a group of young people
25 who did work on the floor that would go out,

1 but she wasn't part of them.

2 And I said to her, "Well, you
3 should get to be part of them. They're a nice
4 group. They're an easy group. Just meet,
5 talk to one of them and say, you know, what
6 are you doing? When are you going out? Can I
7 go along with you guys?" We talked about that
8 at one time.

9 Q. Do you remember asking her, "Who
10 are you hanging out with"?

11 A. Well, that might have been part
12 of this conversation. Hanging out -- yeah.
13 She was hanging out with nobody.

14 Q. Did you suggest to her -- did you
15 ask her about if she had any interest in [REDACTED]?

16 A. No. When she was saying "I
17 can't" -- she wasn't part of that clique. She
18 didn't call it a clique, but there was a group
19 of young people who were going out, so there
20 were some social activity.

21 I said, "There are some people on
22 there that they're just very nice, easy
23 people. It's not like you have to -- it's
24 hard to break in to."

25 [REDACTED] is -- was one of those

1 people she said was in that group. I said,
2 "He's sweet as pie, [REDACTED]. He's just a sweet,
3 nice guy. Just say to him, you know, when you
4 guys go out, 'I'd like to go out with you.'
5 It's very easy."

6 They weren't difficult kids, you
7 know. So I had made that point to her.

8 Q. How about [REDACTED]? Did you ever
9 suggest --

10 A. Same thing. [REDACTED] is another
11 who's simply nice, sweet. And I was sure that
12 if she said, "I'm up here, I'm alone, invite
13 me when you guys go to dinner," that they
14 would say yes.

15 Q. Did you, with your staff, sort
16 of, informally talk or gossip about who was
17 seeing who and who was hanging out with who?
18 Is that the type of conversation you've had
19 with people?

20 A. No. I've learned
21 subsequently -- and when I said hanging out, I
22 talked about the -- I just meant hanging out
23 as friends. Charlotte was the -- she told a
24 number of people about her experience. So
25 people were aware of it.

1 I assumed she's told a number of
2 people. Because a number of people were aware
3 of it. So I think there was -- there was
4 more --

5 Q. By "her experience," what are you
6 talking about? The --

7 A. That she was a victim.

8 Q. Okay.

9 A. At sometimes she would -- she'd
10 be very forthright about it. So there was
11 some people who were aware of that.

12 Q. How were you aware of that, that
13 she had told other people?

14 A. Because other people knew.

15 Q. Who?

16 A. Just people on the floor
17 would -- would chatter.

18 Q. Like who?

19 A. Like junior staff people. More
20 the people that she would hang out with, a
21 younger group.

22 Q. And who are some those people?

23 A. They're like press people,
24 they're like intern level, lower level. You
25 know, 25-year olds, starter.

1 Q. Any names?

2 A. I don't really know many of them.
3 But there's a significant number of young
4 people who are just, sort of, coming up for a
5 first experience.

6 Q. So my question was a little bit
7 separate from Charlotte Bennett. This -- this
8 question which is more: Do you -- have you had
9 conversations with staffers that, sort of,
10 just informally ask them who's hanging out
11 with who? Who is dating who? What's going
12 on, type of gossipy-type conversations? Have
13 you had those types of conversations with
14 staffers?

15 A. Hanging out to me -- maybe this
16 is generational. Hanging out to me is just
17 hanging out as friends. Right? Dating is
18 different than hanging out. So I was trying
19 to get --

20 Q. No, I'm not trying to suggest
21 hanging out is anything more than hanging out.

22 A. Okay. No. I mean, I know
23 there's gossip. You know, it's Albany, it's a
24 small town, it's the State Capitol, it's one
25 office. Everybody goes out to the same

1 restaurant, the same bars.

2 Is there gossip chatter like
3 there is any other organization? Yes,
4 probably a little bit more because it's
5 Albany. But -- I mean in a nice way. Because
6 it's a Capitol town so the people you work
7 with go to the same restaurants, like DA's
8 Office and Forlini's, you know, but no more
9 than usual.

10 Q. Do you sometimes say to staffers,
11 "Tell me what's going on?"

12 A. I don't ask, but everybody loves
13 to tell the governor something.

14 Q. But you never ask?

15 A. Not really. But people like to
16 tell the governor something.

17 Q. So --

18 A. You know, like they like to tell
19 the US Attorney something. Right?

20 Q. Do you sometimes say, "Tell me
21 something new," "What's going on," you never
22 ask these --

23 A. I'll ask what's going on, but not
24 meaning like that.

25 Q. What do you mean "by like that"?

1 A. What's going -- not about who's
2 dating who.

3 Q. You never inquire about --

4 A. What's going on, like, in the
5 world. What happened with Biden today?
6 What's happening in the Senate? Are we
7 getting transportation money? Like, that's
8 what I'm interested in.

9 Q. I'm not -- not trying to ask a
10 trick or loaded question. I'm just trying to
11 ask: Do you have conversations with people
12 like, "What's going on?" Not, "What's going
13 on with Biden," but what's going with people
14 staff?

15 A. I don't solicit that.

16 Q. You don't solicit any of that
17 information?

18 A. No. Do people pass on gossip
19 from time to time? Yes.

20 Q. But they pass on gossip, but you
21 never solicit it?

22 A. Never solicit it, I never say
23 never about anything. Might I ask a follow-up
24 question or have a specific? Yeah. But as a
25 general rule do I ask? No.

1 Q. As a general rule, you don't ask
2 people, "What's going on?" "How are people
3 doing?" "Who's hanging out with who?" "Hanging
4 out" meaning just hanging out--

5 A. How are people doing? Yes.

6 Q. Okay.

7 A. You're during COVID.

8 There's -- it's isolated. You're working 24
9 hours a day. You're scared to death. How are
10 people doing? Yeah. Not who's sleeping with
11 who.

12 Q. Again, didn't suggest -- didn't
13 have that in my question not talking about
14 COVID times. Generally, you -- as a general
15 rule, you don't solicit, sort of, questions
16 about people, who's friendly with who, who's
17 hanging out with who, but they like to tell
18 you things --

19 A. Right.

20 Q. -- because you're the governor?

21 A. I think that's the general rule.

22 Q. But they just come in -- you
23 don't generally ask them?

24 A. Yes.

25 Q. So is that the type of

1 conversation you've had -- have you had any
2 conversations like that with Charlotte Bennett
3 where you ask, sort of, questions
4 about -- other than what you've said, which it
5 sounds like the way you've described it is she
6 said she was lonely, you said, "Well, why
7 don't you try to hang out with these young
8 folks? They seem nice. [REDACTED] they seem
9 nice."

10 Other than that, any
11 conversations with her about -- informally
12 about office gossip type things?

13 A. No, with -- with Charlotte I
14 tread very lightly, because with a victim of
15 sexual assault -- and she was clearly fragile
16 and in a delicate place -- I was very careful
17 about those conversations.

18 Q. Always?

19 A. Yeah.

20 Q. And did you ever, for example --

21 A. I lived this in my life. I know
22 this. [REDACTED]

23 [REDACTED]
24 [REDACTED] I know this and how delicate it
25 is.

1 Q. So have you ever asked her, for
2 example, to memorize lyrics to a song?

3 A. I've never asked her to memorize
4 lyrics to a song. You mentioned Danny Boy.
5 Danny Boy is a song that we would sing
6 together as a group.

7 None could ever remember the
8 words. "Oh, Danny boy," then everybody stops.
9 The -- so I might have asked her -- I've asked
10 at times for people to Google the words so we
11 can read the words. I may have said, "Okay,
12 your job is to get the words for Danny Boy,"
13 or something like that.

14 Q. So that may have happened?

15 A. It may have happened.

16 Q. You don't remember specifically?

17 A. No.

18 Q. How about Bohemian Rhapsody?

19 A. Bohemian Rhapsody?

20 Q. Yeah.

21 A. No. What is Bohemian Rhapsody?

22 Q. It's the Queen song.

23 A. Which one?

24 Q. I can't do it right now. Any
25 discussions about that with her?

1 A. Not that I remember.

2 Q. Have you ever sung parts of a
3 songs to her?

4 A. Maybe Danny Boy.

5 Q. How about "Do You Love Me" by The
6 Contours?

7 A. No.

8 Q. On a phone call, "Do you love
9 me?" No? You don't remember doing that?

10 A. No. I don't even know that song.

11 Q. You don't know that -- you don't
12 know the "Do you love me"?

13 A. Do another verse.

14 Q. It's just says "Do you love me."
15 It's The Contours.

16 MS. GLAVIN: Could you give us a
17 couple more lines?

18 MR. KIM: No, I can't.

19 A. No, not to her.

20 Q. You've never sung that to her?

21 A. No.

22 Q. Have you sung the chorus of any
23 song to her?

24 MS. GLAVIN: I think you just
25 answered.

1 A. Yeah, no. Not that I remember.

2 Q. On the phone while you're talking
3 to her?

4 A. No.

5 Q. While she's taking dictation?

6 A. No.

7 Q. Did you -- have you ever talked
8 to her about how many pushups she can do?

9 A. Yeah.

10 Q. Okay. Tell us about that.

11 A. She was exercising daily, which
12 was a positive thing and a constructive thing
13 I thought. And I wanted to encourage her on
14 that. So I said to her, "Want to have a
15 pushup competition?" I said, "How many
16 pushups can you do?"

17 And she would give a number. And
18 I said, "Oh, that's nothing." I said, "I'm
19 going to do your pushups plus 20. When you
20 get to a number, that is respectable."

21 And then, for, like, a couple of
22 months she would come back and says, "oh, I'm
23 up to 30."

24 And I'd say, "That's nothing,
25 30's nothing. That's a waste of my time."

1 And then she would come back next
2 week and say, "I'm up to 40."

3 And I'd say, "That's nothing.
4 That's a waste of my time." And we never
5 actually had the pushup competition.

6 Q. Did she ever actually do pushups
7 in front of you?

8 A. There was one time where I
9 said -- because she got up to, like, a very
10 high number. And I said, "Well, how do you --
11 you're doing the pushup wrong. How do you do
12 a pushup?"

13 And I said, "You're doing a
14 cheating pushup. That's not a real pushup."
15 I think she said she could do, like, 40
16 pushups or something.

17 So I said, "No, I'm talking about
18 a real pushup, nose touches the floor." And
19 either I did a pushup, nose touches the floor,
20 or she did a pushup to establish what was the
21 proper form.

22 No, she did the pushup. And she
23 did nose to floor. I remember that because I
24 was a little intimidated.

25 Q. And that -- that interaction

1 where she did pushups, that was in Albany?

2 A. No, I think it was here.

3 Q. Okay. So that was before the
4 conversation you remember from the pool house?

5 A. Unless we were down here. I
6 would come down here during COVID, too.

7 Q. I see. Can you place that
8 exchange relative to the conversation up at
9 the pool house?

10 A. No.

11 Q. It could have been before, could
12 have been after?

13 A. Yeah.

14 MS. CLARK: You said when you saw
15 her do a proper pushup where she touched
16 her nose to the floor and you felt a
17 little intimidated, did you say anything
18 along those lines to her?

19 THE WITNESS: No.

20 Q. Had you made any comment --

21 THE WITNESS: It was always this,
22 "I'll do 20 more than you can, but you
23 have to get to a respectable number."
24 And whatever number she came back with,
25 I said was not respectable.

1 MS. CLARK: But after she did the
2 proper pushup, you didn't say, "Now I'm
3 scared" or that --

4 THE WITNESS: No, I may have
5 said, "Okay, we agree on form."
6 Something like that.

7 Q. Do you remember -- have you made
8 any comments about her appearance?

9 A. In what regard?

10 Q. Let's start with: Have you made
11 comments about her hair?

12 A. Not that I recall.

13 Q. Do you remember her -- she had
14 her hair in a bun at one point?

15 A. No.

16 Q. Do you remember calling her "bun"
17 after that? After she had --

18 A. No.

19 Q. You don't remember that?

20 A. No.

21 Q. Do you remember --

22 A. She had her hair in a bun and I
23 called her "bun"? No.

24 Q. How about: Do you remember her
25 ever wearing jean shorts?

1 A. I remember her wearing jean
2 shorts in Albany.

3 Q. Yeah. And then do you remember
4 telling her she looks like Daisy Duke?

5 A. Yeah, I remember her wearing jean
6 shorts which, frankly, I thought were a little
7 inappropriate in the office. And I said
8 something like, "Oh, so what are you wearing
9 Daisy Duke shorts today?"

10 Not that she would know who Daisy
11 Duke was, because I think Daisy Duke must be,
12 like, 110 now. But just to register a little
13 bit about the shorts, because I thought they
14 were a little inappropriate. But I didn't
15 really want to say anything directly.

16 Q. So you do remember saying --

17 MS. CLARK: What did the shorts
18 look like?

19 THE WITNESS: They were jean
20 cutoff shorts.

21 MS. CLARK: How short were they?

22 THE WITNESS: They weren't short
23 short, but I never saw anybody wear jean
24 shorts into the office before.

25 MS. CLARK: What day of the week

1 was it?

2 THE WITNESS: I don't remember,
3 but it doesn't even matter. I never saw
4 her on -- even on the weekend. I mean,
5 we'd have casual dress but not jean
6 shorts. But I didn't want to say to
7 her -- you know, I was sensitive in what
8 I was saying.

9 BY MR. KIM:

10 Q. Because of what she had told you
11 about her experience in college?

12 A. Yes.

13 Q. And you were sensitive, so you
14 said it looks like Daisy Duke shorts?

15 A. Yeah, she wouldn't know what it
16 meant, but it was, I thought, a subtle way to
17 say those shorts were a little off.

18 Q. So you said it specifically
19 because she wouldn't know what it meant?

20 A. I didn't want to say to her, "I
21 think you're dressed inappropriately."

22 Q. Do you remember commenting on her
23 eye makeup?

24 A. I don't remember commenting on
25 it, but I do remember it was -- I thought it

1 was a little different. I don't know if I
2 ever said anything.

3 Q. Do you remember calling her
4 "wings" because her eye make up goes up?

5 A. I may have said something like
6 that.

7 Q. Do you remember, sort of, using
8 "wings" as a nickname for her?

9 A. I don't remember that. But, I
10 mean, it's possible that the day I said that I
11 called her "wings."

12 Q. Do you -- do you generally give
13 nicknames to people or use nicknames?

14 A. Yes.

15 Q. And what are some --

16 A. Not generally but --

17 Q. What are some nicknames you've
18 used for staffers?

19 A. Beth I'll call "Bethesda."
20 Robert, who goes by Bob and Robert, they were
21 called "Bobert." I call Rita, my new friend,
22 "lovely Rita meter maid."

23 I call Sharon "south side Sharon"
24 because she's from the south side of
25 [REDACTED]. It's the bad side of [REDACTED].

1 It's a little levity that I try to inject.

2 Sharon and Rita didn't find it funny, but ...

3 Q. Did you ever have any nicknames
4 for Charlotte Bennett?

5 A. I don't think so.

6 Q. Did you sometimes call her "lot"?

7 A. "Char-lot"? "Lot"? Maybe.

8 Q. "Char-latte"?

9 A. "Char-latte"? No, unless she
10 drank lattes?

11 Q. Did she drink lattes?

12 A. I don't know.

13 Q. What did you think of her work
14 that she was -- that she did for you?

15 A. It was fine. I mean, she
16 didn't -- she did phones and administrative
17 work.

18 Q. Did she seem smart?

19 A. She seemed smart enough and
20 fragile. She was fragile.

21 Q. Always fragile?

22 A. Always fragile.

23 Q. Even before she had that
24 conversation with you?

25 A. Always fragile.

1 Q. What do you mean by "fragile"?

2 A. That I think she had gone through
3 a very difficult situation and was still
4 working it through.

5 Q. And you observed that about her
6 even before the conversation you had with her
7 in the pool house?

8 A. It became clear to me after that.
9 Pieces fell into place after that
10 conversation.

11 Q. Before that she seemed fragile?

12 A. She seemed a little different.

13 Q. What do you mean by that?

14 A. Just, to me, there was something
15 peculiar about part of her personality. Nice,
16 smart, but something a little different. I
17 don't really remember her that well at all
18 before. But when I heard her story, then I
19 remember thinking, Now that makes sense.

20 Q. Okay. And so -- even -- but even
21 before her story, you thought she was fragile?

22 A. I didn't think it that much
23 frankly, before the story.

24 Q. But now you think she's fragile?

25 A. Still to this day?

1 Q. Well, I don't know, you said,
2 "She seemed fragile." So I'm trying to figure
3 out when you thought she was fragile?

4 A. I thought she were fragile all
5 through the time I knew her.

6 Q. Okay. And to this day, too?

7 A. I don't -- haven't seen her in a
8 while.

9 Q. Have you see the interview that
10 she gave CBS?

11 A. No, I didn't watch it.

12 Q. Why not?

13 A. I find the whole situation
14 depressing, frankly.

15 Q. So you didn't see it or read a
16 transcript?

17 A. No, I didn't want to.

18 Q. Did you think she was a hard
19 worker?

20 A. I think she was a competent
21 worker. I think her attendance was fine. I
22 didn't keep track of her that well, but I have
23 no reason to think no.

24 Q. Do you remember people talking
25 about that she was -- how hard she was

1 working?

2 A. No.

3 Q. Do you remember people talking
4 about how, for a while, she was holding on to
5 a couple of different roles, including helping
6 with the briefing book but also helping with
7 administrative work?

8 A. No.

9 Q. Do you remember any discussions
10 about how she wouldn't be able to travel with
11 you as much because she had a lot of other
12 things going on that she needed to do?

13 A. No. But I wouldn't know that.

14 Q. I'm not asking you whether you
15 would, I'm just asking you whether you did.

16 A. No.

17 MS. CLARK: Did you ever say
18 anything to Annabel Walsh about how hard
19 Ms. Bennett was working?

20 THE WITNESS: During COVID?

21 MS. CLARK: Dur- -- at any point.

22 THE WITNESS: I may have. I do
23 that from time to time if I see one
24 person -- you know, sometimes they'll
25 have -- because I work seven days a week

1 so sometimes, you know, I'll see a lot
2 of a person and then say, "Why don't you
3 switch off?" Because I've seen this
4 person for the past two weekends.

5 That happens from time to time.

6 I don't remember saying it about
7 Charlotte, but I say it frequently.

8 BY MR. KIM:

9 Q. Did there come a time when you
10 learned that Charlotte Bennett would stop
11 working with you?

12 A. Yes.

13 Q. Okay. How did you learn that?

14 A. I forget who told me that she was
15 changing positions. I don't remember who told
16 me.

17 Q. Was it Jill DesRosiers?

18 A. I don't remember.

19 Q. You don't remember. Do you
20 remember about when?

21 A. No.

22 Q. Does June of last year sound
23 about right?

24 A. June of -- last year is just a
25 blur because it's like the COVID year.

1 Q. It was during the COVID year?

2 A. Yeah.

3 Q. And you don't remember who --

4 A. I don't remember who I heard it
5 from first, no.

6 Q. What do you hear about why she
7 would be -- no longer be working with you?

8 A. I don't -- I don't remember
9 who -- I don't remember the discussion of why
10 she was leaving or where she was going. I
11 don't think anybody talked to me about that.

12 Q. So you just learned from someone,
13 you're not sure who, that she would be moving,
14 she wouldn't be --

15 A. Yeah, it wasn't about the move.
16 There was -- there came a point in time, and I
17 don't remember when or with who exactly, but I
18 have a vague discussion that -- of her not
19 being comfortable in the position and wanting
20 to do something else. I don't remember when
21 that was or where that was.

22 Q. Did you learn that she was not
23 comfortable in the position because of an
24 interaction with you?

25 A. I later learned that it was the

1 interactions with me. Not a specific one.

2 Q. Later -- by "later," what do you
3 mean? After -- how long after she stopped
4 working with you?

5 A. I don't remember.

6 Q. Shortly or months?

7 A. I don't -- I have no, you know.

8 It was during COVID. It was relatively
9 insignificant in the scope of things. People
10 came, people left, who was quarantined, who
11 was not there. So I don't remember where.

12 Q. So you would -- you just remember
13 being told, "She's no longer going to be
14 working with you." You remember learning
15 sometime after that it was because she was
16 uncomfortable with an interaction with you?

17 A. Generically, yeah.

18 Q. Okay. And then who, if anyone,
19 did you have discussions with about that?

20 A. The first conversation I had
21 really about -- that was with Melissa DeRosa,
22 who came at it from a different angle, who
23 said why you -- basically I shouldn't have
24 been having personal conversations with
25 Charlotte and that she was a trauma victim

1 and, I forget how Melissa said it, but that
2 she was a little off in terms of personality.

3 And you know a victim of sexual
4 assault is dealing with trauma and is a
5 susceptible to -- susceptible to a different
6 interpretations of things and just, "Why would
7 you talking to a victim of sexual assault who
8 you knew was off?"

9 Q. So when was this conversation
10 with Melissa DeRosa?

11 A. Sometime last year.

12 Q. Okay. So you have a general
13 recollection of being told, "She's not working
14 with you." You also had a recollection that
15 it -- you learned it was because of an
16 interaction with you, and then a conversation
17 with Melissa DeRosa.

18 When was the conversation with
19 Melissa DeRosa relative to the learning that
20 it was because of a conversation with you that
21 she felt uncomfortable? Because when we --

22 A. Afterwards. Yeah.

23 Q. And where was that conversation
24 with Melissa DeRosa?

25 A. It was -- we were in a car, I

1 think, in New York City.

2 Q. Okay. And what did you say?

3 A. I got offended. I said, "Yes,
4 she's a victim of sexual assault. But what
5 does that mean? She's a kid and that we
6 should just give up on her? She's
7 irredeemable?"

8 I said to Melissa, [REDACTED]
9 [REDACTED]
10 [REDACTED], I said, "How about I said that about
11 your" -- I'm going to make it up -- [REDACTED]
12 [REDACTED]? Well, they're a victim of
13 sexual assault, so they're a little off, so
14 they're damaged, so we're not going to deal
15 with them."

16 Because, you know, you're a
17 victim, it's irredeemable. You're scarred for
18 life. You're a damaged person. And even
19 though you're 25 years old, that's it for you.
20 You're never going to figure it out. You're
21 never going to work it through. I said, "I'm
22 not doing that. I'm not doing that. I don't
23 believe it and I'm not doing that."

24 Q. So what is it that she was saying
25 you had said that you shouldn't have?

1 A. She was saying, "You had no
2 business talking to this girl. You knew she
3 was damaged. You knew she was a victim of
4 sexual assault, and you shouldn't have put
5 yourself in that position."

6 Q. That's what --

7 A. Period.

8 Q. -- Melissa DeRosa was saying?

9 A. Yes.

10 Q. And so I'm trying to understand,
11 what is it that you shouldn't have done?

12 Talked to her at all?

13 A. Engaged in any conversations.

14 Q. Whatsoever?

15 A. Whatsoever.

16 Q. That's your understanding of

17 what --

18 A. Yes.

19 Q. -- Melissa DeRosa was saying?

20 A. Personal conversations, any
21 personal conversations.

22 Q. What personal conversations did
23 you understand --

24 A. She talked to me about her rape.

25 Q. What personal conversations --

1 A. That she was a -- go ahead.

2 Q. Okay. What personal
3 conversations did you believe Charlotte
4 Bennett was saying you had with her?

5 A. That she was a victim of sexual
6 assault.

7 Q. That would --

8 MS. GLAVIN: Governor, was there
9 a specific instance where you felt
10 Charlotte was uncomfortable with you
11 that you recall?

12 THE WITNESS: Yes.

13 MS. GLAVIN: Okay. Do you want
14 to talk about that?

15 Q. No. I just want to understand
16 what Melissa DeRosa --

17 A. I think she was talking
18 about -- well, what Melissa was talking about
19 is: Why did I have a conversation with her
20 about her sexual assault?

21 Q. Okay. How did Melissa DeRosa
22 know about your conversation with her about
23 sexual assault?

24 A. She had to get it -- in re- --
25 reconstruction, she had to get it from June

1 and Jill.

2 Q. Okay. Judy --

3 A. Judy.

4 Q. -- Mogul and Jill?

5 A. Sorry.

6 Q. And so you understood that Judy
7 Mogul and Jill DesRosiers had spoken to
8 Melissa DeRosa?

9 A. In reconstruction I now get it
10 all, yeah.

11 Q. Okay. Had they spoken to you?

12 A. I -- if they had spoken to me, it
13 wasn't in detail and I don't remember it. But
14 if they had said to me, "You had personal
15 conversations with Charlotte that she finds
16 upsetting," yeah, I know the conversations
17 that I had with her. I'm very well aware of
18 them.

19 And Melissa's point was you
20 shouldn't have had a conversation with her
21 about rape.

22 Q. Okay. Putting aside the rape,
23 had Melissa DeRosa, was she talking to you
24 about some of the other personal conversations
25 you had with her, Charlotte Bennett?

1 A. No. The only other conversation
2 that I believed Charlotte found problematic
3 was -- she comes to me and she says she's
4 going to give a speech to her alma mater,
5 which was Hamilton or Hobart, one of the two.

6 And she's very excited because
7 she was going to be able to speak about the
8 sexual assault experience. Would I help her
9 on the speech. I said, "Yes, I'll help you on
10 the speech. What do you want to say?"

11 And she -- I said, "Do you have
12 anything written? I'll read it."

13 She said, "No, I don't have
14 anything written."

15 And I said, "What do you want to
16 say?"

17 And she went through basically
18 what she wanted to say. And I found it hard
19 to follow what she was saying she was going to
20 say, except her point was the university did
21 the wrong thing by her.

22 She said, "What do you think?"

23 I didn't want to say, "That
24 speech doesn't work," because, as I said, I
25 wanted to always tread softly.

1 I said, "Let me tell you my
2 advice on the speech. The rule are the three
3 Is. Speeches are either about inspiration,
4 information, or impact. This is not about
5 inspiration, this is not about information, it
6 should be impact. So just make it impact."

7 "I was raped at this school, but
8 then I was violated a second time by the
9 school when they victimized me a second time
10 by denying my victimization. And I was raped
11 and then victimized a second time by the
12 school."

13 I said, "That impact, the school,
14 the institution of the school victimized you."

15 She did not like that idea.
16 Visibly, she didn't like it and said,
17 basically, "That's not my voice. That's not
18 my voice. That's not who I am."

19 I said, "Okay, okay. That was
20 just my idea. Whatever you want to do, I'm
21 sure it's going to be great."

22 But she was -- that was the one
23 conversation where I would have said she was
24 disturbed by something.

25 Q. And so is your understanding it

1 was that conversation that led her to say she
2 was uncomfortable and didn't want to work with
3 you anymore?

4 A. What I have been told, again, in
5 reconstruction, was that she said to
6 June -- to Judy and Jill that I didn't
7 sexually harass her, I didn't make any
8 advances.

9 She had a number of conversations
10 with me about her rape, which she wished in
11 retrospect that she didn't have, she
12 considered me paternalistic and a friend, but
13 she was uncomfortable because of the
14 conversations that she had, was the thrust of
15 what I had heard from Judy and Jill.

16 Q. How about your saying that you
17 would be comfortable dating or seeing someone
18 as young as 22?

19 A. I never said that to her.

20 Q. You never said anything like
21 that?

22 A. No. She said to me --

23 Q. Let me -- let me pause. Putting
24 aside whether you ever said that, is that
25 something you were told by Judy and Jill or

1 Melissa in that conversation as having been
2 said?

3 A. I don't think they relayed it.
4 It's one of the stories that I heard --

5 Q. At the time --

6 A. -- that she told.

7 Q. -- they didn't tell you that at
8 the time?

9 A. Not that I remember that, but
10 it's one of the stories I've been told.
11 The -- this is during COVID. She comes in and
12 she says, "I've been looking at your social
13 media. All sorts of women want to date you,"
14 which is a running joke -- right? -- all
15 through this.

16 There's a group called
17 "Cuomosexuals." Women are sending me these
18 videos, "I want to date you." Chelsea Handler
19 is running around on the Twitter saying,
20 "Here's a video, I want to date you." I'm
21 doing interviews. They're saying, "You're
22 the most eligible bachelor."

23 She comes in and says, "I've been
24 looking at social media. All these people
25 want to date you."

1 I said, "Oh, that's great, that's
2 great." It was just chit-chat while we were
3 doing whatever we were doing. I said, "Well,
4 go back and find me a good candidate."
5 Whatever that means.

6 And she says I said -- she said,
7 "What qualifications?"

8 And I said, "Anyone over 22,"
9 which I not only have no memory saying, it
10 doesn't even make sense to me. It's not even
11 funny. What does that mean? Anyone over 22.
12 My daughters are over 22 years old. It just
13 doesn't make any sense.

14 So I don't remember saying it,
15 and it doesn't make any sense.

16 Q. Okay. Just -- I'll ask you about
17 what you remember saying --

18 A. Yeah.

19 Q. -- or not saying.

20 A. Yeah.

21 Q. So you don't remember ever
22 saying --

23 A. No.

24 Q. -- anyone over 22. Okay.

25 Let's -- let's take these conversations

1 one-by-one because --

2 A. Yup.

3 Q. -- there's a number that have
4 come up. So first, in May of last year, and I
5 get you don't remember the specific dates or
6 times, but during COVID, you mentioned that
7 she talked to you about giving a speech in
8 Hamilton College?

9 A. Right.

10 Q. And you were giving advice on the
11 speech. It sounds like you thought she didn't
12 agree with some of your advice. In the
13 context of that, did you say to her, "You were
14 raped"?

15 A. In the speech?

16 Q. No. To her as something to say,
17 "You were raped"?

18 A. No. That was part of the speech.

19 Q. Did you say it to her?

20 A. Yeah. I said, "The speech
21 is" -- I said, "Here's my idea of impact for
22 the speech. I was raped at this
23 school" -- right? -- because the first rule
24 for an assault victim to overcome assault is
25 to acknowledge the issue, which she was very

1 clinical about acknowledging.

2 "I was raped in this school. But

3 I was violated a second time by the school."

4 That was the impact that it was --

5 Q. And in the context of delivering
6 that message, did you say, in effect, "You
7 were raped," and repeat that phrase, "You were
8 raped, you were raped, you were raped"?

9 A. She says I said it three times.
10 I never did. I never did.

11 Q. You never did that?

12 A. No.

13 Q. You know you never did that?

14 A. Yeah. It's what she heard, I
15 believe, or what she thinks she heard. It's
16 not what I said, because the emphasis was the
17 school. The first point is, in this proposed
18 speech, "I was raped at this school."

19 That grabs people. And you admit
20 it and you acknowledge it. "I was raped by
21 this school -- at this school, at this school.
22 But I was -- but I was violated by this school
23 a second time." That was the point of my
24 idea.

25 Q. And when you said, "I believe

1 that's what she thinks she heard," you think
2 she heard something else and then thinks in
3 her head that you repeated "You were raped"
4 three times. You think that's --

5 A. I think --

6 Q. -- a figment of her imagination
7 because she's damaged?

8 A. No. I'm not saying she's
9 delusional.

10 MS. GLAVIN: I'm actually going
11 to object to that form.

12 MR. KIM: You can object.

13 MS. GLAVIN: That's --

14 A. I think -- look, you're going to
15 have your own recognition -- your own --

16 Q. Yeah. So -- sorry, let me --

17 A. -- memory of what I said. Not
18 because --

19 Q. Point taken, because I was trying
20 repeat what you -- or give the sense, because
21 you said, "I think that's what she heard."

22 A. Yeah.

23 Q. I'm trying to understand, because
24 normally --

25 A. Okay.

1 Q. -- people can hear the words and
2 remember them.

3 A. Yeah, I think you can --

4 Q. So I don't understand the
5 comment --

6 A. Yeah, you can leave here and have
7 a different interpretation and say, "I think
8 he said this." It doesn't mean you're
9 damaged. Certain statements resonate with
10 people. I think the -- "I was raped." Not
11 "You were raped." I never said, "You were
12 raped." "I was raped." She says I said that
13 three times. I didn't say it three times.

14 Q. And you're sure of that?

15 A. I'm virtually positive because it
16 had -- it makes no sense in the -- in the idea
17 of the speech that I was relaying.

18 Q. Right. Putting aside whether it
19 makes sense or not, you don't remember the
20 date of this conversation, you barely remember
21 interactions with Charlotte Bennett, she's one
22 of many assistants you have interacted with
23 over the years.

24 But -- and you know you were
25 helping her with this speech that included a

1 reference to her being raped. But you're also
2 testifying you are certain you never repeated
3 the phrase "I was raped" three times. Is that
4 your testimony --

5 A. Mr. Kim --

6 Q. I'm just -- I'm trying to
7 understand --

8 A. Here's my testimony: [REDACTED]

9 [REDACTED] you would
10 remember how you talk to a rape victim about
11 rape. That's my testimony.

12 Q. Okay. Do you remember around
13 when this was, this conversation?

14 A. No, I don't.

15 Q. So you definitely remember that
16 you did not repeat "I was raped" three
17 times --

18 A. No. I'm going to take a break.
19 Okay? Thank you.

20 THE VIDEOGRAPHER: The time is
21 2:19 p.m. This concludes Media 3. Off
22 the record.

23 (Recess taken from 2:19 p.m. to
24 2:33 p.m.)

25 THE VIDEOGRAPHER: The time now

1 is 2:33 p.m. This begins Media 4. On
2 the record.

3 BY MR. KIM:

4 Q. Governor, during this
5 conversation with Charlotte Bennett when she
6 was talking about her speech at Hamilton
7 College, did you say to her at any point that
8 you were lonely because of the pandemic?

9 A. We had a separate conversation, I
10 don't know if it was at the same time or a
11 different time, about the COVID -- I was doing
12 the COVID briefings every day. And I started
13 to talk about the isolation of COVID.

14 COVID had another consequence
15 that was not a medical consequence. It was
16 isolation of human beings. You can't touch
17 anyone, you don't see anyone, you don't see
18 your family, you're stuck in your apartment,
19 you're all alone.

20 That concept of loneliness in
21 COVID is something I was talking to people
22 about, because I wanted to articulate it in my
23 briefings, and I was. So I would talk about
24 that, the loneliness of COVID.

25 Not my loneliness. I

1 wasn't -- frankly, I had all my kids. I
2 wasn't that lonely. But the loneliness of
3 COVID, the isolation of COVID. I talked to a
4 lot of people about that.

5 Q. Did you talk -- did you tell
6 Charlotte Bennett in any conversation that you
7 were lonely?

8 A. No. I talked about the
9 loneliness of COVID. I was not particularly
10 lonely.

11 Q. You never said that to Charlotte
12 Bennett?

13 A. Not that I recall.

14 Q. Okay. How about that you wanted
15 to be touched?

16 A. No, not that I wanted to be
17 touched. I was talking about the concept of
18 touch during COVID. You can't touch another
19 person. You're afraid to touch another human
20 being. What does that do to you? But it's
21 the concept of it, not me.

22 Q. You never said to Charlotte
23 Bennett that you wanted to be touched?

24 A. No.

25 Q. Did you ever say to her that you

1 wanted to get on a motorcycle and ride -- ride
2 to the mountains with a woman?

3 A. No. Not with that -- the woman.
4 I may have said -- and I've said on occasion
5 to my staff, "I'm going to leave you all here,
6 I'm going to get on my motorcycle and drive
7 into the Adirondacks," which, by the way, I
8 do. Like, I'm just going to get away from it
9 all and leave you all, you figure it out.

10 And I would say to that -- to
11 them during COVID once in a while. I'd say,
12 "I'm going to get on my motorcycle. I'm going
13 to the Adirondacks. I'm going to leave you
14 all alone. You solve COVID."

15 Q. Did you ever say to Charlotte
16 Bennett that you wanted to ride -- get on your
17 motorcycle and ride to the mountains, leave
18 out for the moment with a woman --

19 A. I may have said that.

20 Q. You may have said that part?

21 A. Yeah, may have said that
22 rhetorically. "This is terrible. It's every
23 day. It's not getting better. I'd love to
24 get on my motorcycle and drive to the
25 Adirondacks, have somebody else figure this

1 out."

2 Q. How about ride -- get on your
3 motorcycle, ride to the mountains with a
4 woman?

5 A. I do not remember saying that.
6 And I've driven to the Adirondacks many times,
7 never with a woman. And if I take my
8 motorcycle to the Adirondacks, it's to be
9 alone. So I wouldn't want to bring a woman.

10 Q. Do you remember a subsequent
11 interaction with Charlotte Bennett where she
12 and EA #2 [REDACTED] came into your office to
13 take dictation from you?

14 A. No. But that would happen often.

15 Q. Do you remember a time during
16 COVID when both she and EA #2 [REDACTED] were
17 wearing masks, and you had commented on the
18 breathing in and out of the masks?

19 A. No.

20 Q. Do you remember ever commenting,
21 saying, "You look like the alien in Predator"?

22 A. No, no.

23 Q. You -- you've seen --

24 A. I don't remember it but it sounds
25 funny. I could see that. But I don't

1 remember saying it.

2 Q. Okay. You're aware of the movie
3 Predator and Alien?

4 A. Yeah.

5 Q. Okay. Do you remember
6 saying -- ever saying something to the effect
7 of, "And if there was ever a sexual harassment
8 investigation, they would say I said you look
9 like the alien in Predator"?

10 A. No, I don't remember that either.

11 Q. Do you remember, then, subsequent
12 to that initial conversation where you spoke
13 about her speech -- upcoming speech at
14 Hamilton where she told you again that she's
15 going to be giving that speech?

16 A. A second discussion about the
17 speech?

18 Q. Yeah. Yeah.

19 A. She then -- it was coming, like,
20 close. And I remember said she was going to
21 do it. I didn't go near the conversation
22 about the speech again.

23 Q. Okay. Why not?

24 A. Just because I had the
25 conversation and it didn't work. I remember

1 her saying she gave the speech and it went
2 very well and she was happy and they
3 celebrated or something like that.

4 Q. With champagne?

5 A. I don't remember that part, but
6 that she gave the speech and she was happy
7 with it.

8 Q. Did she actually tell you she
9 took your advice on some of the speech and
10 incorporated it?

11 A. No, not that I remember.

12 Q. Do you remember her telling you
13 that her speech was going to be on [REDACTED]
[REDACTED]?

15 A. I don't remember that.

16 Q. Do you remember ever talking to
17 her about monogamy?

18 A. No.

19 Q. You've never had conversations
20 with her about monogamy?

21 A. I don't remember talking to her
22 about monogamy.

23 Q. Did you ever ask her if she was
24 sleeping with other people? Who she was
25 sleeping with?

1 A. No. Sleeping with -- no, I would
2 never ask her, "who you're sleeping with."

3 Q. Or hooking up with?

4 A. I would never say "hooking up
5 with." I did ask her at one time, the
6 conversation she refers to, did she -- I don't
7 remember the exact words -- did she or does
8 she have relationships with older men. That
9 conversation I had with her.

10 Q. Okay. How did that conversation
11 come about?

12 A. I had a conversation with someone
13 who relayed second- or third-hand that
14 Charlotte was -- and again, privacy
15 discretion -- [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]. I did not want to ask her directly.

23 And again, this is all when I said that the
24 filter for me was all as a victim of sexual
25 assault and somewhat aware of the possible

1 consequences of a victim of sexual assault and
2 how it plays out.

3 So I said to her something like,
4 "Do you have a," or "Did you have a
5 relationship with an older man?" I don't
6 think she responded. That was my way of
7 saying, if she wanted to talk about something
8 that was going on here, I wanted to give her
9 the opportunity. She didn't take it. I
10 didn't say anything else about it.

11 Q. So you asked her if she had been
12 with an older man?

13 A. Either was she or -- I don't know
14 the tense. Did she date older men, was she
15 dating other men, something like that.

16 Q. Okay. Why did you ask that
17 question?

18 A. Because if she was in -- if she
19 wanted to talk about what I had heard, which
20 was [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 I wanted to give her the opportunity to do it.
24 But I didn't want to say it directly. So
25 that's the way I posed the question.

1 Q. Okay. And this was at a
2 time -- this is after that initial
3 conversation about her being a victim of
4 sexual assault?

5 A. Yeah.

6 Q. And in asking that question, were
7 you no longer worried about, sort of, steering
8 clear of those subjects? I think you had
9 testified earlier you decided to stay clear of
10 that.

11 A. I thought this was my way of
12 treading lightly given those facts.

13 Q. So she did -- she did not respond
14 to your --

15 A. No.

16 Q. Okay. And did you ever ask
17 her -- it sounds like you said you did have
18 discussions about the people who are writing,
19 sort of, love notes or admiration notes to
20 you -- right? -- you had mentioned that
21 earlier.

22 A. She raised that. She said, "I've
23 been reading your social media. There are a
24 lot of women who want to date you."

25 Q. Did you ever say to her, "Can you

1 find me -- help me find a girlfriend"?

2 A. Yes. As I said to you before, I
3 said something to the effect of, "Oh, good,
4 see if you can go find me a good candidate."

5 Q. You also mentioned earlier, I
6 believe, that she mentioned Jada Pinkett Smith
7 and Chelsea Handler?

8 A. No, I didn't say that.

9 MS. GLAVIN: He didn't --

10 MR. KIM: Oh, he didn't? Okay.

11 A. No.

12 Q. Did -- did she?

13 A. I don't remember her saying that.
14 I had mentioned to you that Chelsea Handler
15 had sent me videos or was tweeting me or
16 whatever.

17 Q. Do you remember discussing either
18 Chelsea Handler or Jada Pinkett Smith with
19 Chel- -- Charlotte Bennett?

20 A. I think I would have said -- I
21 don't remember it. I probably would have
22 said, "Chelsea Handler is a little bit too
23 wacky for me" or something like that.

24 Q. And --

25 A. Jada Pinkett Smith I don't know.

1 Q. Okay. And in terms of criteria
2 for your prospective girlfriends, did you say
3 anything to her about it?

4 A. No.

5 Q. Even as a joke?

6 A. No.

7 Q. So the -- "Someone in their 20s
8 would be fine," that's not something you said?

9 A. No. And it's not a joke, and
10 it's not even funny.

11 Q. Do you remember her saying
12 that -- saying, "Wouldn't it be difficult for
13 you to date because it would be hard for you
14 to have privacy"?

15 A. I don't remember her saying that.

16 Q. Do you remember her saying
17 anything to the effect of, "Privacy would not
18 be an issue for you"?

19 A. I could have said that. But I
20 don't remember that -- that whole -- I don't
21 remember why she would have said that, "You
22 can't date because you don't have privacy." I
23 don't remember that whole conversation.

24 Q. Do you remember saying that any
25 girlfriend -- you would want a girlfriend in

1 the Albany area?

2 A. No.

3 Q. Do you remember having any
4 conversations with her about a tattoo?

5 A. Yes.

6 Q. What do you remember about that?

7 A. She said she was thinking of
8 getting a tattoo. And I think she showed me a
9 picture of it or she described it. And this,
10 again, was just unsolicited.

11 I had -- I didn't say this to
12 her, but I had happened to have a conversation
13 with [REDACTED] about a rape victim getting a
14 tattoo. That's when I said this was all
15 eerily similar for me.

16 [REDACTED] had said to me, "A
17 rape victim often feels indelibly marked, post
18 the victimization. And a tattoo can be like a
19 scarlet letter that they are marked." And
20 that stuck with me.

21 And there are three things that
22 you can do when a person says they want to get
23 a tattoo. And I had asked this question
24 previously for myself. Don't say no. You can
25 say, "Wait and think about it."

1 You can say, "There is now a
2 tattoo that is, quote/unquote, 'a
3 semi-permanent tattoo with semi-permanent
4 ink,'" whatever that is. Or "Put the tattoo
5 somewhere where somebody can't see it, in case
6 you wind up reconsidering."

7 I said to Charlotte, "Tattoo is a
8 big decision. You may want one now. You may
9 not want one later on in life." I left out
10 the first two options and said, "Maybe at
11 least you put it somewhere where it can't be
12 seen."

13 I then said to her, "You know,
14 the state police have a rule that a tattoo
15 cannot be visible outside of the uniform. So
16 think about it. It's a big decision. But if
17 you decide to go ahead, think about putting it
18 somewhere where it won't be seen if you wind
19 up regretting it later on."

20 Q. Did you specifically suggest her
21 butt?

22 A. No.

23 Q. Okay. Just somewhere it can't
24 be seen --

25 A. Where it won't be seen.

1 Q. Did you talk to Charlotte Bennett
2 ever about her piercings?

3 A. Not that I remember. No, I don't
4 remember piercings.

5 Q. Do you remember her telling you
6 how many piercings she has?

7 A. No.

8 Q. Do you remember ever asking her
9 whether she had any piercings other than in
10 her ear?

11 A. No.

12 Q. Do you remember, sort of,
13 after -- it doesn't sound like you remember
14 particular days well -- correct? -- that you
15 saw her?

16 A. Right.

17 Q. Do you remember that after one of
18 these conversations, you saw her again the
19 following day early morning on a weekend?

20 A. No. But assume I did.

21 Q. Do you remember a weekend day
22 where she came in, Stephanie Benton and
23 Melissa DeRosa were there, but then they left
24 and it was just Charlotte Bennett?

25 A. No. But I wouldn't necessarily

1 know that anyway.

2 Q. Okay. And do you remember asking
3 her to come in and help her with your iPhone
4 apps, an app on your iPhone?

5 A. No. But I could have.

6 Q. Was that something --

7 A. Not an app on my iPhone. I don't
8 have any apps on my iPhone.

9 Q. Were you working on -- were you
10 working on your book with your iPhone?

11 A. Yes.

12 Q. What did you -- how did you use
13 your iPhone?

14 A. Dictation. I dictated into the
15 iPhone.

16 Q. And did you ever ask Charlotte
17 Bennett to come and help you move something
18 from your iPhone?

19 A. That I could have done.

20 Q. Okay. Fair to say you're not
21 great with technology?

22 A. That is more than fair.

23 Q. And so on time -- on occasions,
24 she would come in and you would ask her to
25 help, but you don't remember a particular

1 morning.

2 Do you remember on that morning
3 or on any other day saying words to the effect
4 of, "Do -- have you found me a girlfriend
5 yet?"

6 A. No.

7 Q. And then that's --

8 A. But we had a -- I'm just -- I'm
9 sorry, sir. We had had a conversation where I
10 said, "Go out and I -- go look and find me a
11 good candidate."

12 Q. How many different times do you
13 think you've had the conversation about
14 finding a good candidate for a girlfriend?

15 A. I thought it was just the once.

16 Q. The one that we've talked about
17 earlier?

18 A. Yes.

19 Q. And then I think we -- you
20 mentioned the Daisy Duke, but do you remember
21 that being some -- a weekend, as you were
22 leaving, you saw her wearing jeans?

23 A. I don't remember when that was.

24 Q. You don't -- you don't put this
25 together in terms of how close in proximity

1 timewise it was to these other conversations?

2 A. No.

3 Q. Do you remember commenting to her
4 that she seemed low energy the day before?

5 A. No.

6 Q. And asking her whether she was
7 hung over?

8 A. No.

9 Q. Is that something that seems
10 unusual or uncommon? Would you talk to
11 staffers about, you know, "Did you go out?"
12 "Were you hung over?" "Are you hung over?"

13 A. If the drinking was interfering
14 with their working, yeah.

15 Q. As a serious manner, like,
16 that -- that they're not performing their
17 functions well because they're hung over?

18 A. Yeah. If they had a drinking
19 issue that was affecting their work, yes.

20 Q. How about as a joke, "You seem
21 low energy. Are you hung over?"

22 A. Not so much.

23 Q. Okay. So any other interactions
24 your remember now? We've -- we've covered a
25 few interactions, and in some of these

1 questions have tried to place -- get on
2 particular days, but it doesn't sound like, in
3 your mind, you put them in clear days.

4 But any other interactions with
5 Charlotte Bennett that you remember?

6 MS. GLAVIN: I just want to have
7 one moment.

8 Governor, with respect to your
9 conversation with Ms. Bennett about her
10 speech, you were giving her how you
11 would deliver the speech, do you recall
12 whether or not she used the words
13 "overpowering" to you, along those
14 lines, overpowering her?

15 THE WITNESS: Yeah, those
16 words -- words to the effect that, when
17 I gave my suggestion of the speech,
18 which I may have done in speech
19 language, you know, an impact speech is
20 all about your tones, et cetera.

21 She said that's -- basically,
22 "That's not my voice." She like,
23 physically, almost, moved back in the
24 chair, that "You're overpowering my
25 voice or my idea," was the general

1 notion. And I just -- I backed off.

2 MS. GLAVIN: And when you
3 delivered the speech, you know, that you
4 would give, you know, how was your
5 voice? How was your delivery of it, if
6 you recall, or how would you have done
7 it?

8 THE WITNESS: I would have
9 speechified -- right? -- its impact.
10 It's an impact speech. So it's all the
11 way you say it and you deliver it. And
12 this is impactful.

13 "I was raped when I was at this
14 school." And that's a powerful
15 statement. But then "I was violated a
16 second time by this school." And I
17 would have said it impassioned to her,
18 because that was the point of the
19 speech.

20 And I would have said it in my
21 voice, which is also true, which is not
22 her voice. And she said basically, "I
23 felt that's not my voice" or "You're
24 overpowering my voice," and she didn't
25 like it.

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MS. GLAVIN: How did you feel after that conversation?

THE WITNESS: I -- I was -- you know, I was fine. Be careful how you say things. They can be heard a different way, and especially when you're talking about sexual matters.

That's why when you ask -- "hook up," "have sex with," I would never say anything like that. And if -- if the person has a bad reaction, back off.

MS. GLAVIN: Okay.

THE WITNESS: Just back off.

MS. GLAVIN: And with respect to the conversation that you remember having with Charlotte regarding whether or not she was dating or had a relationship with an older man, were you concerned about Charlotte?

THE WITNESS: Well, that was the point. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Now, she's a grownup. [REDACTED]

[REDACTED]

[REDACTED] that's your business, there's no law, et cetera. How did she wind up in that situation? I don't know.

Did she feel exploited? I don't know. Did she feel trapped? I don't know. Was she acting something out? I don't know. [REDACTED]

[REDACTED]

She's an adult. If that's what she wants to do, fine. Did she want to get out of it? Did she need some help in extricating herself? That's what I was trying to find out.

But I didn't want to say, "I know you're doing this," first of all, because I had it, like, second- or third-hand. Plus it's -- no good was going to come of that conversation.

So I tried to do it in a way where if she wanted to say, "I have a problem" or "I got trapped" or "[REDACTED]

[REDACTED]

1 ██████████," that was a window for
2 her to do it. That was what I was
3 thinking.

4 BY MR. KIM:

5 Q. So you've said you don't remember
6 telling her that you would date someone as
7 young as 22.

8 But do you remember Judy Mogul or
9 Jill DesRosiers telling you that she says you
10 said that? Do you remember that?

11 A. I don't remember if Judy or Jill
12 told me. I know she has said that. But --

13 Q. So you don't remember
14 whether -- coming from Judy or Jill?

15 A. No. But it --

16 Q. Okay.

17 A. It -- I don't even understand how
18 I could have possibly said it, because it
19 doesn't make any sense to me. You know,
20 sometimes I can make a bad joke or a throwaway
21 line or something. But what is that -- what
22 is the significance of 22?

23 Q. Or in their 20s, you never said
24 anything like that?

25 A. No.

1 Q. Okay. And did -- Judy Mogul and
2 Jill DesRosiers, when conveying what Charlotte
3 Bennett told them, did they tell you that they
4 found her to be credible?

5 A. No, they never said that.

6 Q. Did -- did they give you any
7 sense of what she felt of -- about Charlotte
8 Bennett's credibility?

9 A. They told me -- their uniform
10 feeling was this is a woman who had gone
11 through sexual assault. And while my word is
12 "fragile" -- I don't know what word that they
13 would use. But Melissa's point was, sort of,
14 their point, which is this is a sensitive,
15 fragile woman, and it's dangerous to be
16 engaging with her.

17 That concept strikes close to
18 home for me. There are young people who go
19 through things. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

And I dealt with Charlotte the way I would want someone to [REDACTED]

[REDACTED] The exact same way. There was never a suggestion that I wanted to date Charlotte. All right? I mean, just to think about it -- that was never -- the concept of grooming.

"Nothing happened, but I felt like we were on a path to something maybe happening." She felt that way. I understand that. I respect it. But this is all her perception. Right?

Q. Do you remember the conversation you had with Melissa DeRosa in the car? How did she react?

A. She -- her point was -- she says to me, "I don't know why you're engaging with this woman. You have a personal conversation with her. You know how this isn't her word, but she's fragile, she's a little bit off."

1 You put the whole administration in jeopardy."

2 And I said, "I find that

3 offensive. I find that offensive. [REDACTED]

4 [REDACTED] And

5 who the heck are we if we're going to say,

6 'Well, this kid went through this, you better

7 not engage. Send them down the hall and let

8 them work for somebody else'?"

9 Yeah, I get pragmatically, yeah,

10 that would be smart. And a lot of my life is

11 pragmatic. And I live most of my life

12 pragmatic, because it's a pragmatic world, and

13 risk is not a good thing in my life.

14 But I thought I could help her.

15 I thought I could help her. I studied this.

16 I read books. I lived this. [REDACTED]

[REDACTED] She needs
18 help and I thought I could help her.

19 And you know what? I still am

20 schizophrenic on the whole thing. "Well, you

21 should have just walked away." Yeah, I should

22 have just walked away. But you know what?

23 That stinks on a human level. That just

24 stinks. So that's that.

25 Q. And what -- did Melissa DeRosa

1 leave the car and, sort of, storm out of the
2 car? Do you remember that?

3 A. Oh, it was a bad conversation.

4 Q. Okay. Did she leave the car
5 and --

6 A. Well, she said she had to go to
7 lunch. I said, "Go ahead, go to lunch."

8 Q. Did you end up having a
9 conversation with her later that evening or
10 that day?

11 A. I don't remember.

12 Q. Did you speak with anyone else
13 about the conversations with Charlotte
14 Bennett?

15 A. No. Then I, at some point, had a
16 conversation with June and --

17 MS. GLAVIN: Judy.

18 A. Judy and Jill and that was it.

19 Q. How about Stephanie Benton?

20 A. Not really.

21 Q. Did she tell you that she thought
22 some of the things that she heard you said
23 were inappropriate?

24 A. Look, they all want -- I don't
25 know what she said. She didn't -- I don't

1 remember her saying it to me. They all want
2 to now say, "You shouldn't be talking to a
3 woman who had a -- is a victim of sexual
4 assault. You shouldn't be talking to her
5 about her rape." Yeah, I get it.

6 Q. How about other things, about
7 dating, girlfriends, no one said --

8 A. There was no girlfriend talk.
9 There was no girlfriend talk. You find out
10 that [REDACTED]
11 [REDACTED] and you're
12 going to say nothing, knowing that a person
13 often acts out?

14 And here she is, a kid, and you
15 say absolutely nothing? "Well, it's not your
16 place." Yeah, I know.

17 Q. So on that point, other than
18 asking her, "Have you been with an older man,"
19 you didn't say anything else?

20 A. I never said -- the tattoo
21 conversation we had. I never said "butt."
22 She may have heard, "That's where nobody is
23 going to see it." I never said "butt."
24 The -- so she --

25 Q. "Older man" you said you said but

1 she didn't respond?

2 A. "Older man" she didn't respond.

3 "Well, I thought the older man, he meant him."

4 Yeah, I get what she thought. That's not what
5 was I saying but that's what she thought. I
6 get it.

7 The "I've been looking at social
8 media, all these women want to date you."

9 "Yeah, go find me a great
10 candidate." 22, I would have never said 22,
11 and it doesn't make sense anyway. And she
12 then imputes it to mean her. I don't get
13 that. But -- then why wouldn't I have just
14 said "your age"? But -- and those would --
15 and then the speech conversation.

16 Q. Do you remember after Charlotte
17 Bennett expressing her concerns to Jill
18 DesRosiers that -- and Judy Mogul that there
19 was a change in protocol or practice put in
20 place about whether young staffers could staff
21 you alone or should staff you alone?

22 A. I don't rem- -- I don't remember
23 a protocol change, and I don't think there has
24 been a protocol. I remember having a
25 conversation that, look, how do you protect

1 yourself about -- against any allegation?

2 You'd always have to have a witness.

3 Now, I'm pretty paranoid, as you
4 know, having investigated me for so many
5 years. The -- there's always, always,
6 virtually always additional staff there.
7 Everybody can hear everything. Doors are
8 open.

9 But you'd have to have a witness
10 literally full-time all the time, is the only
11 way to deal with that problem.

12 Q. So was there -- do you recall a
13 discussion about a practice where there would
14 not be one staff --

15 A. We talked about having a
16 full-time witness situation.

17 Q. You didn't have a discussion
18 about how there should -- you should not be
19 left alone with female staffers?

20 A. I didn't have that conversation.
21 Because it's not just female. It's male
22 staffers. They would stop a male staffer from
23 walking out and saying, "He said, let's go to
24 lunch, I took that as a come-on." You'd have
25 to have a full-time witness to everything.

1 Q. Was there any discussion with
2 anyone about whether it would be better for a
3 staffer not to be alone with you to protect a
4 staffer from any inappropriate conversations?

5 A. No. I got it to protect me.

6 Q. No, but did anyone else discuss
7 that possibility?

8 A. No. Not that I heard.

9 Q. Do you remember an instance where
10 Staffer #2 and [REDACTED] were staffing
11 you together, and then [REDACTED] left and you were
12 alone with [REDACTED]?

13 A. Not especially but I remember
14 [REDACTED].

15 Q. And do you remember Melissa
16 DeRosa calling you to say to wrap up the
17 meeting because you were alone with [REDACTED]
18 [REDACTED]?

19 A. No. She may have done that, but
20 I didn't --

21 Q. Okay.

22 A. -- know that's what it was about.

23 Q. At some point in time, did you
24 learn that Charlotte Bennett would be going
25 public with her allegations?

1 A. Basically when she did.

2 Q. Okay. How did you learn about
3 it?

4 A. I think she did it.

5 Q. And then you learned?

6 A. Yeah.

7 Q. In the New York Times?

8 A. Yeah.

9 Q. Okay. And when you read the New
10 York Times -- did you read the New York Times
11 piece?

12 A. No.

13 Q. You never read it?

14 A. (Shaking head.)

15 Q. Okay. Can we -- if you can turn
16 to page -- Tab 65. So this was the -- the New
17 York Times piece that talked about her
18 allegations.

19 So you didn't read it when it
20 came out?

21 A. No.

22 Q. You haven't read it to this day?

23 A. No. Nope.

24 Q. You're not curious about what it
25 is she's saying?

1 A. No. I mean, I know basically
2 what she's saying.

3 Q. How do you know?

4 A. Because I've talked to people
5 about it, and I've responded to press
6 questions.

7 Q. Okay. So who told you the
8 details about --

9 A. The press person would have told
10 me.

11 Q. Okay. Who's that?

12 A. Azzopardi.

13 Q. And did they walk it through for
14 you --

15 A. Yes. Yeah.

16 Q. Line by line or --

17 A. Well, issue by -- everything I
18 had to know.

19 Q. But you didn't read it yourself?

20 A. No.

21 Q. Do you not normally get articles
22 or press clippings that mention you sent to
23 you?

24 A. Yeah, I normally do.

25 Q. And do you -- what do you

1 normally do when you get them?

2 A. If I -- I normally read them
3 unless I don't want to read them.

4 Q. Okay. And this is one you didn't
5 want to read?

6 A. Right.

7 Q. Because you knew -- well, did you
8 know it was going to be --

9 A. No. Because I talked to somebody
10 about it. You know, I get briefed on what's
11 in the news anyway.

12 Q. Okay. And so you were briefed by
13 the press people. You didn't read this.
14 Correct?

15 A. Right.

16 Q. You didn't read any reporting of
17 Charlotte Bennett's allegations --

18 A. I did not watch her on the TV.
19 Right --

20 Q. You didn't watch her on TV. Did
21 you get a report of the notes that Judy Mogul
22 and Jill DesRosiers took from their
23 conversations with --

24 A. Yes.

25 Q. Okay. How did -- when did that

1 happen?

2 A. I don't remember but at one point
3 I got a report on their notes.

4 Q. Did they literally read the notes
5 on a call?

6 A. No. They just talked to me about
7 it.

8 Q. And so through those -- and did
9 you respond to the allegations to them?

10 A. I told them what I told you.

11 Q. Okay. And so it wasn't like
12 a -- was it a point-by-point discussion
13 or --

14 A. No.

15 Q. -- it was just generally what you
16 were thinking and how you interpreted and how
17 you think she interpreted it?

18 A. Yeah. Well, it's all her
19 interpretation. "Do you date older men?" "He
20 meant him." Yeah, I know that's what you
21 think.

22 Q. Okay. So if you go to -- and
23 then did you make public statements about
24 Charlotte Bennett's allegations?

25 A. I responded to the press.

1 Q. Okay. And who did you discuss
2 the response to the press with?

3 A. I would have talked about the
4 press team in general.

5 Q. Okay. And if you look at Tab 74,
6 this is one of the statements that you issued?

7 A. Yup.

8 Q. And you say:

9 "Ms. Bennett's initial impression
10 was right. I was trying to be a mentor
11 to her."

12 Do you see that?

13 A. Yes.

14 Q. Okay. When you -- when you said
15 the -- her initial impression was right, "I
16 was trying to be a mentor to her," how did you
17 know what she was alleging? Was it just
18 through what the press people were reporting
19 to you?

20 A. Yeah, yeah.

21 Q. Without --

22 A. Well, June and --

23 MS. GLAVIN: Judy.

24 A. Judy -- Judy and Jill said she
25 thought I was being paternalistic and a mentor

1 and then she changed, or she said that
2 somewhere.

3 Q. Okay. But was everything she was
4 saying -- were you being a mentor to her in
5 your mind with respect to everything --

6 A. Yes.

7 Q. -- that you said?

8 A. Yes.

9 Q. Including the -- the comments
10 about the girlfriend, Chelsea Handler?

11 A. She said to me, "I'm
12 looking -- I'm looking through your social
13 media."

14 I said, "Find me a good
15 candidate."

16 Q. Okay. "Find me a good
17 candidate," that wasn't mentoring?

18 A. Well, what was I supposed to say
19 to her in response to that?

20 Q. I'm just trying to understand.
21 Is that -- that wasn't part of --

22 A. It was a throwaway line. It was
23 an insignificant conversation.

24 Q. Okay. That part was an
25 insignificant conversation?

1 A. Yeah.

2 Q. That's not mentoring?

3 A. No. That was insignificant. She
4 also said hello, she also said goodbye, she
5 also said, "Do you want a cup of coffee?" "Do
6 you need a sandwich?" Yeah. I mean --

7 Q. Yeah, but those -- she didn't
8 allege -- to be fair, she didn't allege the
9 hello, goodbye were things she took issue
10 with. She did specifically allege that the
11 conversations about girlfriends you're
12 saying -- you deny saying --

13 A. I understand, Mr. Kim.

14 Q. -- 20 or younger -- so --

15 A. But her allegation is I said the
16 22. I didn't say that. But even if I said
17 that, how is that a solicitation of her?

18 Q. So that you deny, the 22. Right?

19 A. Yeah.

20 Q. Did you ever say to people in
21 your -- did you ever consider saying, "I never
22 said that, that part"?

23 A. I think I did say, "I never said
24 that."

25 Q. When did you say --

1 A. I said, "I never said what she
2 heard."

3 MS. GLAVIN: Are you referring
4 to -- you said you never said that. Are
5 you referring to the press, or are you
6 referring internal discussions?

7 Q. Let me say publicly.

8 MS. GLAVIN: Okay.

9 Q. Yeah, to the press or in any --

10 A. I've said publicly, I believe.
11 I've never -- I didn't say what she heard.

12 Q. Okay. But it's not -- I have not
13 seen it in any of the statements, but I -- you
14 know, you could have said it. But that -- you
15 know, to you, it is what your recollection is.

16 MS. GLAVIN: You know you've said
17 to people, "I did not say what she
18 heard"?

19 THE WITNESS: Yeah.

20 A. I did not say what she heard.

21 Q. Okay. But you haven't publicly
22 said, "I never said I'm okay with anyone as
23 young as 22"?

24 A. I think I have.

25 Q. Publicly?

1 A. Yeah.

2 Q. Okay. Is that a -- do you
3 remember having that discussion with people,
4 we -- "should we say or no"?

5 A. No. I think I've said that.

6 Q. Okay. How about going -- saying
7 that her allegation that you've said you were
8 lonely and wanted to ride on a motorcycle into
9 the mountains with a woman, do you remember
10 any discussions about denying that allegation?

11 A. No. I -- I don't know that
12 anyone asked me, but I would.

13 Q. You would deny it?

14 A. Yeah.

15 Q. Although you've testified you
16 have had -- you have said things to people
17 about --

18 A. Taking a ride -- yes.

19 Q. -- going to go to the Adirondacks
20 but without the woman?

21 A. Yes.

22 Q. But you haven't -- have you had
23 discussions about denying that allegation?

24 A. I don't have discussions. I
25 think I've denied these statements publicly.

1 I've talked to the press 11 times since then.

2 You know, we've had these conversations.

3 Q. Have you -- did you ever have any
4 discussions with Charlotte Bennett about the
5 last time she's hugged anyone?

6 A. No. Except in the vein of the
7 isolation of COVID and a situation where you
8 can't touch anyone. There is no hugging.
9 There is no human touch. There's no humanity.
10 It's isolation.

11 What does that do to people's
12 psyche and the mental trauma that we're going
13 to have to deal with after this fact?

14 Q. Okay. But not specifically to
15 Charlotte Bennett, have you -- "When's the
16 last time you've really hugged anyone?" Have
17 you -- had said anything like that?

18 A. No. Except in the context of,
19 "You can't hug anybody during COVID."

20 Q. Okay. In that context, have you
21 asked her, "Have you really hugged anyone?"

22 A. No. I don't remember asking her
23 in that specific context.

24 Q. Okay. So with Charlotte Bennett,
25 you don't remember saying anything like that

1 at all. That's the answer?

2 A. That's the answer. Except I did
3 say during COVID, "You can't even hug anyone.
4 You're -- you don't go to dinner with anyone."
5 You know, it was the whole concept.

6 Q. Okay. But you don't remember
7 having that --

8 A. No.

9 Q. -- conversation with Charlotte
10 Bennett?

11 You don't remember saying, when
12 she said -- when she talked about hugging
13 family members, you said, "No, a real hug"?

14 A. No.

15 Q. If you --

16 A. Family members I would consider a
17 real hug.

18 Q. Yeah. Or parents but --

19 A. Yeah.

20 Q. -- you don't remember having that
21 discussion?

22 A. No.

23 Q. If you look at Tab 80, you issued
24 another statement. This one, the third
25 paragraph says --

1 MS. GLAVIN: Just -- just for the
2 record date, this is a July 13,
3 20 -- oh, no, February 28.

4 MR. KIM: No, sorry, it's the
5 February 28.

6 MS. GLAVIN: February 28, 2020.
7 Got it.

8 MR. KIM: Yeah, I know. That's
9 the day that -- we may have printed it
10 that day.

11 MS. GLAVIN: Okay.

12 BY MR. KIM:

13 Q. It says -- in this statement you
14 say:

15 "At work sometimes I think I am
16 being playful and make jokes that I
17 think are funny. I do, on occasion,
18 tease people in what I think is a good
19 natured way. I do it in public and in
20 private," et cetera, et cetera.

21 This statement about being
22 playful and making jokes, was that, in your
23 mind, responsive anything that Charlotte
24 Bennett was alleging?

25 A. I think it was just generic.

1 Q. Just generic?

2 A. Yeah.

3 Q. Do you remember being playful and
4 making jokes with Charlotte Bennett?

5 A. Yeah. Sensitively.

6 Q. What are some examples of the
7 playful and jokes --

8 A. I don't remember specifically but
9 I try to make jokes during the course of the
10 day.

11 Q. But you don't have -- you don't
12 recall any specific --

13 A. No.

14 Q. -- jokes with Charlotte Bennett?

15 MS. GLAVIN: Or when you -- every
16 time she said the number of push-ups and
17 you said it had to be higher?

18 THE WITNESS: Well, that was an
19 ongoing joke. Not a "ha-ha" joke,
20 but ...

21 Q. Other than that?

22 MS. GLAVIN: "Find me a good
23 candidate"?

24 THE WITNESS: That's a joke.

25 MS. GLAVIN: Yeah.

1 Q. Anything else?

2 A. No.

3 Q. At the bottom, you say:

4 "Separately, my office had -- has
5 heard anecdotally that some people have
6 reached out to Ms. Bennett to express
7 displeasure about her coming forward.
8 My message to anyone doing that is you
9 have misjudged what -- what matters to
10 me and my administration and you should
11 stop that now - period."

12 Do you see that?

13 A. Yeah.

14 Q. Had you heard that people had
15 been reaching out to Ms. Bennett to express
16 displeasure?

17 A. She must have said that. I
18 hadn't heard that.

19 Q. Okay. You hadn't heard that?

20 A. No.

21 Q. Did you hear of anyone
22 researching Charlotte Bennett's past?

23 A. No.

24 Q. You didn't hear people looking
25 for and looking up her -- the -- any

1 complaints that came out of Hamilton College?

2 A. No.

3 Q. Is that something that you would
4 have wanted people --

5 A. No.

6 Q. -- to do?

7 A. No.

8 Q. You never heard of it?

9 A. (Shaking head.)

10 Q. Can you turn to Tab 112? And
11 this is a text between Melissa DeRosa and
12 Madeline Cuomo?

13 A. Yeah.

14 Q. And it attaches a -- what appears
15 to be a tweet that says:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 And then it says:

22 "Do we know about this? [REDACTED]

23 [REDACTED] involving Charlotte Bennett?"

24 Were you told that people were
25 forwarding texts like this and looking into

1 Hamilton College?

2 A. No. No. But there's a lot of
3 people on Twitter and the Internet who say all
4 sorts of stuff.

5 Q. Right. But this one was
6 forwarded to -- between Melissa DeRosa
7 and --

8 A. No.

9 Q. -- Madeline -- neither of them --

10 A. My sister Madeline is on Twitter
11 and the Internet and engages people, but no.

12 Q. Neither of them spoke to you
13 about it?

14 A. No. It looks like something that
15 was sent to Madeline from [REDACTED]

16 Q. How about if you can turn to
17 Tab 13, the next page.

18 A. Yeah.

19 Q. There's an e-mail from [REDACTED]
20 [REDACTED] to Madeline O'Donoghue, and then it
21 gets forwarded on to Steve Cohen?

22 A. Yeah. I don't know about -- I
23 don't know. Yeah, I see it.

24 Q. Did anyone talk to you about
25 this?

1 A. No. No.

2 Q. Steve Cohen?

3 A. No.

4 Q. Tab 14.

5 MS. GLAVIN: 114.

6 MR. KIM: 114. Sorry. From

7 Chris Cuomo to various people.

8 MS. GLAVIN: Not including the

9 governor?

10 MR. KIM: Not including the

11 governor.

12 A. No.

13 Q. Have you seen this --

14 A. Madeline probably sent it to him.

15 Q. Okay. You haven't had any

16 discussions with anyone --

17 A. No.

18 Q. -- about anything like this?

19 Have you heard of or been part of

20 any discussions into finding negative

21 information about any of the complainants?

22 A. No.

23 Q. Okay. Is that something you

24 specifically directed anyone not to do?

25 A. No one ever suggested that we

1 would do it or were doing it. So no.

2 Q. Okay. But you never told anyone,
3 "Let's not do that"?

4 A. Nobody suggested we do it.

5 Q. Okay. How about looking for
6 negative investi- -- information about lawyers
7 involved in -- in our investigation?

8 A. What do you mean by "negative
9 information"?

10 Q. Identify -- do you know what
11 opposition research is?

12 A. It's a broad category.

13 Q. Yeah. So fair to say, identify
14 negative information about people, that's
15 opposition research?

16 A. Well, what are you worried about,
17 Joon?

18 Q. Just a question. Have you had
19 any discussions about --

20 A. No. No.

21 Q. -- looking for negative
22 information about any of the lawyers involved
23 in the investigation?

24 A. No.

25 Q. Are you aware of anyone doing

1 that?

2 A. Well, no. But your history is
3 well known, and Ms. Clark's practice is well
4 known. And the facts of the situation are
5 well known.

6 The attorney general had a
7 conflict. I tried to bring in an independent
8 counsel. They created political pressure
9 against Chief Judge Kaye and --

10 MS. GLAVIN: You mean Chief Judge
11 DiFiore?

12 THE WITNESS: DiFiore.

13 A. -- and a federal judge. Whoever
14 else. The referral was conditioned on picking
15 an independent reviewer. I had a conversation
16 with the attorney general where I said, "There
17 can't be any games here." I said, "The
18 reviewers can't have any bias, can't be
19 political, no plaintiff's lawyers."

20 She said, "No, no, no, no, no.
21 Don't worry about that."

22 You then get selected as a
23 reviewer. You, as a reviewer, I believe, is
24 such a perversion of fair -- independent,
25 fair, reviewer with no predisposition,

1 investigated me for years.

2 Your office compared me to Trump.

3 Your office was sanctioned by Judge Caproni.

4 You know that I said that Preet and you were
5 unethical and should not be considered for
6 attorney general. You know that conversation
7 because you referred to it in an interview
8 with me.

9 Cleary Gottlieb I had questions
10 with. Your close associate -- conflicts with
11 when I was attorney general. Preet Bharara
12 has political aspirations, may have political
13 aspirations against me. His rabbi, your
14 rabbi, Senator Schumer called for my
15 resignation.

16 I mean, the concept of you as the
17 resolution to the conflict as an independent
18 reviewer is bizarre to me and raises ethical
19 and legal questions. The way you, then, have
20 conducted the review itself I believe raises
21 ethical and legal questions.

22 Well, the balance to Kim is
23 Ms. Clark, with all due respect, I believe
24 comes with a bias given her occupation and her
25 practice.

1 So those are facts that are
2 established, not from negative research or
3 opposition research. And those were facts
4 that you were both aware of before you got
5 involved with this. It's not the US
6 Attorney's office.

7 If the governor delegates
8 jurisdiction based on a condition of picking
9 an independent reviewer and the reviewer is
10 not independent, that's a legal and an ethical
11 matter. But that has nothing to do with
12 opposition research. That's just the state of
13 facts.

14 Q. And so these state of facts that
15 the -- that you've listed, what have you done
16 or directed people to do to follow up on these
17 theories that you have?

18 A. Those aren't theories, those are
19 just facts.

20 Q. Okay. To follow up on those
21 facts or develop them?

22 A. I haven't done anything.

23 Q. Okay. Have you been -- have you
24 shared those views with others in the
25 executive chamber?

1 A. I've shared those views with
2 people who I have counsel me. Those facts,
3 when the New York Times wrote the story
4 yesterday, they went right to your history,
5 et cetera -- right? -- that wasn't prompted.

6 I mean, how you didn't think this
7 was going to be an issue is just beyond me.
8 Ethics law, the -- even the appearance of
9 impropriety. So those are well-known
10 established facts. That's not opposition
11 research, negative research, or anything.

12 Q. Have you shared those views of
13 any -- with any potential witnesses in the
14 investigation?

15 A. No.

16 Q. Okay. Any potential claimants?

17 A. No.

18 Q. You're aware that a number of
19 current members of the executive chamber have
20 made complaints of sexual harassment.

21 Correct?

22 A. Current members?

23 Q. Yeah.

24 A. I'm aware of what you've told me.

25 Q. Well, there's been reporting

1 of -- of people --

2 MS. GLAVIN: Is there -- yeah, I
3 was going to say, is there something
4 that -- if you could say a number of
5 current members, if you could be
6 specific --

7 MR. KIM: There --

8 MS. GLAVIN: -- because you've
9 been doing an investigation. So --

10 Q. No, publicly there are --

11 MS. GLAVIN: Okay.

12 Q. -- at least two current members
13 of the executive chamber who have publicly
14 come forward with allegations.

15 Are you aware of that?

16 A. Who are you referring to?

17 Q. Let me back up.

18 Are you aware of any current
19 members of the executive chamber who have
20 publicly made allegations of sexual harassment
21 against you?

22 A. One.

23 Q. Who?

24 A. Who besides Brittany?

25 Q. Okay. Are you aware -- you're

1 aware of Brittany?

2 A. I'm aware of Brittany.

3 Q. Okay. Did you share or -- with
4 Brittany Commisso the views about -- the views
5 you have about the investigation?

6 A. No.

7 Q. How about Alyssa McGrath?

8 A. Oh, you're right. Two. No.

9 Q. Okay. How about other --

10 MS. GLAVIN: Just so we're clear,
11 so you're -- when you said Alyssa
12 McGrath, is that the second person you
13 were just referring to?

14 MR. KIM: Yes.

15 MS. GLAVIN: Okay.

16 Q. How about Alyssa McGrath?

17 A. No.

18 Q. Okay. How about others that you
19 work with?

20 A. No.

21 MR. KIM: If you give me a
22 moment, I was going to move on to
23 another topic. Are you all good
24 with -- okay.

25 Q. So if we can switch to Brittany

1 Commisso. When do you -- when did you first
2 meet Brittany Commisso?

3 A. I met her a few years ago. She
4 was working for a different office. During
5 COVID, the office she was working with
6 basically dissolved. So last year she came
7 over to help in the -- with the executive
8 administration.

9 Q. And who was she working with
10 before she came over to --

11 A. John Maggiore.

12 Q. And what was her role with John
13 Maggiore?

14 A. Basically an executive assistant.

15 Q. And do you remember going to John
16 Maggiore's birthday party at a drive-in movie
17 theater?

18 A. Yes.

19 Q. Does he do that every year?

20 A. I hope not. It was a bizarre,
21 kind of, birthday party. But I went.

22 Q. Do you remember going one year?

23 A. Yeah.

24 Q. 2019?

25 A. Sounds right.

1 Q. Okay. And do you remember seeing
2 Ms. Commisso there?

3 A. No.

4 Q. Do you remember joking to
5 Mr. Maggiore that you were jealous that
6 Ms. Commisso was his assistant?

7 A. No.

8 Q. Do you remember talking to
9 Ms. Commisso and Ms. Commisso saying she works
10 for John Maggiore, and you saying, "No, you
11 ultimately work for me because he works for
12 me"?

13 A. I don't remember that, but I may
14 have said that.

15 Q. That sounds like something --

16 A. Yeah, could be.

17 Q. -- that you might say as a joke?

18 A. Yeah.

19 Q. And then at about what point in
20 time, if can you recall the approximate
21 period, did she start working with you more
22 closely?

23 A. Maggiore left the administration
24 during COVID. When he left the
25 administration, she started working with

1 Stephanie.

2 Q. Okay. Did you play any role in
3 having her --

4 A. No.

5 Q. -- come over and work with you?

6 A. No.

7 Q. Okay. That just happened?

8 A. Yeah.

9 Q. Okay. And do you
10 understand --

11 A. Well, her office
12 dissolved -- right? -- John quit. Well, he
13 took a leave of absence, technically. And
14 then Stephanie must have brought her over to
15 be part of Stephanie's team.

16 Q. Okay. And you say Stephanie must
17 have brought her over. You don't remember
18 being -- playing any role in -- in that
19 decision?

20 A. No.

21 Q. You just -- at some point, she
22 started working with you?

23 A. Yes.

24 Q. And do you understand that -- do
25 you remember that in, sort of, the early part

1 of COVID, late spring and summer, she also
2 started helping with doing testing, COVID
3 testing at the executive chamber?

4 A. I think that's what she
5 was -- she started doing, I think, was
6 coordinating the COVID testing.

7 Q. And then at some point, did she
8 start doing work for you in terms of answering
9 phones, dictation --

10 A. Yes.

11 Q. -- notes?

12 A. Yes. Through Stephanie and that
13 operation.

14 Q. Okay. And how would you -- and
15 there -- were there a number of other people
16 who were playing that role at that time during
17 COVID?

18 A. Yes. There was a whole team that
19 worked for Stephanie.

20 Q. Who were the others that were
21 doing that last year?

22 A. You would have to ask Stephanie.
23 There were a number of people.

24 Q. EA #2 ?

25 A. Well, EA #3 , EA #2 were more

1 senior. Then there were a group of junior.
2 Brittany was there, Alyssa to less of an
3 extent, and some others.

4 Q. Okay. EA #3 and EA #2 are
5 regular executive assistants?

6 A. Longer term.

7 Q. Longer term.

8 A. And senior.

9 Q. And senior.

10 A. More senior.

11 Q. Brittany and Alyssa were two
12 that -- more -- more recent?

13 A. More temporary, more recent.

14 Q. Okay. And then how was it
15 determined that who would, on any given day,
16 help you with phones, dictation?

17 A. Stephanie and EA #3 would
18 basically do that.

19 Q. And how would -- and sometimes
20 would the help be at the mansion?

21 A. Yes. Very often.

22 Q. Because during -- during the
23 pandemic, were you mostly at the mansion?

24 A. I was more at the mansion.

25 Q. How often did you go into the

1 office?

2 A. I would go into the office in the
3 morning, do the briefing, and then go back to
4 the mansion.

5 Q. Okay. And so would pretty much
6 every day someone come over to the mansion to
7 help you with phones, dictation?

8 A. Almost.

9 Q. Okay. And how was it determined
10 that -- who would be coming on any given day?

11 A. Stephanie would basically make
12 that determination. Unless -- the preference
13 I would -- to the extent I would have a
14 preference is, if I was in a rush and I was
15 doing dictation, EA #3 is the best at
16 dictation and typing.

17 Then EA #2 -- well, Stephanie is
18 the best, but then I have to take her away
19 from everything that she's doing. Stephanie,
20 EA #3 EA #2 Brittany in dictation typing.
21 And if it was just some administrative stuff,
22 then it didn't really matter.

23 Q. How about Alyssa?

24 A. Alyssa was -- would be below
25 EA #3 -- below Brittany. [REDACTED]

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[REDACTED]

Q. And what you're talking about is dictation?

A. The dictation and then the typing. The dictation they do on shorthand. They do on a pad. And then they have to type it, and then they have to bring it back.

Q. Okay. And some of them are better than others?

A. Oh, yeah.

Q. Okay. And in terms of typing, what do you mean? Speed or quality or both?

A. It went together with the dictation. So they would take the dictation, then they would type it, unlike from the old days before tape recorders and lawyers typed their own stuff. So the differential is -- is very high.

If it was just administrative tasks, then it didn't matter to me. Sometimes I would say, "Please send EA #3 ." And if I couldn't get EA #3 I would say, "Send EA #2 ."

Q. And so did Brittany Commisso sometimes cover you at the mansion to provide

1 support?

2 A. Yes.

3 Q. Sometimes on weekends?

4 And what were your interactions
5 with Brittany Commisso?

6 A. Nice, fine. She's very chatty.
7 She's outgoing. A little bit of a character.
8 Entertaining.

9 Q. Friendly?

10 A. Friendly, affectionate, yeah.

11 Q. Did you find her to be
12 flirtatious?

13 A. You could say she was
14 flirtatious, yeah.

15 Q. Okay. Were you flirtatious back
16 to her?

17 A. I was -- I would say I was warm
18 back.

19 Q. Okay. Did you -- would you
20 talk -- did you talk to Ms. Commisso about her
21 personal life?

22 A. She was a chatty person. So she
23 was -- would always be chatting about
24 everybody's personal life. She was like a
25 gossip hotline who -- because she lived in

1 Albany and she was from the Albany government
2 crowd.

3 And she was out and about in
4 Albany. So she would know who was at dinner
5 with whom. You know, who was dating whom.
6 You know, she was ...

7 Q. And would you talk to her about
8 it?

9 A. She was entertaining. She would
10 just talk.

11 Q. Did you talk to her about her
12 marriage?

13 A. There came a point in time when I
14 talked about her marriage.

15 Q. Okay. When did that happen?

16 A. She came in one day and said she
17 was getting a divorce.

18 MS. GLAVIN: Where -- where did
19 this happen?

20 A. This was in the mansion --

21 MS. GLAVIN: Okay.

22 A. -- which didn't stun me. And
23 then she was concerned about job security
24 because she was getting a divorce. And then
25 she said she had [REDACTED], so she had

1 [REDACTED] and she had to leave now in the
2 afternoons, and she was worried about money.

3 Q. And what did you say?

4 A. I responded more to the divorce
5 side. And I said, "Divorce is serious." She
6 has a [REDACTED]. I said, "Divorce is
7 serious. I'm divorced. I can tell you it's
8 not that the other person disappears. You
9 have to raise the kids." I did not -- on the
10 job, I said basically, "Well, we can figure it
11 out. There are a lot of single mothers in
12 government."

13 She went back to, "I don't want
14 to move my job. I want to keep the same job,"
15 and then started on saying, "And if I leave at
16 three, then can I get the overtime on the
17 weekends, because I need the money?"

18 That was beyond me. That's not
19 what I do. So I just left that alone.

20 MS. GLAVIN: Did you mention
21 anything in this conversation about
22 marital counseling with her?

23 THE WITNESS: Oh, I think I may
24 have said, "Did you go to counseling?"

25 A. She was then offended on two

1 fronts. She got upset -- she was sitting on
2 the other side of the desk from me -- she got
3 upset and said, "You're saying I'm a bad
4 parent because I'm getting divorced, I'm going
5 to hurt my [REDACTED]." And she got upset about
6 that.

7 And then she was also upset that
8 I wouldn't say to her, "You can have the same
9 job," on whatever schedule she was talking
10 about, and get the overtime on the weekends to
11 make up the money that she would lose.

12 And I didn't say, "Don't worry,
13 you have the job. You will stay in the
14 governor's office." She wanted to stay in her
15 current position.

16 I didn't know enough -- that's
17 not something I would do. Stephanie would
18 have to do that. Her supervisor would have to
19 do that. So I just stayed away from that.

20 MS. GLAVIN: You just said for a
21 moment, "stay in the governor's office."
22 Did you say she could stay in the
23 governor's office or --

24 THE WITNESS: No. She wanted an
25 assurance that she could stay in the

1 office, because she was getting a
2 divorce. And her husband was the
3 politically connected person.

4 Q. Did you know who her husband was?

5 A. Yeah.

6 Q. Okay. Who was her husband?

7 A. [REDACTED].

8 Q. Have you met him?

9 A. No. But I know his father, [REDACTED]
10 [REDACTED] and is

11 a political associate of mine. And my
12 understanding is that's how she got her job.

13 Q. And this conversation you had
14 with her, was it one conversation or several?

15 A. I think this was one
16 conversation.

17 Q. And about when was it?

18 A. It was about November of last
19 year.

20 Q. And did she just bring up the
21 subject out of the blue, or were you talking
22 about something --

23 A. I wasn't surprised about divorce
24 because she had made comments about people
25 that she was seeing, et cetera, before. But

1 she said out of -- she said, "I want to talk
2 to you about something important."

3 Q. On that day?

4 A. Yes.

5 Q. And then after this conversation
6 you had with her, did you ever revisit the
7 subject with her?

8 A. She would bring it up to me. I
9 would say, "Go talk to Stephanie." She was
10 very concerned about the job security.

11 My understanding is she then went
12 to Melissa and Stephanie a few weeks later and
13 said, "I -- I'm getting a divorce. I don't
14 want to be transferred. I want to stay here.
15 This is my dream job. I get up every morning
16 loving to come to work. I need a raise."

17 And they wouldn't -- they said,
18 "We can't give you a raise. Now is not the
19 time. We have a budget deficit. We're not
20 doing raises now."

21 She then, after that, went to
22 Stephanie and said the same basic thing, "I
23 love the job, I want to stay in the job,
24 please don't transfer me."

25 I think she was thinking because

1 she was getting a divorce, then she was not
2 going to have the same political clout through
3 the family -- her father-in-law and husband.
4 And Stephanie said, basically, "You have to
5 talk to somebody else who makes the
6 determination about overtime."

7 What she was trying to work out,
8 I think, was complicated. So I think
9 Stephanie said, "I can't do it" and sent her
10 to someone else.

11 Q. How did you learn all of this,
12 the -- other -- the follow-up from Stephanie
13 Benton?

14 A. I had conversations with -- from
15 Stephanie and Melissa.

16 Q. Any direct conversations with
17 Ms. Commisso?

18 A. About this?

19 Q. Yeah.

20 A. Whenever I would see her, she
21 would raise the basic topic. You know, "I
22 don't want to leave."

23 And I would keep saying, "Talk to
24 Stephanie, talk to Melissa."

25 Q. Okay. Would you -- did you ever

1 talk to -- did you know that Ms. Commisso and
2 Alyssa McGrath were friends?

3 A. Oh, yeah.

4 Q. Like, of life, since childhood?

5 A. Yeah.

6 Q. Did you ever talk to Ms. Commisso
7 about Alyssa McGrath's marriage?

8 A. No. She was -- they would talk
9 in front of each other that she was -- I think
10 Alyssa was already divorced.

11 Q. Okay. And they would -- did
12 you -- they would talk in front of you or with
13 you about her divorce?

14 A. I'm sorry. It started they were
15 both married, because the conversation about
16 the "mingle mamas." They said they were going
17 to Florida together with one other friend, and
18 they were going to leave their husbands and
19 the kids behind, and they were single and
20 ready to mingle, except they weren't single.

21 And I said, "Yeah, you are the
22 mingle mamas." That's where that line came
23 from. That was my, quote/unquote, joke,
24 playful response.

25 Q. So that -- the claim that you

1 called the "mingle mamas," that is true?

2 A. They said, "We're single and
3 ready to mingle." I said -- and they were
4 kidding about that too. You know, it was all
5 playful. They were together.

6 And I said, "Oh, yeah, you're the
7 mingle mamas. You're going to go to Florida"
8 or something like that.

9 Q. Okay. And how did you know about
10 that allegation? Did you read that article
11 about -- about Alyssa McGrath?

12 A. Yeah, I heard that allegation.
13 That was from Melissa, I think.

14 Q. Yeah. And so that -- how did you
15 learn about that allegation?

16 A. I think I read about it.

17 Q. That -- that article you read?

18 A. Yeah. Or they relayed it to me.

19 Q. Okay. And with respect to
20 that --

21 MS. GLAVIN: Just on that point
22 to make sure that it gets context, how
23 do you get news each -- each day,
24 Governor? You get the clips?

25 THE WITNESS: I get the clips.

1 But the clips, you know, there are 100
2 clips every day. So I also have a phone
3 call with the press office, or they'll
4 bring things to my attention.

5 Q. And will they read it to you
6 or --

7 A. No. They just give me a synopsis
8 of what it is.

9 Q. And did you -- let me just look.
10 Give me a moment.

11 So that was the -- you recall the
12 conversation about a trip they were planning
13 to take to Florida?

14 A. They -- that's what they said to
15 me.

16 Q. Yeah. And do you remember them
17 saying -- asking Brittany, at the time,
18 whether she would be -- what's your
19 recollection of whether Brittany Commisso was
20 married at that time?

21 A. I think they were both married.

22 Q. Okay. And did you ask them
23 whether they would hook up with other men?

24 A. They said, "We're going down
25 with -- we have no husbands and no children,"

1 which I took as the implication of "We're
2 going to go down and date. We have no
3 husbands and no children with us."

4 But they did have husbands
5 and children, but they were -- and they said,
6 "Single and ready to mingle." Single suggests
7 you're not married. And my joke -- joking
8 response was "mingle mamas," which wasn't a
9 great joke.

10 Q. Did you remember ever talking to
11 Ms. Commisso about your personal life?

12 A. No, my personal life is, sort of,
13 very well-known.

14 Q. Did you ever say anything to her
15 to the effect of, "Can you find me a
16 girlfriend"?

17 A. No.

18 Q. Or similar conversations about
19 the fan mail you were getting?

20 A. No, they would all joke about the
21 fan mail. That was a major running theme in
22 the media.

23 MS. GLAVIN: And did your staff
24 and family joke with you about that?

25 THE WITNESS: Yeah. Everyone

1 did.

2 Q. But you never said to
3 Ms. Commisso, "Help me find a girlfriend"?

4 A. No.

5 Q. Did you talk to Ms. Commisso
6 about what the acceptable range -- age range
7 might be --

8 A. No.

9 Q. -- for a girlfriend of yours?

10 A. No.

11 Q. Okay. Did you ever talk to her
12 about someone in their 30s or 40s -- having to
13 be in their 30s or 40s or the public wouldn't
14 accept it?

15 A. No.

16 Q. Did you ever comment on her
17 appearance?

18 A. Now from 22 to 40. The range.
19 The -- no. Well, I would say,
20 you know, look what -- might I have said "You
21 look nice today" or something like that, I
22 might have said that. But no, nothing more
23 than that.

24 Q. You might have said it, but you
25 don't remember for sure?

1 A. I don't -- I don't know for sure,
2 but I might have said it.

3 Q. Okay. How about saying that she
4 looks good for her age?

5 A. No, that's an insult.

6 Q. How about saying that she looked
7 good for a mother?

8 A. No, that's an insult.

9 Q. The question is: Did you ever
10 said anything like that?

11 A. No. I -- no.

12 Q. You've never insulted anyone?

13 A. I have insulted people. But I
14 didn't insult her.

15 Q. Okay. How about her hair? Have
16 you ever commented on her hair?

17 A. No.

18 MS. GLAVIN: Is it possible you
19 could have commented on her hair?

20 THE WITNESS: I don't remember
21 anything extraordinary about her hair or
22 any change or anything.

23 Q. Okay. Do you remember telling
24 her that you don't like her hair up?

25 A. No, I don't believe I said that.

1 I don't know that she wears -- I don't
2 remember her ever wearing -- I don't remember
3 how she wears her hair, frankly.

4 Q. Okay. Have you ever commented on
5 her legs?

6 A. No.

7 Q. Have you ever said anything to
8 the effect of, "it's about time you show off
9 some more leg"?

10 A. No. No. I would never say that.

11 Q. Okay. Have you ever talked about
12 her height?

13 A. Not that I remember.

14 Q. Have you ever talked about
15 how -- how much taller you are to her?

16 A. The -- we took -- she asked me to
17 take a selfie with her. I -- she says
18 somewhere, I think, I asked her for a selfie.
19 I never ask anyone to take a selfie because
20 they are a pain in the neck to take a selfie.
21 They're awkward. And she asked me to take a
22 selfie.

23 I then had to get -- bend down to
24 get in the same frame with her on the selfie.
25 And I may have said something at that time.

1 "I got to get way down here to get in the
2 selfie with you." But that's the only thing I
3 can imagine where that would have come up.

4 Q. Okay. How about was there an
5 instance where you measured your height with
6 her and you stood behind her and showed that
7 you were almost a head taller than her?

8 A. No.

9 Q. Okay. Was there ever a
10 time -- do you remember her and Alyssa McGrath
11 together ever working on putting together
12 your -- the State of the State book?

13 A. They may have done that. I don't
14 remember it. But they may have done it.

15 Q. And do you remember that
16 happening on a weekend where she was wearing a
17 sweatshirt?

18 A. No.

19 Q. Normally they don't -- how
20 does -- how does --

21 A. They don't wear sweatshirts.

22 Q. Normally they dress up more.
23 Correct?

24 A. Yes.

25 Q. Okay. Do you ever remember

1 seeing her in a sweatshirt --

2 A. No.

3 Q. -- at the -- working on the book?

4 A. No.

5 Q. Do you ever remember telling her
6 that she can take the sweatshirt off because
7 of the heat?

8 A. No.

9 Q. Have you called her by any terms
10 of affection like "honey," "sweetheart,"
11 "darling"?

12 A. Same answer as before. I'm aware
13 of it. I try not to say it. I may slip on
14 occasion.

15 Q. And your answer before was that
16 more recently you try not to. Right?

17 A. Yes. At one time years ago I
18 said it with more frequency. Now, I'm
19 conscious of it, and I try not to say it. But
20 if -- I can slip, especially if I'm not aware
21 of it or tired or, like, in a semi-secure
22 location.

23 Q. Okay. But so you don't remember
24 specifically using any of those terms with
25 Ms. Commisso, but it's possible. Is that

1 fair?

2 A. It is possible.

3 Q. You don't have a specific memory
4 of ever doing it?

5 A. No. But a generic "honey" or
6 "something," I -- I make a conscious effort
7 not to. I may slip on occasion.

8 MS. GLAVIN: Can we take a
9 bathroom break?

10 MR. KIM: Oh, yeah.

11 MS. GLAVIN: That would be great.
12 We've been going a while.

13 MR. KIM: Sure. Okay.

14 THE VIDEOGRAPHER: The time is
15 3:56 p.m. This concludes Media 4. Off
16 the record.

17 (Recess taken from 3:56 p.m. to
18 4:15 p.m.)

19 THE VIDEOGRAPHER: The time is
20 4:15 p.m. This begins Media 5. On the
21 record.

22 BY MR KIM:

23 Q. Governor, did you have any
24 nicknames that you used for Ms. Commisso?

25 A. Not that I recall.

1 Q. Did you ever call her Brit?

2 A. Maybe.

3 Q. Brittanica?

4 A. Maybe.

5 Q. Did you on occasion give her
6 hugs?

7 A. She was very affectionate. I
8 would say more she was the initiator of the
9 hugs. She said that she was Italian and
10 Italians are very affectionate people. But
11 she was a hugger.

12 Q. Have you said that as well, that
13 you're Italian and Italians are affectionate
14 people?

15 A. Yes, not to her.

16 Q. But generally that's something
17 you've said?

18 A. Yeah. No, I don't disagree with
19 the factual statement. I think Italians are
20 affectionate people. I think a lot of people
21 are affectionate people. Some people are not
22 that affectionate.

23 Q. And so you have hugged
24 Ms. Commisso?

25 A. I have hugged her, and she has

1 initiated many of the hugs.

2 Q. Would you say she's initiated all
3 of them?

4 A. No.

5 Q. And by "initiate," what do you
6 mean? She's the one that comes to you for the
7 hug?

8 A. You know, I'm more in the
9 reciprocal business. If you walk up to me
10 like this, I'm going to hug you.

11 Q. And how --

12 A. I don't want to make you feel
13 uneasy, you know.

14 Q. How often have you hugged
15 Ms. Commisso?

16 A. It would depend on the frequency
17 of how long it's been since I saw her or
18 whether she was initiating the hug.

19 Q. Okay. Was it every time you saw
20 her?

21 A. It wasn't every time if I had
22 just seen her.

23 Q. Okay. And how close were the
24 hugs with Ms. Commisso?

25 A. A normal hug.

1 Q. Okay. Were they particularly
2 closer or tighter than other hugs you've had
3 with staffers?

4 A. I would say she was a tight
5 hugger, if there's such a use of the English
6 language.

7 Q. She would pull you in tighter?

8 A. It would -- yeah, she was
9 tighter. She was an affectionate person. And
10 it -- a hug can go from, like, a slap on the
11 back -- right? -- man hug, slap on the back,
12 to a more affectionate, sincere hug. I would
13 say she was an affectionate hugger.

14 Q. Okay. And so when she would hug
15 you tight, would you push back or would you go
16 along with it?

17 A. No, I would go along with it. I
18 don't want to make anyone feel awkward about
19 anything, you know.

20 Q. But you felt she, more than other
21 people, other staffers you hugged, would be
22 tighter?

23 A. She was more affectionate -- yes,
24 she's more affectionate than most people, on
25 staff.

1 MS. CLARK: And when you were
2 hugging each other, where were her hands
3 placed?

4 THE WITNESS: Her hands would be
5 around my back.

6 MS. CLARK: And where were your
7 hands placed?

8 THE WITNESS: Around her back.

9 MS. CLARK: And was it her
10 mid-back, her upper back, her lower
11 back?

12 THE WITNESS: She is shorter than
13 I am. So it would be around mid-back.

14 BY MR. KIM:

15 Q. Did you ever kiss Ms. Commisso on
16 the cheek?

17 A. I don't recall doing it, but I'm
18 sure I did it.

19 Q. You don't recall a particular
20 occasion?

21 A. No.

22 Q. How about one cheek or both
23 cheeks? Do you remember?

24 A. I do not remember.

25 Q. How about on the mouth or the

1 lips?

2 A. She may have fallen to the
3 Italian two-cheek kiss, but I don't remember
4 that. Never kissed her on the lips.

5 Q. Okay. Even, sort of, where one
6 of you went in for the cheek kiss but then
7 lips ended up touching?

8 A. I don't remember a mistaken lip
9 kiss.

10 Q. Okay. So you don't remember any
11 kiss on the lips with her?

12 A. No.

13 Q. Did you ever touch her on the
14 butt?

15 A. No.

16 Q. Did you ever, while you were
17 hugging, lower your hands to her butt?

18 A. Not her butt. May have hugged
19 her on the lower back on your description
20 before of near the butt area, but not ever on
21 her butt.

22 Q. Never grabbed her butt?

23 A. No.

24 Q. Or the butt cheeks?

25 A. No, no, no, no, no, no, no. No.

1 Q. Did you ever massage her lower
2 back while you hugged?

3 A. No.

4 Q. You don't remember or you know?

5 A. I don't remember ever massaging
6 her lower back. I don't know what the even
7 means, but no.

8 Q. Do you remember, while giving her
9 a hug, ever saying that "this feels good"?

10 A. No, I don't remember ever saying
11 that.

12 Q. And you've also -- you've taken
13 pictures with Ms. Commisso. Right?

14 A. Oh, yes.

15 Q. And -- and there's a couple of
16 pictures in -- if you look at Tab 20, 21, and
17 22. These are pictures of -- 20, 21, and 22,
18 pictures of you and Ms. Commisso and Alyssa
19 McGrath. Correct?

20 A. Yup. There they are.

21 Q. And you'll see that in
22 20 -- we'll start at 20. It looks like you're
23 maybe going in for a kiss on the forehead?

24 A. That must be the reported kiss on
25 the forehead. That's what it looks like.

1 Q. Is that something -- do you
2 remember kissing Alyssa McGrath on the
3 forehead?

4 A. No, but it looks like I'm going
5 to kiss her on the forehead.

6 MS. GLAVIN: Oh, yeah, can we
7 just go through who's who in this first?

8 MR. KIM: Yeah, sure.

9 MS. GLAVIN: Thank you. So who
10 is --

11 THE WITNESS: Alyssa is on the
12 right.

13 MS. GLAVIN: Okay.

14 Q. And Brittany Commisso is on the
15 left?

16 A. Yes.

17 MS. GLAVIN: Wearing, like,
18 the -- I don't know, is it, like, the
19 leopard skin --

20 THE WITNESS: Yes.

21 MS. GLAVIN: -- top? Okay.

22 Q. And have you kissed -- do you
23 remember, have you kissed Brittany Commisso on
24 the forehead?

25 A. I don't remember kissing her on

1 the forehead, but I may have.

2 Q. And if you look at Tab 21, you
3 see where your hands are with respect to
4 both --

5 A. Yes.

6 Q. -- Ms. Commisso and
7 McGrath -- Ms. McGrath?

8 Is that positioning of your hand
9 for pictures common for you?

10 A. Yes.

11 Q. You grab them and pull them in
12 for pictures?

13 A. Yes, you're trying to look warm,
14 affectionate -- right? -- you know, want to
15 take a picture that suggests that you know the
16 person and you're friendly with the person.

17 Q. Do you ever remember telling
18 Alyssa McGrath that it's unfortunate they have
19 a -- she has a name tag in the picture, she
20 shouldn't have a name tag?

21 A. I don't remember telling her
22 that. But they very often will tell people
23 when we take pictures, "Take your name tag off
24 so it's not in the picture."

25 The advance staff -- these

1 were -- look like it's at the Christmas party,
2 so there's, like, 500 people there.

3 The advance man or body person
4 will very often say, "Do you want to take your
5 name tag off," so it doesn't look as staged,
6 the photo, when you get it back. It doesn't
7 look like you were at an event where I didn't
8 know who you were and you had to wear a name
9 tag.

10 MS. CLARK: Did you ever take
11 someone's name tag off their chest?

12 THE WITNESS: Yes, but I won't
13 take it off if it's in a very sensitive
14 position. I take more men's name tags
15 off a lapel. And sometimes a women, if
16 it's, like, on a blazer or something.

17 MS. CLARK: But you've never
18 taken a woman's name tag off if it was
19 near her breasts?

20 THE WITNESS: Yeah, if it's in a
21 sensitive area, then I'll say to them,
22 "Do you want to take off your name tag?"

23 BY MR. KIM:

24 Q. Do you remember Ms. Commisso
25 coming over to the mansion to help you on New

1 Years Eve in 2019?

2 A. No, not particularly.

3 Q. Okay. And you've mentioned
4 earlier about the selfie.

5 A. Yes.

6 Q. Do you remember on how many
7 occasions you took the selfie -- took a selfie
8 with Ms. Commisso?

9 A. I remember once and I remember
10 her saying she's going to send it to Alyssa,
11 and Alyssa is going to be so jealous, which
12 was peculiar to me. But I remember her saying
13 that.

14 Q. Okay. So that day that she said
15 that, what do you remember? Where were you?

16 A. I think it was in the mansion
17 office.

18 Q. Okay. And she was there to help
19 you?

20 A. That's why she would be there.

21 Q. Do you remember what it was --

22 A. No.

23 Q. -- she was helping you with?

24 Okay. How did the discussion of
25 a selfie come up? You said she raised it?

1 A. She said, "Can we taking a
2 selfie?"

3 Q. Okay. And what did you say?

4 A. I said okay.

5 Q. And did you take a -- where in
6 the mansion did you take the selfie?

7 A. I don't remember where.

8 Q. Do you remember whether you were
9 standing or sitting?

10 A. No.

11 Q. Do you remember at any point she
12 had to delete the selfie because it was blurry
13 and didn't come out well and take another one?

14 A. No.

15 Q. Okay. So do you -- you remember
16 just one selfie? Yes or no?

17 A. Yes.

18 MS. GLAVIN: Well, stop right
19 there. Do you know how many times she
20 hit the button?

21 THE WITNESS: No.

22 MS. GLAVIN: Okay.

23 Q. But you remember -- you don't
24 remember her -- there being blurry ones that
25 she had to --

1 A. No. One of the reasons I don't
2 like to take selfies is there's never just one
3 selfie. They can't figure out how to turn
4 around the camera. It doesn't work. I have
5 to take a second. You cut your head off.

6 Q. Okay. Do you remember taking one
7 set of selfies or a selfie standing up and
8 then taking another seated on the couch?

9 A. I don't remember.

10 Q. Do you remember where your hands
11 were when you took the selfies?

12 A. No.

13 Q. Was your hand -- was your hand
14 ever on her butt?

15 A. No --

16 Q. When you took the selfie.

17 A. -- I don't believe my hand was on
18 her butt.

19 Q. And --

20 A. She wanted to take the selfies.
21 And however we took the selfie I'm sure is how
22 she wanted to take the selfie.

23 Q. Okay. And then you said
24 she -- what did -- what did she say about
25 sharing --

1 A. She said, "I will send this to
2 Alyssa, and she's going to be so jealous."

3 Q. Okay. And what did you say?

4 A. Nothing. But I thought it was
5 peculiar that she was going to send it to
6 Alyssa who is her good friend and to make
7 Alyssa jealous. It just rang a little bit
8 peculiar.

9 Q. Okay. Did you see her actually
10 send it to Alyssa?

11 A. I don't think so.

12 Q. Okay. Did she -- did she tell
13 you what Alyssa said in response to her
14 sending --

15 A. I don't think so.

16 Q. Have you ever seen that selfie?

17 A. I think she showed it -- I don't
18 remember.

19 Q. Okay. Since that day, you don't
20 remember seeing it?

21 A. No.

22 Q. Okay. Did -- did you tell her,
23 you know, not to show or share that with
24 anyone?

25 A. The selfie?

1 Q. Yeah.

2 A. No.

3 Q. You didn't say anything about the
4 selfie?

5 A. No, not that I remember.

6 Q. After that day where you took the
7 selfie, did you give her a hug when she left?

8 A. I may very well have.

9 MS. GLAVIN: Was this -- to get
10 my time right, this was New Years Eve?

11 MR. KIM: 2019.

12 MS. GLAVIN: Okay.

13 Q. At any point in time, did you ask
14 Ms. Commisso whether she had fooled around
15 with anyone outside of her husband while she
16 was married?

17 A. No. She volunteered on a number
18 of occasions that she was seeing other people.

19 Q. She volunteered that?

20 A. Yes.

21 Q. Okay. Who did she say she was
22 seeing?

23 A. When she went to Florida, she
24 said she had an old boyfriend who she was
25 going to see in Florida.

1 She said they would often go to
2 the Saratoga race track which is north of
3 Albany. It's a big attraction. [REDACTED]

[REDACTED]

[REDACTED]

6 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

6 Q. Okay. And what did -- did you
7 talk about that other than just receiving that
8 information?

9 A. I didn't talk about it, no.

10 MS. CLARK: Did she tell you that
11 she went to Saratoga with Ms. McGrath?

12 THE WITNESS: Yes.

13 MS. CLARK: Did you ever say that
14 you wished you could join them?

15 THE WITNESS: No. Well, I may
16 have said, "I'd love to go there, it's
17 beautiful." It is. You know, Saratoga
18 is a big attraction up there.

19 So I may have said I'd love to
20 go. But I don't remember saying that.
21 But just -- it's a nice line.

22 MR. KIM: Okay.

23 BY MR. KIM:

24 Q. Do you remember in November of
25 last year, middle of November, Ms. Commisso

1 being sent over to help you with an app in
2 your iPhone again, the note app, the notes
3 app?

4 Or, you know what, you've
5 testified earlier about not knowing the apps,
6 but to help with your iPhone?

7 A. Do you know the date?

8 Q. November 16.

9 A. I don't remember a particular
10 time, no.

11 Q. Okay. But in the November
12 timeframe of last year was a period when
13 occasionally Ms. Commisso would come to help
14 you?

15 A. Yes.

16 Q. You don't remember a particular
17 instance where she was helping you with your
18 phone?

19 A. No.

20 Q. And when-- when -- when you work
21 in the mansion, generally where are you?

22 A. I go back and forth between the
23 family room downstairs and the office on the
24 second floor.

25 Q. And do you remember, were there

1 occasions when Ms. Commisso would come to help
2 you and you would be on the first floor or the
3 second floor, or was it more common one or the
4 other?

5 A. Both. But again, remember the
6 setting. There are numerous people in the
7 mansion who are coming and going. So you have
8 numerous -- you always have numerous staff
9 there. You know, five, ten, 15 people,
10 depending on the day, coming and going.

11 Q. Do you ever remember giving her a
12 hug and then putting her hand -- your hands on
13 her breasts?

14 A. I -- that never happened. That
15 never happened.

16 Q. Okay. And so you don't remember
17 ever putting your hand on her breasts?

18 A. That never happened. That never
19 happened.

20 Q. Do you remember any instance
21 where she said to you while you were hugging
22 that, "You're going to get us in trouble"?

23 A. That never happened.

24 Q. Do you ever remember you saying,
25 "I don't care"?

1 A. That never happened. Let's
2 just -- you know, at one point there has to be
3 a little reality. To touch a woman's breast
4 who I hardly know, in the mansion, with ten
5 staff around, with my family in the mansion,
6 to say "I don't care who sees us."

7 You've investigated me for six
8 years. I would have to lose my mind to do
9 some -- such a thing. It would be an act of
10 insanity to touch a woman's breast and make
11 myself vulnerable to a woman for such an
12 accusation.

13 I am 63 years old. I have been
14 in every public office, state, federal.
15 Numerous people have tried to set me up. I'm
16 always wary of people. I have phenomenal
17 precautions.

18 It would be an act of insanity.
19 Can you ever hear me saying -- somebody says
20 to me, "You're going to get us into trouble."

21 "I don't care."

22 I mean, it's not -- to me, it's
23 just not even feasible.

24 Q. Understood. And I'm -- as you've
25 noticed, I'm not engaging, and I don't intend

1 to on, sort of, how long I've been
2 investigating you or otherwise. I wouldn't
3 want the silence to go as some kind of
4 acceptance of it.

5 But I don't -- I don't think the
6 purpose of this is for me to engage in those
7 things. So I just want to make that clear.

8 MS. CLARK: Joon, just a second.

9 You've described Ms. Commisso as
10 a very outgoing, friendly person. Did
11 you ever observe her being a nervous
12 person?

13 THE WITNESS: No.

14 MS. CLARK: Did you ever see her
15 get flushed or get hives on her neck or
16 her chest or her face?

17 THE WITNESS: No.

18 MS. CLARK: At any point in time,
19 did you notice a change in her --

20 THE WITNESS: Oh, I'm sorry.
21 Yes. Yes. She would get blotches.

22 MS. CLARK: And on what -- what
23 occasions do you remember seeing her get
24 blotches?

25 THE WITNESS: She would get

1 nervous on dictation when she thought
2 she messed up or didn't get everything
3 and she had to bring something in. She
4 really wanted to do a good job. And she
5 didn't have the same skill set as EA #3
6 or EA #2 .

7 She just was not as proficient
8 with -- after the dictation then they'd
9 type it up. They have to clean it up.
10 They have to put in grammar. They have
11 to change the spelling. They have to
12 fix some words. They're supposed to
13 clean it up a little bit.

14 She was not as good at it. She
15 wanted to be better. And she would get
16 very nervous when she thought she wasn't
17 doing a good job or she -- and she would
18 come in very apologetic, you know, "I
19 tried but I didn't really get this
20 paragraph. I think this went over
21 here."

22 And she said at one time she
23 would get, like, blotches when she got
24 nervous.

25 MS. CLARK: And you're gesturing.

1 That was -- they were on her neck?

2 THE WITNESS: I think they were
3 on her neck.

4 MS. CLARK: And, again, you
5 described her as, sort of, a friendly,
6 outgoing person. At any point in time,
7 did you notice that she was less
8 outgoing, less friendly, any change in
9 her demeanor?

10 THE WITNESS: Ms. Clark, no
11 change in her demeanor towards me. No
12 change. She did get obsessed about this
13 job security.

14 And I knew what she was worried
15 about, because she had explained it to
16 me at another time, that because she was
17 going to get divorced she was going to
18 lose her job, because the job was
19 because of the husband, and that she was
20 going to lose the job because of the
21 divorce with the husband.

22 And then she had the second issue
23 about the financial issue with the
24 [REDACTED] and the overtime, et cetera.
25 So she was hyper about that issue.

1 What I didn't appreciate at the
2 time, frankly, is I didn't give her
3 reassurance on it. I sent her to
4 Melissa and Stephanie. They said, "We
5 can't give you a raise."

6 And then Stephanie said, "I can't
7 agree about the overtime." So she was
8 very nervous about that. But other than
9 that, not at all.

10 MS. CLARK: Do you know if anyone
11 ever told her that she didn't have to
12 worry about losing her job if she didn't
13 have a political connection anymore?

14 THE WITNESS: I said to her,
15 "Don't worry." Don't -- on the first
16 conversation. I said to her, "Don't
17 worry. We will work it out."

18 She kept insisting that -- she
19 wanted to know how and that it would be
20 here in the governor's office and it
21 would remain unchanged.

22 I didn't say that, because I
23 didn't know that that was possible. And
24 it was during COVID, and I didn't have
25 the time to go figure it out, and

1 Stephanie didn't have the time to figure
2 it out.

3 But I said to her, "Don't worry.
4 You will always have a job. It will
5 always be fine."

6 She heard it as she would be
7 transferred from the governor's office
8 to an agency position, which often
9 happens. You have the same job, but you
10 don't have the prestige of being in the
11 governor's office. And her point was,
12 "But I love being in the governor's
13 office."

14 BY MR. KIM:

15 Q. Do you ever remember her getting
16 blotches either as or right after you hugged
17 her?

18 A. No. She would get blotches
19 work-related.

20 Q. Do you remember a time in March
21 of this year when she was originally scheduled
22 to cover you on a weekend and then it was
23 changed to EA #3 ?

24 MS. GLAVIN: If you remember.

25 A. I do not remember any time that

1 she was scheduled and it was changed.

2 Q. Okay. So if you can look at
3 Tab 98 in your binder. And 98 is a set of pin
4 messages that the executive chamber has
5 produced to us between your -- it's between
6 Ms. Benton's BlackBerry and yours.

7 A. Okay.

8 Q. 99 is from you to her, but the
9 one from Ms. Benton is a little bit clearer.

10 And so this is March 6. By the
11 way, she -- she has you as "Mark.2." Does
12 that --

13 A. Okay. I'm sorry, Mr. Kim, is
14 it "Is [REDACTED] staying"?

15 Q. Yeah. "Is [REDACTED] staying," she
16 asks, "I'm trying to find a nurse."

17 And then the next, she says to
18 you: "I will come."

19 You say "No."

20 And then there are parts of this
21 that are redacted.

22 By the way, do you -- well, I'll
23 ask you after you read the rest -- you've read
24 the rest of this whether you remember the parts
25 that are redacted and why. We've been told

1 it's privileged, but I --

2 A. Okay.

3 Q. -- without disclosing the
4 substance, if you remember the subject matter.

5 So it says, "No, not you," you
6 say.

7 And then she says -- you
8 say -- she -- she says:

9 "Brittany is on call today. Want
10 her now?"

11 You say: "EA #3 better"

12 Question mark.

13 And the next, she says:

14 "I called EA #3. She can do.
15 I'm telling her to head there now."

16 Do you see that?

17 A. Yes. Yeah.

18 Q. Does this -- do you remember this
19 exchange?

20 A. No.

21 Q. Okay. So this doesn't jog your
22 memory of a day when Brittany was on call --
23 do you know what it means, so, for someone to
24 be on call?

25 A. Yes.

1 Q. What does that mean?

2 A. That they figure out beforehand
3 who would cover Saturday and who would cover
4 Sunday.

5 Q. Okay. And so Brittany being on
6 call meant she was scheduled to cover you that
7 day?

8 A. Yes. I think that's what she is
9 saying.

10 Q. And then it changed to EA #3?

11 A. Yes.

12 Q. Do you remember the reason why?

13 A. I don't. But I -- the way I read
14 this as we sit here, I'm saying I have to do
15 something that's important. Stephanie says,
16 "I'll come," because as I said to you before,
17 she's the best, Stephanie.

18 Stephanie lives in [REDACTED]
19 Stephanie works all the time. To come down
20 from [REDACTED]. This is on
21 a weekend. Stephanie says, "I'll come." I
22 say, "No not you," because I don't want to
23 bother Stephanie. But it's important.

24 I then say, "not you," and as I
25 mentioned to you before, the second choice for

1 me after Stephanie is EA #3 . So she says,
2 "Brittany?"

3 I say, "EA #3 better" with a
4 question mark, meaning can EA #3 do it.

5 She then says, yes, EA #3 can do
6 it. EA #3 -- after Stephanie, EA #3 is the
7 best at dictation and typing. And as you
8 know, it can save you hours of time on how
9 fast the person is on dictation and typing.
10 Because I'll do five, six, seven drafts. And
11 if it's important, and I want to get it done,
12 I want Stephanie or EA #3 .

13 Q. And do you remember what the
14 subject matter was of the other -- the
15 redacted parts of these text exchanges?

16 A. I don't. But -- I don't. If I
17 was speculating, Maria is my sister. Trying
18 to find a nurse sounds like it's about my
19 mother, but I don't know.

20 Q. Do you remember what you were
21 working on March 6 that weekend?

22 A. Probably the budget. Something
23 with the budget.

24 Q. Would you have been working
25 on -- was that also around the time when you

1 were working on drafting responses to some of
2 the sexual harassment allegations?

3 A. I don't think so. March are
4 heavy in budget season.

5 Q. So if you go a few pages back of
6 the same day text chain, if you look at 18072,
7 you say:

8 "Tell her reporter is writing now
9 if she can any way call her during
10 lunch. Amy Britain ... it's
11 inconceivable I forcibly hugged her 20
12 years ago. She never said anything to
13 anyone. We're friends and then enemies.
14 This never came up. Karen publicly
15 said" ...

16 Do you remember around this time
17 Karen Hinton's allegations had come out?

18 A. Yeah, that's what this is.

19 Q. But you don't remember
20 specifically what you were working on that
21 day?

22 A. No.

23 Q. Do you remember whether it was
24 handwritten notes that EA #3 typed up or
25 dictation?

1 A. It would have been dictation
2 probably.

3 Q. Why is that?

4 A. Because I don't write many
5 handwritten notes. It's faster for me to
6 dictate.

7 Q. So dictation is more common than
8 handwritten notes?

9 A. Oh, yeah.

10 MS. GLAVIN: Just, Governor, on
11 this point on March 6, what types of
12 things do you remember around this
13 period of time were on your, sort of,
14 radar screen work-wise? We'll
15 understand Mr. Kim just asked you about
16 working on responses to the allegations,
17 but what other stuff was going on?

18 THE WITNESS: Well, we're still
19 doing COVID, which was the -- always the
20 biggest issue. And then we're doing the
21 budget, which then has every piece of
22 legislation that's pending. Right?

23 MS. CLARK: Governor, I want to
24 ask you something about the mansion.
25 You had talked about the -- I think you

1 said the family room on the first floor
2 and your -- and the office on the second
3 floor. Can you describe the layout of
4 the office? My understanding is there's
5 more than one room. Is that correct?

6 THE WITNESS: The office on the
7 second floor has an adjoining door that
8 goes into the bedroom suite. The
9 bedroom suite has an alcove of, like, a
10 second office and then the bedroom.

11 MS. CLARK: And when you work in
12 the second floor office, what part of
13 that suite --

14 THE WITNESS: I'm in -- the
15 office is the office. Not -- in the
16 office itself. Then there's an
17 adjoining door into a second alcove
18 office. But I'm normally in the first
19 office.

20 MS. CLARK: And so in the first
21 office there's -- I'm trying to just
22 picture this. There's one door to -- to
23 the bedroom area and there's another
24 door to the hallway? Is that correct?

25 THE WITNESS: Yes.

1 MS. CLARK: And do you ever work
2 with the door closed?

3 THE WITNESS: To?

4 MS. CLARK: The door to the
5 hallway closed?

6 THE WITNESS: Virtually never
7 because people come in and out all the
8 time.

9 MS. CLARK: When you're in your
10 second-floor areas, did the staff ever,
11 like, knock before they come in or
12 just --

13 THE WITNESS: No, they just come
14 in.

15 MS. CLARK: In November 2020, who
16 else was living in the mansion at that
17 point?

18 THE WITNESS: I can get you the
19 exact -- close to the exact people. On
20 any given day, my daughters, some
21 would -- I have three of them. They
22 would come and go. Their friends, their
23 boyfriend were there.

24 And then there's a full-time
25 staff of about six people. You have

1 about ten state police who are on the
2 grounds who come and go. And then you
3 have people from the Capitol coming and
4 going. The mansion is, like, a block
5 away from the Capitol. So they come and
6 go all day long.

7 MS. GLAVIN: So I want to stop
8 because you had asked a question about
9 the two doors in his office on the
10 second floor. And I think the question
11 you had asked is that there is one door
12 that goes -- opens up into the bedroom
13 area.

14 And if you could just explain,
15 Governor, that the door that goes in,
16 you call it the bedroom
17 suite -- okay? -- there's a large room
18 next to your second-floor executive
19 office. Right? Is that correct?

20 THE WITNESS: Yes.

21 MS. GLAVIN: That room has a
22 desk, couch, television. Is that right?

23 THE WITNESS: Yes.

24 MS. GLAVIN: The end of that
25 room, there is another double set of

1 doors. Is that correct?

2 THE WITNESS: Yes.

3 MS. GLAVIN: And are those doors
4 normally closed during the day?

5 THE WITNESS: Yes. Yes.

6 MS. GLAVIN: And then if you open
7 those double doors, is that then into
8 the bedroom?

9 THE WITNESS: Yes.

10 MS. GLAVIN: So when you describe
11 a bedroom suite, it is not as though you
12 go, if you were to have left your
13 office, to go into this alcove that has
14 a desk. Is that right? A sitting area.
15 Is that right? You have to speak up so
16 the -- they can hear you.

17 THE WITNESS: Yes.

18 MS. GLAVIN: And -- okay. And
19 you do work in that room sometimes?

20 THE WITNESS: Yes. Governor Hugh
21 Carey, predated my father, married
22 Evangeline Gouletas Carey, and she
23 wanted her own office. So she
24 built -- the family was in construction.
25 And they built a first lady's office

1 adjoining the bedroom.

2 And the bedroom has these
3 accordion doors that close. And then
4 she had the first lady's office. Next
5 door to the first lady's office is the
6 governor's office.

7 MS. GLAVIN: So if someone were
8 to go into -- if they come into your
9 second-floor office and then, let's say,
10 you were sitting in the alcove doing
11 work and they walk in there, are they --
12 when they walk in, are they normally --
13 would the doors be open such that
14 they're seeing your bedroom?

15 THE WITNESS: No. That's the
16 first lady's office.

17 MS. GLAVIN: Okay.

18 MR. KIM: No, we understood that.

19 MS. GLAVIN: Okay. I wanted to
20 make it clear. Okay.

21 MR. KIM: We understand the
22 layout. We've seen the floor plans.

23 MS. CLARK: And as who was living
24 in the mansion in November 2020. You
25 mentioned your daughters. All those

1 other people you mentioned, staff,
2 people from the Capitol, they came in
3 and out but were any of them living
4 there?

5 THE WITNESS: No, none living
6 there. The -- November. Where are we
7 with COVID in November? Is this -- this
8 is the year before

9 COVID -- right? -- the November of --

10 MR. CLARK: This is -- this is
11 well into COVID.

12 THE WITNESS: Oh. Well, then,
13 then we had a COVID cohort bubble. My
14 kids were all there. The staff that
15 came in on a daily basis were
16 quarantined staff. They didn't live
17 there but there are about six quarantine
18 staff. My kids, the boyfriend, the
19 friends of the friends, because once you
20 came you had to stay.

21 Larry Schwartz would live there.
22 A cousin of mine, [REDACTED] would come
23 and go, a lawyer. He was helping me.

24 MS. GLAVIN: But on -- on those
25 names you just gave, like Mr. Schwartz

1 and your cousin, do you know if they
2 were necessarily there on a daily basis
3 during that period of time? Would
4 people come and go in terms of staying
5 there?

6 THE WITNESS: Are we during the
7 week?

8 MS. GLAVIN: November --

9 MR. KIM: Saturday. Oh,
10 November -- sorry. This is --

11 MS. GLAVIN: November -- we're in
12 November 2020.

13 MR. KIM: November 16, yeah.

14 MS. GLAVIN: November 16 --

15 THE WITNESS: This is during the
16 week?

17 MS. GLAVIN: You guys know better
18 than I do.

19 THE WITNESS: If it's during the
20 week --

21 MS. CLARK: It was a Monday,
22 according to my calendar.

23 THE WITNESS: Okay. Then Larry
24 Schwartz is up. My cousin [REDACTED] would
25 come and go different periods.

1 Stephanie was cohorted. Melissa was
2 cohorted. The kids were cohorted and
3 the friends of the kids who came were
4 cohorted.

5 BY MR. KIM:

6 Q. You also mentioned state
7 troopers. They don't usually come into the
8 mansion. Correct?

9 A. They come in because
10 their -- they bring in the paper -- the
11 paperwork. The Capitol will often send over
12 paper. Trooper takes the paper, trooper will
13 bring it up to me. Sometimes the Capitol
14 would send over a staff person who comes in to
15 work with me.

16 Q. Okay. But they also have their
17 own -- they have their station outside of the
18 mansion?

19 A. They have a state police station
20 outside, but they bring in everything -- they
21 bring in all the paper.

22 Q. Did there come a time when you
23 learned that Ms. Commisso had alleged that you
24 had groped her?

25 A. Basically the time that she made

1 a complaint.

2 Q. Yeah. How did you learn it?

3 A. I believe the counsel told me.

4 MS. GLAVIN: Okay. I want
5 to -- I want to stop any discussions on
6 that.

7 Q. Beth Garvey?

8 MS. GLAVIN: We'll leave it at
9 that.

10 A. Yeah.

11 Q. And that was before there was any
12 public reporting about it?

13 A. Like a couple of days.

14 Q. Okay. And are you --

15 MR. KIM: Will you be asserting
16 privilege over any substance of the
17 conversations?

18 MS. GLAVIN: (Nodding.)

19 Q. Other than with counsel, any
20 other discussions with anyone about Brittany
21 Commisso making allegations against you about
22 groping?

23 A. Not that I remember.

24 MS. GLAVIN: Well, were you made
25 aware, for instance, that the -- the

1 Times Union was doing a press piece?

2 THE WITNESS: Well, yes.

3 A. The -- Brittany's attorney calls
4 and the attorney is a plaintiff lawyer out of
5 Albany or --

6 MS. GLAVIN: Can we -- we want
7 take a moment to talk privilege. Can we
8 just have a moment?

9 MR. KIM: Sure.

10 THE VIDEOGRAPHER: The time is
11 4:55 p.m. This concludes Media 5. Off
12 the record.

13 (Recess taken from 4:55 p.m. to
14 4:57 p.m.)

15 THE VIDEOGRAPHER: The time is
16 4:57 p.m. This begins Media 6. On the
17 record.

18 MS. GLAVIN: We just want to make
19 sure any conversations he had with his
20 counsel are privileged. And so he -- we
21 just don't want to go into those.

22 BY MR. KIM:

23 Q. So I think the -- the question I
24 asked was: Other than discussions with
25 counsel, do you remember having any

1 discussions with anyone else about Brittany
2 Commisso making allegations against you about
3 groping?

4 A. I then had a conversation with
5 the press office about a Times Union inquiry,
6 where a Times Union reporter called up and
7 basically knew it was Brittany and said that
8 he had a -- I'm getting this secondhand from
9 the press office.

10 Q. Who in the press office?

11 A. Rich Azzopardi. That the Times
12 Union reporter said that they had a recording
13 of a conversation between Brittany and her
14 husband. And the husband said to Brittany --
15 they were going back and forth on the divorce
16 situation. And the Times Union reporter
17 called them, and then the husband said it
18 wasn't true or something like that, about the
19 divorce.

20 MS. GLAVIN: But did you also,
21 Governor, with respect to -- there was a
22 Times Union piece in which Ms. Commisso
23 was anonymous.

24 THE WITNESS: Right.

25 MS. GLAVIN: And do you remember

1 having discuss -- discussions with your
2 press office about that or your staff
3 about that?

4 THE WITNESS: Yeah. But it -- I
5 don't remember what was in that one
6 versus --

7 MS. GLAVIN: Okay.

8 BY MR. KIM:

9 Q. Do you -- do you remember
10 learning either from the Times Union piece or
11 otherwise that Ms. Commisso -- it was being
12 reported that Ms. Commisso had a reaction to
13 your press conference where you said you had
14 not touched anyone inappropriately?

15 A. I don't remember that.

16 Q. Okay. You -- did you read the
17 Times Union piece on it?

18 A. No.

19 Q. Was it sent to you in your --

20 A. Yeah, again, it was sent to me.

21 But, you know, I get -- let's say I get 100
22 clips. If I were to read 100 clips, I
23 wouldn't start my day until noon.

24 So a person from the press office
25 calls me up and basically says, "This is what

1 you need to know. This article says this.
2 This is what she said. This is what they may
3 ask you." I'll ask questions and what did
4 this mean and what did this mean and then what
5 did this mean. So I get a oral press
6 briefing.

7 Q. But this was one where a staffer
8 was alleging you had groped her, that doesn't
9 happen, that's not a regular occurrence?

10 A. Yeah, no, I'm sure he talked me
11 through the piece.

12 MR. KIM: I was going to move on.

13 MS. CLARK: Yeah, just a couple.

14 Did anyone from GOER ever ask you
15 any questions about Ms. Commisso?

16 THE WITNESS: No, not that I know
17 of.

18 MS. CLARK: Has anyone from
19 the -- the Albany Police Department ever
20 ask you any questions about
21 Ms. Commisso?

22 THE WITNESS: I believe we
23 referred it to the Albany Police
24 Department.

25 MS. CLARK: And once it was

1 referred to the Albany Police
2 Department, did the Albany Police
3 Department ever speak to you to ask you
4 any questions about --

5 THE WITNESS: I don't believe so.

6 MS. CLARK: -- about what
7 happened between you and Ms. Commisso?

8 THE WITNESS: I don't believe so.

9 MS. CLARK: Okay.

10 BY MR. KIM:

11 Q. All right. Switching topics now,
12 was there ever a time when you recall meeting
13 a state trooper and then suggesting that
14 they're good and should join the -- your
15 protective services unit?

16 A. I was on constant alert to
17 recruit more women, blacks, and Asians to the
18 state police detail. The state police detail,
19 roughly 60 people. Maybe two women at one
20 time. Maybe three blacks.

21 I had a constant refrain with the
22 state police, "We have to have more diversity
23 on the detail."

24 MS. GLAVIN: And let me just stop
25 you there. How large is your detail,

1 Governor?

2 THE WITNESS: About 60.

3 A. But see, the detail is very
4 visible. When you come in, you come in with,
5 let's say, four troopers. They can't all be
6 white men. So I had a constant refrain for
7 recruitment.

8 Q. So the question was: Do you ever
9 remember an occasion where you met a trooper
10 and said, "We should find a way to hire him or
11 her"?

12 A. I have met troopers who I have
13 said, "They seem good. Can you talk to them
14 about coming on the detail?"

15 Q. Okay. And who would you convey
16 that to if you were to do that?

17 A. It depends on who the major was
18 at the time.

19 Q. Do you remember that happening
20 following an event at the RFK Bridge in 2017?

21 A. I remember meeting two female
22 troopers on the RFK Bridge, and they seemed
23 good and smart and with it. And I basically
24 said to the state police, "There are two
25 women, state police officers. Why don't you

1 talk to them and see if they're interested on
2 coming on the detail?"

3 Q. And you recall meeting two female
4 troopers that day?

5 A. Yes.

6 Q. Okay. What were their names?

7 A. One actually came. Her first
8 name is **Trooper #1**. I don't know her last name.

9 Q. And you think there was
10 another -- there was another one on that
11 same --

12 A. Yes.

13 Q. -- event. Do you remember the
14 event at RFK Bridge?

15 A. I remember roughly the event.
16 There was a ribbon cutting for the RFK Bridge.

17 Q. And did you speak with the two
18 female troopers?

19 A. Yes. I said hello.

20 Q. But you remember one who -- who
21 ended up joining?

22 A. Yes. **Trooper #1**

23 Q. Okay. How long did you speak to
24 **Trooper #1** for?

25 A. I think we were early

1 or -- either early or late, but maybe five
2 minutes, something like that.

3 Q. And you don't know her last name?

4 A. No.

5 Q. And who did you speak to to say,
6 "We should see if they can" --

7 A. I would have said to whoever the
8 trooper I was with, "Tell the major who is the
9 head of the detail, see if they're interested
10 in coming on the detail." But this was a
11 constant refrain of mine.

12 Q. Okay. And does -- do you know
13 who **Sr Investigator #1** is?

14 A. Yes. He is a trooper -- was a
15 trooper. He's gone.

16 Q. Could he have been -- do you
17 remember him being the person who was with you
18 that day?

19 A. He may have been.

20 Q. Okay. And you said it was a
21 constant refrain. Do you remember other
22 instances where you met a trooper and said,
23 "Let's hire them"?

24 A. I've met black troopers who I
25 asked if they would be interested. I've asked

1 women if they would be interested. The -- for
2 some reason, you get less money when you're on
3 the governor's detail. You don't get location
4 pay or something in New York City so it's not
5 easy.

6 We have made great progress. We
7 have more blacks now than ever before on a
8 higher level. We have more women than ever
9 before. But I'm still constantly looking for
10 more diversity.

11 Q. Okay. Do you remember any others
12 who you suggested that joined?

13 A. I know ones that I promoted up
14 and encouraged the promotion. State police,
15 the paramilitary, they make all the decisions.
16 I do feel comfortable saying to them diversity
17 is important and diversity in leadership is
18 important. So I have recommended promotions
19 for people.

20 Q. Do you remember any others that
21 you suggest that they join and they actually
22 joined?

23 A. There were -- there were two
24 African American men who went for interviews.
25 I don't know if they actually made it.

1 Q. Do you remember their names?

2 A. No.

3 Q. And so with **Trooper #1**, how long
4 after you saw her, to your knowledge, did she
5 join the PSU, if you know?

6 A. I don't know.

7 MR. KIM: Did you -- go ahead.

8 MS. CLARK: The -- the other
9 woman that you met at the RFK Bridge, do
10 you remember her name?

11 THE WITNESS: I don't remember
12 her name, but either she wasn't
13 interested or they interviewed her and
14 rejected her.

15 MS. CLARK: But you don't know
16 one way or the other?

17 THE WITNESS: No. The second one
18 didn't come. I know that.

19 BY MR. KIM:

20 Q. Do you remember any discussion
21 about whether this trooper **Trooper #1** met all
22 the qualifications to be on the PSU?

23 A. No. They would do the interview
24 process, et cetera. But I -- I don't remember
25 any conversation about that.

1 Q. Do you have an understanding of
2 how many years a trooper needs to have been a
3 New York State trooper before they can join
4 the PSU?

5 A. No.

6 Q. Do you remember any discussions
7 about any trooper who didn't meet the full
8 time requirement joining the PSU?

9 A. There have been a number of
10 conversations about joinings and promotions
11 where they have these normal protocol, which
12 always favors the people who have been there
13 longer and seniority, which by definition
14 would almost eliminate any women or blacks or
15 Asians.

16 It's more protocol than
17 any -- there's no laws on it. It's their
18 protocol. But by their protocol, you'll never
19 have blacks in leadership or women or Asians.

20 And so I know that I've said to
21 them, "I understand how you normally do it,
22 but we need more diversity here."

23 Q. Okay. So do you remember any
24 discussion you've had about any trooper who
25 did not meet the time period required for PSU

1 but having them join, in any event, to, as you
2 say, to increase diversity?

3 A. Yes.

4 Q. Okay.

5 A. Yes. I don't remember
6 specifically. But I know that there were
7 black officers who didn't follow the strict
8 protocol that they normally used and were
9 moved up faster.

10 Q. How about joining the PSU? It
11 sounds like you're talking about being
12 promoted, but joining the PSU?

13 A. Joining the PSU, I haven't heard
14 of any -- I'm trying to get -- I don't care
15 how long they've been on the state police.

16 Q. My question was simply: Do you
17 remember any discussions about anyone who did
18 not meet whatever the policy was but still
19 being allowed to join for any reason?

20 A. I don't remember any
21 conversation about -- they don't have any set
22 rule. They have, "This is how we always do
23 it." Yeah, I know this is how you always do
24 it, and that's why we have 57 white people.

25 So, you know, if you do

1 government by the way you always do it,
2 there's not going to be any change. I see no
3 reason why a new trooper can't be on the
4 governor's detail and work your way up.

5 Q. I don't mean to ask this question
6 over and over again, but just simply: Do you
7 remember any discussion or any -- do you have
8 any knowledge of any trooper who -- whatever
9 the rules are, whether you believe
10 they -- they can be -- or they matter or not,
11 whether any trooper who joined PSU, even
12 though they didn't meet the time period
13 required under their existing rules or
14 practices?

15 A. Yeah --

16 MS. GLAVIN: I just -- I just
17 want to make sure that you're -- you
18 were just asked a few minutes ago if you
19 had an understanding about how long
20 troopers have to be with the troopers to
21 be part of the protective detail, and
22 your answer was no.

23 THE WITNESS: No. And I don't
24 believe there is any rule.

25 MS. GLAVIN: Okay.

1 THE WITNESS: It may be "this is
2 how we always do it." But, you know,
3 that's not a rule.

4 BY MR. KIM:

5 Q. Okay. Are you aware of a New
6 York State trooper manual that has
7 requirements for joining particular units?

8 A. No.

9 Q. You're not aware of that?

10 A. No.

11 Q. Okay. Are you aware of any other
12 policy or practice within the New York State
13 troopers about the requirements for any number
14 of units, including the PSU?

15 A. No.

16 Q. Okay. So in your mind, there
17 were no particular rules around qualifications
18 for -- to join the PSU?

19 A. No. No. And if there were rules
20 that stop the -- the promotion or the
21 inclusion of diverse candidates, I would say
22 change the rules.

23 Q. Okay. But I -- you've added
24 that. But I'm just trying to -- and
25 so because you don't know that there were any

1 rules, as a result, you don't have a
2 recollection, obviously, of anyone being
3 allowed in without meeting those rules --

4 A. Right.

5 Q. -- because you don't have an
6 understanding of the rules.

7 A. Right.

8 Q. Okay. I understand your position
9 that, if there were rules that prevented
10 minorities from joining, that that should be
11 changed.

12 But I'm just trying to get an
13 answer to the specific factual question,
14 whether you have any recollection of any
15 trooper joining despite not meeting the
16 qualifications.

17 It sounds like your testimony is,
18 "I didn't know there were rules like that"?

19 A. Yeah, I didn't know there were
20 rules like that. Or if there were rules like
21 that, I think they are discriminatory and stop
22 diversity.

23 Q. Okay. And do you know the
24 trooper named **Trooper #1**, where she was
25 originally stationed?

1 A. In New York City.

2 Q. Was she ever in the Mount Kisco,
3 covering your Mount Kisco home?

4 A. She may have been at the Mount
5 Kisco house. They rotate.

6 Q. Okay. Was she ever a member of
7 your travel team?

8 A. She -- I think she is a member of
9 the travel team.

10 Q. Was she ever a driver for you?

11 A. She has driven. She's not a
12 driver.

13 Q. How many times has she driven?

14 A. A couple of times.

15 Q. Have you ever given this trooper,
16 **Trooper #1**, a hug?

17 A. I will hug her hello. I mean,
18 nothing romantic, no special -- a quick hello
19 hug.

20 Q. How many -- how many times do you
21 think you've hugged **Trooper #1** this trooper?

22 A. Oh, I don't know.

23 Q. Have you ever kissed **Trooper #1**,
24 this trooper, on the cheek?

25 A. Maybe at a Christmas party.

1 Q. How about other --

2 A. There are other women troopers
3 also who when I see I hug.

4 Q. Yeah. No, we'll get to that.
5 But with -- with respect to **Trooper #1**, the
6 trooper, have you kissed her on the cheek?

7 A. I may have kissed her on the
8 cheek.

9 Q. You were saying at a Christmas
10 party?

11 A. I don't remember kissing her on
12 the cheek. But I may have.

13 Q. You don't remember specifically,
14 but you may have?

15 A. Right.

16 Q. Do you remember ever asking her
17 on any occasion, "Can I kiss you? May I kiss
18 you?"

19 A. No, I don't remember that.

20 Q. Do you remember ever asking her,
21 "May I kiss you?" and she said, "I'm sick, I'm
22 feeling sick"?

23 A. No.

24 Q. This trooper named **Trooper #1**, have
25 you ever -- other than a hug, it sounds like

1 you could have -- have you ever touched her?

2 A. No.

3 Q. Okay. Touched her on the
4 shoulder?

5 A. Oh, I -- maybe -- have I touched
6 her on the shoulder? I may have touched her
7 on the shoulder.

8 Q. For a hug?

9 A. May- -- yeah.

10 Q. Okay. How about on the back?

11 A. On a hug, yes.

12 Q. Have you ever run your fingers
13 down her back?

14 A. No, not that I know of.

15 Q. While you were in an elevator,
16 run your fingers down her back?

17 A. No. No, there's
18 nothing -- there's no relationship between
19 myself and **Trooper #1** of any romantic nature
20 whatsoever, if that's what you're trying --

21 Q. That wasn't the question.

22 A. Okay.

23 Q. Have you ever touched her in the
24 stomach area?

25 A. Not that I remember.

1 Q. Okay. Have you ever touched her
2 while she was holding open a door, run your
3 hands across her stomach?

4 A. If I did, it was incidental, and
5 I don't remember doing that.

6 Q. Okay. Did you ever offer this
7 trooper **Trooper #1** a tour of the mansion?

8 A. Not that I remember.

9 Q. Do you remember her ever saying
10 that she was heading to Albany for her
11 sister's wedding?

12 A. No.

13 Q. Have you ever invited her
14 upstairs in the mansion?

15 A. Not that I remember.

16 Q. Have you talked to this trooper
17 **Trooper #1** about her marital status?

18 A. No. Someone told me she's
19 engaged or married. Oh, no, she's -- yes, I
20 did. She is going to get married. She is
21 engaged and either has gotten married or has
22 a -- has a date to get married.

23 Q. How did you learn that?

24 A. I think she told me.

25 Q. When did she tell you?

1 A. This must have been last year.

2 Q. And was this -- where were you
3 when she told you this?

4 A. I think in the car.

5 Q. Was she driving?

6 A. I don't remember.

7 Q. And -- well, normally when you're
8 in the car, is there someone who is
9 just -- the senior investigator is your body
10 person. Right?

11 A. There's normally two troopers in
12 the car.

13 Q. Sometimes there's one, though, if
14 you're being driven somewhere quickly or?

15 A. Not really. I'll drive myself.
16 But there's normally not one trooper in the
17 car.

18 Q. Okay. And so when you learned
19 that she was getting married, what do you
20 remember her saying?

21 A. I think she's [REDACTED]

22 [REDACTED].

23 Q. Did you say anything about being
24 married to her?

25 A. Not that I remember.

1 Q. You've testified previously that
2 you've sometimes made marriage-related jokes.
3 Do you remember telling a marriage-related
4 joke to --

5 A. I may have. I may very well
6 have. I don't remember it.

7 Q. Did you say that there's no point
8 in getting married, people get -- will just
9 get divorced?

10 A. I wouldn't say that. That's not
11 a joke.

12 Q. Or something like that?

13 A. No. I may -- no. That's not a
14 line that I would use.

15 Q. Or just a "Why get married, just
16 lose money"?

17 A. "Just lose money"?

18 Q. Yeah.

19 A. No. I may make a marriage joke,
20 but I don't think those are jokes.

21 Q. How about that marriage will make
22 your sex drive go down?

23 A. No.

24 Q. You've never said that to anyone?

25 A. I haven't said that to her, and I

1 don't remember saying that to anyone.

2 Q. Did you ever talk about her
3 clothing?

4 A. No. She's always been in a
5 uniform.

6 Q. Have you ever asked her why she
7 doesn't wear a dress?

8 A. No. I wouldn't ask her that.
9 She's a uniformed trooper.

10 Q. The question was: Have you ever
11 asked her that or anything like that?

12 A. Not that I remember.

13 Q. Have you ever asked her why she
14 only wears dark colors?

15 A. Not that I remember.

16 Q. Have you asked -- have you ever
17 said to her that she looks like an Amish
18 person because of the colors of the suit that
19 she was wearing?

20 A. Not that I remember.

21 Q. Have you ever asked her to find
22 you a girlfriend?

23 A. No. Not that --

24 Q. Or discussions about a
25 girlfriend?

1 A. Not that I remember.

2 Q. Have you ever talked to her about
3 age differences between boyfriends and
4 girlfriends?

5 A. Not that I remember.

6 Q. Do you know how old she is,
7 **Trooper #1** ?

8 A. No.

9 Q. Did you ever talk to her about
10 the criteria for girlfriends for you, what you
11 were looking for?

12 A. No, not that I remember.

13 Q. Have you ever told her not to
14 talk to other troopers about what you were
15 talking to her about?

16 A. No, not that I remember.

17 Q. Do you remember, at any point in
18 time, reporters inquiring with the troopers
19 about the manner in which any trooper was
20 hired for the PSU or allowed in the PSU?

21 A. Specifically, no.

22 Q. Do you remember in December of
23 last year questions being asked by Times Union
24 about the requirements for getting into the
25 PSU?

1 A. I don't remember that.

2 Q. And whether any particular
3 trooper met it or not?

4 A. I don't remember that.

5 Q. You mentioned other troopers.
6 How many other female troopers have there been
7 in the PSU that you recall?

8 A. I think we now have about five.

9 Q. Okay. What are -- do you know
10 their names?

11 A. One woman has been there from the
12 beginning. I know her very well. I just lost
13 her name. I haven't seen her in a while.
14 Then there's another woman who -- I lost her
15 name too.

16 We had a lieutenant who came and
17 left, and we had another woman who came and
18 left. Three, four, five. Oh, no, there's a
19 new one in Albany now. I forgot her name.

20 Q. Okay. The one who has been there
21 a long time, do you remember her name?

22 A. I'm embarrassed that I don't, but
23 I know her a long time. But I'll get her
24 name. I just haven't seen her in a long time.

25 Q. Okay. Have you hugged any of

1 them or all of them or you don't remember?

2 A. The one who's been there a long
3 time, I have.

4 Q. Okay. How about the others?

5 A. The one who left, the lieutenant,
6 I did.

7 Q. Any of the others?

8 A. The other ones -- one down here I
9 don't really know, and the one in Albany just
10 started.

11 Q. Have you kissed any of them on
12 the cheek?

13 A. At the Christmas party I think I
14 kissed all of them.

15 Q. All of them?

16 A. Yeah.

17 Q. Okay. Do you kiss them -- have
18 you kissed the male troopers on the cheek?

19 A. Yeah.

20 Q. Okay. Which ones?

21 A. Mainly the longtime ones.

22 Q. Okay. And have you hugged the
23 male troopers?

24 A. Yeah. All the time.

25 Q. Have you talked to any of the --

1 start with the female troopers, about their
2 personal lives?

3 A. Not especially. I speak more to
4 the male troopers about their personal lives.

5 Q. How about their sex lives?

6 A. The male troopers?

7 Q. The female troopers first.

8 A. No.

9 Q. How about male troopers?

10 A. No. More about their marriage,
11 kids, things like that.

12 Q. Have you talked to any of the
13 troopers about their clothing, what they're
14 wearing?

15 A. The male troopers?

16 Q. Let's start with the female
17 troopers.

18 A. Not that I recall.

19 Q. How about male troopers?

20 A. Male troopers, I recently teased
21 one about footwear.

22 Q. Okay. Who's that?

23 A. In fact, they were brown shoes.

24 I took -- I was sensitive to the Preet tweet
25 about you have to wear black shoes, that tweet

1 that said Preet said, "You have to wear only
2 black shoes."

3 And then the guy said, "I don't
4 have to wear brown shoes." That was on my
5 mind. It was last week and a fellow was
6 wearing brown shoes.

7 Q. Okay. So what did you say?

8 A. I said, "Those are nice shoes" or
9 something like that.

10 Q. Okay. And who was that?

11 A. I don't know his name.

12 Q. Okay. Did you talk to any of the
13 troopers about finding you a girlfriend, male
14 or female?

15 A. No. No.

16 Q. Did you talk to any of the
17 troopers, male or female, about the criteria
18 for your girlfriend -- for being your
19 girlfriend?

20 A. No, not that I remember at all.

21 Q. Have you played any role in --
22 you said -- I think you mentioned earlier
23 about a view you have about promoting
24 diversity in minorities.

25 Have you -- have you played a

1 role in decisions about who gets promoted
2 within the PSU or transferred out of it or
3 into it?

4 A. On the general point of just more
5 diversity.

6 Q. Is there any -- do you remember
7 any discussions with anyone where a trooper
8 that you did not find satisfactory for
9 whatever reason was moved out of the PSU?

10 MS. GLAVIN: I'm actually going
11 to object to this on the scope of the
12 investigation grounds. I'm not sure how
13 this is relevant to what you've been
14 authorized to investigate, which is the
15 allegations and circumstances
16 surrounding sexual harassment.

17 MR. KIM: Okay. You can note the
18 objection, or you can direct him not to
19 answer. But questions --

20 MS. GLAVIN: Well -- is this a
21 male or a female trooper that you're
22 referring to?

23 MR. KIM: Either.

24 A. I don't remember saying anybody
25 should be off the detail. But if there was a

1 trooper who wasn't doing a good job or did
2 something weird or unprofessional, I may have
3 noted that to someone.

4 Q. Do you have any particular
5 recollection of any particular troopers?

6 A. No.

7 Q. Do you know of a trooper named
8 **Former Trooper #1**?

9 A. Yes.

10 Q. What do you remember about him?

11 A. He recently [REDACTED]
12 [REDACTED].

13 Q. Okay. How do you know that?

14 A. [REDACTED]
15 [REDACTED].

16 It was in the newspaper.

17 Q. Other than that -- and you
18 remember the name, **Former Trooper #1**?

19 A. Yeah. No, I remember **Former Trooper #**
[REDACTED] He was on the detail.

21 Q. Yeah. Do you remember you had an
22 incident with **Former Trooper #1**?

23 A. I don't remember the incident.

24 Q. Do you remember him asking you
25 about your schedule and your saying, "Don't

1 talk to me about that, talk to our scheduler"?

2 A. I do remember him saying -- this
3 goes back, like, years, wanting to know when I
4 was going to leave so he could go home.

5 And I said, "I don't know what my
6 schedule is for the day. Don't rely on me for
7 what my schedule is. Talk to the scheduler."

8 Q. And then do you remember him
9 subsequently leaving the PSU shortly after
10 that?

11 A. I don't know if that's why he
12 left.

13 Q. But I'm just talking in terms of
14 timing. Do you remember him leaving?

15 A. I know he left.

16 Q. Okay.

17 MS. GLAVIN: I'm going to
18 actually shut this down because I'm
19 not -- the scope. But I'm happy to
20 get -- take a proffer from you, because
21 I'm not -- I don't understand what this
22 has to do what the scope is for your
23 investigation about the troopers and who
24 moved.

25 If we're talking about sexual

1 harassment allegations, let's deal with
2 the circumstances. You want --

3 MR. KIM: Okay. I'd be happy for
4 you -- happy for you to instruct him not
5 to answer. We'll take that.

6 MS. GLAVIN: No, I'm happy to
7 take a proffer from you as to the
8 relevance.

9 MR. KIM: Okay. No, I'm -- I'm
10 not going to give you a proffer. Okay.

11 MS. GLAVIN: But I'm just not
12 sure where -- what this --

13 Q. I'm giving you an opportunity to
14 answer the questions. You cannot answer them.
15 That's fine. We're not in a position to --
16 we're not going to be proffering why we're
17 asking these questions. That's, sort of, up
18 to you. It's fine.

19 MR. KIM: So you can direct him
20 not to answer.

21 MS. GLAVIN: Okay. Why don't we
22 move on -- no. We can move on to the
23 next subject.

24 MR. KIM: Okay.

25 BY MR. KIM:

1 Q. How about a trooper named [Former Trooper #
[REDACTED]]. Do you know him?

3 A. I don't remember that trooper's
4 name.

5 Q. Okay. Do you know [Detail
6 [REDACTED] Commander]?

7 A. Yes. He's a former major.

8 Q. Okay.

9 MS. GLAVIN: I just -- I missed
10 the name. What was it?

11 MR. KIM: [Detail Commander [REDACTED]].

12 MS. GLAVIN: Okay. Can you just
13 spell the last name?

14 MR. KIM: [Detail Commander [REDACTED]].

15 MS. GLAVIN: Okay.

16 Q. And do you remember at any point
17 another trooper who was, sort of, in
18 competition with him to be promoted to senior
19 investigator?

20 A. No. Who?

21 Q. Okay. Someone by the name of
22 [Former Trooper #2]. You don't remember?

23 A. [Former Trooper #2] was in competition
24 with [Detail Comm.]?

25 Q. Yes. You don't remember any --

1 A. No. **Former Trooper #2** was never in
2 competition with **Detail Comm.**. I don't even
3 remember **Former Trooper #2**

4 Q. Well -- and so you don't remember
5 **Former Trooper #2**?

6 A. Yeah. But if I don't remember
7 him, how can he be in competition with
8 **Detail Comm.**?

9 Q. Okay. But you don't remember
10 him?

11 A. No --

12 Q. Okay.

13 A. -- but I would have to know him
14 because he would have had to be there a long
15 time.

16 Q. Okay. How about ?
17 Do you know him?

18 A. I don't know
19 personally, but I know who he is.

20 Q. Okay. Who is he?

21 A. He is a trooper who was on the
22 detail who was the trooper who was dating my
23 daughter.

24 Q. Okay. And he got moved out of
25 the PSU. Right?

1 A. Yes.

2 Q. Did you have any role in that
3 move?

4 A. No. Talk to the state police
5 about that.

6 Q. Okay.

7 MR. KIM: I see your face. You
8 can -- he doesn't have to answer.
9 It's --

10 MS. GLAVIN: Yeah -- I guess --
11 yeah, I got to say you guys, it's -- to
12 investigate allegations and
13 circumstances regarding sexual
14 harassment. And I just -- I'm happy,
15 again, to hear why this is relevant, but
16 this is not --

17 THE WITNESS: It's relevant
18 because this is a biased political
19 investigation as we know. And that's
20 what it is. That's why it's relevant.
21 So go ahead.

22 MS. CLARK: I have a question.
23 After [REDACTED] was moved, did you
24 talk to anyone at the state police about
25 having only female troopers drive your

1 daughters or cover your daughters?

2 THE WITNESS: I did not talk to
3 anyone about that.

4 MS. CLARK: Are you aware of
5 whether only female troopers are
6 permitted to cover your daughters?

7 THE WITNESS: I don't know what
8 their policy is with that.

9 MS. CLARK: Go ahead.

10 BY MR. KIM:

11 Q. And have you had any discussions
12 with anyone about that practice or policy of
13 who can cover your daughters?

14 A. No.

15 Q. Do you personally review any of
16 the promotional decisions within the PSU?

17 A. No.

18 Q. Do you approve them?

19 A. No. Except to the extent that I
20 make the point about diversity.

21 Q. Have you called any -- personally
22 called any troopers who are considering
23 leaving the PSU?

24 A. To stay?

25 Q. Yes.

1 A. I may have. I don't remember.

2 Q. Who have you called if --

3 MS. GLAVIN: I --

4 A. I don't remember. But if
5 somebody was good and they were thinking of
6 leaving, would I have called them to ask them
7 to stay? I may have.

8 Q. Do you know a trooper by the name
9 of [REDACTED]?

10 A. No, not that I recall.

11 Q. You don't remember calling her on
12 her cell phone?

13 A. No. Oh, yes. Is this a woman
14 who was in Albany?

15 Q. Well, do you remember calling a
16 female --

17 A. I remember calling a woman who
18 was in Albany who had been there a short time
19 and was going to leave, then we would lose a
20 woman. And I called and I said, "Give it a
21 chance." She was only there, like, three
22 weeks or something.

23 Q. And how did you get her number?

24 A. I would have asked somebody for
25 her number.

1 Q. Do you remember about when that
2 was, that conversation with her?

3 A. No.

4 Q. Do you remember who gave you her
5 personal cell phone number?

6 A. No.

7 Q. And then did she end up leaving?
8 Do you know?

9 A. She left.

10 Q. Do you know where she is now?

11 A. No.

12 MR. KIM: I'm going to switch
13 topics here.

14 MS. GLAVIN: Thank you.

15 Do you need --

16 Q. Do you know --

17 MS. GLAVIN: I'm sorry.

18 Did you need five minutes or are
19 you okay?

20 THE WITNESS: No.

21 Q. Do you know someone by the name
22 of Kaitlin [REDACTED]

23 A. Yes.

24 Q. Okay. How do you know Kaitlin

25 [REDACTED]

1 A. She worked here.

2 Q. Okay. Do you remember how you
3 met her?

4 A. Yes.

5 Q. How did you meet her?

6 A. I was at a fundraiser hosted by a

7 [REDACTED] And they introduced me to her
8 basically as she helped organize all of today.

9 And one of the partners at

10 [REDACTED] is a relationship to [REDACTED]
11 who's a former congressman, and said she
12 worked with them -- she worked with [REDACTED]
13 [REDACTED] and then went to work at [REDACTED]
14 firm. And [REDACTED] said, "She's a young star.
15 She's going to be fantastic." Blah, blah,
16 blah.

17 Q. And how long did you meet with
18 her at this event, this fundraiser?

19 A. A very short period of time.

20 Q. Okay.

21 A. They said she put it together and
22 she was key, so they introduced me to her to
23 say thank her for organizing the event.

24 Q. Okay. And do you remember taking
25 pictures with her that day?

1 A. I don't but I probably did.

2 Q. Okay. If you could turn to

3 Tab 5.

4 A. Okay.

5 Q. Is that Kaitlin [REDACTED]

6 A. It looks like her.

7 Q. Okay. Do you remember, if you go

8 to the second and third photo of this, it

9 looks like you're, sort of, in a dance pose?

10 A. Dance pose, yeah.

11 Q. Is this a pose that you are

12 frequently in for pictures?

13 A. Yeah. It's a funny, entertaining

14 pose. That's her partner behind her. Well,

15 that's the boss of the firm.

16 Q. Okay. And then did you -- after

17 you met Kaitlin [REDACTED] at this event, did you

18 suggest to anyone within your staff to reach

19 out to her to potentially hire her?

20 A. I said they should interview

21 her -- interview her, see if she was

22 interested for the executive assistant

23 position here.

24 Q. Who did you tell?

25 A. Whoever in the personnel office

1 or told them to tell the personnel office to
2 interview her.

3 MS. CLARK: At the event, did you
4 have any discussion with **Kaitlin** about
5 her coming to work for state government?

6 THE WITNESS: We were kidding
7 with her bosses, and they said, "She's a
8 superstar." I said, "Oh, well, then we
9 have to steal her. We need the best
10 talent in state government." Blah, blah
11 blah, blah.

12 MS. CLARK: Was she there when
13 you were having that conversation with
14 the --

15 THE WITNESS: Yeah.

16 MS. CLARK: And did she -- she
17 give you any information about her
18 background?

19 THE WITNESS: said she
20 had worked for , who's a
21 longtime congressman , and then
22 said, "She's great. She helped
23 set up the event."

24 MS. CLARK: Okay.

25 BY MR. KIM:

1 Q. And what position did you -- when
2 you said, "Let's hire -- we'll consider her
3 for executive assistant here," you mean New
4 York City?

5 A. Yes.

6 Q. And was it, sort of, to help
7 Ms. Benton's role down in New York City?

8 A. It was -- yeah. Primarily this
9 is answering the phones, this position.

10 Q. And do you know if she -- who she
11 interviewed with?

12 A. Whoever in the personnel office.
13 I don't know.

14 Q. And she ended up coming to the
15 executive chamber?

16 A. Yes. Yes.

17 Q. Do you remember what her salary
18 was?

19 A. No.

20 Q. Do you remember having any
21 discussions about her salary?

22 A. No. I had nothing to do with her
23 salary as far as I know.

24 Q. Do you have any role in approving
25 salaries for people in those positions?

1 A. No.

2 Q. Who does?

3 A. The personnel office.

4 Q. Okay.

5 MS. CLARK: Was [REDACTED] at
6 the event --

7 THE WITNESS: No. His brother --
8 his brother -- I'm just trying to --

9

10

11 MS. CLARK: Did you --

12

13 THE WITNESS: [REDACTED]
14 [REDACTED] is like a [REDACTED] institution
15 as a congressman. So if you work in
16 Congressman [REDACTED]'s office, that means
17 you're familiar with political people
18 and who is who and who's an important
19 political person, who's not an important
20 political person.

21

22 If you work with [REDACTED]
23 he's one of the top lobbying PR firms in
24 the city. So you know who all the
25 players are because you deal with them
regularly, which is very helpful if
you're answering phones. So when a

1 person calls and says, you know, this is
2 Joe Smith, you have an idea of who Joe
3 Smith is; important, not important,
4 et cetera.

5 MS. CLARK: Did you ever speak
6 directly with former Congressman [REDACTED]
7 about Kaitlin [REDACTED] ?

8 THE WITNESS: No. But his --
9 it's his brother or his cousin is a
10 partner in the firm who said she was
11 great. It's in this picture, 177 of
12 193. [REDACTED]
13 [REDACTED]

14 BY MR. KIM:

15 Q. Yeah. And so once she joined the
16 office, how often did you interact with her?

17 A. When I would come down here.

18 Q. And did you sometimes travel with
19 her?

20 A. She may have traveled on
21 occasion. I don't recall traveling with her.

22 Q. Do you ever remember being on the
23 airplane with her?

24 A. I may have. I don't recall.

25 Q. Helicopter?

1 A. I don't recall.

2 Q. Okay. And do you ever
3 remember -- do you ever remember any
4 conversations that you had with her that are
5 memorable?

6 A. No. I remember the phone
7 conversation that she raises about the
8 telephone.

9 Q. Okay. What do you remember?

10 A. The main job was answering the
11 telephone. And for many months she would lose
12 calls between her desk and my phone, which is
13 12 feet. And I said to her on a repeated
14 basis, "Just please let them teach you how to
15 use the telephone and transfer a call."

16 And she continually would drop
17 the calls. And then I called someone
18 important, and she transferred the call, lost
19 the call again. And I said -- and I was
20 frustrated. I said, "Will you please learn
21 how to use the telephone to transfer the
22 calls?" She brings that up in some complaint,
23 but I remember that transaction.

24 Q. Do you remember saying to her or
25 words to the effect of, "You're going to end

1 your career if she keeps dropping" --

2 A. I never said anything like that.

3 Q. Do you remember ever talking to
4 her about the mean girls?

5 A. No.

6 Q. Okay. And have you heard the
7 term "mean girls" used?

8 A. I've heard the term "mean girls"
9 used, yeah.

10 Q. And have you ever used the term
11 "mean girls"?

12 A. I don't think so.

13 Q. And when it's used in the
14 executive chamber, who do you understand it
15 refers to?

16 A. It was Andrew Ball was one of the
17 mean girls, even though he's not a girl. But
18 it was Andrew Ball, who you remember from the
19 Percoco trial. You put him on the -- you put
20 him up at the trial. Remember? So you're
21 familiar with him.

22 But so he was --

23 Q. I'm going to -- Governor, you can
24 do or say whatever you want. I'm not going to
25 agree. I don't know if -- I don't know what

1 you're talking about that I put him on the
2 stand.

3 A. You don't know who was on the
4 stand for the Percoco trial?

5 Q. Look, again, as I said -- this is
6 not -- the purpose of this is not --

7 A. Okay. Okay. Yeah, I understand.

8 Q. I just didn't want all of these,
9 sort of, asides to continue.

10 A. Well --

11 Q. If you can do it -- because I
12 don't think this is the purpose of today's
13 questioning.

14 A. I think it is the purpose of
15 today's questioning.

16 Q. Okay. That's understood,
17 clearly.

18 A. Yes.

19 Q. So you were talking about the
20 mean girls, and how he was one of the other
21 people.

22 A. Yes.

23 Q. So can you continue with that
24 answer?

25 A. He was one of the mean girls, and

1 it was just -- I don't even know exactly what
2 they were talking about.

3 Q. You -- was there anyone else that
4 you understood in your senior staff to be part
5 of the mean girls?

6 A. I don't know -- I don't know what
7 they were talking about.

8 Q. Okay. Have you heard of a group
9 including Ms. DeRosa and Ms. Benton as part of
10 the mean girls?

11 A. I don't know what they're talking
12 about, the mean girls. It started by Andrew
13 Ball who would have -- it was his way of
14 razzing other women in the office, many of
15 whom were -- he was soliciting to be
16 girlfriends. And it was his way of razzing
17 them.

18 Q. Any conversations you remember of
19 Jill DesRosiers talking to you about being
20 upset or unhappy being included in the
21 description of mean girls?

22 A. I don't remember her talking
23 about that.

24 Q. So you don't -- you don't
25 remember talking to **Kaitlin** about mean

1 girls?

2 A. No, I don't remember talking --

3 MS. GLAVIN: Do you remember
4 hearing at some point there was a thing
5 with people calling mean girls?

6 THE WITNESS: Yeah. It was Ball
7 calling them "mean girls" is what I
8 remember.

9 MS. GLAVIN: And when you say
10 "them," who roughly did you understand
11 that to be?

12 THE WITNESS: It depended on who
13 he was fighting with at the time.

14 MS. CLARK: Did Melissa DeRosa
15 ever tell you that she didn't like it
16 when you used the term "mean girls"?

17 THE WITNESS: I don't even
18 remember talking to Melissa about mean
19 girls. I don't even know what it meant.
20 It was a silly thing that he started.

21 MS. CLARK: So you're saying you
22 never used the term "mean girls" to
23 refer to any group of women in the
24 office?

25 THE WITNESS: I don't remember

1 ever using it. There's no meaning to
2 it. You know, it was a little, silly
3 office thing.

4 BY MR. KIM:

5 Q. Do you remember ever asking
6 **Kaitlin** to come into your office to help
7 look up -- help look up car parts on eBay?

8 A. I'm -- I'm sure -- I don't
9 remember that, but I'm sure I asked her to
10 come help me with the computer on occasion.

11 Q. Okay.

12 MS. GLAVIN: Can we just take
13 five? We've been going for a little
14 bit. How much longer do you guys think
15 you're going?

16 THE VIDEOGRAPHER: The time is
17 5:44 p.m. This concludes Media 6. Off
18 the record.

19 (Recess taken from 5:44 p.m. to
20 5:58 p.m.)

21 THE VIDEOGRAPHER: The time now
22 is 5:58 p.m. This begins Media 7. On
23 the record.

24 MS. GLAVIN: Back on? Okay.

25 Governor, before the break,

1 Mr. Kim was asking you a series of
2 questions about mean girls and whether
3 you were part of any discussions in the
4 chambers.

5 And I know we're in the -- past
6 the ninth, going into the tenth hour of
7 this --

8 THE WITNESS: Yeah.

9 MS. GLAVIN: -- all right? --
10 is -- can you just talk about what you
11 remember, if there were discussions in
12 chamber, if any, on that issue.

13 THE WITNESS: Yeah. We've been
14 at it a long time. I'm getting a little
15 tired.

16 "Mean girls" was a silly gossip
17 thing that Andrew Ball started. He had
18 a -- let's call it a romantic crush,
19 first on **Senior Staffer #4**, then on **Senior Staffer #3**

21 And he would tweet them with this
22 mean girls, just as a, sort of, nasty
23 little banter he would have with them.
24 And that's what mean girls were about.
25 And he would tease them with it.

1 MS. GLAVIN: And do you remember,
2 like, anyone talking to you about it or
3 you possibly talking to them about it at
4 some points?

5 THE WITNESS: Yeah, I think they
6 didn't like it because it was, like, you
7 don't want to be a mean girl by
8 definition. So they didn't like it.

9 MS. GLAVIN: Okay. But you don't
10 remember any specific discussions, but
11 you just remember general discussions?

12 THE WITNESS: Yeah. They just
13 didn't like it. It was nasty. And then
14 he would say who a mean girl is. And if
15 he got mad at them, he would say,
16 "You're a mean girl." And nobody wanted
17 to be a mean girl.

18 MS. GLAVIN: And then before the
19 break, there -- you were asked a
20 question about a trooper by the name of
21 **Former Trooper #1** ?

22 THE WITNESS: **Former Trooper #1**, the
23 suggestion was that when he asked me
24 about the schedule, that that was a bad
25 thing. He was asking me about the

1 schedule so he could go home and release
2 the troopers. I don't know my schedule.

3 So I said to him, "I don't know
4 the schedule." I don't know if I have
5 to do something at four. I don't know
6 if I have to do something at five. I
7 don't know if I have a dinner at seven.
8 Don't ask me, ask the scheduler.

9 Because there may be something on
10 that I don't know about. So ask the
11 scheduler. Otherwise, I may give you
12 the wrong information. But it was not a
13 problematic situation.

14 BY MR. KIM:

15 Q. Did you have any role in having
16 him moved off of PSU?

17 A. No. And it had nothing to do
18 with that conversation. It was just purely
19 functional. You ask me, I could tell you,
20 Yeah, this is -- I'm going home. Except I
21 don't know the schedule.

22 The way this place works is they
23 could have scheduled things for me tonight. I
24 tell you, I don't think there's anything on,
25 you leave, and then it turns out I had to go

1 somewhere tonight.

2 Q. Did you have any -- did you use
3 any nicknames for Kaitlin [REDACTED]

4 A. I don't think I used a nickname.
5 I think they came up with the nickname,
6 "sponge," for her for a period. Because I
7 said when she first started, "Just be a sponge
8 and absorb what's going on and just learn
9 what's going on."

10 And I used the expression. They
11 said, "Just be a sponge and absorb
12 information." So she had a nickname,
13 "sponge," more from them for a period of time.

14 Q. Did you ever use the nickname
15 "sponge"?

16 A. I may have. I don't remember
17 using it, but I remember that's what
18 they -- that was the nickname that she had
19 gotten.

20 Q. And by "them," who are you
21 referring to?

22 A. The staff here.

23 Q. Okay. The -- the senior staff?

24 A. Well, more the junior staff.

25 Q. Okay. Who would -- who were

1 people you heard use the term "sponge" for
2 her?

3 A. Like the press people, the
4 advance people, the other administrative
5 aides.

6 Q. You had not heard Melissa DeRosa
7 call her a sponge?

8 A. I had not heard that.

9 Q. Okay. How about any of the other
10 senior staff?

11 A. Not that -- I don't -- not that I
12 recall.

13 Q. Did you ever ask Kaitlin [REDACTED]
14 about boyfriends that she had?

15 A. Not that I recall.

16 Q. Do you ever make -- do you ever
17 comment on her appearance or attire?

18 A. I'm aware she made a comment
19 about I once said she had a lumberjack shirt.
20 I don't remember saying that, but I could have
21 said that about a lumberjack shirt.

22 Not to waste your time, I once
23 wore a shirt like that in the -- into the
24 Adirondack press office, because I was in the
25 Adirondacks. And they made fun of me for

1 wearing a lumberjack-type shirt because I was
2 in the Adirondacks, which -- like, it was the
3 quintessential Adirondack shirt that you would
4 wear. So I may have said, "That's a
5 lumberjack shirt."

6 Q. So you remember you've read that
7 that was something she alleged?

8 A. Yes.

9 Q. So --

10 MS. GLAVIN: When -- you know,
11 when you say you've "read," I want to be
12 sure about this. Like, you were aware
13 of it?

14 THE WITNESS: I was aware that
15 she said she was wearing a lumberjack
16 shirt, and I said something that it was
17 a lumberjack shirt. I may have said
18 that. I don't remember saying it but I
19 may have said it.

20 BY MS.

21 Q. You don't remember it for sure
22 but you may have said it?

23 A. Yes.

24 Q. Have you ever say anything about
25 her not wearing makeup on a particular day,

1 and say, Did you decide not to wear make up
2 today? Or words to that effect?

3 A. I don't remember saying that.

4 Q. How about when she came in
5 and -- have you ever said anything -- do you
6 remember saying anything to her to the effect
7 of, "Did you decide not to get ready today"?

8 A. I don't remember saying anything
9 like that.

10 Q. Do you remember why she left the
11 executive chamber?

12 A. She -- she did not work out on
13 the telephone. And I asked her a number of
14 times to please learn how to transfer a call
15 because it's -- it's just hard to conduct
16 business when the person keeps dropping calls.
17 You know, you call an important person, and as
18 governor you have a lot of people calling.
19 But she just didn't work out. That was my
20 main interface with her was the telephone
21 calls.

22 Other offices interfaced with her
23 on other things that she had to do. And there
24 were just people who felt she wasn't good at
25 what she was supposed to be doing. And I

1 don't think I ever recommended moving her, but
2 I think the decision was basically made that
3 they would move her, and that's what happened.

4 Q. Do you know where she went?

5 A. No, they moved her to a different
6 position.

7 Q. Are you aware of anyone in the
8 executive chamber reaching out or talking to
9 someone to reach out to her after Lindsey
10 Boylan's tweets in December of last year?

11 A. I was not aware. I am now aware
12 that someone did.

13 Q. Okay. What did you -- what are
14 you aware of?

15 A. I'm now aware -- oh, I do know
16 which one. She was in an office with **Staffer #6**

[REDACTED] who worked here at the time, then went
18 to the **Staffer #6**, who was friends
19 with her who called her.

20 Q. And how did you learn this?

21 A. I learned this getting ready
22 for -- over the past couple of weeks.

23 Q. I see. And at the time that
24 **Staffer #6** was reaching out to her, were
25 you aware of it?

1 A. I don't remember anything about
2 that at the time.

3 Q. And did you learn that she was
4 asked to record that call with Kaitlin [REDACTED]

5 A. I was not aware of that --

6 Q. Okay.

7 A. -- until recently.

8 MS. CLARK: I'm not sure we
9 covered this. We started to talk about
10 that she might have helped you with the
11 computer.

12 Do you ever recall an incident
13 where she was bent over the computer and
14 you were sitting behind her?

15 THE WITNESS: The computer is
16 right here at my desk. The computer is
17 on the desk in front of me. I got stuck
18 somewhere on the computer, so I asked
19 her to come help on the computer.

20 And I moved to the side, and she
21 came and was working on the computer,
22 but I had to look at the computer screen
23 also to tell her what to do. That's
24 what she's referring to.

25 MS. CLARK: Was she standing?

1 THE WITNESS: She was standing.

2 MS. CLARK: So she had to bend
3 over to type on the computer and look at
4 the screen?

5 THE WITNESS: A little bit
6 because, you know, the computer is on
7 the desk. It's desk level.

8 MS. CLARK: Do you recall what
9 she was wearing?

10 THE WITNESS: No.

11 MS. CLARK: Was she wearing a
12 skirt?

13 THE WITNESS: I don't know. She
14 says she was wearing a skirt, but I
15 don't know. But I had to look at the
16 screen also to tell her what to click,
17 you know, on whatever I was trying to
18 get accomplished.

19 BY MR. KIM:

20 Q. So we already covered a number of
21 questions we had about Alyssa McGrath, but
22 just a couple more.

23 Do you remember talking to her
24 about her divorce?

25 A. No, I don't remember talking to

1 her about her divorce.

2 Q. Would you describe her as more or
3 less chatty than Brittany?

4 A. Less. Much less chatty.

5 Q. Okay. Did you ever look down her
6 shirt?

7 A. No. And the situation she
8 recounts, she was on the other side of a desk
9 from me, both seated. I don't even know
10 physically how one could do that. But no, I
11 don't recall ever looking down her blouse, no.

12 Q. Okay. Do you remember ever
13 commenting on a necklace she was wearing?

14 A. I don't remember that, but I
15 could very well have done that. She was very
16 nervous when she came in. She did not come in
17 often. I don't mean to disparage her
18 but -- you know, if it weren't Stephanie,

19 EA #3 , EA #2 Brittany, then it was Alyssa.

20 And she didn't have much exposure
21 on the dictation and the typing. Frankly she
22 was not really proficient at it, and she was
23 very nervous when she would come in.

24 So I would try to put her at
25 ease. It's very capable -- very possible that

1 I said "That's a nice necklace," just
2 something to sort of make her feel more at
3 ease, and because she was obviously very
4 nervous.

5 Q. Do you remember ever talking
6 about a necklace that was a pendant of Virgin
7 Mary and an Italian horn? Does that jog your
8 memory?

9 A. That -- if I had seen that -- I
10 don't remember it, but if I had seen that,
11 that would have been something that I could
12 have talked about just to make her feel more
13 at ease.

14 Q. But you don't have a specific
15 recollection of it?

16 A. No, but that's very Italian, the
17 Italian horn and the Virgin Mary. So
18 it's -- I may have said, "The Italian horn, do
19 you know what that means?"

20 It was just something to have
21 some conversation to make her feel more
22 comfortable.

23 MS. CLARK: Did you ever see
24 Ms. McGrath and Ms. Commisso doing
25 stretches in the office?

1 THE WITNESS: No, not that I
2 recall.

3 Q. Do you know someone by the name
4 of Ana Liss?

5 A. I don't remember Ana Liss. I'm
6 just familiar with her narrative.

7 Q. So if you look at Tab 3, that's
8 Ana Liss.

9 A. Okay.

10 Q. Do you remember -- does -- do you
11 remember her working in the executive chamber?

12 A. I still don't remember her.

13 Q. Okay. Do you remember someone --
14 you don't -- looking at this, you don't
15 remember her?

16 A. No.

17 Q. Do you remember anyone who worked
18 as an assistant for Howard Glaser who came
19 over?

20 A. I believe she was -- I've been
21 told that she was the assistant to Howard
22 Glaser who's Karen Hinton's husband who worked
23 with me.

24 Q. So since you don't remember her,
25 I assume questions about whether you hugged

1 her or what you called her or your
2 interactions, you don't remember anything?

3 A. I don't have no recollection
4 about her.

5 MS. CLARK: Let's go back to Ms.
6 McGrath for a minute. Was -- did you
7 know that she was of Italian heritage?

8 THE WITNESS: She told me that.

9 MS. CLARK: Did you ever speak
10 with her or to her in Italian?

11 THE WITNESS: I tried but she
12 didn't understand any Italian.

13 MS. CLARK: Do you recall
14 anything you said to her in Italian?

15 A. She says I said, "Ciao, Bella,"
16 which I may very well have.

17 MS. CLARK: Do you recall -- you
18 said she said that. Do you recall -- do
19 you recall anything that you said to her
20 in Italian?

21 THE WITNESS: No, but if she were
22 Italian, I may very well have said,
23 "Ciao, Bella," because that's something
24 you think an Italian person might have
25 heard before. But apparently, according

1 to her story, she hadn't heard it.

2 MS. CLARK: You don't recall
3 anything else you said to her in
4 Italian?

5 THE WITNESS: No. No. If they
6 don't understand "Ciao, Bella," there's
7 not going to be much other.

8 BY MR. KIM:

9 Q. Do you remember attending Gareth
10 Rhodes' wedding?

11 A. Yes.

12 Q. And you've read the -- or you've
13 heard of the reporting about --

14 A. Yes.

15 Q. Have you seen those pictures?

16 A. I saw it in the New York Times.

17 Q. Okay. If we can turn to Tab 82.

18 That's the New York Times article and there's
19 a picture there.

20 A. Okay.

21 Q. Do you remember kissing this
22 woman?

23 A. No.

24 Q. Okay. Do you remember, sort of,
25 approaching her and touching her on the back

1 first?

2 A. No.

3 Q. Do you remember her pushing your
4 arm away because you had touched the bare part
5 of her back?

6 A. No, I don't recall that, and I
7 would have recalled it.

8 Q. You would've recalled if --

9 A. Somebody pushed my arm away?
10 Yes.

11 Q. Okay. Do you remember saying,
12 like, "Wow, that's aggressive"?

13 A. No.

14 Q. Do you remember asking
15 her -- saying to her, "May I kiss you?"

16 A. I don't remember saying that, but
17 that is something that I have done recently as
18 I told you.

19 Q. Do you remember kissing her?

20 A. I don't remember kissing her, no.

21 Q. So you -- you don't have a
22 specific recollection of kissing her?

23 A. No.

24 Q. Okay. Do you remember kissing on
25 the cheek many people that evening?

1 A. Yes.

2 Q. Okay. About how many people?

3 A. 50.

4 Q. Okay. Did you ever call Gareth
5 Rhodes after this New York Times article?

6 A. I don't think I ever spoke to
7 Gareth Rhodes about this New York Times
8 article.

9 Q. Okay. You don't remember calling
10 him after this?

11 A. I may have called him, but I
12 don't remember ever discussing this woman with
13 him.

14 Q. Okay. How about generally the
15 wedding? Do you remember a call to him?

16 A. The call -- a call to him, what,
17 about the wedding?

18 Q. Okay. Let's step back. When's
19 the last time you've spoken to Gareth Rhodes?

20 A. A few months ago.

21 Q. Okay. And was it in person or by
22 phone?

23 A. By phone.

24 Q. Okay. Did you call him or did he
25 call you?

1 A. I don't recall who called whom.

2 Q. Okay. And what did you talk
3 about?

4 A. We talk about -- COVID tends to
5 be the conversation that we talk about.

6 Q. Mm-hmm. And what did you say?

7 A. We're just talking about the
8 COVID and the vaccines and the vaccine
9 roll-out. He was on COVID duty for -- almost
10 from day one. And he was very involved in
11 first the testing role out and then the
12 vaccination role out.

13 Q. And when did he leave the
14 executive chamber, Gareth Rhodes?

15 A. He left a while ago. He had
16 wanted to leave -- he was supposed to come
17 first for six months and then it was eight
18 month and then it was nine months. He had
19 wanted to leave a number of times. I kept
20 pushing back the deadline.

21 He said, "Look, I'm just burnt
22 out," because it was seven days a week, 24
23 hours a day. It's just over and over and
24 over. And he said at one point, you know, "I
25 just -- I can't do it."

1 And I said, "All right. Give me
2 until X." And then he gave me until X time,
3 and then he left. He didn't leave, he just
4 went back to DFS.

5 Q. On this call with Gareth Rhodes,
6 do you remember apologizing to him?

7 A. I may have apologized because it
8 was a hellacious year. And the vaccination
9 roll-out was just hellacious. And he was in
10 charge of literally setting up hundreds of
11 sites around the state to move out the
12 vaccines. And I was pushing very, very hard
13 to get the vaccines out.

14 Everything was to hit that
15 70 percent vaccination rate which was, quote,
16 unquote -- it was the national goal, and it
17 was a critical mass where you believed you
18 could slow COVID. But that meant you had to
19 do 70 percent of 19 million vaccinations.

20 So we had National Guard, we had
21 hospitals, we had Yankee Stadium. Literally
22 hundreds of impossible sites set up. And that
23 was all on him. And it was 24 hours a day.
24 And every day was -- it was just not enough,
25 not enough, not enough. And he killed

1 himself.

2 MS. GLAVIN: Is -- is it fair to
3 say you put him under a lot of pressure
4 as well?

5 THE WITNESS: Yes. Yes. Well, I
6 was under a lot of pressure, and he was
7 the instrumentality for getting it done,
8 with other people but he was in many
9 ways the point person with Larry
10 Schwartz.

11 Q. And in the call, do you remember
12 apologizing to him for being particularly
13 difficult and harsh on -- on a particular
14 issue or --

15 A. It was the vaccination role-out,
16 as far as I know. That was the main issue.

17 Q. Do you remember apologizing to
18 him for -- to him for being particularly
19 difficult to him?

20 A. I don't remember the specific,
21 but I could have very well said something to
22 him like, "Look, I'm sorry. I know it was a
23 horrendous period, and I know I was a pain in
24 the neck, and I know it was an impossible
25 position."

1 And he wanted to leave. He's a
2 newlywed, and his wife wanted him home. And
3 it was really -- governmentally, it was
4 probably the most challenging period, not just
5 for me and the state, but for the country.
6 And he was fantastic.

7 Q. How about about the wedding? Did
8 you talk to him about the wedding?

9 A. I don't think I ever talked to
10 him about the woman.

11 Q. Or the wedding?

12 A. The wedding.

13 Q. In that call, saying what
14 happened, what -- what happened at the
15 wedding?

16 A. I don't think I ever talked to
17 him about Anna Ruch. By the way, this gesture
18 of the touching of the face, I do this
19 hundreds of times. Younger children, old men,
20 transgender people, the touching of the face I
21 do very often.

22 And on your vignette about moving
23 my hand off her back, was that before I said,
24 "Can I kiss you"?

25 Q. Just asking the question if you

1 remember anything --

2 A. No, I'm saying -- but by your
3 facts. Because if anyone's --

4 Q. I have no facts. You can -- you
5 can read the article about her allegations.
6 You're free to do that.

7 MS. GLAVIN: Do you -- do you
8 remember this incident at all?

9 THE WITNESS: No.

10 Q. These are not my facts. I'm
11 just -- these are the allegations. We're
12 asking you questions about them.

13 A. Okay.

14 Q. I understand you may find some
15 offense that we're asking these questions, but
16 that's part of what we have to do.

17 Do you remember going to a public
18 event at [REDACTED] in September of 2019?

19 A. No. What was the event?

20 Q. If you go to Tab 16. And this is
21 your -- tell me when you're there.

22 A. Yup.

23 Q. Tab 16 on September [REDACTED] 2019,
24 there's a [REDACTED]

25 [REDACTED]

1 Do you remember going to this?

2 A. No. What is this?

3 Q. It's an event at --

4 A. Yeah, I know, but do you know
5 what [REDACTED] means?

6 Q. That's what -- that's the
7 information we have.

8 A. Yeah, I don't remember it.

9 Q. [REDACTED]

10 [REDACTED]

11 A. I still don't remember it.

12 Q. Do you remember taking pictures
13 at that event? Probably not because you don't
14 remember --

15 A. No, because I don't remember
16 being at the event.

17 Q. Do you remember touching anyone
18 on the butt at that event?

19 A. No.

20 Q. Do you remember -- if you can
21 turn to Tab 7. And you see there's an event
22 at the Salmon River -- the second page, the
23 "Salmon River land acquisition and fishing
24 announcement"?

25 A. Yes.

1 Q. Do you remember going to that
2 event?

3 A. No.

4 Q. Do you -- have you heard of an
5 energy company called **Energy Company** ?

6 A. Yes.

7 Q. How do you know **Energy Company** ?

8 A. It's a big energy company.

9 Q. Do you remember being at an event
10 where you met anyone who worked at **Energy**
11 **Company**

12 A. No.

13 Q. Do you remember ever seeing
14 anyone who was wearing a T-shirt that said
15 "**Energy Company** " on it?

16 A. No.

17 Q. Do you remember ever running your
18 fingers across the chest of someone who was
19 wearing a T-shirt that said **Energy Company** ?

20 A. No.

21 Q. Do you remember ever running your
22 hand across the chest of someone and then
23 saying words to the effect of, "Now I'm going
24 to have to say I swatted a bee away"?

25 A. What? No, no.

1 Q. A bee, swatted a bee.

2 A. I have no recollection of that.

3 Q. Do you remember in May of last
4 year your getting a naval -- nasal swab on
5 live TV?

6 A. Yes, I remember the nasal swab.

7 Q. Okay. If you look at Tab 25.

8 A. Okay.

9 Q. And this is a picture from that
10 event.

11 A. Yup.

12 Q. And --

13 MS. GLAVIN: Just one moment.

14 Technical difficulty.

15 A. Okay.

16 Q. And do you remember the doctor
17 who gave you the nasal swab?

18 A. No.

19 Q. You don't -- you don't remember
20 her name?

21 A. No.

22 Q. Do you remember saying on that
23 day, while she approached you, saying,
24 "Doctor, you make that gown look good?"

25 A. On TV?

1 Q. Or -- yeah.

2 A. No, but if I said it on TV, it
3 would be on TV.

4 Q. Yeah. Okay. Well, if you look
5 at the transcript of the press conference,
6 which is Tab 26, page 7 of 9 -- 7 of 19.

7 A. Yup.

8 Q. And you say it's -- at 17:51,
9 17:52 you say:

10 "You make that gown look good"?

11 A. Yeah.

12 Q. Do you remember saying that?

13 A. No, but it says it, that I said
14 it.

15 Q. Do you remember preparing for
16 this press conference with her and others
17 prior to stepping out there?

18 A. No.

19 Q. And do you remember anything you
20 said to her prior to that?

21 A. No.

22 Q. Do you remember there was, like,
23 some discussion about not swabbing too high
24 and not going -- don't go all the way up to
25 the brain?

1 A. I don't remember saying that.
2 But, you know, I was probably trying to make
3 her feel comfortable and tell jokes or put her
4 at ease.

5 Q. And do you remember her saying
6 that she'll be gentle but accurate?

7 A. No.

8 Q. And do you remember making any
9 joke about the phrase "gentle and accurate"?

10 A. No.

11 Q. We've -- we saw the pin exchange
12 earlier about Karen Hinton where you were
13 writing some things. You recall that there
14 was a Washington Post article with Karen
15 Hinton alleging some things recently?

16 A. Yes.

17 Q. Did you read that or was that
18 communicated to you?

19 A. It was just communicated to me.

20 Q. And if you look at the pin,
21 Tab 95.

22 A. Right.

23 Q. At the bottom, it says:

24 "Karen Hinton is delusional or
25 just lying. A hug 20 years ago which

1 she never mentions."

2 Do you see that?

3 A. Yes.

4 Q. So you -- you were aware that one
5 of her allegations was of a hug with you a
6 long time ago. Right?

7 A. Yes.

8 Q. And -- and you say she's
9 delusional, lying.

10 Is your -- do you remember giving
11 her a hug in a hotel in Los Angeles 20 years
12 ago?

13 A. No.

14 Q. Okay. You don't remember it one
15 way or the other?

16 A. I don't remember hugging her 20
17 years ago.

18 Q. Okay. Are you sure that it
19 didn't happen, that you didn't hug her?

20 A. If it -- my point on the Karen
21 Hinton piece was if it did happen the way she
22 says it happened, her entire behavior since
23 then makes it virtually impossible to be a
24 fact.

25 20 years ago, she then comes to

1 volunteer in my campaign. That's what I'm
2 referring to. The next year she comes up
3 here, volunteers her time, says the most
4 glowing things about me.

5 And then I know her for another
6 20 years. Her husband works for me. She goes
7 to work for de Blasio, says all sorts of
8 things. Never mentions it to anybody, her
9 best friends, et cetera.

10 Q. But what did -- what did you
11 understand that her allegation was? That if
12 you -- did you --

13 A. That I hugged her closely,
14 basically against her will, and was aroused.

15 MS. GLAVIN: I just want to
16 follow up.

17 Did you understand Ms. Hinton to
18 be saying you made a sexual advance on
19 her in a hotel room? Is that what you
20 understood she was saying?

21 THE WITNESS: Basically that I
22 was hugging her. I don't know if she
23 said "against my will," but that I
24 hugged her in a hotel room.

25 Q. Okay. So if you look at Tab 96,

1 it's the article. And you go to page 6.

2 A. Yeah.

3 Q. And she -- the second paragraph
4 on that page, she described it as a "very
5 long, too long, too tight, too intimate" hug.

6 Do you see that?

7 A. Yeah.

8 Q. And a little further down, she
9 said Hinton did not explicitly describe it as
10 harassment:

11 "When asked if she viewed the
12 encounter as harassment, Hinton did not
13 explicitly describe it that way but said
14 there was a 'power dynamic' at play."

15 Do you see that?

16 A. Yeah.

17 Q. So was it your understand that
18 she described a close, intimate hug that she
19 didn't -- did not describe as harassment?

20 A. I understand that now.

21 Q. But you didn't -- did you
22 understand that previously?

23 A. I didn't understand -- I didn't
24 understand whether she considered it
25 harassment or not harassment.

1 Q. But just a -- a close, tight hug,
2 is that something you've never done with Karen
3 Hinton?

4 A. Not nonconsensual.

5 Q. Was it your understanding that
6 she said it was a nonconsensual hug?

7 MS. GLAVIN: If you could read
8 the first page, Governor, the very
9 second sentence of the article.

10 THE WITNESS: "She pulled away
11 from Cuomo but he pulled her back toward
12 his body, holding her before she backed
13 away and left the room."

14 That sounds nonconsensual or
15 forcible to me.

16 Q. So you don't recall any hug where
17 she either, sort of, backed off --

18 A. No.

19 Q. -- and come back in?

20 A. No.

21 Q. But you have hugged her?

22 A. Yes, many times. Known her for
23 20 years since then.

24 Q. After the allegations of sexual
25 harassment have come out, did you have any

1 discussions with anyone in the executive
2 chamber about making potential changes in the
3 executive chamber or ways to improve the
4 procedures or culture?

5 A. Yeah, we're talking to people
6 about it.

7 Q. Okay. Who are you talking to?

8 A. We're talking to a number of
9 experts about it.

10 Q. And what are you talking about?

11 MS. GLAVIN: Again, you don't
12 want to get into any privileged
13 discussions with counsel, but you're
14 aware that they're speaking to workplace
15 consultants?

16 THE WITNESS: Yes.

17 Q. I mean, are they lawyers?

18 A. Lawyers are speaking to them.

19 Q. If you go to Tab 86.

20 A. Yeah.

21 Q. And you see this is an e-mail
22 exchange. There's parts of this that's
23 drafted. If you go to page 3, the one
24 that -- at the bottom, -3877.

25 A. Yes.

1 Q. And the bottom two paragraphs, it
2 says:

3 "In the meantime, I want to take
4 additional action. I'm going to bring a
5 private firm to train all my staff,
6 myself included, as the highest
7 standards of appropriate workplace
8 interaction."

9 A. Yes.

10 Q. Is this something that you've
11 already started?

12 A. Yes.

13 Q. And is the -- what's the name of
14 the firm that you obtained?

15 A. That is being done through
16 counsel.

17 Q. Are you aware of the name of the
18 firm?

19 A. I'm -- there are a number of
20 firms that are engaged and through counsel.

21 MS. GLAVIN: You're aware that
22 there's been outreach -- to do
23 this --

24 THE WITNESS: Yes.

25 MS. GLAVIN: -- and that someone

1 else is responsible for this --

2 THE WITNESS: Yes.

3 MS. GLAVIN: -- in the chamber?

4 Okay.

5 MR. KIM: Are you taking the
6 position that the name of the firm is
7 privileged?

8 MS. GLAVIN: No. I just
9 don't -- I -- I'm not sure that he
10 knows --

11 MR. KIM: I understand. So that
12 may be the answer.

13 MS. GLAVIN: -- the names off the
14 top -- yeah. I'm not sure.

15 Do you know the names off the top
16 of my head?

17 THE WITNESS: No.

18 MS. GLAVIN: Okay.

19 BY MR. KIM:

20 Q. But your understanding is a
21 number of firms have been retained --

22 A. Yes.

23 MS. GLAVIN: Yeah, now, I don't
24 know if they've been retained.

25 But --

1 A. Retained. There's
2 been -- they're talking to a number of firms
3 about the best way to do it.

4 Q. Okay. When -- when -- when did
5 that happen?

6 A. That's been happening for a
7 period of time.

8 Q. Okay. It also says:

9 "I also want to engage a firm
10 that will be available to any employee
11 who wants to make a complaint that may
12 feel uncomfortable going through formal
13 government channels."

14 A. Right.

15 Q. Is that something that --

16 A. That's underway also.

17 Q. Okay. And do you know which firm
18 has been engaged to do that?

19 A. I know they're talking about a
20 contracting mechanism and how to expedite the
21 contracting mechanism to do it without going
22 through a full bid process, et cetera.

23 Q. And who is the "they"?

24 A. The executive chamber.

25 Q. The lawyers there?

1 A. A number of people are involved.

2 Q. Who are the people who are
3 involved?

4 A. Senior staff and counsels.

5 Q. Okay. Melissa DeRosa, is she
6 involved?

7 A. Yes.

8 Q. What other senior staff?

9 A. Counsels' office and I don't know
10 how many members of the senior staff are
11 involved.

12 Q. And it's your understanding that
13 a firm has already been reached out to for
14 that?

15 A. They're talking to a number of
16 firms. The contracting process is difficult,
17 because you normally have to do a notification
18 and a bid package, which can take months. So
19 we're looking for a way to streamline that.

20 Q. Okay. But it's your
21 understanding that they've already started
22 talking to people?

23 A. Yes.

24 Q. Where did you gain that
25 understanding?

1 A. From -- I don't know if I got it
2 from senior staff or from counsel.

3 Q. Okay. But you don't know the
4 names?

5 A. I don't know the names of
6 the -- the ones they're talking to.

7 MS. CLARK: Speaking of formal
8 government channels, I'd asked you about
9 GOER and Ms. Commisso.

10 Has anyone from GOER reached out
11 to ask you about Ms. McGrath?

12 THE WITNESS: I don't believe so.

13 BY MR. KIM:

14 Q. I'm going to run by with you some
15 jokes or comments, and you tell me if it
16 sounds like something you recall saying or
17 not.

18 Do you remember ever joking to
19 anyone who was pregnant saying -- and joking,
20 "I'm not the father," someone --

21 A. I don't recall saying that.

22 Q. Okay. Do you -- do you recall
23 saying a joke about old bulls and young bulls?
24 Have you ever said a saying about old bulls
25 and young bulls?

1 A. I don't recall a saying about
2 bulls, no.

3 Q. Do you ever remember saying to
4 anyone in the press shop or otherwise that
5 you're looking for good one-liners and giving
6 the example of something being like sex
7 without the orgasm?

8 A. No. I do remember asking the
9 press office for good one-liners.

10 Q. But never one that involved
11 saying something like "sex without the
12 orgasm"?

13 A. I don't even understand what that
14 means, no.

15 Q. Okay. Do you remember ever
16 joking to anyone that you helped legalize
17 sodomy?

18 A. No. We didn't -- no.

19 Q. Do you -- do you remember ever
20 making any comments or jokes about the Emmy
21 statue that you won?

22 A. I've joked about winning the Emmy
23 statue, but no jokes about the statue itself.

24 Q. How about how the statue was
25 buxom? Do you remember saying anything like

1 that?

2 A. No, I'm not even sure if the
3 statue is buxom.

4 Q. But you don't remember saying
5 anything like that?

6 A. No.

7 Q. Have you commented on or joked
8 about the size of your hands?

9 A. No.

10 Q. You've never commented on the
11 size of your hands?

12 A. No.

13 MS. GLAVIN: Are you --

14 A. My brother jokes about my hands.
15 And he says my fingers, I have banana fingers.
16 My fingers look like bananas. He means that
17 in a teasing but nonflattering light. But I
18 don't think anyone else ever heard him say
19 that.

20 Q. But you've never commented on
21 your hands to your recollection?

22 A. No.

23 Q. Have you ever held -- held hands
24 with any of your staffers, female staffers?

25 A. I'm sure I have.

1 Q. Okay. In what context?

2 A. Wedding, funeral, something like
3 that, I could have. In church where they have
4 you hold hands.

5 Q. Can you look at Tab 2 of this
6 document, of the binder? And this I'll tell
7 you is the document subpoena that we had
8 served on you through counsel.

9 A. Okay.

10 Q. What did you do to respond to the
11 document subpoena that you received?

12 A. I turned everything over to my
13 attorneys.

14 Q. And by everything, what are you
15 referring to?

16 A. Everything that was possibly
17 relevant, and then they went through and
18 picked what was responsive.

19 Q. Okay. So you handed
20 over -- handed over your BlackBerry?

21 A. Yes.

22 Q. Okay. Did you hand over your
23 phone --

24 A. Yes.

25 Q. -- iPhone?

1 Anything else? Did -- did you
2 have any e-mail accounts?

3 A. I don't have any e-mail accounts.
4 I have nothing but the BlackBerry and the
5 iPhone.

6 Q. How about any other -- any hard
7 copy documents?

8 A. I gave them whatever I had. But
9 I don't really have hard copy documents.

10 Q. What did you have? Did you have
11 handwritten notes or things like that?

12 A. I had some handwritten notes, but
13 really most of what I do is on -- typed by
14 Stephanie or one of the women so it's in
15 the -- their files.

16 Q. But you did hand over some hard
17 copy documents?

18 A. Yes.

19 Q. Where did you keep those? Where
20 were they from?

21 A. They were from whatever I had.

22 Q. Okay. So about how many pages of
23 handwritten notes were there?

24 A. I don't recall.

25 Q. Okay. What else did you hand

1 over? Some handwritten notes, phone, and
2 BlackBerry?

3 A. Well, the phone and the
4 BlackBerry has almost every communication and
5 document that I've done.

6 Q. So other than BlackBerry phone
7 and some handwritten notes, anything else that
8 you looked up and handed over?

9 A. Well, then Stephanie was in
10 possession of everything.

11 Q. So did she look up files for you?

12 A. She gave me -- well, she got the
13 same basic subpoena. So I don't know what she
14 gave to her attorneys versus what she gave me.

15 Q. Are there any other documents
16 that you're aware of that might be
17 relevant --

18 A. No, sir.

19 Q. -- that you haven't handed over?

20 A. No, sir. Not on this phase of
21 the investigation, no.

22 MR. KIM: I think, unless my
23 colleagues have anything, that concludes
24 it for us. We can give you an
25 opportunity to take a break and if --

1 MS. GLAVIN: Yeah, why don't we
2 take ten, and so we just -- we can just
3 figure out if we need to ask any
4 questions or anything.

5 MR. KIM: And then we'll go back
6 on the record and close it out.

7 MS. GLAVIN: Sounds good.
8 Thanks, Joon.

9 THE VIDEOGRAPHER: The time is
10 6:41 p.m. This concludes Media 7. Off
11 the record.

12 (Recess taken from 6:41 p.m. to
13 6:58 p.m.)

14 THE VIDEOGRAPHER: The time is
15 6:58 p.m. This begins Media 8. On the
16 record.

17 MS. GLAVIN: Good to go? Okay.
18 We are hitting the 11th hour.

19 EXAMINATION BY

20 MS. GLAVIN:

21 Q. Governor, much earlier today, a
22 number of hours ago. You were asked a series
23 of questions by Mr. Kim regarding Stephanie
24 Benton and what she is authorized to sign on
25 your behalf.

1 And I think there were questions
2 from Mr. Kim along the lines about whether she
3 signs legislation or executive orders and the
4 scope of what she's authorized to sign.

5 Can you just speak to that
6 specifically?

7 A. Yes. It's a -- it's a nuance,
8 but it's an important one. Stephanie can
9 authorize the auto signature. And the auto
10 signature actually does the signature as
11 opposed to Stephanie.

12 Q. And with respect to --

13 A. So with respect to legislation or
14 an executive order or something like that, she
15 authorizes the auto pen. The auto pen does
16 the signature.

17 Q. And that comes from a decision by
18 you in the chamber that it be signed?

19 A. Yes, I decide to sign it. But
20 she can authorize the auto pen, and the auto
21 pen actually does the signature.

22 MS. GLAVIN: I think that is it
23 from our end.

24 There is one thing I wanted to
25 put on the record. A few minutes ago,

1 as you followed up, as I would expect
2 you would, Mr. Kim, about the governor
3 providing counsel with hard copy
4 documents.

5 I just want to let you guys know,
6 we've provided everything responsive.
7 What the governor was referring to is
8 exchanges he's had with his counsel over
9 the course of the last number of weeks,
10 and all of that would be privileged and
11 confidential. Okay.

12 MR. KIM: Okay. Yeah, we have a
13 pending request for just a certification
14 of completion to be done.

15 MS. GLAVIN: Yeah.

16 MR. KIM: So we can talk about
17 that off.

18 MS. GLAVIN: Yeah, that's fine.

19 MR. KIM: Did you all have
20 anything?

21 THE WITNESS: Finalmente?

22 MR. KIM: So I think no more
23 questions from us. Governor, thank you
24 for your time.

25 THE WITNESS: I would like to say

1 it was a pleasure, Mr. Kim. But I'm
2 under oath.

3 MR. KIM: We do have one request
4 off the record.

5 THE VIDEOGRAPHER: The time
6 is -- the time is 7 o'clock p.m. This
7 ends Media 8 of 8 of today's
8 investigation. Off the record.

9 (Time noted: 7:01 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

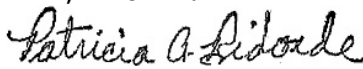
COUNTY OF NASSAU)

I, PATRICIA A. BIDONDE, a Notary
Public within and for the State of New
York, do hereby certify:

That ANDREW CUOMO, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me, and that
such deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this day,
July 21, 2021.



PATRICIA A. BIDONDE
Stenographer
Registered Professional Reporter
Realtime Certified Reporter