

STATE OF NEW YORK
COMMISSION ON PUBLIC INTEGRITY

-----X

In the Matter of

An Investigation into the Alleged
Misuse of Resources of the Division
of State Police

-----X

INTERVIEW OF WILLIAM F. HOWARD, taken at 123 William Street, New
York, New York, on Wednesday, June 25, 2008, at 2:00 p.m., before STEVEN KLEIN,
a Shorthand Reporter and Notary Public within and for the State of New York.

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A P P E A R A N C E S:

HERBERT TEITELBAUM
Executive Director
Commission on Public Integrity

BARRY GINSBERG,
General Counsel

HOGART, NEWMAN, REGAL
& KENNEY, LLP
Attorneys for the Witness



BY: FREDERIC S. NEWMAN, ESQ.

* * *

1 W I L L I A M F. H O W A R D,
2 called as a witness, having been first duly
3 sworn by a Notary Public of the State of New
4 York, was examined and testified as follows:

5 EXAMINATION BY

6 MR. GINSBERG:

7 Q Mr. Howard, would you state your
8 name for the record, please.

9 A William F. Howard.

10 Q I appreciate you coming down.

11 Mr. Howard, you previously
12 testified in connection with this
13 investigation; do you recall that?

14 A I do.

15 Q And I'm going to be asking you
16 some follow-up questions pertaining to your
17 prior testimony.

18 I will say if at any time when a
19 question is not pending that you want to
20 consult with your attorney, if you make a
21 request for that, we'll grant that request.

22 A Thank you.

23 Q Let me show you what has
24 previously been marked as Commission Exhibit
25 23. I believe you were shown this document

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2 Q Prior, other than before the
3 Commission?

4 A Yes.

5 Q So we can get to some questions
6 regarding it, can you briefly describe what
7 your understanding is of this document.

8 A It is a document that's marked as
9 Exhibit 23.

10 The document is three separate --
11 yes, three separate trips involving Senator
12 Bruno to New York City.

13 Q And if I recall your prior
14 testimony correctly, you had been asked by
15 Darren Dopp, who at the time was
16 Communication Director of the Executive
17 Chamber, to get information such as this,
18 correct?

19 A Yes.

20 Q From whom did you receive this
21 document?

22 A I received this from Preston
23 Felton.

24 Q And at the time he was the Acting
25 Superintendent of the State Police; is that

Howard

correct?

A Yes.

Q After you received this document, did you show it to Darren Dopp?

A I did, I walked it down to his office, and showed him this document.

Q Do you remember about when that was?

MR. GINSBERG: Withdrawn.

Q In relation to when you received it, when did you do that?

A In short order after receiving it.

Q The same day?

A Yes.

Q Within minutes?

A The same day.

Q Was anyone else in his office when you came in with this document?

A No.

Q Did you have any other documents with you when you went into his office?

A No.

Q What was the reason you went down

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1 Howard
2 there with this document to Mr. Dopp's
3 office?

4 A He had asked for me to see if I
5 could have the document put together. I got
6 the document and brought it down.

7 Q And you showed him the document?

8 A Yes.

9 Q Did you have any conversation
10 regarding it?

11 A He had a response -- I left the
12 document with him, and then I received
13 another call from him to come down.

14 I went down to his office, and he
15 asked if the document could be separated into
16 separate pages.

17 Q How long after you initially
18 brought him the document did you receive that
19 phone call?

20 A I was barely back in my office
21 when I got that call.

22 Q A matter of minutes?

23 A Yes.

24 Q How long after you got the phone
25 call were you back in his office?

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2 A Within minutes. As soon as I got
3 the call, I went down to his office.

4 Q Can you estimate how long from
5 the time you first came to him?

6 A Within minutes.

7 Q When you came back the second
8 time, was anyone else in his office?

9 A No.

10 Q And did you have a discussion
11 regarding this document at that time?

12 A Yes. He asked if the document
13 could be put into separate pages.

14 He asked if some sort of heading
15 could be put onto it.

16 I did make a reference to this in
17 the last note on the document.

18 Q Go ahead.

19 A In an unknown hand there is a
20 notation which said "bond paper" on this
21 document.

22 That is not something that I ever
23 recall. It's not a word or phrase that I
24 generally would use.

25 I don't remember asking -- when I

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1 Howard
2 went back to my office and spoke to Preston
3 Felton, I don't remember telling him that I
4 needed this on bond paper, I just asked for
5 separate sheets, with some sort of heading.
6 I didn't indicate to him, I don't think, what
7 I wanted on the heading.

8 Q Just so we are clear, the comment
9 you got back from Mr. Dopp was to make some
10 changes in format with respect to this
11 information; is that correct?

12 A To separate it out into separate
13 pages, put it into separate pages, each block
14 into separate pages.

15 Q By "each block," what do you
16 mean?

17 A On this document there is a May
18 3rd and 4th, a May 17th, and there is a May
19 24th. To have each one of those sections put
20 into a separate page document.

21 Q And none of the separate blocks,
22 as you refer to them, have any sort of a
23 heading; is that fair to say?

24 A That's correct.

25 Q Did you have a discussion with

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2 Q And when you started your
3 conversation with Mr. Felton, how did he know
4 what document you were referring to?

5 A I think this is all a very short
6 time frame.

7 He didn't ask the question as to
8 what I was referring to. He seemed to have a
9 knowledge of what I was referring to.

10 Q By his responses, you took him to
11 understand what you were referring to?

12 A Yes.

13 Q With respect to this issue of the
14 headings, did you have any discussion with
15 Mr. Felton on that point?

16 A I'm sure I had a general
17 discussion to put a heading on it.

18 I don't recall giving him the
19 exact language of what that heading would be.

20 Q When you say you had a general
21 discussion, can you recall at all what you
22 said?

23 A I don't know if Darren was
24 specific in what he wanted in the heading.

25 He made this signal with his hand

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Mr. Dopp's office the second time?

A Yes.

Q Can you place it in the time of day?

A Not with accuracy.

MR. TEITELBAUM: Can you give us the day?

THE WITNESS: No. It has just been so long a period of time that I cannot recall.

It would be whenever this document was given to me, it would be that day.

Q And after that, after that conversation with Superintendent Felton, did you eventually get back documents along the lines that you discussed with Darren Dopp?

A Yes.

Q And about how long was that after you had the conversation with Superintendent Felton?

A I can't recall that with accuracy.

Q Can you estimate it?

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2 A No. Not accurately.

3 I want to make sure what I say is
4 right. I can't recall.

5 Q I don't want you to guess.

6 A Yes.

7 Q Estimates are different than
8 guesses.

9 A I know.

10 Q Was it within a week?

11 A It was within a week, but I just
12 don't know the time frame. I can't recall
13 it.

14 Q Let me show you what have been
15 previously marked as Commission Exhibits 1,
16 2, and 3. I believe you were also shown
17 these during your previous testimony.

18 Take a look at those three
19 documents.

20 (Witness reviewing documents.)

21 MR. TEITELBAUM: There is a
22 pending question. Is there a pending
23 question?

24 MR. GINSBERG: There is no
25 pending question.

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2 (Conference between counsel and
3 the witness.)

4 Q Before we move on, is there
5 something you wanted to add?

6 A I want to clarify something.

7 The documents are so important to
8 this, they are so key, and it has been so
9 confusing, even going back to my AG's
10 testimony as to what the questions were
11 actually referring to.

12 I appreciate the opportunity to
13 see the documents and react to them. It has
14 been a long time since I've seen them before.

15 I want to make sure on this
16 particular document marked 23 that my
17 response refers to the fact that when the
18 titles were asked for, we were actually
19 breaking these down into separate trips. The
20 titles were referring to the separate trips
21 being made.

22 Q By "separate trips," if I can
23 have the document, there is one that appears
24 to be May 3rd and 4th; is that correct?

25 A Yes.

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2 Q Then there is another one May
3 17th; is that correct?

4 A Yes.

5 Q And then May 24th; is that
6 correct?

7 A Yes.

8 Q Three separate trips?

9 A Yes.

10 Q Is it your recollection that you
11 had some discussion with Mr. Dopp that the
12 headings should in some way reflect the dates
13 or the fact of the trips?

14 A Yes.

15 Q And was that conveyed to
16 Mr. Felton?

17 A That's what I was trying to get
18 at. That was conveyed to Mr. Felton, it was
19 precisely that.

20 Q Just so we are clear, you
21 testified earlier today that you had seen
22 Exhibit 23 prior to your testimony, either
23 before the Attorney General or before the
24 Commission, in connection with this matter;
25 is that true?

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A I did not see it at the Attorney General, I was shown no documents by the Attorney General.

I'm sure I saw the document prior to my testimony.

Q And in fact, I think it's your testimony today that you saw them, you saw this document, Exhibit 23, on or about the date that it was prepared and sent to you?

A I'm sure I did, and what I was referring to really was the context of seeing the two documents together before the Ethics Commission that provided the nexus and an understanding for me.

Q My next question is on Exhibit 23. There are, I guess I would say five areas that look like they are handwritten.

There is a line after the words, "May 4th - transported to Aqueduct Racetrack, and then LaGuardia Airport," and the next one is May 17th - Invrommel Cartright." It appears to be a handwritten line between those two lines; is that correct?

A Yes.

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2 Q And then, also, after the line
3 that says, "Departed around 7:00 p.m.," all
4 caps, from helipad, there appears to be a
5 handwritten line; is that correct?

6 A Yes, a horizontal line.

7 Q A horizontal line, correct?

8 A Yes.

9 Q Down at the bottom, there's some
10 words, or parts of words.

11 A Yes.

12 Q Correct?

13 A Yes.

14 Q My question is, when you saw this
15 document way back when, on or about the date
16 that it was prepared, were any or all of
17 these handwritten notations on the document?

18 A I don't recall any handwriting in
19 notations on the document.

20 Q So we are clear, these are your
21 handwritten notations?

22 A They are not.

23 Q Do you know whose they are?

24 A I do not.

25 Q Do you know how they came to be

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2 put on this document?

3 A I do not.

4 Q Now, if we can take a look at
5 Exhibits 1, 2 and 3, Commission Exhibits 1, 2
6 and 3. Take a moment to review them by
7 yourself.

8 (Witness reviewing documents.)

9 Q Do you recognize these documents?

10 A I do.

11 Q What do you recognize these
12 documents to be?

13 A These are the documents provided
14 as the separate trip reports, trip accounts.

15 Q If I can put a fine point on it,
16 1, 2 and 3 were the response to your
17 communication with Dopp and then Felton?

18 A Dopp's communication to me that I
19 then followed up with Acting Superintendent
20 Felton.

21 Q This is what you got back from
22 Felton, 1, 2 and 3?

23 A Yes.

24 Q And do you remember about when
25 you got these documents?

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2 A I do not.

3 Q Did you get them all together, on
4 the same day?

5 A I believe I did.

6 Q Do you remember --

7 A To the best of my recollection, I
8 believe they came together.

9 Q Do you remember how you got them?
10 Were they hand-delivered, e-mailed, faxed,
11 some other method?

12 A My recollection is that I may
13 have gotten these as deliveries, as well as
14 an e-mail form.

15 Q Do you remember who the e-mail
16 was from?

17 A The only person I dealt with at
18 the State Police was Preston Felton.

19 Q And if I've asked you this
20 question, I apologize.

21 Do you remember about when you
22 got these documents?

23 A I do not.

24 Q Without guessing, can you
25 estimate about how long after your

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2 conversation with Felton you received these
3 three documents?

4 A Within days, would be my best
5 estimate.

6 Q And you note that each document,
7 1, 2 and 3, does have what I think we both
8 agree is called a heading, that's underlined,
9 initial caps. For example, on one it says
10 "Transportation Assignment for Senator Joseph
11 Bruno"; do you see that?

12 A Yes.

13 Q Is that what you mean by
14 "heading"?

15 A Yes.

16 Q And when you got these documents
17 back --

18 MR. GINSBERG: Withdrawn.

19 Q Is this heading, and I think it's
20 the same on all three documents, you can
21 check me on that.

22 A It is.

23 Q Is this consistent with the
24 discussion you had with Felton about the kind
25 of headings that should be on the separate

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2 documents?

3 A I didn't pay a lot of attention
4 to it, but it's consistent.

5 Q What did you do with these
6 documents after you received them?

7 A I walked them down to Mr. Dopp's
8 office.

9 Q And about how long after you
10 received these documents?

11 A I would say in very short order.

12 Q Minutes?

13 A I wouldn't say minutes. I would
14 say in short order.

15 Q The same day?

16 A The same day.

17 Q And when you went down to see Mr.
18 Dopp, you had these documents in hand?

19 A I did.

20 Q And was anyone else in his office
21 when you were there?

22 A No.

23 Q Did you show him the documents?

24 A I did.

25 Q Did you have any conversation

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2 with him about them?

3 A My recollection -- yes.

4 My recollection is that he said
5 thanks, and then made a comment about some
6 unhappiness with the headings, he didn't like
7 the headings.

8 Q What did he say?

9 A He made a comment about is there
10 something that can be done with the heading,
11 and then kind of cut it off, and then said
12 never mind, and just waved it off.

13 Q And what happened after that?

14 A I left the office.

15 Q Is that, in sum and substance,
16 your entire conversation with Dopp on that
17 day?

18 A Within seconds probably, yes.

19 MR. TEITELBAUM: Did you have an
20 understanding as to why 1, 2, 3 were being
21 produced?

22 THE WITNESS: I didn't really
23 think why they were being produced in that
24 form.

25 I've gone back, as I thought

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Howard

understand that from the questions we asked you?

A I do not.

Q And the same question with respect to former Governor Spitzer?

A I do not.

Q The same question with respect to David Nocenti?

A No.

Q Let me show you what has previously been marked as Commission Exhibit 58.

Take a minute to review that, and then I'll ask you a few questions.

(Witness reviewing document.)

A Okay.

Q Now, when you testified last before the Commission -- this is not a memory test, I'm looking at the transcript -- you testified regarding the circumstance where you and Darren Dopp, and perhaps others, were working to prepare a leaders meeting of some sort, and Senator Bruno was unable to attend on whatever the scheduled date was, because

1 Howard

2 he was going to a fund-raiser.

3 And your testimony at that time
4 was that Darren Dopp asked whether he was
5 flying, whether you can find out if he was
6 flying, in terms of your recollection at the
7 time it was the first instance that you got
8 that kind of inquiry from Mr. Dopp.

9 I want to put you back into that
10 time frame.

11 A I was in no position whatsoever
12 to be putting leaders meetings together. I
13 was not in a position to be advising or
14 providing any guidance to folks in terms of
15 putting leaders meetings together.

16 Q You recall the testimony, and you
17 were involved at that time?

18 A I was not involved.

19 I don't think the testimony
20 reflects that I was involved.

21 MR. TEITELBAUM: Show him what
22 the transcript shows.

23 Q What I'm focused on are page 57
24 and 58 of your prior transcript. You're
25 welcome to look at as much of it as you want.

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(Witness reviewing transcript.)

A Okay.

Q So is there some statement that you want to make with regard to that testimony?

A I remember this testimony, and it was an observation. It was in terms of the administration, not me putting this meeting together.

I recall a leaders meeting that they were attempting to put together, which inspired a question whether he was going to be attending the meeting in a State helicopter.

Q The question from Mr. Dopp?

A Yes.

Q That was the first time that Darren Dopp asked you that kind of a question?

A That's my recollection.

Q Now, looking at 58, Commission Exhibit 58, which is an e-mail from you to Darren Dopp, dated May 17, 2007, shortly after, does this e-mail relate to the

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2 circumstances described in the testimony that
3 you previously gave that is related in 57,
4 58, of your transcript?

5 A I think there are two issues that
6 are reflected in this e-mail. One is this
7 continuing question of what is political and
8 what is governmental as it relates to the
9 Governor's travel, which is a question that
10 was circulating on the floor.

11 The last point was, I had them
12 ask to come up with a list of who was flying
13 to the city that day.

14 Q So is it fair to say that this
15 e-mail is in response to an inquiry from
16 Darren Dopp?

17 A On two separate points, one being
18 the split between political and governmental
19 travel as it relates to the Governor's trips.

20 And then the second question of
21 is Senator Bruno flying today, and do we know
22 who the passengers are on that aircraft.

23 Q And who did you go to, if
24 anybody, to get the answers to these two
25 issues as you described them?

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2 A Preston Felton, the Acting
3 Superintendent.

4 Q Anyone else?

5 A No.

6 Q And was that a phone conversation
7 or face-to-face meeting?

8 A A phone conversation.

9 Q And this e-mail, I note, is
10 shortly after, May 17th.

11 Do you remember if your
12 conversation with Felton occurred on the same
13 date as this e-mail, or some other date?

14 A I do not.

15 Q Do you remember whether you spoke
16 with him that morning, and then prepared this
17 e-mail for Mr. Dopp?

18 A At this point, it would be pure
19 speculation, a year later, more than a year
20 later. I just can't recall.

21 Q Without guessing, can you
22 estimate how long before you prepared this
23 e-mail that you spoke to him?

24 A I would not like to do that.

25 Q Was it less than a week?

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2 A I just would not want to
3 speculate.

4 Time frames are something that is
5 important, and I would rather get it right
6 than guess.

7 Q Is there anything else that you
8 can refer to to fix the time frame?

9 A Not that I'm aware of.

10 Q What specific questions or
11 inquiries did you make to Mr. Felton as a
12 result of the inquiries that you got from Mr.
13 Dopp?

14 A I think I testified to that in
15 full.

16 MR. TEITELBAUM: In regards to
17 what?

18 THE WITNESS: I think I testified
19 as to the nature of my conversation with
20 Preston as to what I was asking for. I think
21 I testified previously.

22 MR. TEITELBAUM: Would you agree
23 with me that what is contained in Exhibit 58
24 is, at least from your testimony, that this
25 information came from Preston Felton, Exhibit

Howard

58?

THE WITNESS: I would agree --

MR. TEITELBAUM: The rules concerning travel as contained in Exhibit 5, did that information come from Preston Felton?

The reason I'm asking that is because it says "getting more," but here is what I have.

From who were you getting information as reflected in 58?

THE WITNESS: Preston was my only contact, Preston Felton was my only contact for information.

MR. TEITELBAUM: When you say "getting more," is it fair to say that you are going to be getting more information from Preston Felton?

THE WITNESS: I can't recall the circumstances of that heading in terms of whether the heading refers to the nature of that discussion and that split between political and governmental, or whether it refers to -- I use the same language again at

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2 don't recall having those conversations with
3 him.

4 I think that, "Getting more, here
5 is what I have," is referring to the schedule
6 that I will be getting.

7 MR. TEITELBAUM: Let me kind of
8 cut to the chase here.

9 What I'm trying to find out is,
10 is the information contained in these three
11 paragraphs information that Preston Felton
12 gave you, or that you had yourself and you
13 were just reducing it to an e-mail to Darren
14 Dopp?

15 THE WITNESS: I think it reflects
16 conversations with Preston, but I don't think
17 he literally dictated those responses.

18 MR. TEITELBAUM: As a result of
19 conversations between yourself and Preston
20 Felton, the information as contained in the
21 first three paragraphs of this e-mail is as a
22 result of those conversations, this
23 information is a result of the conversations?

24 THE WITNESS: General
25 conversations.

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1 Howard

2 MR. TEITELBAUM: The information
3 is fairly specific.

4 THE WITNESS: I don't recall the
5 specific conversation with Preston.

6 This is not information that I
7 had in my head about how these things were
8 done.

9 I wish I could give you more
10 accuracy on that, but I honestly can't do
11 that.

12 I wouldn't have known this
13 information contained in this e-mail. I
14 assume it came from a general conversation
15 with Preston about how -- what is the split
16 between political and governmental, but I
17 can't recall the details of that a year
18 later.

19 MR. TEITELBAUM: There was a
20 conversation between yourself and Preston
21 Felton concerning the split between political
22 and not political as to use of State
23 aircraft?

24 THE WITNESS: I didn't know this
25 information. Preston was the only one I

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Howard

talked to about this. I assume we had a conversation that led to the preparation of this e-mail.

MR. NEWMAN: May I?

MR. TEITELBAUM: Yes.

(Conversation between counsel and the witness.)

THE WITNESS: In looking at this, studying this, there's two things that come out.

One is the language of the e-mail says the Governor could only use the State Police aircraft for State business.

I do recall Preston Felton telling me that point.

Secondly, in the next paragraph which begins with "example," it says that there is no cost to SP and no need to reimburse, and I have in parentheses, "According to the State Police."

I don't recall, but clearly, this did come from the State Police from that conversation, and I see that now.

MR. TEITELBAUM: Were you aware

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Howard

prior to this e-mail that Preston Felton was giving you the State Police's perspective on these questions of a policy within the Executive Chamber on the appropriate use of the State aircraft?

THE WITNESS: I believe I provided a copy of that policy.

MR. TEITELBAUM: Is that consistent, from your perspective, with the policy that is articulated in 58?

THE WITNESS: I believe it is. I can't recall the details, what details the policy went into. I believe in general it's consistent.

MR. GINSBERG: We have no further questions.

(Time noted: 2:35 o'clock p.m.)

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

I, STEVEN KLEIN, a Certified Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on June 25, 2008, at 123 William Street, New York, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of June, 2008.

Steven Klein
STEVEN KLEIN

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