

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

SUBCOMMITTEE ON COURTS
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

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MONDAY, NOVEMBER 14, 2016
9:30 A.M.

PRESENTATION ON
INVESTIGATION OF FORMER ATTORNEY GENERAL
KATHLEEN KANE

BEFORE:

HONORABLE TODD STEPHENS, MAJORITY SUBCOMMITTEE
CHAIRMAN
HONORABLE SHERYL M. DELOZIER
HONORABLE GARTH EVERETT
HONORABLE BARRY JOZWIAK
HONORABLE TEDD NESBIT
HONORABLE MIKE REGAN
HONORABLE RICK SACCONI
HONORABLE TARAH TOOHIL
HONORABLE MIKE VEREB
HONORABLE MARTINA WHITE
HONORABLE BRYAN BARBIN

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

THOMAS DYMEK

MAJORITY EXECUTIVE DIRECTOR

MICHAEL KANE

MAJORITY SENIOR LEGAL COUNSEL, RESEARCH

MICHELLE MOORE

MAJORITY ADMINISTRATIVE ASSISTANT

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P R O C E E D I N G S

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3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: We will
4 call the Courts Subcommittee meeting of the House Judiciary
5 Committee to order.

6 And I just want to let everybody know, please
7 silence your cell phones, and the meeting is being
8 recorded.

9 If we could just have the Members introduce
10 themselves. I'm the Chair of the Subcommittee,
11 Todd Stephens, from Montgomery County.

12 REPRESENTATIVE NESBIT: Tedd Nesbit, Mercer and
13 Butler Counties.

14 REPRESENTATIVE TOOHIL: Tarah Toohil, Luzerne
15 County.

16 REPRESENTATIVE SACCONI: Rick Sacconi, Allegheny
17 and Washington Counties.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
19 right.

20 On February 10, 2016, the House of
21 Representatives passed House Resolution 659 by a vote of
22 170 to 12, authorizing the Subcommittee to investigate
23 Kathleen Kane for impeachment.

24 Over the last 9 months, we have conducted a fair,
25 thorough, and bipartisan investigation to determine whether

1 or not Kathleen Kane engaged in misconduct as
2 Pennsylvania's Attorney General.

3 Given the then pending criminal charges
4 Kathleen Kane was facing, as well as the then pending
5 election to elect a new Attorney General, we worked quietly
6 and deliberately to avoid interfering with either of those
7 important proceedings.

8 Our investigation involved reviewing dozens of
9 documents and countless media reports, as well as
10 interviewing well over a dozen witnesses. Our
11 investigation revealed serious misconduct beyond the
12 conduct substantiating the criminal charges for which
13 Kathleen Kane was convicted in August of this year.

14 The people of Pennsylvania deserve a full
15 accounting for Kathleen Kane's conduct as Attorney General.
16 Her actions had a deep and lasting impact on the employees
17 in the Attorney General's Office, and Pennsylvania's
18 taxpayers have paid a steep price in the form of legal fees
19 and legal settlements because of the damage she did as
20 Pennsylvania's Attorney General.

21 Additionally, I have heard from agents and
22 prosecutors, both inside and outside the Attorney General's
23 Office, that they felt as though the Legislature could have
24 done more to remove Kathleen Kane once all this came to
25 light, that we should have played a greater oversight role

1 in this entire affair. This must be addressed.

2 As Legislators, we need to know what reforms we
3 need to implement to ensure the people of Pennsylvania
4 never suffer through a repeat of the last several years.
5 It's my intention today to begin the discussion about what
6 legislation must be proposed and enacted next session to
7 address these issues.

8 We have nine witnesses scheduled to testify
9 today, so we're going to try to move along as efficiently
10 as possible.

11 Our first witness is the man who unfortunately
12 had a front-row seat for nearly all of Kathleen Kane's
13 misconduct and, for the past few months, has been
14 responsible for righting the ship, if you will, and
15 restoring that office to its proper standing. I would like
16 to welcome our Attorney General, Bruce Beemer.

17 General Beemer has been working with our
18 Subcommittee for many months, along with his staff, in many
19 different roles and capacities and circumstances, and I
20 can't thank you enough for your willingness to help us
21 fulfill our obligation to provide accountability and
22 transparency for the people of Pennsylvania and to help us
23 identify areas we may want to explore for legislative
24 changes and/or clarifications next session.

25 General Beemer.

1 I should also just note, Judiciary Committee
2 Counsel Mike Kane is to my left as well and has been
3 instrumental in this entire investigation, attending every
4 single interview, reviewing every single document, and
5 being heavily involved. So I just wanted to note his
6 presence here for the record as well.

7 General Beemer, good morning. Thank you for
8 being here.

9 ATTORNEY GENERAL BEEMER: Good morning,
10 Chairman Stephens. Thank you.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Could
12 you just give us a little bit of an overview of your bio as
13 it relates to your prosecutorial experience.

14 ATTORNEY GENERAL BEEMER: Sure. Thank you.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Just,
16 we don't have to go through the Senate confirmation process
17 on this side of the House, so we may not all be as familiar
18 with you as others.

19 ATTORNEY GENERAL BEEMER: Absolutely.

20 I graduated from the University of Pittsburgh
21 Law School in 1995. I almost immediately took a position
22 as an Assistant District Attorney in Allegheny County; was
23 there for almost 14 years, until 2010.

24 During that time, I worked in a number of the
25 specialty trial units there, from the General Trial Unit to

1 the Narcotics Unit to the Crimes Against Persons Unit, then
2 the Homicide Unit, before in 2004 moving to a position of
3 Deputy District Attorney, where I ran the General Trial
4 Unit with two other attorneys.

5 We supervised approximately 20 lawyers, handling
6 the vast majority of cases in that office, about 10,000
7 cases a year. We handled a lot of felonies and almost all
8 the misdemeanor cases in that unit. During that period of
9 time, I tried a number of cases, almost a hundred jury
10 trials, many of which were significant felony cases.

11 In 2010, I left for -- left the office for a
12 brief period of time. About 15 months, I was in private
13 practice. And then joined, in 2011, joined the Office of
14 Attorney General under then Attorney General Linda Kelly as
15 her Chief of Staff; remained in that position until January
16 of 2013 when Attorney General-elect Kane asked me to stay
17 on with the new administration.

18 I took a position as the Chief of the Criminal
19 Prosecutions Section, as well as Senior Counsel to the
20 Attorney General; remained in that position until June of
21 2014 when then First Deputy Attorney General Adrian King
22 left the office to return to private practice.

23 The Attorney General asked me to step in to the
24 First Deputy role, which I did. I remained in that
25 position until July, early July of this year, when Governor

1 Wolf asked me to join his Cabinet as the Inspector General
2 of Pennsylvania. I went to that position.

3 I was there a very short period of time when, in
4 the middle of August, the Governor nominated me for the
5 position of Attorney General, and I was fortunate enough to
6 be confirmed by the Senate. I took that position and was
7 sworn in on August 30th of this year.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Great.
9 Thank you for clarifying that. A very long experience and
10 certainly storied over the last several months.

11 Could you just provide our Subcommittee Members
12 -- and I actually just want to mention that we have been
13 joined by a couple of House Judiciary Committee Members.
14 Representative Jozwiak and Representative Delozier are also
15 here.

16 Oh, and Representative Barbin. Thanks for being
17 here.

18 Could you provide us, provide the Members of the
19 Subcommittee, just an overview of some of the exchanges
20 that you had with then Attorney General Kathleen Kane
21 regarding grand jury secrecy and disclosure, you know,
22 throughout your tenure working there with her.

23 ATTORNEY GENERAL BEEMER: Well, I think whenever
24 a new Attorney General comes in, one of the things that is
25 important and paramount for our Criminal Division is to

1 allow them an opportunity to understand the statewide grand
2 jury process.

3 We have three statewide investigating grand
4 juries that are typically running at any one time. They
5 are based out of Pittsburgh, Harrisburg, and Norristown.
6 And one of the first thing that often happens and
7 transpires in those situations is, we make sure that the
8 incoming Attorney General is sworn in to the grand juries,
9 is able to receive the information that's necessary to
10 allow him or her to do their job, and have a discussion
11 about sort of the operations of the statewide grand jury:
12 how the Statewide Grand Jury Investigating Act operates and
13 the things that we're doing in order to comply with that,
14 as well as, you know, sort of an up-to-date version of all
15 of the ongoing investigations that obviously are often very
16 sensitive in nature.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: You
18 know, obviously Kathleen Kane was charged, tried, and
19 convicted relative to some grand jury issues. Just again,
20 by way of overview -- I don't want to relitigate that case.
21 We have been focusing most of our inquiry outside of the
22 criminal charges. But to the extent that you had
23 conversations with her about her conduct as it related to
24 grand jury secrecy and grand jury materials, could you
25 share that with the Subcommittee?

1 ATTORNEY GENERAL BEEMER: As it related to that
2 specific case, or---?

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Yes.

4 ATTORNEY GENERAL BEEMER: Yeah.

5 I should preface it by saying I was called to
6 testify at the trial and recounted four, at the time of the
7 criminal trial, issues surrounding what we deemed to be a
8 problematic week of grand jury material when it transpired,
9 or at least came to light in June of 2014, and was a result
10 of information that was obviously relayed to a reporter for
11 a Philadelphia newspaper.

12 When that came to light, I was, and other people
13 in the Criminal Division were understandably concerned as
14 to how that information got into the hands of the newspaper
15 reporters. I wanted to look into having an investigation
16 into that and had a conversation with the Attorney General
17 about it, wherein she made it clear that, not to worry
18 about it; it wasn't a big deal, and to kind of move on.

19 Later on that summer, when it was clear that the
20 statewide investigating grand jury judge wanted to initiate
21 an investigation into how that information fell into the
22 hands of the reporter, and after I had sort of pledged
23 cooperation on behalf of the office to look into that,
24 because we did think it was a serious issue, I had further
25 conversations with her about the information, and it was,

1 we had sort of a back-and-forth or a give-and-take
2 regarding whether or not that investigation should proceed
3 or not.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

5 Could you, and you know what? Ultimately I want
6 to talk a little bit about the creation of the new position
7 of Solicitor General in the Attorney General's Office, but
8 as a preface to that, could you maybe just describe sort of
9 the relationship that you had with then Attorney General
10 Kane, you know, throughout this process after that
11 conversation regarding grand jury secrecy and her efforts
12 to dissuade you from investigating the leak.

13 ATTORNEY GENERAL BEEMER: Well, that was one of a
14 number of things that I think put a strain on the
15 relationship, certainly. It was difficult for not just
16 myself but I think a number of the other career prosecutors
17 in the office to understand the position of not looking
18 into this situation and/or why that would be acceptable or
19 okay from the office to release that kind of information.
20 So that certainly created tension and made things more
21 difficult than they might have been before.

22 So as time went on, as time evolved, as that
23 investigation progressed, as other things started to
24 transpire, I would say that only got worse.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

1 Now, at some point in time, her law license is
2 suspended.

3 ATTORNEY GENERAL BEEMER: September 21st of 2015;
4 yes.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
6 could you share with us what impact that had on the office.
7 You know, what's the impact of having an Attorney General
8 who is unable to practice law?

9 ATTORNEY GENERAL BEEMER: Well, you know, it's
10 pretty extraordinary and unusual. In fact, to give some
11 context to it, one of the first things that I did was reach
12 out to an organization called NAAG, which is the National
13 Association of Attorneys General, who all 50 States'
14 Attorney General's Offices are members. It is just a place
15 that is full of resources and help for Attorney General's
16 Offices around the country, particularly when you're having
17 issues involving ethics or more difficult situations. We
18 can always reach out to them.

19 One of the first things I did was reach out to
20 them about this situation, and basically the word I got
21 back from some people that I have a tremendous amount of
22 respect for was, Bruce, this is pretty unprecedented;
23 we can't find any precedent for it anywhere in the
24 United States, and we have been an organization for 80-plus
25 years.

1 So it was unique, to say the least. What we did
2 try to do was, we had the benefit of, when the Supreme
3 Court entered the order on September 21st, the way that the
4 Rules of Disciplinary Enforcement work, the suspension does
5 not take full effect for 30 days. So it wasn't until
6 October 21st of 2016 that the act -- or of 2015 -- that the
7 suspension actually took full effect.

8 So in that period of time, myself and the other
9 senior lawyers in the office tried to work out a working
10 plan that would delineate the legal matters of the office
11 and how the chain of command and the decisionmaking process
12 would flow as a result of that as opposed to what might be
13 construed as nonlegal matters -- administrative, personnel,
14 policy-type decisions that, because the Attorney General
15 was still in office, she would arguably have control over
16 all of that.

17 And so we were going to have to try to, you know,
18 have a bifurcated or hybrid system working in the Attorney
19 General's Office, which is completely unprecedented, not
20 only in Pennsylvania but throughout the United States,
21 where you have an Attorney General who is not the final say
22 on every matter that comes into the office.

23 You know, one of the things that makes an agency
24 like that work well is the certainty that everyone has,
25 whether it is citizens in the Commonwealth, whether it is

1 businesses or corporations, whether it is people that are
2 being investigated, that everybody knows where the buck
3 stops, and to not have that and to have real uncertainty,
4 you know, created some problems.

5 Not to mention the fact that as we delved into
6 this, I have some of -- I'm fortunate to have, really and
7 truly, some of the finest legal minds in the Commonwealth
8 of Pennsylvania working in the office. We all realized
9 rather quickly this was not a very black-and-white
10 situation. There were a lot of gray areas as to what
11 constituted legal practice versus administrative or policy
12 issues within the office, and they kept coming up, you
13 know, over and over again.

14 So it was certainly a work in progress for us to
15 try to adjust to a fairly unprecedented situation.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Can you
17 give us some examples maybe of some of those gray areas so
18 we can have an understanding as to what you mean there?
19 Where is it not so clear as to what is the practice of law
20 versus administrative?

21 ATTORNEY GENERAL BEEMER: Sure.

22 You know, the Attorney General -- I'll give you a
23 couple of examples.

24 The Attorney General's Office is routinely asked
25 by other States or by Federal entities to join positions in

1 either Federal or State legislation in other locations that
2 have a uniquely legal tenor to them, because they are filed
3 in a court, they involve legal decisionmaking, but they are
4 also largely policy decisions as to whether or not the
5 office wants to get involved or stay neutral or take a
6 position against, you know, a particular issue.

7 And, you know, trying to figure out who in the
8 office would have to make that decision when you have an
9 Attorney General with a suspended law license, whether it's
10 the Attorney General or whether it's the First Deputy, who
11 by operation of law at that point would be the highest
12 ranking legal member of the office. That's one example.

13 Others are all sorts of press situations, where
14 we have to get out to the general public what it is that
15 we're doing; what can the office say when the Attorney
16 General is speaking: Can they speak or opine on the legal
17 decisionmaking of the office or can they simply state what
18 has occurred? There are just a number of issues that kept
19 coming up over and over again.

20 There are certain personnel decisions that
21 created real trouble, some conflicts. For example, you
22 know, the Rules of Disciplinary Enforcement are pretty
23 clear about the importance of lawyers reporting to other
24 lawyers, and, you know, what kind of situation do you have
25 when you have an Attorney General who can make decisions

1 about whether to hire or fire a lawyer but the lawyer can
2 only report to the First Deputy? That creates real
3 problems.

4 And, you know, where does the legal decision
5 begin and where does the policy or the personnel decisions
6 in the office end? It can be very difficult to find those
7 lines.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: In your
9 efforts to try to resolve these lines, was she a
10 participant? I mean, was she helping in that regard, or
11 did you have to blaze this trail on your own?

12 ATTORNEY GENERAL BEEMER: In all candor, I would
13 say that there was not a ton of communication as a result
14 of this.

15 We tried to document in memos and other types of
16 writings, as thoroughly as we could, what we viewed as
17 significant considerations that the office would have to
18 undertake before it could take certain types of actions,
19 and it was difficult, very difficult, because we knew we
20 were taking positions that were opposite to positions that
21 the Attorney General wanted to take.

22 And I was asking many of our senior lawyers to
23 join me in that regard, yet she still retained the ability
24 to hire and fire and, you know, deal with this on a
25 personnel level that, you know, was -- it wasn't as

1 troubling for me personally, but it was troubling for me
2 for what it meant for all of the attorneys and other, you
3 know, fine people in the office that I had to engage in how
4 we were going to run and operate the office. So it was a
5 difficult time, for sure.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I mean,
7 it seems like it's a pretty clear fix from our standpoint.
8 You know, simply, would you recommend that we take a look
9 at requiring that the Attorney General possess a valid law
10 license in Pennsylvania? I mean, does that make sense to
11 you?

12 ATTORNEY GENERAL BEEMER: I would, Chairman.

13 I do believe that as we looked at the situation,
14 and I would be the first one to say, as I mentioned
15 earlier, it was unprecedented not just in the Commonwealth
16 but nationally in terms of having this kind of a situation
17 where you had an Attorney General who had a temporarily
18 suspended law license and yet was still continuing to
19 operate or function as the head of the agency.

20 What we learned was that, clearly, the
21 Commonwealth Attorneys Act, when it was, you know, drafted
22 in 1980, did not contemplate a scenario like this and only
23 speaks to the issue of when there's a vacancy in the office
24 and not when someone might be legally incapacitated.

25 And I do believe that there is language that

1 could be inserted into the Commonwealth Attorneys Act, as
2 an example, to deal with the uncertainty created by a
3 situation like this, where an Attorney General may be
4 legally incapacitated in some form, but it's unclear
5 whether or not that affects the ability under the
6 Commonwealth Attorneys Act, as it is currently constituted,
7 to prevent them from doing other aspects of the job.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
9 right.

10 As it relates to -- you know, you had mentioned
11 that you had testified before the grand jury, and you were
12 subject to a protective order -- am I correct there? -- so
13 no adverse action could be taken against you. Is that
14 right? Are you able to tell us that?

15 ATTORNEY GENERAL BEEMER: I don't know that I am
16 able to---

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

18 ATTORNEY GENERAL BEEMER: ---to speak to that.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
20 right.

21 But getting back to your testimony earlier about
22 sort of the diminished relationship that you as the
23 First Deputy had, or diminishing relationship that you as
24 the First Deputy had with then Attorney General Kathleen
25 Kane, could you talk to us a little bit about this

1 appointment of a Solicitor General?

2 And you mentioned by operation of law, the
3 First Deputy is the next person in line there, and so could
4 you talk just a little bit about the mechanics of how it
5 came to be that we had a Solicitor General in Pennsylvania
6 and how that affected the office?

7 ATTORNEY GENERAL BEEMER: Sure.

8 In March of this year, the Attorney General
9 announced the appointment of Bruce Castor as Solicitor
10 General of Pennsylvania. The position was created and --
11 you know, I guess I should back up and state that, you
12 know, under the Commonwealth Attorneys Act, statutorily the
13 only positions that are required by the Attorney General to
14 create or have filled are First Deputy and the Office of
15 the Consumer Advocate. All other positions are created
16 sort of at the discretion of the agency based on the
17 operational needs and the appropriate budgetary
18 constraints.

19 The position of Solicitor General had not existed
20 in Pennsylvania at any point, to my knowledge. It was
21 created. It was made. The position was used to supersede
22 the authority of the First Deputy as the number two person
23 in the office, as well as, in this situation, sort of the
24 chief legal officer, because the Attorney General's law
25 license at the time was temporarily suspended. So when

1 that occurred, that certainly created a change in the chain
2 of command and who had the ultimate decisionmaking
3 authority.

4 Myself, other attorneys in the office, looked at
5 the Commonwealth Attorneys Act and a number of other
6 companion statutes to try to determine whether or not that
7 was legal or whether or not that was something that could
8 be accomplished. And unfortunately, the Commonwealth
9 Attorneys Act did not speak directly and clearly to this
10 issue and created a lot of uncertainty as to whether or not
11 that, you know, the position of Solicitor General, could
12 actually be used to supersede the First Deputy position.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So, you
14 know, how, just practically speaking, once -- I mean, prior
15 to the appointment of a Solicitor General, you were in
16 essence making all the legal decisions for the office,
17 right?

18 ATTORNEY GENERAL BEEMER: Correct.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So now
20 the Solicitor General is appointed -- well, created and
21 then appointed or hired, I guess, is the better phrase.
22 How did that affect the functioning, your ability to
23 function as First Deputy and then also, you know, the
24 functioning in the office?

25 ATTORNEY GENERAL BEEMER: Well, really all it --

1 in terms of the functioning of the office, once we
2 determined there was enough uncertainty as to whether or
3 not she could do this, that we probably did not have a good
4 leg to stand on to challenge it necessarily in any other
5 way. We had a -- what it did was it sort of restored
6 myself to being the number two legal person in the office,
7 except instead of reporting to an Attorney General, I was
8 reporting to a Solicitor General.

9 And, you know, the office, we had to take
10 appropriate steps to make sure that legal decisions were
11 being handled accordingly.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So at
13 that point in time, the Solicitor General was making -- the
14 buck stopped with him as it related to legal decisions in
15 the office?

16 ATTORNEY GENERAL BEEMER: Yes.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So at
18 this point, did the, and I know you mentioned that
19 everything was bifurcated, did everything sort of rejoin
20 now in the hands of this new Solicitor General, or how did
21 that work? Do you know?

22 ATTORNEY GENERAL BEEMER: Yes.

23 It was put out and made clear that on any legal
24 decision in the office, that the final authority would rest
25 with the Solicitor General.

1 Now, like, in a large office like that, many,
2 many legal decisions are made on a regular basis that don't
3 come all the way up and are made on cases and plea bargains
4 and decisions about discovery and all sorts of things that
5 happen on a daily basis where they don't go all the way up
6 the chain. But on the decisions that would have ultimately
7 rested on my desk as the First Deputy, they went one step
8 further to the Solicitor General from the end of March of
9 this year until July -- or August.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, as
11 it relates to, in this instance, the Solicitor General
12 maintained a private law practice.

13 ATTORNEY GENERAL BEEMER: Yes.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Could
15 you offer some commentary as to whether you think it's
16 appropriate and whether you allow the practice now. As the
17 Attorney General, do you allow others in the office to
18 maintain private law practices?

19 ATTORNEY GENERAL BEEMER: I do not.

20 There had been a longstanding policy in the
21 Attorney General's Office, and I think one that was borne
22 out of a lot of experience with how prosecuting agencies
23 and other types of agencies work and what is the best fit
24 or model for the Commonwealth of Pennsylvania, and I am
25 absolutely 100 percent convinced that attorneys and others

1 in the office, particularly attorneys, because we're
2 talking about legal work, their sole devotion and duty, if
3 they're going to work as a member of the Attorney General's
4 Office, needs to be with the office. And that has been a
5 longstanding policy that has, I believe, worked very well.

6 It is particularly troublesome when you have a
7 very high-ranking member of the office who, you know,
8 maintains a private law practice. I thought it was not a
9 wise decision or a wise idea. But it was only a policy,
10 and therefore, the Attorney General, even with a suspended
11 law license, arguably in her position, had the power to
12 suspend that policy, which is what apparently transpired in
13 her, you know, contract in charge creating the Solicitor
14 General position.

15 I think it's a bad mistake. I don't think that
16 attorneys in our office, at any level, should be allowed to
17 do that. But I thought it was particularly troublesome
18 because, you know, how do you tell, you know, a Deputy
19 Attorney General in our Torts Division, who is working
20 because they love the job, that, you know, you can't have
21 an outside job but the top person can and can continue to
22 have an outside law practice.

23 I thought it was optically very poor. I think it
24 opens the office to all sorts of charges of conflict of
25 interest, and as a policy matter, is a very poor way for an

1 agency like the Attorney General's Office to operate.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So it's
3 safe to say that we should take a look at the Commonwealth
4 Attorneys Act and the succession provisions as it relates
5 to, I believe you used "incapacitated attorneys," and then
6 also this notion of substituting other roles in between or
7 above the First Deputy, which is specifically delineated in
8 that act, that we should take a look at that as well as
9 whether or not we should permit those folks in those
10 positions to maintain outside law practices?

11 ATTORNEY GENERAL BEEMER: Yes.

12 I think all three of those areas are,
13 unfortunately, issues that came forward as a result of all
14 these unfortunate circumstances, but are areas that have
15 proven that there is a gap or a hole that can create
16 problems in the agency and for the citizens, and I think it
17 would be prudent to consider addressing those, yes.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
19 right.

20 Another area, and just to conserve time I'll let
21 the Committee Members know, another area that I intended to
22 explore was the appointment of special prosecutors who do
23 not have the ability to practice law in Pennsylvania as
24 well.

25 And it came to my attention that Senator Baker,

1 back in January of this year, sent a, I guess a three-page
2 letter with 24 questions to then First Deputy Attorney
3 General Bruce Beemer. And again, then First Deputy Beemer
4 responded with a, I think eight, seven- or eight-page
5 letter here -- four, five, six, seven -- a seven-page
6 response.

7 So suffice it to say that we'll make those
8 questions and the response here part of the record so we
9 don't have to rehash all that. But certainly an area that
10 the Committee has been exploring and has been focused on
11 has been this idea of appointing special prosecutors who
12 are not licensed in the Commonwealth of Pennsylvania, and
13 it's certainly something that we may need to take a look at
14 next session as well, in addition to the other issues you
15 raised.

16 You know, one of the things that has resulted
17 from Attorney General Kane's tenure has been a number of
18 lawsuits, wrongful termination lawsuits, other legal
19 actions. And I certainly don't want to put you in a
20 difficult position, because I know you're now tendered with
21 the responsibility of defending the office for a lot of
22 those instances and trying to figure out what the right
23 thing to do is in handling them.

24 I did get from -- I got it in here somewhere.
25 Oh; here it is.

1 I did get an accounting, I guess maybe a month
2 ago, that in terms of outside counsel fees, the Attorney
3 General's Office has expended over a million dollars in
4 outside counsel fees as a result of actions taken by then
5 Attorney General Kathleen Kane. And I assume that that
6 meter keeps running, you know, until these cases are
7 resolved, that they would continue, those costs would
8 continue to escalate? Is that right?

9 ATTORNEY GENERAL BEEMER: It has been my
10 experience that attorneys never turn off the meter.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
12 (Laughing.)

13 ATTORNEY GENERAL BEEMER: Yes, they do continue
14 to run. It is an unfortunate byproduct of what has
15 transpired over the last couple of years. We have taken
16 some really strong steps, I believe, to try to remedy some
17 of the issues that involve, many of these were personnel
18 actions, and to try to address those.

19 I believe you're going to hear from, now,
20 I'm thankful to say, a colleague of mine once again,
21 Jim Barker, who, you know, there was an action that
22 involved Mr. Barker, and thankfully that has been resolved.
23 But many of these cases involve not only our attorney's
24 fees but the attorney's fees of others, and we have to deal
25 with those issues, and that's a million dollars that we're

1 not using to fight the opioid crisis. That's a million
2 dollars that we're not using to protect consumers. That's
3 a million dollars that we're not putting into, you know,
4 fighting child predators.

5 And it's unfortunate, because a million dollars
6 to an agency like the Attorney General's Office is
7 significant and has, you know, real and lasting
8 implications, not only for our own employees but for our
9 ability to do what we're charged to do on a daily basis.

10 So it's a really unfortunate byproduct of the
11 last couple of years. It's one that I have, you know,
12 we're trying to deal with in the 4 months that I'm here,
13 and we're going to continue to try to resolve those matters
14 that we think can be resolved, because having them go on
15 for another year or two, those costs are only going to
16 skyrocket.

17 And in some situations, we did make a
18 determination that the decisions that were made were not in
19 the best interests of the Commonwealth and we needed to try
20 to remedy them.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Along
22 those lines, we're going to hear from George Moore later
23 today, who was one of the folks who filed suit. That
24 settlement occurred before you were in a decisionmaking
25 position regarding those settlements. Isn't that right?

1 You weren't involved in the settlement of George Moore's
2 lawsuit, right?

3 ATTORNEY GENERAL BEEMER: Correct.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
5 right.

6 ATTORNEY GENERAL BEEMER: I had been removed from
7 all personnel matters effective May of 2015.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Well,
9 and I'm glad you just raised that. This committee is going
10 to hear some significant information concerning then
11 Chief of Staff Jonathan Duecker. And you know what? You
12 were not -- the first time you were in a position to make
13 any personnel decisions was just 4 months ago, if I'm not
14 mistaken.

15 ATTORNEY GENERAL BEEMER: Two and a half months
16 ago.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
18 sorry; 2 ½ months ago.

19 ATTORNEY GENERAL BEEMER: Yeah.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And I
21 think within 48 hours of your arrival, Jonathan Duecker was
22 terminated from the agency.

23 ATTORNEY GENERAL BEEMER: Yeah. I mean, I think
24 the actions we have taken are of public record and they
25 speak for themselves.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Sure;
2 sure. Yeah. I wasn't going to dig any further. As I
3 said, we're going to hear some other information later. I
4 just wanted to make it clear that upon your arrival, he was
5 terminated.

6 As well as Patrick Reese. And that information,
7 obviously, Mr. Reese was charged, tried, and convicted in
8 Montgomery County as well, prior to Kathleen Kane's trial,
9 yet remained employed in the Attorney General's Office
10 until you took over there. And I'm not asking for a
11 response; just making a statement for the record.

12 You know, in terms of, in terms of actions you
13 have taken to right-side this office -- you know, before
14 you even get there, maybe you could share, you know, Mike
15 and I have had the benefit of speaking with a lot of
16 employees over there, and we understand the morale issues
17 and the implications throughout this process. Maybe you
18 could share some of that with the Committee.

19 You know, during this entire ordeal up until, up
20 until her resignation, and probably, frankly, I can say it,
21 until your installation, could you share some commentary
22 about the morale in the office. How were people feeling
23 about the Attorney General's Office itself and working
24 there and what went on there?

25 ATTORNEY GENERAL BEEMER: I think -- well, I

1 guess the preface to all of what I'm about to say is that
2 we have about 800 employees over at that agency, and I
3 think one of the reasons that individuals were so
4 distraught is because of how much they love the agency.

5 Now, we're very fortunate that we're one of the
6 agencies that has a lot of individuals that worked there
7 for 20, 25, 30 years. They put their entire professional
8 careers into making that agency a great place and were
9 extraordinarily invested in all of that, and as a result, I
10 think what transpired over the last 18 to 24 months was
11 that much harder for so many of them to see.

12 It's not a, it's not a transitory agency. It's
13 not, I mean, we have some of the finest legal minds, some
14 of the best agents, some of the best support staff you will
15 ever find. Many of them have been there for decades, and
16 that's part of what makes the agency so productive.

17 I think because of that and because of how deeply
18 invested so many of the employees were, it created, when
19 things started to transpire, that at least to the external
20 -- to the general public; to people in the court system; to
21 people that all of our people have to deal with on a daily
22 basis -- when things started to transpire, they questioned
23 the integrity of the agency, of the operations of the
24 agency, whether we were doing things the right way for the
25 right reasons. That was extraordinarily painful for a lot

1 of people and created, you know, sort of a disparate
2 morale.

3 But when you added to the fact that I think a lot
4 of people in the agency viewed a lot of the personnel and
5 other types of decisions that were going on were either, at
6 best, arbitrary, at worst, vindictive, and created a lot of
7 uncertainty for people on a day-to-day basis as to what
8 they were going to find when they came to work the next
9 day, the combination of those two things really crippled
10 morale and made it hard for people.

11 But I would like to point out that one of the
12 things that is so extraordinary about the Attorney
13 General's Office is that we had a whole host of people --
14 I've already mentioned them -- that had been there for 25,
15 30, 35 years. They could have walked away during this
16 horribly turbulent time, and they all stayed. Almost
17 without question, they stayed, because they wanted to be a
18 part of righting the ship. They wanted to be there at the
19 light at the end of the tunnel. They didn't want to walk
20 away when the agency was at its lowest point.

21 And many of those people deserve an extraordinary
22 amount of credit for being willing to do that, because
23 that's hard to do. The environment made it hard to do,
24 both internally and externally, and, you know, it was
25 something that was really remarkable to see.

1 And the people that work there deserve a great
2 deal of credit, and I think it's one of the reasons they
3 have been so resilient and why I think the agency has
4 bounced back in ways that are much quicker or deeper than
5 people thought possible.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Well,
7 I know you're very humble, but your employees think you are
8 one of those people and have said the same that you just
9 said about them, and I think that speaks volumes to the
10 leadership over there and the camaraderie that exists, and
11 should exist in an agency like that.

12 What kinds of steps have you taken to help
13 restore the morale and, you know, bring that office back
14 into the position it deserves?

15 ATTORNEY GENERAL BEEMER: You know, I would say
16 this about the morale issues, and I found at the time,
17 it's really not rocket science. It is as simple as
18 allowing people to feel like they're working in an
19 environment where they are respected; where their work is
20 valued; where the place is going to be open and
21 transparent; where, if they want to walk into the executive
22 suite and talk to my First Deputy or talk to our Chief of
23 Staff or talk to me, that that's okay, that we want to talk
24 to the employees. We want to know them by name. We want
25 to walk around and encourage people to walk out and talk

1 amongst themselves.

2 One of the great things in working in a State
3 agency or in any government agency like this is the
4 camaraderie that has developed among the troops, and a lot
5 of that was missing over the last, you know, year, year and
6 a half, because people just didn't feel comfortable being
7 out of their office, let alone, you know, being out in sort
8 of more social situations within the office and feeling
9 comfortable about their work and about their colleagues.

10 So we have tried to foster an environment that is
11 almost 180 degrees from where it was. And I think, you
12 know, it's a process, but we're moving along towards that
13 process.

14 Some of it was, you know, nobody likes to make
15 personnel decisions. They're hard, particularly when
16 you're making decisions about people's lives. We felt we
17 had to make certain decisions that were in the best
18 interests of the integrity of the agency.

19 We have done those types of things. We have
20 tried to reorganize in ways that we felt would be
21 productive. We tried to put people in leadership positions
22 that shared some of those sentiments that I just expressed
23 about how the office was to operate.

24 We weren't going to be involved in -- I didn't
25 want anybody that was going to be involved in developing

1 factions in the office. I wanted it to be -- you know, I
2 didn't want people from one, you know, agents from one side
3 of, you know, the narcotics side to be against agents from
4 our criminal investigations side or vice versa, that we're
5 all one agency and we use that as a strength as opposed to
6 a weakness.

7 So, you know, a lot of it is, you know, just
8 trying to create a culture and in some ways restore, you
9 know, sort of the feeling that we could work like that.
10 And I had seen it before in a lot of different places in
11 the office, so I knew we had the people and the personality
12 to get it back, and it was really just a question of kind
13 of unleashing them.

14 They were craving it, and hopefully they're
15 getting back to that kind of a feeling and things are going
16 to move on and only get better when the new Attorney
17 General takes office.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
19 Terrific.

20 Any other areas legislatively that you think we
21 need to take a look at next session in order to prevent
22 these types of scenarios from recurring?

23 And maybe, you know, before I get to that
24 question, I'll give you an opportunity; if you want to take
25 it, you can, and we'll see.

1 You know, do you get a sense from people in the
2 agency about the Legislature's role in this whole affair?
3 I mean, as you mentioned, this has gone on, you know, about
4 2 years. And, I mean, I'll be the first to say it: that
5 we as Legislators, you know, we're just now having this
6 hearing to conclude our investigation, which, you know, has
7 taken a little over 6 months, but we didn't start in ours
8 until February. You know, obviously you had the Senate
9 address that didn't remove her from office, and we had a
10 lot of things happen thereafter that continued sort of the
11 downward slide affecting morale over there.

12 Do you get a sense on how people feel about the
13 Legislature's role in this whole thing?

14 ATTORNEY GENERAL BEEMER: Well, I think, you
15 know, it wasn't -- I think people, generally speaking, were
16 frustrated. I don't know that it was directed at any one
17 particular place.

18 I believe that there was, you know, initially
19 when the Attorney General's law license was suspended, a
20 belief that that was such an untenable thing, to have an
21 Attorney General with a suspended law license try to
22 continue the operations of the office, that in short order
23 it would work itself out. And as time moved along from
24 September of 2015, you know, well into 2016, you know,
25 obviously I think the sense of frustration mounted, because

1 it created such chaos within the office.

2 You know, I think as most people over there have
3 learned a long time ago, we control the things we can
4 control, and things we can't control, while they may be a
5 source of frustration, we just, you know, kind of go along
6 with it.

7 And, you know, so whenever -- and I know I felt
8 that way and a number of the, especially the senior team
9 that I was working with, we just had to try to figure out
10 how to keep things going and keep things operating, all the
11 while hoping that whatever the resolution was, the chaos
12 created by the suspension of the law license and some of
13 the other things was going to come to an end.

14 Whatever that resolution was, it was, but that
15 the office wasn't going to be subjected to that, you know,
16 because it was a long period of time. After you go on
17 month after month after month, it gets hard.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
19 sure.

20 So now back to my point. Any other legislative
21 areas or reforms that you think we need to consider or take
22 a look at?

23 ATTORNEY GENERAL BEEMER: Well, I think the
24 consideration of, at least in some form, which I know is
25 out there, of considering the, you know, going back to

1 having a special prosecutor statute is, I think, a positive
2 consideration, because with the expiration of that back in
3 the early 2000s, there was, I think, a void left.

4 You know, a special prosecutor statute is just
5 that; it's special. It should be extraordinary. It should
6 be used only in limited purposes. It shouldn't be used for
7 political reasons. But at the same time, there is a time,
8 I think a time and a place to have a statute like that in
9 place that the Legislature carefully thinks out and
10 crafts.

11 So I think that's certainly something to
12 consider for this body moving forward, as well as, you
13 know, others.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Yeah.

15 I know we just moved a bill to the Governor's
16 desk that covered a lot of that, so hopefully once that's
17 -- I just was asking what the effective date was. So once
18 that's up and running, maybe that will help us address some
19 of these things.

20 Anything else while we have you here that you
21 would recommend for us?

22 ATTORNEY GENERAL BEEMER: You know, I mean, I
23 think we have covered the three other major areas from,
24 you know, sort of being Attorney General centric in this
25 regard, looking at it from our, you know, or the unique

1 perspective of our agency, which is unique. It's elected.
2 We're, you know, the one agency that has, you know, that is
3 elected statewide that has criminal authority. It has
4 authority in a whole host of places. Those three areas
5 really jumped out over the last 12 to 18 months as there
6 was a vacuum created in the Commonwealth Attorneys Act.

7 Now, to be fair to the people that drafted that
8 in 1980, I don't think anybody could have really gamed out
9 forward, you know, 35 years that this was where we were
10 going to be. But I think there has been, you know, like
11 many other statutes, time has shown that maybe there are
12 some areas where, you know, you can make some changes to
13 avoid some of the problems and some of the chaos that came
14 forward.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
16 right.

17 I should make note that Representative Garth
18 Everett has joined us a little while back. Thanks for
19 being here, Garth.

20 Representative Saccone, do you have questions?

21 REPRESENTATIVE SACCONE: Thank you.

22 This raises this philosophical question that I
23 would like to just get your comment on. It's about whether
24 or not the Attorney General should have to have a law
25 license or not.

1 And while that intuitively may seem like a
2 good idea, I mean, there's a principle in government that
3 high elected officials should be able to govern without
4 specific experiences or licenses. You know, we have an
5 Auditor General that, in that position, we have never had
6 an auditor be the Auditor General. We have our
7 Commander-in-Chief with no military experience more often
8 than not, and yet he's able to govern the military.

9 Do you think that this is different, and why
10 would this be different to be an exception to that
11 principle of government?

12 ATTORNEY GENERAL BEEMER: Sure.

13 I think it is an exception and absolutely should
14 be an exception, much in the same way as, you know, the
15 United States Government recognizes that the Attorney
16 General of the United States has to be a practicing
17 attorney by virtue of the unique duties of the Attorney
18 General. And I think it has been borne out over the last
19 18 months or so, to not have an Attorney General that can
20 practice law creates enormous problems.

21 We have a pretty sophisticated structure in
22 Pennsylvania, and most States do regarding the rules and
23 regulations surrounding attorneys and what attorneys can
24 and cannot do. To ask 225 lawyers to report to a nonlawyer
25 and have that person making decisions about matters of law

1 creates all sorts of problems that are unique in and of
2 themselves.

3 And, you know, I don't think it's problematic in
4 the sense that if the general public is aware of the
5 particular requirements, that they should have the right to
6 expect that that person is able to fulfill those
7 requirements through the course of the balance of their
8 term.

9 Anybody who goes in to file a petition to run for
10 Attorney General of the Commonwealth of Pennsylvania has to
11 certify that they have an active law license, and the
12 reason is, you know, all of the potential problems that can
13 come with that.

14 So I don't think it's too much to ask or expect
15 of our elected official, who has to certify, when they run,
16 that they are a practicing attorney, that they're able to
17 fulfill that throughout the balance of their term.

18 So, I mean, from a philosophical standpoint and
19 having practiced law for 20 years, I am 100 percent
20 convinced, having spent 5 years in the Attorney General's
21 Office and another 13 ½ in a prosecutor's office, that it
22 would be a functional problem to not have the leader of an
23 office like that be a practicing attorney.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Do any
25 of the other Members have questions?

1 Counsel Kane.

2 COUNSEL KANE: Thank you.

3 I just have one question. I wanted to follow
4 up.

5 Representative Stephens was talking about the
6 internal impact of all this disarray in the office. Could
7 you address, if possible, did it affect at all your
8 relationships with external agencies, with State agencies,
9 Federal agencies, other prosecutors around the State?

10 ATTORNEY GENERAL BEEMER: I don't think there's
11 any question that it did. It's very difficult to quantify.

12 And, you know, I certainly can't speak for those
13 other agencies, but my experience working in the agency as
14 First Deputy trying to navigate these waters, and now my
15 experience as Attorney General in reaching out to those
16 agencies, was that I don't think there's any question, and
17 understandably so, that there were real concerns about
18 other agencies engaging in the type of partnerships with
19 our agency that traditionally take place, whether it's on
20 the law enforcement side or some other side of the house
21 that we deal with.

22 You know, part of that was, I think, a function
23 of what we've been talking about here, which is sort of the
24 concern about, who is really running the show; who is
25 really making the decisions. But another part of that, I

1 think, with other agencies was simply real concerns about
2 operational integrity at the top of the office and whether
3 or not they wanted to be in vulnerable positions with our
4 agency.

5 I'm really pleased to say that over the last
6 2 ½ months, I have experienced a lot of situations where
7 that has changed in some really, really productive ways. I
8 mean, I could speak to, you know, we were having, you know,
9 issues in various regions.

10 Representative Toohil's region was one where we
11 were experiencing some functionality problems with some of
12 our partners up there, and that has really gone away on the
13 criminal side, and they are, as I like to say, really back
14 to business in a very productive way, and I think that's
15 good. It's good for places like northeastern Pennsylvania.
16 It's great for all the other regions in the Commonwealth.

17 And so the internal dysfunction created problems
18 externally, but they were the kinds of things that I think
19 were functional as to the way things were operating and how
20 things were at the time and very easy to get back to,
21 because there are a lot of agencies around the Commonwealth
22 that I think, when we're running the right way, want to be
23 involved and partner up with the Attorney General's Office,
24 because we do have the people and, in some ways, the
25 resources to help, and we want to be that sort of partner

1 with our local, State, and Federal partners, so.

2 COUNSEL KANE: Thank you.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
4 right. Any other questions?

5 General Beemer, thank you so much, both for your
6 participation today, but your help, guidance, and
7 assistance over the last several months. You know, I've
8 had an opportunity to see firsthand the change in the
9 morale, the change in the perspective, and the deep respect
10 that all the employees over there have for you and your
11 leadership, and it's well deserved.

12 So thanks for everything you're doing for the
13 people of Pennsylvania, and thanks for being here today.
14 And thanks also to your staff. I know we have been
15 imposing on them for -- and they'll never say it's an
16 imposition, but I know for a fact that, you know, you guys
17 have other things to do. So we appreciate you working with
18 us over the last several months to glean the accountability
19 and transparency I think this deserves.

20 ATTORNEY GENERAL BEEMER: Thank you, Chairman.

21 Thank you to yourself and to the Committee and to
22 Mike, because I know he has had a large role in this, for
23 your professionalism and dealing with us over the last few
24 months. We have been going through some changes that have
25 obviously been talked about here, and the way that it has

1 been treated has been very much appreciated, both by myself
2 and the staff in the office.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
4 right. Thank you so much.

5 ATTORNEY GENERAL BEEMER: Thank you.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
7 right. Our next witness will be Jim Barker.

8 How are you, Jim?

9 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Good
10 morning. How are you?

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Fine.
12 Thanks.

13 Representative Toohil will have some questions
14 for you, Mr. Barker. I appreciate you being here this
15 morning. Thank you.

16 CHIEF DEPUTY ATTORNEY GENERAL BARKER: No
17 problem. Thank you.

18 REPRESENTATIVE TOOHL: Hello, Mr. Barker. Good
19 morning.

20 I think we know each other. I was looking at
21 your face, and I believe at one point you worked at the
22 Dauphin County District Attorney?

23 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Right.

24 REPRESENTATIVE TOOHL: Okay.

25 CHIEF DEPUTY ATTORNEY GENERAL BARKER: And you

1 were there as an extern.

2 REPRESENTATIVE TOOHL: Yes, I was.

3 So just for full disclosure, Mr. Barker did
4 train me when I was there, so that's one of the ironies, I
5 guess.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: We'll
7 see how well he did.

8 REPRESENTATIVE TOOHL: Yes, we'll see how well
9 he did.

10 Thank you so much for availing yourself of this
11 process here today. We know you're very busy and probably
12 would rather be working in your office today.

13 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Happy to
14 be here.

15 REPRESENTATIVE TOOHL: Thank you.

16 Can you detail for us how long you've worked as
17 a prosecutor as well as specifically your role as Chief
18 Deputy Attorney General in charge of Appeals and Legal
19 Services?

20 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Certainly.

21 I graduated from law school in 1992, served as a
22 law clerk both for the Court of Common Pleas and for the
23 Federal District Court until 2000.

24 I joined the Dauphin County District Attorney's
25 Office in December of 2000. I had a general caseload

1 there, everything from summary offenses to homicides. I
2 also handled all of their appeals and Federal habeas corpus
3 matters, and that was a result of my experience as a law
4 clerk.

5 In 2009, I joined the Office of Attorney General
6 as the Deputy Attorney General in the Criminal Law
7 Division, Appeals and Legal Services Section.

8 In 20--- I'm trying to get this right. In 2011,
9 I became the Acting Chief of the Appeals Section, and then
10 in 2012, I was named Chief Deputy Attorney General, and
11 it's still in the Appeals and Legal Services Section.

12 REPRESENTATIVE TOOHL: And in 2009, we have some
13 of your testimony here, but in 2009, what was the reaction
14 to that grand jury, the leak involving the Mondesire
15 information, and what was your job role in regard to that
16 leak?

17 CHIEF DEPUTY ATTORNEY GENERAL BARKER: That was
18 actually in 2014.

19 REPRESENTATIVE TOOHL: Okay.

20 CHIEF DEPUTY ATTORNEY GENERAL BARKER: That's
21 when I first learned of it.

22 I had an email from the supervising judge of our
23 Norristown grand jury indicating that there had been a
24 potential leak, and he wanted to know how to go about
25 investigating it. Now, he was new as a supervising judge.

1 I told him either we could do it or a special prosecutor
2 could do it, and his response was, just call me.

3 So then I called him and explained the same
4 process. I did not know what the leak was at that time, so
5 I basically just emailed up my chain of command that
6 apparently there had been a leak that Judge Carpenter was
7 concerned about, and within probably a week or two, an
8 article appeared in the Philadelphia Daily News that told
9 me what his concern was.

10 And again, I just reported that up my chain of
11 command. I said, I think I know what Judge Carpenter is
12 worried about and had a link to the story, and the reaction
13 was, basically, what are we going to do about this?

14 I, as the Chief of Appeals, did not really have
15 any investigative authority. That's why I would report it
16 up my chain of command. What would happen then is the
17 First Deputy normally would communicate with the Criminal
18 Prosecutions Section, and they would take over any kind of
19 investigation, if that's what the supervising judge wanted.

20 In this instance, since it appeared that the leak
21 came from our office, that wasn't going to be feasible. So
22 that would have been an instance where we needed a special
23 prosecutor from outside the Office of Attorney General.

24 REPRESENTATIVE TOOHL: And who would make that
25 determination?

1 CHIEF DEPUTY ATTORNEY GENERAL BARKER: The
2 supervising judge would do that.

3 At that point, because it came from within our
4 office, we had to take a hands-off approach. We didn't
5 know who within our office might have been the potential
6 leaker, and so we really didn't do anything.

7 However, ordinarily what we would do is sort of
8 conduct our own review of the matter for personnel
9 purposes. Just, we don't want somebody working in our
10 office who is disclosing grand jury information.

11 REPRESENTATIVE TOOHL: At that time, did the
12 reaction internally seem to be out of the ordinary?

13 CHIEF DEPUTY ATTORNEY GENERAL BARKER: No, it was
14 not.

15 As I say, the normal channels were followed. Any
16 information I had was reported to my direct supervisor, and
17 from him, to the First Deputy.

18 REPRESENTATIVE TOOHL: So you, in your position,
19 you were pretty much removed, you were removed from any
20 interaction with Attorney General Kane about this supposed
21 leak?

22 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Correct.

23 I would report to Mr. Cherba, who was my direct
24 supervisor. Mr. Beemer was the First Deputy. Actually, at
25 that time, I guess he was still -- he was the head of the

1 Criminal Prosecutions Section and as well as, I think,
2 Chief of Staff or something along those lines. It may have
3 been that Mr. King was still around as First Deputy when I
4 first learned of all this.

5 When I emailed Mr. Cherba, I included Mr. Beemer
6 because of the potential involvement of the Criminal
7 Prosecutions Section. So at that point, unless I was asked
8 to assist in the investigation, it was out of my hands.
9 Correct.

10 REPRESENTATIVE TOOHL: Okay.

11 And so then if you fast-forward to when you had
12 to be called in front of the grand jury, can you detail
13 that reaction afterwards with your -- you know, the way
14 that you were treated and what was taken against you as
15 retaliation, can you detail that?

16 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I can't go
17 into the subject of my appearance. However, I will tell
18 you, I was there three times.

19 I think I can tell you that generally early on,
20 it would have been simple things like how the grand jury
21 worked, how it was empaneled, the importance of grand jury
22 secrecy, things like that. Later, it would have gotten
23 more specifically involved in the case as time went on.

24 So I would say that I was certainly treated
25 differently come September or October of 2014. At that

1 point, I was told that I was no longer involved in any of
2 the litigation going on. We had moved in the Supreme Court
3 to invalidate a protective order that Judge Carpenter had
4 issued. I was removed from that. It was remanded for a
5 hearing. I didn't have anything to do with that, except as
6 a witness.

7 And that's basically the progression. At that
8 point, I was simply sort of kept away from any important
9 decisions and knowing any important information.

10 REPRESENTATIVE TOOHL: Okay.

11 CHIEF DEPUTY ATTORNEY GENERAL BARKER: It was
12 also around that time that I suspected my office had been
13 searched.

14 I came in. I tend to have a pretty sloppy
15 office. There are papers everywhere. I came in one
16 morning and they were orderly, and that just told me that
17 somebody had been in my office.

18 I didn't know what it was all about until I heard
19 the Special Agent in Charge next door swearing. And I went
20 next door, and he kept the opposite kind of office where
21 everything was in absolute order, and there were things out
22 of order and he was very upset and believed that his office
23 had been searched, too. And that was the first time that
24 it ever entered my mind that somebody would do a thing like
25 that.

1 So at that point, I had a feeling that I was
2 under pretty close scrutiny. And really, I would say that
3 there was almost no communication between me and a lot of
4 the front office after that.

5 REPRESENTATIVE TOOHIL: And then after that, when
6 you were restructured, do you want to detail that? How
7 much time passed between you getting your desk searched and
8 then being told that you were going to be terminated?

9 CHIEF DEPUTY ATTORNEY GENERAL BARKER: There was
10 a space of probably about 3 or 4 months.

11 What happened was, in March of 2015, there was an
12 article in the Philadelphia Inquirer that I learned of on
13 March 12th through the website -- it's *philly.com* -- that my
14 testimony, or at least alleged testimony, had been made
15 public, and I don't know how that happened. All I know is
16 that they contained within the article various statements
17 that I had made. And so at that point, I knew I had a
18 problem; that the gist of the article was that my testimony
19 contradicted that of the Attorney General

20 So as of going to work on the 13th of March, I
21 knew that I had a very stressful situation. However,
22 nothing was done. Nothing happened over the course of the
23 next couple of weeks. Nobody said anything to me about it,
24 except for Mr. Beemer, who had read the same article.

25 And then on April 8th is when my employment was

1 terminated. I was in Philadelphia for oral argument before
2 the Third Circuit, and whenever I went into a Federal
3 building, I would leave my phone in my car, the reason
4 being, you have to go through a lot of security. So when I
5 got back to my car, I looked at my phone and I had an email
6 from Mr. Cherba directing me to report to him when I got
7 back to Harrisburg.

8 So ordinarily I wouldn't even go back to the
9 office, because I wouldn't get there until very late in the
10 afternoon. On that occasion, though, because of that
11 directive, I drove immediately back to Harrisburg, went to
12 my office to put some materials away, and then went to
13 Mr. Cherba's office.

14 He informed me, first, that I was, as he put it,
15 out as Chief, and then he told me that she was letting me
16 go. And he didn't say who "she" was, but there was no
17 other female in my chain of command, so I knew that it was
18 the Attorney General.

19 He then called two Special Agents to come down to
20 escort me from the office. I called my wife to get a ride
21 home.

22 REPRESENTATIVE TOOHL: Okay.

23 Is there anything -- so your interactions with
24 the Attorney General herself are pretty limited at this
25 point?

1 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I would
2 say that I was only in the presence of the Attorney General
3 maybe four to six times, and most of those were chance
4 meetings in the hallway or something along those lines.

5 So my interactions with her were very limited.
6 There were some email communications. I think I was on the
7 phone with her twice, and of course I had to do various
8 memos. We called them significant-event memos. Whenever
9 something important happened in one of our cases, that
10 would go to her, among other people.

11 So yes, I had very limited contact with the
12 Attorney General.

13 REPRESENTATIVE TOOHL: Is there anything else
14 that you would want to add for our record in what we're
15 looking at?

16 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Well, the
17 one thing that I would add, I was at least given the option
18 of coming back to get my personal belongings from my
19 office. They asked me if I wanted to go down then or wait
20 until later, and I was afraid of the reaction in my section
21 to what was going on, so I told them I would come back
22 later. And I'm glad I did that, because having found out
23 later that there were a lot of pretty emotional people, I
24 think I probably would have gotten people into trouble by
25 going down there at that time.

1 But then also, when I came back, one of the
2 people who was known to be loyal to the Attorney General
3 saw me coming back in and headed back toward the Attorney
4 General's Office. Shortly thereafter, Mr. Cherba
5 received a call to come and supervise my leaving the
6 office, and an agent was sent down to supervise both the
7 agent who was with me and Mr. Cherba. They also were
8 required to sign a statement that I hadn't taken any OAG
9 property with me.

10 So the whole thing was just basically very
11 closely monitored, as if I was stealing something. That
12 would be the only thing I would add.

13 REPRESENTATIVE TOOHIL: Do you -- I guess to open
14 it up to any of the other Members, if they have any
15 questions, and then Attorney Kane.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I just
17 have a question: Who was the person who saw you coming in
18 that was very close to Attorney General Kane?

19 CHIEF DEPUTY ATTORNEY GENERAL BARKER: That was
20 Renee Martin.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.
22 Was Jonathan Duecker involved in any of these
23 interactions that you had, or---

24 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Jonathan
25 Duecker was one of the agents who came down to escort me

1 out. He and Kevin Wevodau, who was the Special Agent in
2 Charge of Criminal Prosecutions, walked me to the doors,
3 and when we got to the elevators, Agent Wevodau said, I can
4 take it from here, and Mr. Duecker headed back toward my
5 office. When I came back that night, my hard drive had
6 been removed, so I believe it was Mr. Duecker who did
7 that.

8 Apart from that, I can't say what role he would
9 have played in any kind of decisionmaking or anything of
10 that sort. I know that he was involved. He knew what was
11 going on, anyway.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Could
13 you -- do you know what his relationship was, his
14 professional relationship was with the Attorney General? I
15 mean, were they close?

16 CHIEF DEPUTY ATTORNEY GENERAL BARKER: My
17 understanding was that he came into the administration
18 through Mr. King, who was the First Deputy when Attorney
19 General Kane first took office. They had known each other
20 through the Pennsylvania Emergency Management Agency. And
21 Mr. King really liked Mr. Duecker, thought he was very
22 efficient.

23 After that, he became very close to the Attorney
24 General. There was a group, a small group of people that
25 we used to refer to as the "inner circle," and I would say

1 that he was part of that. Ms. Martin was a part of that,
2 and certainly Mr. Reese was a part of that.

3 Outside of that, there were not very many people
4 who really had the Attorney General's ear.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Thank
6 you for being here. I appreciate it.

7 And I don't know if it was made clear,
8 congratulations on getting your old job back.

9 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Thank you.
10 Thanks.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: It's
12 great to see you here. And, you know, you obviously filed
13 a wrongful termination lawsuit and everything. It's a
14 great resolution to have you back in the office, so
15 congratulations on that.

16 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Thank you.
17 I appreciate it.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Counsel
19 Kane, do you have any questions?

20 COUNSEL KANE: Thank you, Mr. Chairman.

21 Just, I wanted to follow up on a couple of things
22 that you touched on.

23 When there was a special prosecutor that was
24 appointed and Judge Carpenter gave that special prosecutor
25 access to the grand---

1 (Announcement over PA system.)

2
3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Duly
4 noted.

5 COUNSEL KANE: I'll just talk over that.

6 CHIEF DEPUTY ATTORNEY GENERAL BARKER: That's
7 fine.

8 COUNSEL KANE: When Judge Carpenter appointed a
9 special prosecutor and gave access to the statewide grand
10 jury, there were challenges made to those actions, from
11 what I understand. Who was directing those challenges?

12 CHIEF DEPUTY ATTORNEY GENERAL BARKER: That came
13 from the Attorney General. Initially, I was involved with
14 it.

15 The first challenge was to the protective order,
16 and we went to the Supreme Court under the Rules of
17 Appellate Procedure. When a supervising judge of a grand
18 jury issues an order, it goes -- the appeal would go
19 directly to the Supreme Court, and so that's what we did.

20 Our concern was that the entire office had been
21 made subject to this without really what we viewed as a
22 fair hearing on the matter. Basically, we were just
23 suddenly handed a protective order that accused us of
24 having engaged in witness intimidation and things like that
25 that none of us knew anything about, and we had never even

1 gotten a chance to defend ourselves.

2 So we went to the Supreme Court. Part of it was
3 challenging the authority of the supervising judge to even
4 issue such an order, basically saying that there shouldn't
5 be a special prosecutor either. That part of our appeal,
6 so to speak, was rejected. However, it was remanded for a
7 hearing, and something of a hearing at least took place.

8 COUNSEL KANE: And were there any comments made
9 by the Attorney General, to your knowledge, either to you
10 or to someone that ultimately directed you, about what your
11 obligation was and what the consequences would be if you
12 didn't follow instructions?

13 CHIEF DEPUTY ATTORNEY GENERAL BARKER: When the
14 matter was remanded for a hearing, two other attorneys in
15 the office, both Chief Deputies, were going to handle the
16 hearing. Again, I had to go as a witness, so I wasn't
17 directly involved.

18 When that was about to take place, Mr. Beemer
19 sent an email to me and to Erik Olsen, the Chief Deputy
20 Attorney General in charge of Criminal Prosecutions and
21 Organized Crime. We went back to his office. Basically,
22 he directed us to report to him immediately, which is
23 language they almost never used.

24 We went back, and he had Chief Deputy Attorney
25 General Laura Ditka on the phone, speakerphone, and he told

1 us that he had just gotten off the phone with the Attorney
2 General and that she told him that she didn't trust any of
3 us; that we were not loyal to her; we all know where this
4 is heading, and when they walk me out of here in handcuffs,
5 what do you think my last action will be? And we took that
6 to be that she would terminate our employment before she
7 was led out.

8 COUNSEL KANE: Okay. And after that, did you
9 follow her directives?

10 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Again, I
11 couldn't. Because I was a witness, I couldn't participate
12 in those proceedings. But we did go down for a hearing to
13 Montgomery County. Judge Carpenter left his protective
14 order in place, and I was sort of removed from any
15 involvement in those proceedings in the future. And in
16 fact, her private attorneys took over shortly thereafter.

17 So after the protective order was ordered to
18 remain in place, her private defense attorneys took over.

19 COUNSEL KANE: Did the Attorney General or anyone
20 acting on behalf of the Attorney General make any kind of
21 announcement when you were unceremoniously let go?

22 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Initially,
23 they -- she or her press office indicated that I was being
24 fired for what they called a restructuring. Apparently the
25 restructuring consisted of firing me, because there had not

1 been any restructuring of the office going on, and since I
2 have been back, I still haven't seen any restructuring,
3 certainly involving my section. There had been some people
4 moved around and some responsibilities switched, but within
5 my section, there hasn't been any restructuring.

6 So after that, apparently, reporters must have
7 questioned the press office about that, and then the reason
8 that was given was that I was responsible for grand jury
9 leaks. So as the head of the section, I think is the way
10 it was put, I was fired.

11 And I think the way it was termed was that the
12 leaks were coming from a "sitting" grand jury. There were
13 a couple of problems with that. The supervising judge is
14 in charge of reacting to leaks, not me. And whatever leaks
15 had occurred, I had reacted to in the way that I am
16 supposed to. So that simply didn't hold water either.
17 And after that, I have no idea what her supposed reasoning
18 was.

19 Part of my problem was, the only sitting grand
20 jury at that time was the Pittsburgh grand jury. The only
21 way that that grand jury had made news shortly before that
22 was the investigation that has become public into the
23 Harrisburg finances, and specifically the Harrisburg
24 incinerator.

25 There are only two sources of information there.

1 One was witnesses, and witnesses under the grand jury rules
2 are permitted to speak about their testimony prior to any
3 nondisclosure order being issued. So you can't say that
4 that's a leak if they're allowed to talk to the press about
5 it.

6 At the same time, the Attorney General had
7 appeared before the Senate, I guess it was the Finance
8 Committee, and she had discussed publicly the incinerator
9 investigation. The problem with that is, she didn't have
10 leave to do that. So if there was a leak, she was it.

11 COUNSEL KANE: Did you happen to watch that
12 testimony when it took place?

13 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I happened
14 to see that testimony, and I was in a room with two other
15 employees of the Office of Attorney General, and our jaws
16 almost hit the ground, because that's something the
17 Attorney General's Office has never done, is discuss an
18 ongoing investigation from a grand jury.

19 COUNSEL KANE: As a result of your being
20 terminated and this protective order that was in place,
21 was there any action taken by the court to inquire into
22 that?

23 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Judge
24 Carpenter issued a rule to show cause why the Attorney
25 General should not be held in contempt for violating the

1 order. I believe it was at the end of April 2015, they
2 scheduled a hearing. At that point, they chose not to have
3 an evidentiary hearing, but they had argument on that.

4 And Judge Carpenter had two other judges
5 assisting him at that point. He didn't want to be accused
6 of bias, I would suppose, and they chose to refer to the
7 District Attorney's Office.

8 COUNSEL KANE: And finally, as a result of your
9 being let go, can you tell us to whatever detail you feel
10 comfortable, what was the personal impact on you?

11 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Um, that
12 it's a job that I really liked to do. I think that my
13 personal abilities are well suited for the job. It was
14 humiliating, to say the least. Having agents walk you out
15 is just ridiculous; having to tell my wife.

16 I was fortunate that there was at that time a
17 position open with the Office of Disciplinary Counsel, and
18 I took that beginning in mid-May. So that still left me
19 with a little, probably about 6 weeks, a little over a
20 month, where I was unemployed. And I think apart from the
21 time that I was in law school, that's about the only time
22 in my adult life I've been unemployed.

23 I didn't like it. As you can tell, I'm still
24 pretty angry about it. There was no reason for that to
25 happen, and it was part of a pattern of behavior that just

1 kept repeating itself with this Attorney General.

2 COUNSEL KANE: Thank you.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:

4 Representative Nesbit.

5 REPRESENTATIVE NESBIT: Yes.

6 Thank you for your testimony.

7 General Beemer had mentioned something about the
8 hiring and firing of employees, and that was one of his
9 concerns. And, you know, we have the whistleblower
10 protection acts and some other things.

11 Do you see any legislative remedies that we could
12 institute that would help if this type of administration
13 would be, let's just say repeating itself in the future, to
14 protect the employees? Because it was difficult to
15 interview witnesses for fear of retaliation and some other
16 things. So if you don't have a protective order from the
17 judge, is there anything legislatively we could do to be
18 proactive if this would happen again?

19 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I think it
20 would help to amend the Whistleblower Law. There is a
21 limit on damages. I think it's a hundred dollars. So it
22 really doesn't do you a lot of good to sue under that,
23 except that you get sort of publicly vindicated maybe.

24 That would be one of the reasons that my own
25 counsel chose to sue under the First Amendment and the

1 Due Process Clause in Federal court. They just felt
2 that the Whistleblower Law doesn't provide sufficient
3 protection. I think that would be a really helpful
4 start.

5 The problem that you would run into beyond that,
6 for instance, trying to add a for-cause element to
7 terminations, is that so many members of the Office of
8 Attorney General, they don't necessarily determine policy
9 but they're pretty close to that, and I'm not sure every
10 Attorney General coming in to office would want all of
11 those people in those positions. So I think that that
12 would be a problem.

13 But apart from, you know, being able to do
14 something when you are fired wrongfully, I don't know what
15 other legislation would help. I guess it would help to
16 simply have more character in your Attorney General.

17 REPRESENTATIVE NESBIT: Thank you.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Point
19 well taken.

20 Any other questions from any other Members?

21 I see Representative White has joined us. Thank
22 you so much for being here.

23 I just had a -- because you're very well versed
24 in grand jury secrecy law and everything, I wanted to maybe
25 take an opportunity to pick your brain, if I could.

1 Do you think -- what mechanisms do you see in
2 place, if any, and is this a potential place where the
3 Legislature might need to take a closer look: If an
4 Attorney General improperly meddles in a grand jury
5 investigation, aside from the prosecutor who was employed
6 by the Attorney General raising that issue with the
7 supervising judge, it seems to me that the grand jury
8 secrecy laws could act as a shield to prevent any type of
9 accountability in that regard. Do you see that as a
10 problem? Do you have any -- if you do, do you have any
11 suggestions on how that could be addressed?

12 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I agree
13 that that kind of thing can happen. As Attorney General
14 Beemer noted, this is sort of unprecedented and appears to
15 be unprecedented across the country.

16 Right now, the supervising judge is in charge of
17 protecting the grand jury, and I think they do a good job.
18 And in the end, in this instance, Judge Carpenter's actions
19 bore fruit and did lead to a criminal conviction for
20 somebody who meddled with the grand jury.

21 So apart from some sort of way of accelerating
22 that process, I would not change that. Pennsylvania is
23 somewhat unique in having supervising judges. If you go to
24 the Federal system, judges are not really involved in front
25 of the grand jury. So I think that that -- I would not

1 change that. What I might do is give the supervising judge
2 some sort of a mechanism for investigating.

3 Now, in this instance, there was a special
4 prosecutor appointed who probably should have been called
5 a special master, I think as the Supreme Court pointed out
6 to us. There needs to be some kind of a budget for that
7 person. They need to be able to hire investigators. They
8 need subpoena power or some way to put people under oath.

9 Right now, that is done because the Supreme Court
10 has said it's okay to use the grand jury to do it; I think
11 making that clearer. And as I said, being able to finance
12 that, especially in an instance like this. Those kinds of
13 fees probably came from the Attorney General's budget. You
14 probably want to remove that.

15 One of the problems that Judge Carpenter ran into
16 was when transcripts were provided, they were provided to
17 the Office of Attorney General. When he learned that, he
18 had the court reporters provide them directly to the
19 special prosecutor. But there was no mechanism in place
20 for that.

21 So I think that a way of conducting
22 investigations like this, and particularly with budgeting
23 them, would be very helpful.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Is
25 there, you mentioned some familiarity with the Federal

1 system. How did their disclosure rule -- do you know
2 how their disclosure rules differ from ours in terms of
3 what---

4 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Actually,
5 our disclosure rules are pretty much identical to theirs.
6 The interests that are protected by grand jury secrecy that
7 were adopted by our Supreme Court are actually taken
8 directly from a United States Supreme Court opinion.

9 So there is no difference about what you can
10 disclose or not disclose in the two systems. Obviously,
11 the Federal system has never had a problem like this before
12 either.

13 They also have sort of a bifurcated system where
14 you have the United States attorneys as well as the
15 Department of Justice attorneys, and either one of them
16 could investigate the other. So that might be helpful.

17 And essentially, that's what happened in this
18 case, where our District Attorney in Montgomery County
19 ended up serving as sort of a separate special
20 investigator.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Right.
22 Do you know how or what access Congress has to
23 grand jury materials in the Federal system?

24 CHIEF DEPUTY ATTORNEY GENERAL BARKER: I don't
25 believe that they do have access.

1 There are differences between the two systems in
2 other ways. For instance, we have the reporter shield law.
3 They don't have that. So every once in a while, you'll
4 hear of a reporter actually being held in contempt and
5 jailed in the Federal system until they reveal their
6 source. We don't have that. We have an absolute shield.
7 So that's one of the differences.

8 Congress does not have direct access. However,
9 they could, if they wanted to, the difference being that
10 Congress essentially can tell the Supreme Court how to set
11 up its systems. They have to approve Rules of Criminal
12 Procedure, Rules of Civil Procedure, and so forth, because
13 Article III courts are still answerable to Congress.

14 In our system, the practice of law has been given
15 over to the Supreme Court, so they handle those kinds of
16 things. That would be another major difference.

17 So as far as rules of procedure for grand jury,
18 that would be left in the hands of the Supreme Court.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.
20 All right.

21 Any other questions?

22 I'm sure Mr. Barker and I could have a long lunch
23 over grand jury secrecy.

24 Thank you so much for taking the time and sharing
25 with us your experiences. We really appreciate it, and

1 again, congratulations on getting your old job back.

2 CHIEF DEPUTY ATTORNEY GENERAL BARKER: Thank you.
3 Happy to be here.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Thanks.

5 All right. Why don't we take just a 5-minute
6 break until our next witness.

7 So by my watch, it's 5 after 11, and we'll start
8 up at 10 after 11.

9

10 (A break was taken.)

11

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Our
13 next testifier is George Moore. Thank you for making the
14 trip from Philadelphia this morning. I appreciate you
15 journeying this way.

16 And Representative Nesbit will provide some
17 questions for you. Thanks.

18 MR. MOORE: Thanks.

19 REPRESENTATIVE NESBIT: All right. Thank you,
20 Mr. Chairman.

21 Thank you, Mr. Moore, for agreeing to be here
22 this morning.

23 If you could, just kind of give us a brief
24 background of yourself, your education, your experience,
25 those kinds of things.

1 MR. MOORE: Okay.

2 I have an associate's degree in business
3 management. I have worked for the Commonwealth since 1999.
4 My human resource position started in 2010. I have worked
5 for the Department of Human Services as well as the Office
6 of Attorney General.

7 REPRESENTATIVE NESBIT: Okay. And when did you
8 work for the Attorney General's Office?

9 MR. MOORE: 2013 to 2015.

10 REPRESENTATIVE NESBIT: Okay. And what was your
11 job function there?

12 MR. MOORE: I was the Labor Relations
13 Coordinator.

14 REPRESENTATIVE NESBIT: Okay. And what does that
15 do?

16 MR. MOORE: That helps out the different managers
17 or supervisors with labor relations issues, employment
18 issues, and it deals with disciplinary matters, whether
19 it's pre-disciplinary conferences, settlements with union
20 employees.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Could
22 you just do me a favor? I'm sorry to interrupt. Could you
23 maybe slide that microphone a little closer to you? There
24 we go.

25 MR. MOORE: All right.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: How
2 about that? Do you think that might do it?

3 MR. MOORE: Does that work?

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Yeah, I
5 think so. Is that better?

6 REPRESENTATIVE NESBIT: Did part of your job
7 description include investigating sexual harassment
8 cases?

9 MR. MOORE: Yes. As part of the team with the
10 EEO officer in the office, we did review sexual harassment
11 EEO complaints.

12 REPRESENTATIVE NESBIT: What is an EEO complaint,
13 for those who don't know?

14 MR. MOORE: It could be a sexual harassment. It
15 could be discrimination, harassment, retaliation.

16 REPRESENTATIVE NESBIT: But EEO itself?

17 MR. MOORE: Oh. Equal employment opportunity.
18 It's a form of discrimination.

19 REPRESENTATIVE NESBIT: Okay. And you had
20 previous experience of that at Human Services?

21 MR. MOORE: Yes, I have.

22 REPRESENTATIVE NESBIT: Okay.

23 Do you have any idea how many investigations you
24 had done before that?

25 MR. MOORE: Whether I was the primary person or

1 assisted, a couple hundred.

2 REPRESENTATIVE NESBIT: Okay.

3 And while you were at the department, or the
4 Attorney General's Office, had you had any evaluations,
5 promotions, those type things?

6 MR. MOORE: Yes. I was promoted in 2014 to a
7 Human Resource Analyst 4, and I was going to be promoted to
8 a Human Resource Analyst 5 in September of 2015 before I
9 was let go.

10 I received evaluations of "outstanding." I
11 believe most, that five out of the six categories were
12 "outstanding," the sixth one being "commendable," which was
13 the second highest rating.

14 REPRESENTATIVE NESBIT: So you had no negative
15 evaluations while at the Attorney General's Office?

16 MR. MOORE: No, not at all.

17 REPRESENTATIVE NESBIT: All right.

18 Now, if you could, describe generally how
19 complaints of discrimination are handled.

20 MR. MOORE: How they are normally handled is they
21 come into the human resource office. The EEO officer would
22 review the complaint. They would pull me into a meeting.
23 We would discuss what we have as far as potential
24 witnesses, what the initial complaint was, and what
25 policies and procedures were violated.

1 REPRESENTATIVE NESBIT: Okay. As a result of
2 that, would there be a written report?

3 MR. MOORE: Yes, there would be.

4 REPRESENTATIVE NESBIT: Okay. And you would make
5 a recommendation?

6 MR. MOORE: Yes.

7 REPRESENTATIVE NESBIT: Okay. And would you
8 interview witnesses?

9 MR. MOORE: Yes. In most normal EEO complaints,
10 yes, we would interview all the witnesses ourselves.

11 REPRESENTATIVE NESBIT: Okay. Would you also
12 interview the person who had been accused?

13 MR. MOORE: Yes.

14 REPRESENTATIVE NESBIT: Okay.

15 And then as normal protocol, who would decide
16 what is recommended and then who would ultimately make the
17 decision on any potential discipline?

18 MR. MOORE: Once the investigation was completed,
19 we would write up our report and we would forward that,
20 along with our recommendation, up through the HR Director,
21 up through the First Deputy.

22 REPRESENTATIVE NESBIT: Okay.

23 And then did you receive a specific complaint
24 involving the conduct by Jonathan Duecker?

25 MR. MOORE: No. We did not receive the

1 complaints. The complaint actually came through the Office
2 of Professional Responsibility. As a side of their
3 investigation, they were doing all the misconducts.

4 So what happened was, once this was, the claim
5 was made during their investigation, the Office of
6 Professional Responsibility Chief, Chad Ellis, called me up
7 into his office and stated that they were doing an
8 investigation and that they wanted me to sit in on it,
9 because it crosses the line of EEO as well as the
10 misconduct that they were looking into.

11 REPRESENTATIVE NESBIT: Okay. And you said that
12 was Chad Ellis that originally contacted you concerning
13 these allegations?

14 MR. MOORE: Yes, sir.

15 REPRESENTATIVE NESBIT: Okay.

16 Was that unusual?

17 MR. MOORE: Yes, because the Office of
18 Professional Responsibility normally doesn't conduct any of
19 the EEO investigations. They deal with misconducts, any
20 conduct unbecoming, anything related to a criminal matter,
21 but they don't -- normally, that's an HR function, the EEO
22 complaint.

23 REPRESENTATIVE NESBIT: Okay.

24 And what was Mr. Duecker's position at the time
25 that you became involved?

1 MR. MOORE: The initial position he was in was a
2 Special Agent in Charge of the Bureau of Narcotics.

3 REPRESENTATIVE NESBIT: Okay. And were you
4 familiar with him?

5 MR. MOORE: Yes, I was.

6 REPRESENTATIVE NESBIT: Okay. And how friendly
7 or how many times had you met him?

8 MR. MOORE: We have met and dealt with each other
9 on several occasions. For the most part, fairly good.

10 Initially, anytime that there would be
11 discipline, along those lines, we would go through him,
12 seek his advice. We would give our recommendation and find
13 out if there's anything to mitigate those circumstances.

14 REPRESENTATIVE NESBIT: Now, the allegations at
15 that time included complaints from -- do you remember who
16 they were from?

17 MR. MOORE: Yes, I do.

18 REPRESENTATIVE NESBIT: Okay. Could you describe
19 that?

20 MR. MOORE: There were two complaints. The first
21 complaint was from Michele Kluk. That was related to, I
22 believe it was 2014. There was an incident up in Hazleton
23 where Jonathan Duecker -- I'm trying to think of the words
24 -- sexually harassed her.

25 REPRESENTATIVE NESBIT: Okay. And what was the

1 second complaint?

2 MR. MOORE: The second complaint was from
3 Cynthia Pugh. I believe it was also around the same
4 time frame, the 2014. It was up in the Scranton-Hazleton
5 area as well.

6 That was at a house that the narcotics agents
7 rented whenever they were doing their Mobile Street Crimes
8 Unit, and it was at a Christmas party, and Jonathan Duecker
9 hit on her a few times. She went to bed. He was the only
10 other person left in the house, and when she woke up, she
11 said he was standing over top of her staring at her.

12 REPRESENTATIVE NESBIT: Okay. Let's separate the
13 two claims. Or let me ask you, did you separate the two
14 claims for investigation purposes?

15 MR. MOORE: They were -- we made separate
16 inquiries with both individuals. However, the
17 investigations were ran strictly by the Office of
18 Professional Responsibility. All I did was sit in. I did
19 ask additional questions, but they scheduled and they
20 conducted a report.

21 REPRESENTATIVE NESBIT: Okay. Were you there
22 when they did the interviews?

23 MR. MOORE: Most of them.

24 REPRESENTATIVE NESBIT: Okay. And you say the
25 other office actually ran the investigation?

1 MR. MOORE: Yes, sir.

2 REPRESENTATIVE NESBIT: Okay. With the idea that
3 they would make the recommendation to the Attorney General
4 or that you would?

5 MR. MOORE: At that point, I don't know if there
6 was any plan as far as who would make the recommendation.
7 The Office of Professional Responsibility, what they do
8 whenever they investigate a disciplinary matter, they'll do
9 a report and send it down to my shop in labor relations,
10 and then I would review that. If I needed them to go do
11 any additional investigating, I would send it back to them
12 to do, and then I would make the recommendation. So if it
13 was along those lines, then I would make the
14 recommendation.

15 REPRESENTATIVE NESBIT: Okay.

16 Would you describe this as a normal
17 investigation, or was this out of the norm?

18 MR. MOORE: Not at all. This was very out of the
19 ordinary: one, with his profile; and two, the fact that
20 the investigation came in through the Office of
21 Professional Responsibility and they kept control of it.

22 REPRESENTATIVE NESBIT: Okay. But there were
23 interviews conducted?

24 MR. MOORE: Yes, sir.

25 REPRESENTATIVE NESBIT: Okay. Independent of the

1 accuser?

2 MR. MOORE: Yes, sir.

3 REPRESENTATIVE NESBIT: Okay. And there were
4 third-party witnesses interviewed?

5 MR. MOORE: Yes.

6 REPRESENTATIVE NESBIT: And do you have any
7 reason to believe that those weren't credible
8 interviews?

9 MR. MOORE: No. Actually, I have no reason to
10 believe that they weren't credible, and the truth be told,
11 some of those people were what most in the office would
12 have called loyal to Duecker. You know, to quote one of
13 them, they said, "I'm going to be upfront with you, because
14 I'm not going down for something that he did."

15 So those were pretty credible as far as I was
16 concerned. They were consistent, for the most part. There
17 was a couple of people that were a little reluctant to say
18 anything. And we were concerned about the fact that we
19 didn't talk to Duecker and the Office of Professional
20 Responsibility didn't talk to Duecker.

21 Myself and Anita Robinson, we discussed
22 interviewing Jonathan Duecker, and part of our concerns
23 were that we could not protect the witnesses or the victims
24 themselves in this case. At that point in the
25 investigation when we made a recommendation, Jonathan

1 Duecker was promoted to Chief of Staff.

2 REPRESENTATIVE NESBIT: So if I could interrupt
3 you just quickly---

4 MR. MOORE: Yes.

5 REPRESENTATIVE NESBIT: ---to keep on my notes
6 and move this along.

7 So Mr. Duecker was not interviewed?

8 MR. MOORE: No, he was not.

9 REPRESENTATIVE NESBIT: And did you have some
10 concerns about that?

11 MR. MOORE: Yes, we did have some concerns.
12 We discussed it internally, myself and Ms. Robinson. I
13 also reached out to the Office of Administration, to
14 Jay Gasdaska, who is the head of their labor relations, and
15 I explained to him the concerns that we had regarding
16 interviewing him.

17 REPRESENTATIVE NESBIT: Okay.

18 So what was ultimately the result of the
19 investigation? Did you make a recommendation?

20 MR. MOORE: Yes, we did. We recommended
21 termination based off the fact that we found both victims
22 to be credible, as well as the supporting witnesses in the
23 Kluk case, and the Office of Attorney General has a
24 zero-tolerance policy when it comes to sexual harassment.

25 REPRESENTATIVE NESBIT: All right.

1 And do you remember what day that recommendation
2 was done?

3 MR. MOORE: On or about April 26th.

4 REPRESENTATIVE NESBIT: All right. And do you
5 know if it went up the chain of command or ultimately where
6 that report went?

7 MR. MOORE: Yes. It went -- first it went to my
8 HR Director, Nicole Kreiser. We had a meeting with myself,
9 her, Will Otto, who was the Management Services Director,
10 and Attorney General Beemer, who was the First Deputy at
11 the time, was on a conference call with us.

12 At that point, he told me that he was instructed
13 to send any information up to the Attorney General herself,
14 to bypass him, so it went from Nicole Kreiser up to the
15 Attorney General.

16 REPRESENTATIVE NESBIT: You say that was in
17 April?

18 MR. MOORE: Yes, sir.

19 REPRESENTATIVE NESBIT: Okay.

20 Was Mr. Duecker appointed Chief of Staff later?

21 MR. MOORE: On or about that same time; yeah. I
22 think it may have been a day or two after our
23 recommendation, he was appointed to Chief of Staff.

24 REPRESENTATIVE NESBIT: Okay. So you had a
25 report that recommended his termination, but in fact he was

1 given a promotion?

2 MR. MOORE: Yeah. It didn't look too good.

3 REPRESENTATIVE NESBIT: Okay.

4 And at some point, did you have a discussion with
5 Mr. Duecker?

6 MR. MOORE: I did. I'm not sure of the exact
7 date off the top of my head, but I believe it was May or
8 June.

9 REPRESENTATIVE NESBIT: And let me interrupt you.

10 In your civil complaint, I believe the day of
11 June 17th was referenced?

12 MR. MOORE: Okay. Yeah; that's accurate.

13 REPRESENTATIVE NESBIT: Could you describe the
14 contents of that discussion?

15 MR. MOORE: Sure.

16 It started out, he was telling me that I wasn't
17 qualified to do my job because I wasn't an attorney, I
18 wasn't an agent, and he felt that only one of those two
19 classifications can do an investigation.

20 He also started going into his case a little bit,
21 and then he said, well, I don't want to discuss my case,
22 but then he tried to circle back to it. And I told him, I
23 said, Mr. Duecker, this is not appropriate for me to
24 discuss this matter with you.

25 He then talked about another case, and I told him

1 that he had the information wrong, that that's not the
2 complaint that we had. And it lasted about 3, 4 hours, and
3 part of it was saying that if you're not with me, you're
4 against me, and that nobody has confidence in the HR office
5 down there.

6 REPRESENTATIVE NESBIT: Was there any discussion
7 of leaked grand jury information?

8 MR. MOORE: I don't know if -- not at that -- I
9 don't know if at that meeting there was any discussion, but
10 I know in the meeting that I had with Nicole Kreiser and
11 Will Otto, Attorney General Beemer, who was the First
12 Deputy at the time, told me that the General had concerns
13 about me because she said that she was told I leaked grand
14 jury information regarding the Harrisburg incinerator.

15 REPRESENTATIVE NESBIT: Did you actually leak
16 information?

17 MR. MOORE: No. I didn't even know there was any
18 information. I don't have access to grand jury
19 information. I didn't know outside of what I read on
20 PennLive that there was even anything related to the
21 Harrisburg incinerator.

22 REPRESENTATIVE NESBIT: Okay.

23 Did anybody else at the agency ever talk to you
24 about leaked information from a grand jury?

25 MR. MOORE: No.

1 REPRESENTATIVE NESBIT: Okay. Did Mr. Ellis
2 discuss that with you?

3 MR. MOORE: No, not leaked information from a
4 grand jury.

5 He asked me if I met with Angela Couloumbis, and
6 then---

7 REPRESENTATIVE NESBIT: Who is Angela Couloumbis?

8 MR. MOORE: She is a reporter for
9 *Philadelphia.com*.

10 REPRESENTATIVE NESBIT: Okay. Did you meet with
11 her?

12 MR. MOORE: No, I did not.

13 REPRESENTATIVE NESBIT: Okay.

14 And about a week after that discussion, were you
15 terminated?

16 MR. MOORE: Yes; it was about a week.

17 REPRESENTATIVE NESBIT: Okay. And how did you --
18 who told you you were terminated and how?

19 MR. MOORE: I was on my way back. We were doing
20 an investigation out in Norristown at the regional office,
21 and I received a text, probably somewhere around 5 o'clock,
22 from my boss, Nicole Kreiser, asking if I could come to the
23 office -- or asked if I was on my way back, and I said yes,
24 and then she asked me if I could come to the office.

25 REPRESENTATIVE NESBIT: Okay. And when you got

1 back to the office, what happened?

2 MR. MOORE: She asked me to go into Will Otto's
3 office and meet with the two of them. I went into the
4 office, and Will Otto did most of the talking, and he just
5 said, George, the Attorney General felt that it was best if
6 we go in a different direction.

7 REPRESENTATIVE NESBIT: Okay. And who was
8 Will Otto in relation to you?

9 MR. MOORE: He was the Director of Management
10 Services at the time.

11 REPRESENTATIVE NESBIT: Okay.

12 So he led the discussion that you had concerning
13 your termination?

14 MR. MOORE: Correct.

15 REPRESENTATIVE NESBIT: Okay. And they said they
16 were going -- that it was the Attorney General's decision
17 to go in a different direction?

18 MR. MOORE: Yes.

19 REPRESENTATIVE NESBIT: Did they give you any
20 further details?

21 MR. MOORE: No. I did ask them. I said, well,
22 is this related to the thing with Duecker, and he said he
23 couldn't say anything. And at some point after that, he
24 said that this wasn't right, but then at that point they
25 brought an agent down to escort me to my office to get my

1 personal effects, and then I was walked out.

2 REPRESENTATIVE NESBIT: Okay. So were you in
3 fact escorted out of the building?

4 MR. MOORE: Yes, I was.

5 REPRESENTATIVE NESBIT: Okay. And that was by an
6 agent?

7 MR. MOORE: Yes, Josh Tison. He's a Special
8 Agent 3, I believe.

9 REPRESENTATIVE NESBIT: Okay.

10 Were you ever given an opportunity to basically
11 give your side of the story?

12 MR. MOORE: No. What I found ironic about it was
13 the fact that on my recommendation, one of the things we
14 put down at the bottom is that we were willing to discuss
15 our recommendation and give further details if the Attorney
16 General wanted to meet with us.

17 There was a meeting set up for us to meet
18 together, and prior to that meeting, I ran into Chad Ellis
19 down at Strawberry Square, and he initially was all for the
20 termination, said that this needed to be done, this was the
21 right move, but during that time that I met with him, he
22 said, hey, look, you better change your recommendation.

23 REPRESENTATIVE NESBIT: And that was concerning
24 Mr. Duecker?

25 MR. MOORE: Yes, it was.

1 REPRESENTATIVE NESBIT: Okay. Did he give any
2 reason why you should change your recommendation concerning
3 Mr. Duecker?

4 MR. MOORE: He did not.

5 REPRESENTATIVE NESBIT: Okay.

6 MR. MOORE: And at that point, I did let him
7 know. I said, you know, if that's what's going to go down,
8 I said, you don't need me to change my recommendation to
9 keep him on staff. I said, my recommendation was based off
10 of the information provided in the investigation, but it is
11 only a recommendation.

12 REPRESENTATIVE NESBIT: Okay.

13 After you were terminated, if you could, just
14 kind of describe -- and we asked the previous witness the
15 same question -- how did that affect you on a personal
16 level?

17 MR. MOORE: Well, it affected me pretty badly on
18 a personal level.

19 You know, I have been with the Commonwealth for
20 almost 18 years now, and, you know, I wanted to have a
21 career in the Commonwealth, and I was essentially let go at
22 that point.

23 I didn't know if I was going to get another job
24 and whether it was in the Commonwealth or, you know, in my
25 field even. And it's tough not knowing where your next

1 paycheck is coming from, you know?

2 REPRESENTATIVE NESBIT: And do you have any
3 recommendations for us as a Legislature to protect
4 employees like yourself?

5 You know, we have already heard some testimony
6 concerning the Whistleblower Act. In your experience, now
7 that you've been through it, do you have any
8 recommendations for us to change in going forward?

9 MR. MOORE: Well, I would like to hope that
10 something like this would never happen again, but with that
11 being the case, it is a possibility.

12 To have a separate body that somebody in the
13 office could report to when there is wrongdoings, because
14 in the situation that occurred, the First Deputy was
15 stripped of all his powers and abilities. There was
16 nowhere to go, and there was a lot of people that were in
17 the same boat that I was in, that they wanted to do the
18 right thing, but there was nobody there to help.

19 REPRESENTATIVE NESBIT: Right.

20 And ultimately, you filed a lawsuit as a result
21 of your termination?

22 MR. MOORE: Yes, I did.

23 REPRESENTATIVE NESBIT: Okay. And that has now
24 been concluded?

25 MR. MOORE: Yes, it has.

1 REPRESENTATIVE NESBIT: Okay.

2 I have no further questions, Mr. Chairman.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Thanks.

4 Thanks again for your testimony.

5 As it relates to the lawsuit, and I know the
6 terms of the lawsuit are publicly available, what were the
7 terms that you settled your lawsuit for?

8 MR. MOORE: I think the total dollar figure was
9 somewhere around 147,000. Some of that went to attorney's
10 fees. Some of it went for paying back unemployment
11 compensation.

12 My record was restored. I didn't want a break in
13 service, because like I said, I had been with the
14 Commonwealth for almost 18 years. And getting my job back
15 with the Attorney General's Office and not having a break
16 in service were my two main objectives. Financially, I
17 didn't care about the settlement outside of that.

18 And unfortunately, with Attorney General Kane
19 there, I wasn't interested in going back at that point, so
20 we made do with what we could as far as the other two
21 options.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: As a
23 part of your settlement, was there some type of -- was
24 there a prohibition on you discussing the conduct that
25 occurred?

1 MR. MOORE: Yes. Outside of a court of law or
2 being subpoenaed, I am not allowed to talk about any of the
3 details regarding my termination.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So I
5 know that your counsel and I were going back and forth, and
6 for a lot of the witnesses who are testifying today, we had
7 an opportunity to meet with them and the Committee
8 interviewed them off the record before we put them here in
9 front of the Committee and the cameras and the microphones.
10 But she informed me that you were unable to speak to us
11 until we actually had a proceeding that we could subpoena
12 you to. So I appreciate you coming in cold like this and
13 sharing your information with us.

14 But, you know, did it seem odd to you, or do you
15 have any opinion as it relates to, you know, the office
16 that engaged in enough wrongdoing, that they wanted to
17 compensate you financially for what they have done, being
18 able to require that you're not allowed to tell anyone
19 about the wrongdoing that they engaged in?

20 MR. MOORE: Yeah. I think a big part of that is
21 the fact that they, the office, or I should say the
22 Attorney General and the Chief of Staff at the time, they
23 knew what they did. They knew there was sufficient
24 evidence.

25 I mean, the Attorney General herself talked to

1 counsel from the FOP, trying to make a side deal to support
2 the Chief of Staff and they'll give her, you know, they'll
3 give the FOP a sweetheart contract.

4 You know, the attorneys for the FOP were coming
5 to me and saying, hey, George, we would love to deal with
6 you, but we can get a better deal here just meeting
7 directly with the Attorney General. And fortunately for
8 me, the FOP members, they had a meeting, and they turned
9 down the Attorney General.

10 The Attorney General met with another group in an
11 undisclosed location while we were in the middle of an EEOC
12 complaint. It was about age discrimination against
13 Jonathan Duecker.

14 She didn't tell us. We're conducting interviews
15 with people at the same time she's meeting with other
16 people in that group to work out a settlement. And they
17 worked out a settlement. They dropped their case, which
18 was great for them, and then unfortunately after they
19 dropped their case, then I guess things started back up
20 again afterwards, so.

21 There is just a lot of stuff that was out there.
22 Most of it is documented. It's just unordinary for an
23 office to go through.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: The age
25 discrimination issue.

1 MR. MOORE: Yes.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm not
3 sure if I had heard about that one before. Can you
4 elaborate on that a little bit?

5 MR. MOORE: Yeah.

6 The one group, the Gun Violence Task Force as a
7 whole, they have a lot of members that are over a certain
8 age group, and their whole process is, they are supposed to
9 do the straw purchases for people that are on parole. And
10 what Jonathan Duecker wanted to do was he wanted to make
11 the group a younger, more narcotics driven, you know, kick
12 in doors, cultivate confidential informants, which wasn't
13 what their job, you know, their job duties were, and they
14 have been doing the job for the last 10, 15 years. A lot
15 of them are senior people, but they have a lot of
16 experience. They know what to look for as far as people
17 violating gun laws.

18 So he was trying to do that. He put them through
19 a boot camp up at Indiantown Gap where there were a couple
20 of work-related injuries. A couple of people were forced
21 into retirement. He also wanted them to go through a
22 new-employee orientation for agents, which they would have
23 had to come here for, I think it was like 2 months, away
24 from their family. And again, a lot of their spouses are
25 older as well, so they didn't want to be away from them for

1 that time. But it was just his attitude in general towards
2 them.

3 And quite frankly, I mean, we were finding a lot
4 of evidence in that case as well, that it may have led to
5 something. And at that point, whenever she settled with
6 them, that was a relief to us, because we were worried
7 about them.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
9 that relieved Jonathan Duecker of any liability regarding
10 these claims.

11 MR. MOORE: Correct; yes.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
13 Understood.

14 So if, as it relates to personnel issues, just so
15 I'm clear on the process, the Attorney General herself
16 would have had to sign off on any termination. That's the
17 final stop for any termination that occurs.

18 MR. MOORE: That's not always the case.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

20 MR. MOORE: A lot of times, the First Deputy --
21 like, before Jonathan Duecker, the First Deputy would sign
22 off on the personnel moves. I don't know if they would
23 check with the Attorney General first, but as far as
24 signatory, he's the last straw.

25 Once Jonathan Duecker took over as Chief of

1 Staff, he sent out an email stating that all personnel
2 moves go through him, not to the First Deputy.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:

4 Understood.

5 So I guess as it relates to, you know, when you
6 have the recommendation to terminate Jonathan Duecker---

7 MR. MOORE: That went to the Attorney General as
8 opposed to the First Deputy.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Right;
10 okay.

11 Was there a third complaint against Jonathan
12 Duecker by an employee who then ultimately left the
13 Attorney General's Office and went back up to northeastern
14 Pennsylvania?

15 MR. MOORE: There was quite a few complaints
16 about Jonathan Duecker.

17 Wevodau, Kevin Wevodau, had a complaint against
18 him. Jerome Smith had a complaint against him. I'm trying
19 to think. James Avery. He had -- yeah. So you'd have to
20 be more specific with it.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Right.
22 I understand. I understand.

23 All right. Do any of the Members have any
24 questions?

25 Yes; Representative Toohil.

1 REPRESENTATIVE TOOHL: Yes. Thank you.

2 In your time in HR, do you have a number of
3 retali--- Like, do you have a number as to how many
4 retaliatory firings you witnessed?

5 MR. MOORE: I would say---

6 REPRESENTATIVE TOOHL: Or that you're aware
7 of.

8 MR. MOORE: Yeah. That I'm aware of, I would
9 probably say less than five. I don't -- I don't recall.
10 This was, the Office of Attorney General during that
11 time frame was like nothing I had ever seen before.

12 One of the things that we teach in our classes
13 when we do a disciplinary process is that we have a zero
14 tolerance for retaliation, and the reason we have that is
15 we want to make sure that people are free to come forward
16 with complaints without retribution from their supervisors.

17 So to the point, I would say I really don't know
18 of any outside of mine and outside of Barker's that were
19 retaliatory.

20 REPRESENTATIVE TOOHL: And when you say, when
21 you're being moved and you have to go pack up your things
22 because you're being exited, when they have an agent
23 accompany you, is that -- it's a real, formal agent that
24 also could be out on the street fighting crime?

25 MR. MOORE: Yeah. They could be out on the

1 street. They could be doing research for an investigation.

2 But yeah, that's one of the big things. And it
3 was published, too, that, you know, you are escorted off
4 grounds like a criminal, you know, by an armed guard, and
5 to the point where even in the volleyball association I
6 play in, there was concerns because it's on Commonwealth
7 property. So one of the people on the committee said, hey,
8 should we let this guy play, because he was just escorted
9 from a building by an armed officer.

10 REPRESENTATIVE TOOHL: And was that use of
11 agents commonplace? Or misuse of agents commonplace?

12 MR. MOORE: In that administration, yes.

13 That is not normally the case. I mean, I have
14 let people go, and quite frankly, I have let people go in
15 the Office of Attorney General where we didn't go to that
16 level. It was just, once Jonathan Duecker and Kathleen
17 Kane took more of, I guess, an interest in terminations,
18 that's when it came to be.

19 REPRESENTATIVE TOOHL: Okay. So in the roughly
20 five retaliatory firings that you knew about, were there
21 agents used in the---

22 MR. MOORE: Well, the two that I could mention,
23 yes.

24 REPRESENTATIVE TOOHL: I know that earlier
25 Mr. Barker testified---

1 MR. MOORE: Yes. Yeah.

2 REPRESENTATIVE TOOHL: Okay.

3 MR. MOORE: Yeah.

4 REPRESENTATIVE TOOHL: So Mr. Barker testified
5 that that had been used, an agent had been used to remove
6 him.

7 And were these agents being used in other ways in
8 the office that you would think is not commonplace?

9 MR. MOORE: No. I think that a lot of them have
10 office duties.

11 REPRESENTATIVE TOOHL: Okay.

12 MR. MOORE: And I think that's what they could
13 have been doing as opposed to this.

14 You know, hearing the Barker testimony, you had
15 two Special Agents in Charge that, I mean, one was the
16 criminal investigations agent in charge, the other one was
17 the narcotics agent in charge. Both of them oversee a
18 bureau, and they could have had much better things to do
19 than to make sure that Mr. Barker got his personal
20 belongings.

21 REPRESENTATIVE TOOHL: Thank you.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Do any
23 other Members have any questions? No?

24 Counsel Kane?

25 COUNSEL KANE: Thank you, Mr. Chairman.

1 Thank you, Mr. Moore. Just a few follow-ups, if
2 I could.

3 You were talking about the fact that the office
4 has a zero tolerance for both retaliation and for claims of
5 sexual harassment or other types of employment,
6 administration.

7 MR. MOORE: Yes, sir.

8 COUNSEL KANE: When you make a recommendation,
9 are there ever cases where there are gray areas, where it
10 isn't zero tolerance, where something may be considered
11 with lesser discipline than---

12 MR. MOORE: Yeah. There are circumstances that
13 could be mitigated. And, I mean, whenever I talk about
14 zero tolerance, it doesn't mean if there's an infraction,
15 you necessarily are terminated. It's just that there are
16 certain degrees of it.

17 We don't tolerate at all harassment. We don't
18 tolerate sexual harassment or retaliation. However, sexual
19 harassment could be defined in different degrees, and
20 something that may be inappropriate may be handled a
21 different way as opposed to, in the Duecker case, for
22 example, in my opinion, that lady would have been in her
23 right to call the cops. I mean, I feel that that could
24 have been a crime.

25 And quite frankly, that should -- that is

1 something that would be a termination. That's not
2 something that we would entertain something lower than
3 that, whether it be a suspension or a reprimand.

4 COUNSEL KANE: Were there ever cases, though,
5 that you handled where, to the same level of harassment as
6 you represented in this case, where termination was, a
7 recommendation of termination was made and overruled?

8 MR. MOORE: No; no.

9 COUNSEL KANE: Okay.

10 MR. MOORE: Not to this level.

11 COUNSEL KANE: You said that you didn't interview
12 Mr. Duecker because of concerns about protecting the
13 witnesses. Can you be more specific about what exactly?
14 Why did you have those concerns?

15 MR. MOORE: Well, I mean, Jonathan Duecker showed
16 a history and a pattern of retaliation and intimidation in
17 the office, and it was not only the people that were in his
18 chain of command but it was other people around him.

19 You know, Special Agent Wevodau was a prime
20 example. He would undermine his authority with his agents.
21 He would go to the Attorney General saying that he wasn't a
22 team player and caused him to have grief as far as being
23 investigated against.

24 He demoted people into positions that we didn't
25 even have as an office. He made the one guy up in the

1 Wilkes-Barre office, made him an administrative agent. The
2 Office of Attorney General doesn't have administrative
3 agents. But they took him off the field and took away his
4 overtime and that to do something along those lines.

5 There was another agent out in Norristown that,
6 they didn't have anything on the guy, but John Duecker
7 instructed OPR to go find something on him to fire him. He
8 made things that bad for him that he ended up quitting.

9 They met with confidential informants about this
10 individual without telling the office or having the Office
11 of Professional Responsibility involved, which could have
12 endangered that agent, because now you have confidential
13 informants, which are criminals, knowing that there is that
14 internal issue going on there.

15 There are just a lot of issues. Duecker, one
16 time in an email to me, chastised me for two of the
17 personnel moves that were made regarding, one was a
18 suspension and one was a termination. He cc'd about a
19 dozen people on that email, and he said that whenever I do
20 something like this, it makes the Attorney General and
21 himself look bad.

22 Fortunately, at that time, Bruce was still acting
23 as First Deputy as far as being able to process things. He
24 corrected Jonathan on that. Because when we do suspensions
25 or terminations, it went up through the First Deputy. The

1 First Deputy approved what we did and when we did it. We
2 worked with the unions. And Jonathan Duecker wasn't
3 privileged to that information; however, he reacted not
4 knowing the facts.

5 COUNSEL KANE: And you did mention that Attorney
6 General Beemer said that in this particular case, that
7 your report and recommendation was not going to go to him.
8 Well, that was the norm, though, to go to the First
9 Deputy?

10 MR. MOORE: Correct; yes.

11 COUNSEL KANE: And did he say why this personnel
12 issue was going to bypass him?

13 MR. MOORE: He said that the Attorney General
14 wanted it to go to her directly.

15 COUNSEL KANE: I take it it was unusual then that
16 you would not interview someone who is the subject of an
17 investigation.

18 MR. MOORE: This was the only time I have ever
19 not interviewed somebody. So yes, it is very unusual.

20 COUNSEL KANE: And was that because of these
21 unusual circumstances, the history of retaliation, what
22 have you?

23 MR. MOORE: The history of retaliation and his
24 position.

25 COUNSEL KANE: Okay.

1 MR. MOORE: There was no way that, you know, we
2 could ensure -- and that's one thing we tell our clients,
3 or our people: we'll keep them confidential; we'll make
4 sure that you're not retaliated against. We couldn't do
5 that in this case.

6 COUNSEL KANE: And you said that you reached out
7 to the Office of Administration, Jay Gasdaska?

8 MR. MOORE: Yes.

9 COUNSEL KANE: And did he concur in that
10 approach?

11 MR. MOORE: Yes. And I explained to him the
12 circumstances. I didn't give him the name; I just said in
13 a position that we would be unable to protect this person
14 or these people from retaliation or from being intimidated
15 against. Explained the circumstances as far as what the
16 evidence was and our concerns, and he thought that that was
17 valid, that there was enough evidence to proceed.

18 COUNSEL KANE: Okay. Just one final question.

19 You said that he was promoted, but I don't know
20 if you have talked about exactly what he was promoted to.
21 So on the day after your recommendation to terminate
22 him---

23 MR. MOORE: He was promoted to Chief of Staff.

24 COUNSEL KANE: And as Chief of Staff, what was
25 his, what was his function?

1 MR. MOORE: Well, he created his own function,
2 because that, again, you know, right after he became Chief
3 of Staff, he took over all personnel moves, which was
4 usually a First Deputy job. So essentially he had the run
5 of the office at that point.

6 COUNSEL KANE: Now, when you say he took over all
7 personnel moves, did that include whether to terminate
8 somebody from the Office of Human Resources?

9 MR. MOORE: Correct.

10 COUNSEL KANE: So I get this straight, you made a
11 recommendation that he be terminated, and ultimately, he
12 terminated you?

13 MR. MOORE: Absolutely; yeah.

14 And as soon as he was promoted to Chief of Staff
15 and I saw the email that he was now in charge of personnel
16 moves, I knew I was on a short time list, so.

17 COUNSEL KANE: And presumably the Attorney
18 General knew that this new power that he had resulted in
19 using that power against the person who was doing their
20 job?

21 MR. MOORE: Oh, yes. Yeah. There's no question
22 that she knew exactly what he was able to do with that
23 position.

24 COUNSEL KANE: Thank you.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Just a

1 couple of quick follow-ups.

2 You know, relative to Patrick Reese, who was
3 charged, tried, convicted, sentenced, and then on appeal,
4 what was the office's policy about folks who had been
5 similarly situated?

6 MR. MOORE: He should have been terminated, and
7 that's one of those times where she, I guess, discontinued
8 a policy to suit her needs in the office.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Right.

10 You mentioned the FOP contract, and we're going
11 to talk about that later on today. But how did you know
12 about her efforts to utilize that as leverage to help
13 promote Jonathan Duecker?

14 MR. MOORE: I had a three-way conference call
15 with the two representatives of the FOP.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

17 MR. MOORE: Their two legal counsels.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

19 And they shared that with you in that conference
20 call?

21 MR. MOORE: Yes, they did.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: That
23 she had approached them and offered a favorable contract if
24 the FOP would come out in support of Jonathan Duecker?

25 MR. MOORE: Yes.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
2 right.

3 Any other questions from anybody?

4 All right. Mr. Moore, thank you so much.

5 Ms. Pierce, thank you very much for being here
6 and making the trip again. I appreciate it.

7 And hopefully you found some other employment
8 that is as rewarding as your time over at the Attorney
9 General's Office, and---

10 MR. MOORE: Yeah. I like where I'm at, I really
11 do, but quite frankly, there was a lot of things at the
12 Attorney General's Office that we were working to build.
13 They didn't have the structure and the history like the
14 Department of Human Services had, so it was really -- I was
15 really enjoying the work and being able to help with policy
16 and procedure and help build a foundation there.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Sure.

18 Well, on behalf of the Commonwealth, I'm sorry
19 you had to endure what you endured, and I certainly wish
20 you the best. Thank you so much for being here.

21 MR. MOORE: Thank you.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: We are
23 going to recess until 1:30, and then we'll be back with
24 some more testimony.

25 The testimony this afternoon, many of the

1 testifiers this afternoon will be testifying remotely, and
2 we'll have some technology set up over the lunch hour here
3 so we're ready to go at 1:30. All right?

4 Thank you.

5
6 (A lunch break was taken.)

7
8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
9 right. We're going to resume the Courts Subcommittee
10 hearing.

11 And it's my understanding that we have Agent
12 Laurito from the Attorney General's Office, as well as his
13 attorney, Larry Moran, available via conference call. Is
14 that right?

15 ATTORNEY MORAN: That's correct.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Who was
17 that?

18 ATTORNEY MORAN: That was Attorney Moran, and
19 that will probably be the last time you hear from me.

20 Aaron, identify yourself for the record.

21 AGENT LAURITO: Agent Aaron Laurito.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
23 right. Thank you very much, Agent Laurito. I appreciate
24 you making yourself available for our Committee, or our
25 Subcommittee.

1 And, you know, I want to focus your attention on
2 an incident that occurred in a drug investigation that you
3 were handling in Allentown with a confidential informant
4 that was making a drug buy and had some issues. Could you
5 relate for the Members of the Subcommittee what happened as
6 it relates to that particular undercover operation there
7 with the confidential informant?

8 AGENT LAURITO: The investigation---

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
10 Actually, before you---

11 AGENT LAURITO: Yes?

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: You
13 know what? Before you get there -- I'm sorry. Before you
14 get there, maybe just give a little bit of your background
15 and where you work and what you do for some context.

16 AGENT LAURITO: I have 19 years of law
17 enforcement experience, 9 years as a uniformed police
18 officer and 10 years as an agent with the Narcotics Unit in
19 the Pennsylvania Office of the Attorney General.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
21 Terrific.

22 Now, if you could, you know, share with us what
23 happened with the confidential informant making that buy in
24 Allentown, that would be great.

25 AGENT LAURITO: That incident occurred on

1 Tuesday, May 14th of 2013. I was making controlled buys
2 through this confidential informant with an individual
3 identified as Justin Williams. The investigation started
4 back in January of that year, and it was concluded in
5 May of 2013.

6 On that specific date of May 14, 2013, I met with
7 that confidential informant at an undisclosed location in
8 Allentown. I searched that informant and found no
9 contraband or no money.

10 He placed a text message to Mr. Williams and
11 ordered 10 bags of heroin, for a total of about \$100 of
12 U.S. currency.

13 The meet location was agreed upon between both my
14 CI and Mr. Williams. The CI was then followed to the
15 location where Mr. Williams agreed to meet the CI, and a
16 transaction occurred.

17 After that transaction, the CI was followed
18 directly back to my location and entered my vehicle. He
19 handed over nine white bags of suspected heroin. Like I
20 said, I had made controlled buys with this CI prior, used
21 him the same, against Mr. Williams, and every time I made
22 the controlled buys, the exact count was always the same.
23 If I ordered 10, I received 10 bags. If I ordered 20, I
24 received 20. This time, he handed me over nine bags of
25 suspected heroin, which raised some suspicion to myself.

1 I questioned the CI where the tenth bag was, and
2 he said that Mr. Williams shorted him that one bag. I
3 explained to him that I was going to strip search him, and
4 if I would find that extra bag, I would be charging him, at
5 which point the CI advised me that he had a syringe in his
6 left boot of his -- in his left boot.

7 I notified my immediate supervisor, David
8 Carolina, of the incident, who also arrived at my location.

9 There was a YMCA -- we were in a YMCA parking lot
10 in Allentown off of 15th Street at the time. That's where
11 we met after the controlled buy.

12 Myself, Agent Carolina, and my CI walked into
13 the bathroom of the YMCA and entered one of the stalls,
14 at which point the CI reached out into his left boot and
15 produced the one syringe that he stated that he had on
16 him.

17 David Carolina advised the CI to flush the
18 syringe down the toilet, at which time the CI flushed --
19 threw the syringe into the toilet and flushed the toilet
20 twice.

21 After that, the CI returned back to my vehicle,
22 and a statement was obtained by the CI regarding the
23 controlled purchase.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So---

25 AGENT LAURITO: Um---

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Oh; go
2 ahead.

3 AGENT LAURITO: Okay. No, go ahead.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now,
5 ordinarily, based on your training and experience, how
6 would you handle a situation as it relates to your
7 reporting where a confidential informant who is providing
8 information that you want to use for either a search
9 warrant or an arrest warrant is found to be faulty or, you
10 know, frankly, unbelievable?

11 AGENT LAURITO: I would document that in my
12 report, which I did in this instance on my investigative
13 report.

14 I documented that during the re-search of the CI,
15 that a needle or a syringe was located in my CI's left boot
16 and that it was destroyed in the presence of both myself,
17 Agent Carolina, and the CI.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
19 what's the protocol in the Attorney General's Office: When
20 you complete your report, who does it go to after you
21 finish your report?

22 AGENT LAURITO: It goes directly to my immediate
23 supervisor, who at the time was David Carolina.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
25 what---

1 AGENT LAURITO: Via electronically.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
3 sorry. I missed that. What was that?

4 AGENT LAURITO: It was done electronically
5 through our computer system.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.
7 All right.

8 So after you submitted that report electronically
9 to your supervisor, David Carolina, what happened?

10 AGENT LAURITO: I'm not sure how many days
11 elapsed from the time I submitted it to the time I got a
12 response back saying that the report was denied.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
14 what did you do as a result of that denial?

15 AGENT LAURITO: I approached David Carolina
16 regarding that, and he asked that I would exclude that from
17 my report.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So your
19 supervisor directed you to remove that information about
20 the CI and the CI's credibility from your report?

21 AGENT LAURITO: That's correct.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.
23 What happened next?

24 AGENT LAURITO: Not liking that answer, I went
25 directly to my Regional Agent in Charge, who was

1 Jodi Canady, and I explained the situation to her
2 regarding my report being denied and that Agent Carolina
3 wanted me to exclude that from my report. She advised me
4 just to resubmit the same report and that it would be
5 approved.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And did
7 that happen?

8 AGENT LAURITO: That did happen.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So
10 aside from reporting it to her, who else did you report
11 that to?

12 AGENT LAURITO: Before speaking to Agent Canady,
13 Chuck Horvath was our union rep in our office at the time.
14 I mentioned it to him as well.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now,
16 do you have any idea what conversations or discussions
17 ensued behind the scenes in between David Carolina's
18 rejection of your report and the ultimate acceptance of
19 your report?

20 AGENT LAURITO: No, I do not.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So do
22 you know of any other members of the Attorney General's
23 Office or staff that were aware of this incident?

24 AGENT LAURITO: Um, I would say within a week to
25 2 weeks after this incident, my Regional Agent in Charge,

1 Jodi Canady, called a staff meeting, at which time she
2 advised everyone in the staff meeting that Jonathan
3 Duecker, who was a SAC for BNI, was aware of this incident
4 and that there are no issues with this incident and it's
5 pretty much a done deal; it's dropped.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: What do
7 you mean by "dropped"?

8 AGENT LAURITO: Meaning that, you know, he is
9 aware of it and there are no issues regarding the incident
10 in general.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

12 So did you have any conversations with Jonathan
13 Duecker about the incident?

14 AGENT LAURITO: No, I did not.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: In a
16 situation like this, where a supervisor is directing an
17 agent to omit pertinent information about a confidential
18 informant's credibility, is there typically an OPR, or
19 Office of Professional Responsibility, investigation?

20 AGENT LAURITO: Yes.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Were
22 you ever contacted by anyone at OPR?

23 AGENT LAURITO: No, I was not.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Did
25 anyone else in the Attorney General's Office, you know, in

1 terms of providing accountability into the supervisor's
2 directives here, contact you or interview you?

3 AGENT LAURITO: No.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So it
5 just kind of went away? Is that the best way to
6 characterize it?

7 AGENT LAURITO: It was pretty much swept
8 underneath the rug. Correct.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

10 I mean, did that surprise you, based on your
11 19 years of experience in law enforcement?

12 AGENT LAURITO: Yeah. It was a little
13 nerve-racking.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Why was
15 that?

16 AGENT LAURITO: Having a supervisor advise an
17 agent to exclude something from a report, an investigative
18 report, that should be -- that's disclosed, you know,
19 requesting that agent to not disclose that information.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Sure.

21 Can you talk to me, we have had some testimony
22 earlier today about morale in the office while Kathleen
23 Kane remained there as the Attorney General. Can you
24 comment on that? Are you aware of sort of the general
25 perception within the Attorney General's Office, the folks

1 that you interact with, while she was there and while
2 Jonathan Duecker was there?

3 AGENT LAURITO: I would say the morale did a
4 360.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: When
6 did it do a 360?

7 AGENT LAURITO: After her conviction, Kathleen
8 Kane's conviction.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So what
10 was the morale like beforehand?

11 AGENT LAURITO: Um, to characterize it, I would
12 say pretty much fear in the office. You were walking on
13 eggshells. Intimidation.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And was
15 that -- why was that? What was the fear? Was it fear of
16 retaliation, retribution, you know, at the hands of Duecker
17 or someone else? What caused that?

18 AGENT LAURITO: All of the above. You know, the
19 fear that you're not going to have a job tomorrow if you go
20 against a certain person's norm.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.
22 All right. Tedd, do you have any follow-up
23 questions?

24 REPRESENTATIVE NESBIT: No.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: No?

1 Counsel Kane?

2 COUNSEL KANE: Agent Laurito?

3 AGENT LAURITO: Yes.

4 COUNSEL KANE: Let me ask you, as a BNI agent,
5 when you're using confidential informants, does the office
6 keep track of informants and keep kind of a record of
7 informants in case at some point the veracity of a
8 particular informant that led to action would have to be
9 demonstrated to the courts?

10 AGENT LAURITO: Yes. We keep a CI file. In that
11 CI file is the personal background of that informant,
12 targets that they may be able to -- that we may be able to
13 investigate. Also, any moneys that we give them to make
14 controlled buys, it's all documented in their file.

15 COUNSEL KANE: And when you need to get a warrant
16 based on information provided by a CI, is one of the things
17 that you have to demonstrate in that warrant that the
18 confidential informant has previously proven to be reliable
19 by giving you reliable information?

20 AGENT LAURITO: Yes; that is correct.

21 COUNSEL KANE: And is part of keeping that record
22 to establish that prior veracity?

23 AGENT LAURITO: Yeah. We pretty much, after each
24 controlled buy, we do an investigative report. And at the
25 time of ascertaining the search warrant or an arrest

1 warrant, our investigative reports go into our affidavit of
2 probable cause for the affidavit for either the search
3 warrant or the arrest warrant for that individual.

4 COUNSEL KANE: Was there any search warrant that
5 was applied for as a result of this specific undercover buy
6 that you just testified to?

7 AGENT LAURITO: Yes, there was.

8 COUNSEL KANE: Okay. Was this informant
9 subsequently used in other investigations?

10 AGENT LAURITO: The CI was later termed
11 "deactivated."

12 COUNSEL KANE: And did that deactivation come
13 about as a result of this incident?

14 AGENT LAURITO: Yes, it did.

15 COUNSEL KANE: All right.

16 I don't have any further questions.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
18 right.

19 Agent Laurito and Counsel Moran, thank you very
20 much for your testimony. We appreciate your participation
21 today and certainly appreciate you making yourselves
22 available to the Subcommittee. Thank you very much.

23 ATTORNEY MORAN: Thank you to the Committee.
24 Enjoy the day.

25 AGENT LAURITO: Thank you.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
2 right. Thank you, too.

3 All right. We have -- it's funny. I was just
4 texting our next witness to tell her I would let her know
5 when we're free. I didn't think it was going to be this
6 quickly, so.

7 Laurel, are you there?

8 ATTORNEY BRANDSTETTER: I am. Can you hear me?

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I can.
10 Are we going to see you, too, or are we just going to hear
11 you?

12 ATTORNEY BRANDSTETTER: I think so. Let me click
13 "Webcam."

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Hi
15 there.

16 ATTORNEY BRANDSTETTER: Hi.

17 I can't see you, but that's okay.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
19 sorry. That's all right. There are only a few of us here
20 right now, so no big deal.

21 ATTORNEY BRANDSTETTER: Okay.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So
23 just as a sort of preamble here, our next witness is
24 Laurel Brandstetter, who used to be a prosecutor with the
25 Attorney General's Office. But in advance of her

1 testimony, I just wanted to give or provide for the record
2 and the Members of the Subcommittee some context, two
3 important findings or pieces of information that I think
4 are important to share.

5 In May of 2011, an order was issued regarding the
6 Thirty-first Statewide Investigating Grand Jury and a
7 report that that grand jury had issued concerning gaming,
8 and in particular, the process through which gaming
9 licenses were awarded in the Commonwealth of Pennsylvania.

10 Specifically -- and I'm holding the order -- part
11 of the order says:

12 "That investigating Grand Jury Report
13 No. 1 is accepted by the Court with the direction that the
14 original be relayed as directed below by the Office of
15 Attorney General. Disclosure shall be made, in whole or in
16 part, at a later date as an independent document, or
17 attached to a larger grand jury..." document "to be
18 determined by another Grand Jury."

19 And it directs that the attorney for the
20 Commonwealth deliver copies of that report to, among other
21 departments:

22 "Any future investigating grand juries empaneled
23 by the Office of the Attorney General."

24 That was in May of 2011. And, Laurel, if I'm not
25 mistaken, you were working with that grand jury that

1 published that report as it related to -- the grand jury
2 in 2011 that related to the issuance of gaming licenses
3 and the way the Gaming Control Board was structured and
4 operated and everything else like that. Is that accurate?

5 ATTORNEY BRANDSTETTER: Yes.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
7 right.

8 Now, another piece of information that I think is
9 important for background for the Committee comes from a
10 newspaper article appearing, and we heard about this
11 earlier, the famous *philly.com* with Angela Couloumbis and,
12 in this case, Craig McCoy writing for the Philadelphia
13 Inquirer on April 2nd of 2015.

14 The headline in that story is "AG Kane quashed
15 subpoenas in casino investigation, sources say," and there
16 are some excerpts from this newspaper article that I think
17 are important to be a part of the record and for the
18 Committee to have as background. So I'm just going to read
19 a few portions of this to provide some context for the
20 Committee.

21 The article involves a 2013 investigation against
22 Donald Shiffer, who was an assistant counsel at the
23 Pennsylvania Gaming Control Board from 2005 and 2007. And
24 specifically quoting the newspaper article that I
25 referenced:

1 “The 2013 investigation of Shiffer was a
2 follow-up to the previous grand jury report. That 2011
3 report cited telephone records and other evidence to
4 suggest that Shiffer spent months feeding inside
5 information to DeNaples,” and that refers to Louis
6 DeNaples, “squirreling away documents that he had no right
7 to, and giving DeNaples, through the casino owner’s
8 daughter, the scoop on how regulators were reviewing his
9 bid,” and that was to own a casino in Pennsylvania.

10 Going back to the article, quote, “And after
11 DeNaples won a license in 2006, Shiffer in 2008 became the
12 general counsel of DeNaples’ \$400 million Mount Airy Casino
13 Resort in the Poconos.”

14 Later on in the article it goes into great
15 detail, and I want to provide the Committee with the detail
16 that this article provides:

17 “Senior Deputy Attorney General Laurel
18 Brandstetter led the grand jury probe that examined the
19 casino licenses.

20 “In the months after the grand jury report was
21 issued, public records show, Brandstetter turned to other
22 investigations.” She then refocused her efforts on
23 Shiffer.

24 Quote: “In April 2013, Brandstetter issued the
25 two subpoenas in the Shiffer case: one for DeNaples, the

1 other for Conaboy. Top prosecutor Beemer," and this refers
2 to now Attorney General Beemer, "then in charge of the
3 office's criminal-prosecutions section, signed off
4 beforehand, according to people familiar with the
5 decision."

6 "So did Brandstetter, who left the Attorney
7 General's Office last summer, ending a 14-year career as a
8 state and county prosecutor. Through a spokesman,
9 Brandstetter said she was," quote, " 'ethically and legally
10 obligated to uphold the confidentiality requirements,' "
11 unquote, "of her former office.

12 "The planned interviews with DeNaples and Conaboy
13 were to be the final investigative step before prosecutors
14 decided whether to charge Shiffer with conflict of interest
15 and perjury, according to the people familiar with the
16 matter. They said DeNaples and Conaboy were viewed as
17 witnesses, not as targets for prosecution."

18 "Once Kane learned about the subpoenas, the
19 investigation became the subject of repeated debate in the
20 Harrisburg office, one that pitted Kane against aides who
21 wanted the case to go forward unfettered. Kane raised
22 questions about Brandstetter's style and was sympathetic to
23 DeNaples, sources said."

24 Quote: " 'It was clear that she didn't want it to
25 go forward,' " unquote, "according to someone familiar with

1 prosecutors' decision-making.

2 "Still, in response to the subpoenas, DeNaples
3 and Conaboy agreed to come in to be interviewed by
4 Brandstetter, according to sources. The discussion was to
5 be a precursor to their grand jury appearance.

6 "The interviews never happened. Before the
7 interview dates, the subpoenas were nullified.

8 " 'They never showed,' a source said. 'It was
9 like it just died in the water.'

10 "Brandstetter was told the interviews had been
11 canceled, but was never given a reason, sources said.
12 According to one source, all she could learn was that Kane
13 held a dim view of the probe, that 'she didn't like the
14 case,' " unquote.

15 "Said another person: 'The word was, "This is
16 over." ' "

17 "Once Kane blocked the subpoenas, aides urged her
18 to consider another approach. The sources said she
19 acquiesced and agreed that the office could pursue a
20 perjury case against Shiffer, who prosecutors believed had
21 lied about how he ended up working for DeNaples."

22 The article continues, "But Kate ruled out a
23 companion charge alleging that Shiffer had violated the
24 state's conflict-of-interest law.

25 "Perjury, the theory went, could be proven

1 without testimony from DeNaples and Conaboy. In mounting a
2 more complex conflict-of-interest case, their testimony
3 would have been needed so authorities could demonstrate
4 that Schiffer had fed information to DeNaples in return for
5 the promise of a lucrative job.

6 "In the end, prosecutors never brought any
7 charges against Shiffer, believing a stand-alone perjury
8 charge would likely fail because it would be difficult to
9 prove that Shiffer had lied without presenting evidence
10 about his motive to do so.

11 "By the summer of 2013, the Shiffer case had
12 withered.

13 "On October 3, 2013, campaign records show,
14 DeNaples made a \$25,000 contribution to Kane through a
15 business entity called Pocono Gardens Realty.

16 "The \$25,000 was the only campaign contribution
17 Pocono Gardens made since it was founded in 2009,
18 campaign-finance records show.

19 "Kane returned the contribution on December 30,
20 2013, the records show. No reason was given."

21 When asked about the donation, a spokesman for
22 Kane emailed, quote, " 'Please contact the campaign for
23 questions about donations,' " and "Kane's campaign
24 treasurer did not return telephone calls.

25 "By late 2013, meanwhile, the Shiffer

1 investigation was dead. The grand jury that had been
2 examining evidence in the case had expired.”

3 And again, that was all according to the
4 Philadelphia Inquirer, April 2, 2015.

5 Now, Ms. Brandstetter, I know there are some --
6 you are limited in what you are able to tell us today. Is
7 that right?

8 ATTORNEY BRANDSTETTER: That's correct.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So I
10 think if I'm not mistaken, I think you can confirm that you
11 were involved in an investigation along these lines.

12 ATTORNEY BRANDSTETTER: I can.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And do
14 you have an opinion as to why your investigation did not
15 result in a prosecution?

16 ATTORNEY BRANDSTETTER: Well, I have an opinion
17 that the investigation was interfered with and that it
18 didn't follow its natural course. But why---

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
20 when you say---

21 ATTORNEY BRANDSTETTER: ---I often wondered
22 about.

23 I learned along with the public about that
24 campaign contribution from that article. So that would
25 provide a potential motive, I suppose. I didn't know that

1 when I was employed by the office.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So it's
3 safe to say that the "why"--- Let's skip the "why" for the
4 time being. But your belief that your investigation was
5 interfered with, do you have an opinion as to who
6 interfered with your investigation?

7 ATTORNEY BRANDSTETTER: I believe Kathleen Kane
8 was directly involved. There may have been others, but I
9 can't comment on that.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I
11 understand.

12 And as you mentioned, once you read the newspaper
13 article, that's when you realized that there may be an
14 explanation as to why she would interfere in such an
15 investigation.

16 ATTORNEY BRANDSTETTER: Correct. I mean, I was
17 shocked and disturbed and had conversations with the agent
18 that had been involved in the case about potentially
19 investigating that contribution. I was no longer in the
20 office, though, so there was not much I could do.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: But
22 what did you do?

23 ATTORNEY BRANDSTETTER: Well, I was always
24 bothered by this, so before I left my employment with the
25 Attorney General's Office, I took information relating to

1 that investigation to the U.S. Attorney's Office for the
2 Middle District, and I met with an attorney and at least
3 one FBI agent.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And did
5 you just have one meeting with them?

6 ATTORNEY BRANDSTETTER: Yes.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Are you
8 aware what, if anything, they did with the information you
9 provided them?

10 ATTORNEY BRANDSTETTER: I don't. Like I said, I
11 left law enforcement shortly thereafter, so they would have
12 been prevented from sharing that kind of information with
13 me.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, as
15 it relates to -- I want to get your opinion as someone who
16 investigated a fair amount of corruption. And maybe you
17 could just detail for us kind of your experience as a
18 prosecutor and the types of cases that you were handling,
19 particularly at the end of your tenure.

20 ATTORNEY BRANDSTETTER: Okay.

21 So I worked for Allegheny County for almost
22 8 years, and that was primarily street crime. I left the
23 Violent Crime and Firearms Unit where I prosecuted
24 homicides and shootings and robberies and those sorts of
25 offenses.

1 I went to the Attorney General's Office and
2 became immediately involved in a lot of their public
3 corruption investigations that were ongoing at that time.

4 So that was the era of Bonusgate, and I was
5 assigned to several prosecutions in the Western District
6 that stemmed out from the larger Bonusgate. So that would
7 have been individuals charged in Beaver County, for
8 example, with, you know, mishandling nonprofits and other
9 offenses relating to their office. So that was my first
10 exposure to grand jury investigations.

11 I then investigated a number of individuals and
12 entities. The cases that you all would probably know about
13 would be, I prosecuted former Representative Veon for his
14 control of a Beaver County nonprofit. That resulted in a
15 conviction. I then investigated the Gaming Control Board
16 and saw that that report was issued. I investigated the
17 Pennsylvania Turnpike Commission and left shortly before
18 those cases were resolved.

19 Those are probably the cases that you all would
20 be familiar with.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Sure.

22 Do you have any, you know, obviously, based on
23 your experience in this particular case, do you have any
24 recommendations or suggestions for our Committee as to
25 legislation or reforms that we might want to consider that

1 would help, you know, help prevent, say, a sitting Attorney
2 General, hypothetically, from meddling in an ongoing
3 investigation and then being protected from any real
4 accountability by virtue of the grand jury secrecy
5 provisions in law?

6 ATTORNEY BRANDSTETTER: Yeah.

7 Well, there are a number of reforms that I think
8 the Grand Jury Act needs, and I will try to tailor my
9 comments to those that would -- how it affected this
10 particular situation.

11 For example, I'm very limited in what I can say
12 to you all today because of the Grand Jury Secrecy Act and
13 the way that it is viewed and it has been read. They take
14 a very broad view, and by "they," I mean, you know, the
15 Attorney General's Office and I imagine any county that is
16 prosecuting cases under the Grand Jury Act.

17 But matters, it covers matters occurring before
18 the grand jury, so the fact of a subpoena being issued; the
19 fact of agents going out and conducting an interview as a
20 result of that subpoena. You know, the reports that are
21 generated as a result of those interviews are all covered
22 by the Grand Jury Secrecy Act. So -- and I keep saying
23 Secrecy Act. It's just the Grand Jury Act. So I think
24 that needs to be examined.

25 I think that there has got to be a way to address

1 concerns. I mean, you know, I suppose you could do what I
2 did, which was take it to another law enforcement entity if
3 you think that your investigation is being interfered with.
4 But I think there needs to be clarity with regard to the
5 use of a special prosecutor.

6 You know, we don't have that anymore, and as we
7 have seen with our own investigation, you know, a special
8 prosecutor was used in that instance, but not without
9 controversy. So I think there needs to be clarity about
10 that.

11 You know, now that I have a defense practice,
12 there's a view that the Attorney General's Office controls
13 the grand jury and allows for sort of access that others
14 might view as inappropriate. So things like creating a
15 practice manual that the office follows; physically
16 separating the grand jury more from the office so that
17 they're not working in the same building with sort of
18 access to the judge and access to the attorneys that are
19 appearing before that judge.

20 Now, the judge wasn't an issue in my case at all.
21 In fact, he was very supportive of my efforts. But, you
22 know, this was such a unique factual situation. I haven't
23 experienced anything on this level in my 14 years of
24 prosecuting cases. So I don't know that you can prevent
25 this if someone has ill intent. But I do think that our

1 Grand Jury Act needs some help.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
3 right. Thank you very much.

4 Is there anything, anything else you experienced
5 or that you're aware of as it relates to any other
6 potential misconduct by Kathleen Kane, that you're aware of
7 that might be beneficial for the Committee to know?

8 ATTORNEY BRANDSTETTER: You know, it's hard for
9 me to separate out what was occurring when I was still
10 there and what I have learned from people since.

11 When I left, I think I left before things got
12 really bad. But even the fact of my departure, I loved
13 being a prosecutor. It was not something that I was
14 looking to end. And I left because I'm a single parent and
15 I was quite sure that I would get fired if I stayed. And
16 not for any misconduct on my part, just because I am who I
17 am and investigate the cases that I investigate.

18 I had the overwhelming sense that if I didn't
19 find another job, I would be fired, and that's a terrible
20 way to live. It has taken 2 years to sort of unravel from
21 that.

22 You know, I don't know that that's the kind of
23 misconduct that you all mean, but I can't underscore enough
24 how terrible it really was working there, and I think it
25 just got worse after I left.

1 It became a running joke among agents who would
2 need to go over -- I left a good number of cases there that
3 were, you know, really great cases that I was aggressively
4 pursuing, and they didn't really go anywhere. And I know
5 from meetings that people had that there was this running
6 joke that, oh, Brandstetter would have been fired for this
7 one; Brandstetter would have been fired for that one.

8 And, you know, you're not supposed to have that
9 fear when you're prosecuting cases. You're supposed to be
10 able to put your head down and do your work and not be
11 influenced by politics.

12 I prided myself in that, of sort of being
13 apolitical. I had Googled the General Assembly on my first
14 day to learn who Mike Veon was, which maybe is
15 embarrassing. But, you know, I wasn't involved in politics
16 to such a degree that I didn't know who these people were,
17 and so they didn't influence my decision. I wasn't afraid
18 of who these people were or who had elected them or what
19 power they yielded, and I think you need that to preserve
20 the integrity of the investigative process. And I know
21 when I left, that the ability to do that was gone.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
23 right. Thank you for that. That was very helpful and
24 insightful.

25 Do any other Members of the Committee have any

1 questions?

2 All right. Counsel Kane, I think, had -- oh;
3 just one second.

4 Okay. I know the, you know, subpoenas of the
5 grand jury are not something that you might be able to talk
6 about if they were issued, but are there any other
7 investigative steps that you can point to that are not,
8 would not be covered by any grand jury secrecy provisions
9 that you can share with us that you feel may have been an
10 example of interference?

11 ATTORNEY BRANDSTETTER: I don't think so. I have
12 really tried. I wanted to be as helpful to you all as I
13 possibly could.

14 I even sought a disclosure order so that I could
15 speak freely, and that was denied. And I have talked
16 through with the office everything that I experienced, and
17 we really, you know, even trying to think creatively,
18 couldn't come up with a way to share with you any of the
19 experiences.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

21 ATTORNEY BRANDSTETTER: I can tell you that they
22 were really serious. I spoke to you last week and got off
23 the phone and, you know, called former supervisors of mine
24 from the office, and I actually started crying again,
25 having to go through the whole story.

1 So I really never experienced anything like what
2 I experienced. I can underscore that. I can tell you that
3 I'm still upset by it. I had hoped that when I brought the
4 information outside to another law enforcement entity that
5 something would be done. I think it's really wrong.

6 But with respect to specific action items or
7 specific experiences, I don't think there are any that
8 weren't covered by some grand jury process.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
10 your inability to share those is based upon the Grand Jury
11 Act?

12 ATTORNEY BRANDSTETTER: Yes.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

14 All right. Any other questions?

15 It seems like that's all we're allowed to ask.

16 Thank you so much for your---

17 ATTORNEY BRANDSTETTER: I know. I'm sorry.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: No, no,
19 no; it's not your fault. Frankly, it's ours. It's, you
20 know, our job to change the laws and look at the laws, so
21 -- and to write the laws. So if some General Assembly
22 wrote that law, that's on us.

23 But I really appreciate your efforts and,
24 frankly, being available to the Subcommittee here and your
25 willingness to talk to me over the last several weeks, and

1 maybe longer than that, trying to gain a greater
2 understanding of everything that went on.

3 I certainly appreciate your help, and I
4 appreciate your time today.

5 ATTORNEY BRANDSTETTER: Okay. Thank you.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
7 right. Thanks. Take care.

8 All right. We have -- we're running a little bit
9 ahead of schedule. I'm going to see if I can get our next
10 witness to move up a little bit earlier than we
11 anticipated. So I just need a minute here to see if I can
12 get him to call in here momentarily.

13

14 (Pause in proceedings.)

15

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Hi.

17 Has someone called in?

18 Agent---? Oh, Agent Christopher Juba?

19 Agent Juba, are you there? Hello? Agent Juba,
20 are you there? Chris?

21 Hello. Chris, are you there? Hello?

22

23 (Pause in proceedings.)

24

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All

1 right.

2 Welcome to the Courts Subcommittee of the House
3 Judiciary Committee. Thank you for agreeing to testify
4 before us and provide us with some information.

5 Could you share with the Members here -- we're
6 speaking with Agent Chris Juba. Chris, could you share
7 with the Members here your position and your experience in
8 law enforcement?

9 AGENT JUBA: Sure thing.

10 My name is Agent Christopher Juba. I am a
11 Narcotics Agent with the Attorney General's Office and have
12 been so since May of 1999.

13 Prior to that, I was a Harrisburg City Police
14 Officer for 7 years, from May of '92 until May of '99 when
15 I left for the Attorney General's Office.

16 Prior to that, I went to Shippensburg University,
17 and prior to that I served honorably for 4 years in the
18 Marine Corps.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
20 right. Well, thank you for your service, and go Red
21 Raiders, as a Shippensburg alum myself.

22 AGENT JUBA: Yes.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I want
24 to focus your attention on an issue involving -- well, let
25 me back up.

1 One of your other roles also is you are President
2 of the FOP Lodge 74, right?

3 AGENT JUBA: Yes, I am President of Lodge 74,
4 which represents the Narcotics Agents of the Pennsylvania
5 Attorney General's Office.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
7 right.

8 Now, in your capacity as Lodge President, my
9 understanding is, you were contacted by Cindy Pugh
10 regarding an incident, an instance or instances of sexual
11 harassment by Jonathan Duecker?

12 AGENT JUBA: That's correct.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: When
14 you got that information, when you received that call or
15 were contacted by Cindy Pugh, could you share with the
16 Committee what happened next?

17 AGENT JUBA: What happened next was I contacted
18 the union solicitor, and at the time it was Melissa Weber,
19 and I informed her of what Agent Pugh had told me and that
20 Agent Pugh was requesting to speak to her about the matter.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
22 right. And Melissa Weber was one of the attorneys for the
23 FOP at the time?

24 AGENT JUBA: That's correct.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All

1 right. And then what happened?

2 AGENT JUBA: I do not know the outcome of the
3 meeting with Melissa Weber and Agent Pugh. However, in
4 May of 2015, Melissa Weber called me and said she needed to
5 do a conference call with myself, Agent Pugh, and Larry
6 Moran, another union attorney that also handled FOP
7 matters.

8 During that meeting, I was made aware that
9 Ms. Kane could not take any more bad press in regards to
10 Mr. Duecker, and she was asking for a favor from the union,
11 a letter of support from the union for Mr. Duecker saying
12 that our union supports John Duecker and that we look
13 forward to negotiating a contract with him.

14 At the same time, Melissa Weber told Agent Pugh
15 and myself that Ms. Kane wanted Agent Pugh to appear on a
16 Philadelphia TV station with her face blacked out, saying
17 she never filed sexual harassment claims against
18 Mr. Duecker. In return, we will be promised a better
19 contract in the AFSCME contract.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
21 right. Just a couple of clarifications here.

22 So at the time, the members of your union did not
23 have a contract?

24 AGENT JUBA: Correct. Well, it was about to
25 expire June 30th of 2015.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
2 right. And you guys were beginning negotiations on a new
3 contract?

4 AGENT JUBA: We actually started in August of
5 2014.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

7 Now, she wanted, Kathleen Kane wanted Cindy Pugh
8 to go on a television station in the Philadelphia area and
9 disavow that Jonathan Duecker had done anything improper to
10 her. Is that what you testified to there?

11 AGENT JUBA: That's correct.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, at
13 the time, Jonathan Duecker was in what position?

14 AGENT JUBA: At this time, he was still currently
15 a SAC, a Special Agent in Charge of Narcotics.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
17 right.

18 So was there any indication as to why Kathleen
19 Kane was looking to protect Jonathan Duecker?

20 AGENT JUBA: All I was told was that she could
21 not take any more bad press in regards to Mr. Duecker.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So what
23 did you think about this proposal, that in essence your
24 agent go on television with her face masked and lie to the
25 public in exchange for a beneficial contract?

1 AGENT JUBA: I was disgusted.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So---

3 AGENT JUBA: One, as a human being; and two, as a
4 father of three girls. I was disgusted.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:

6 Understandably so.

7 So what actions did you and your executive board
8 take as it related to this proposal?

9 AGENT JUBA: Ms. Weber requested of me to call an
10 emergency session of the executive board, where we got
11 together the latter part of May 2015 in Lancaster County at
12 a public restaurant.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
14 what happened?

15 AGENT JUBA: Present were members of the
16 executive board, along with myself and Melissa Weber.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
18 could you describe what happened at that meeting?

19 AGENT JUBA: Again, Ms. Melissa Weber outlined
20 her discussions with Ms. Kane and that Ms. Kane was
21 requesting a letter of support from our union; again, that
22 we support Mr. Duecker and that we look forward to
23 negotiating a contract with him. And she was also looking
24 for Agent Pugh to appear on a TV station in Philadelphia,
25 with her face blacked out, denying any sexual harassment

1 claims against Mr. Duecker. And in return so, if Ms. Kane
2 got these two items, she would look favorably on us during
3 the contract negotiations.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So what
5 did the board do?

6 AGENT JUBA: I'm happy to report that the board
7 had integrity and has integrity, and we stood united that
8 we weren't going to turn our backs on a sister agent.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So you
10 didn't---

11 AGENT JUBA: And I really shouldn't use these
12 types of words to describe, but we told Ms. Kane "no."

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Was
14 there an actual vote of the executive board?

15 AGENT JUBA: Yes; in-person vote, a "yea" and a
16 "nay."

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
18 then the position of the board was memorialized in a---

19 AGENT JUBA: It was unanimous---

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Oops.

21 AGENT JUBA: It was unanimous that we all agreed
22 that we weren't going to go along with this.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
24 then this was memorialized in a letter, June 9, 2015, from
25 you to the rest of the Lodge detailing what had been asked

1 of the -- what had been asked of the executive board and
2 the answer. Is that right?

3 AGENT JUBA: That's correct.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
5 right. And I have a copy of that letter. I will just read
6 it for the record here. It's dated June 9, 2015. The
7 letter reads:

8

9 Narcotics Agents Regional Committee

10 NARC Pennsylvania FOP Lodge # 74

11

12 Fellow brothers and sisters of N.A.R.C. Lodge 74,

13

14 One additional item that was discussed
15 during the executive board meeting on 28 May 2015
16 was the following. Attorney General Kane
17 contacted attorneys Larry Moran and Melissa Weber
18 with the following request that was presented to
19 the board at the executive board meeting.

20

21 Attorney General Kane requested a letter of
22 support from our union for Mr. Duecker and that
23 we look forward to negotiating a contract with
24 him. We as an executive board debated this issue
25 and by the end of that meeting, it was

1 unanimously agreed not to send a letter of
2 support.

3

4 Is that the letter detailing the actions of the
5 board that night in response to then Attorney General
6 Kane's proposal?

7 AGENT JUBA: Yes.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:

9 Now---

10 AGENT JUBA: That's the letter I prepared.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

12 All right.

13 So now talk to me a little bit about Jonathan
14 Duecker, you know, while he worked over at the Attorney
15 General's Office. Talk to me a little bit about his style
16 and what you saw in terms of the way he approached
17 different folks at the Attorney General's Office and
18 handled his job.

19 AGENT JUBA: From what I observed, as time
20 went on, his style was more of a fear and intimidation
21 approach.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So in
23 this whole episode -- and the Committee hasn't yet heard
24 from Agent Pugh, although we will shortly -- you know, are
25 you aware of what, if any effect, this has had on her?

1 AGENT JUBA: Yes. I work with Agent Pugh here in
2 the central part of the State. We're in the same office.
3 It has been devastating to her, both mentally and
4 physically. It has had its toll on her. She's really very
5 upset about this.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Aside
7 from, we heard earlier about an attorney who Jonathan
8 Duecker sexually harassed, and obviously we've heard about
9 Cindy Pugh here. Is there anyone else that you're aware of
10 that Jonathan Duecker was accused of harassing?

11 AGENT JUBA: No.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: There
13 wasn't another agent that ended up being discharged over
14 emails that went up to the northeast?

15 AGENT JUBA: You know what? I did -- yes, there
16 was. I just can't remember her name.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Yeah.
18 Well, that part---

19 AGENT JUBA: From the Wilkes-Barre office.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: ---is
21 probably not as important. But the point is, there were
22 three women in the office as far as you know that were
23 harassed by Jonathan Duecker, if I'm not mistaken. Is that
24 correct?

25 AGENT JUBA: That's correct. I do remember

1 having discussions now with Larry Moran about her, and I
2 have spoken to her on a few occasions.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
4 right.

5 Are there any other instances of misconduct --
6 are there any instances of misconduct or any other
7 information that you think would be important for the
8 Committee to consider relative to Kathleen Kane's conduct
9 while she was in office?

10 AGENT JUBA: No.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
12 right.

13 Any other Members of the Committee have any
14 questions for Agent Juba?

15 Counsel Kane.

16 No relation, Chris, to Kathleen Kane.

17 AGENT JUBA: Okay.

18 COUNSEL KANE: Although I get asked that all the
19 time.

20 Agent Juba, I just wanted to follow up. After
21 this conversation about having the union executive
22 committee issue the letter having Agent Pugh renounce that
23 there was ever any harassment, after it was rejected, what
24 happened to the negotiations between the Office of Attorney
25 General and the union?

1 AGENT JUBA: Um, I had discussions with
2 George Moore, who was still employed at the time, and he
3 told me to watch my back, that I now had a target on it.
4 Mr. Duecker was not happy that he did not get the letter of
5 support. And he also told George Moore not to negotiate
6 with us and to string it out.

7 COUNSEL KANE: And this was in May of 2015. Was
8 there eventually a new contract entered into, and if so,
9 when?

10 AGENT JUBA: We still do not have a contract.
11 However, there has been great progress since Mr. Beemer has
12 assumed the Office of Attorney General.

13 We're privately getting ready to put out a vote
14 on a tentative contract that was discussed last week
15 through negotiations.

16 COUNSEL KANE: And just to be clear, during this
17 time when you were having discussions with counsel for your
18 union, did you take part in any discussions with members of
19 the Office of Attorney General who would have been
20 representing management other than George Moore?

21 AGENT JUBA: No.

22 COUNSEL KANE: Okay.

23 All right. I don't have anything further. Thank
24 you.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All

1 right. Any other questions?

2 All right. Agent Juba, thank you so much for all
3 your help and assistance throughout the course of our
4 investigation. I know we have had a lot of dates for this
5 prospective hearing and we have had to move it around quite
6 a bit, so I appreciate your understanding there. And keep
7 up the great work for the people of Pennsylvania. I
8 appreciate all your help.

9 AGENT JUBA: Thank you, sir. I appreciate your
10 time.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
12 right. Thanks. Take care.

13 All right. Moving right along here.

14 All right. We're going to take -- our next
15 witness is, and we're moving a little bit ahead of
16 schedule, so she's not going to be available now for
17 probably about a half an hour. So we're going to take a
18 short recess, until 3 o'clock, and then we'll resume with
19 Agent Pugh. So we'll see you soon, at 3 o'clock.

20

21 (A break was taken.)

22

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: We will
24 reconvene the Courts Subcommittee of the House Judiciary
25 Committee.

1 And we have online with us Agent Cindy Pugh from
2 the Pennsylvania Attorney General's Office.

3 Good afternoon, Agent Pugh.

4 AGENT PUGH: Good afternoon.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Agent
6 Pugh, could you give us just a brief overview of your bio
7 and your experience in law enforcement?

8 AGENT PUGH: I currently am employed with the
9 Office of Attorney General, Bureau of Narcotics
10 Investigation and Drug Control. I have been employed here
11 for 16 ½ years.

12 I started out as a money laundering/narcotics
13 agent, which means I did both. I did money laundering
14 investigations as well as drug investigations.

15 After about 5 years of that, I switched over to
16 strictly drug investigations. But I do still have my
17 financial background, so I do assist them as needed with
18 those cases.

19 Is there something else?

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So how
21 many years total in law enforcement?

22 AGENT PUGH: Total here in -- or total in law
23 enforcement has been 16 ½.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
25 Terrific.

1 So I want to direct your attention to an incident
2 with Jonathan Duecker when you were working with the Mobile
3 Street Crimes Unit.

4 AGENT PUGH: Yes.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Could
6 you explain to the Members of the Committee and for the
7 record, you know, how you became a part of the Mobile
8 Street Crimes Unit and how that unit functioned; how it
9 operated?

10 AGENT PUGH: When AG Kane came in, she created
11 this unit, with the help of the Senate, and basically our
12 function was to go to areas throughout the Commonwealth
13 that were just being overrun with narcotics. And basically
14 we were to assist the locals and basically become, you
15 know, like, more street officers to help combat that
16 problem.

17 We did a lot of undercover investigations, a lot
18 of quick hits where we would, you know, buy and then take
19 the person down and then move to the next person and move
20 to the next person. We did a lot of that.

21 Basically, it was set up to be that we would be
22 deployed 4 to 6 months at each location, have some
23 downtime, and then move to the new location. And then, you
24 know, if need be, we would go back periodically to places
25 that we had already visited, you know, just for a few

1 weeks. And that's how -- that was the concept of the
2 unit.

3 When they were talking about creating this unit,
4 they had a number of individuals that they already had in
5 mind that they wanted, that they were considering for the
6 position, and I was one of those persons. So they had
7 open interviews. I had to interview for the job, and then
8 I got the job. And we started in Hazleton in August of
9 2013.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So the
11 Mobile Street Crimes Unit, my understanding is, there was
12 an operation up in Hazleton, and the unit rented a house---

13 AGENT PUGH: Yes.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: ---and
15 that was for people who were working for the unit to stay
16 in when they were working. Is that right?

17 AGENT PUGH: Yes, because most of the people that
18 were on the unit were more than an hour's drive from that,
19 from Hazleton. So the house was rented for us to be able
20 to stay there during the week, because we were working
21 12-, 14-hour days. So we stayed Monday through Friday.
22 Sometimes I would drive up Sunday evening, depending on
23 what time Monday morning started.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So in
25 August of 2013 when the Hazleton operation began, what was

1 Jonathan Duecker's position at that point in time?

2 AGENT PUGH: He was in charge of the whole Bureau
3 of Narcotics.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
5 right. So he was the head of BNI at the time?

6 AGENT PUGH: Yeah.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
8 right. And did you see him when you were, you know, a part
9 of that group up in Hazleton? Did you see him up there?
10 Did he come?

11 AGENT PUGH: Absolutely. Quite often.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: How
13 frequently would he be up there with the group in
14 Hazleton?

15 AGENT PUGH: I'm going to say at least once a
16 week.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

18 AGENT PUGH: On average. Sometimes two times a
19 week.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So
21 taking you -- fast-forward here a little bit to December of
22 2013. A group had a Christmas party at the house?

23 AGENT PUGH: Yes.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
25 right. Could you share with the Members of the Committee

1 what happened at the Christmas party and afterwards?

2 AGENT PUGH: It was a unit party. Most of the
3 people that typically stayed there were supposed to stay.
4 I had already decided that I was going to stay. However,
5 through the course of the function, it began to snow, so it
6 ended up that everyone else that was supposed to stay, but
7 me, got scared and didn't want to get snowed in, so they
8 left.

9 I had decided it didn't matter, because I had
10 been drinking. So I just said, you know what; I'm going to
11 stay and just go home in the morning.

12 It ended up, Jesse -- two of my supervisors,
13 Jesse Freer and Henry Giammarco, they were the last two
14 that were left, along with, you know, along with
15 Mr. Duecker and myself.

16 And Henry and Jesse had both, you know, told
17 Jonathan that, you know, if he was going to stay, he could
18 stay in one of their rooms, which was in a different wing
19 of the house. Basically, I had my own wing. It was the
20 female wing, and everybody was aware that it was the female
21 wing. So, you know, he was like, okay; fine.

22 So then they leave, and it's just the two of us.
23 And, you know, we're just having general conversation about
24 family, you know. Then we started to talk about my job.
25 And he just kept asking me over and over again the same

1 questions about, where did I see myself in this agency, you
2 know, in the next couple of years; where was I trying to
3 go; you know, what was I trying to do.

4 And, you know, I answered it, and I thought I
5 answered it, you know, the first time. Basically I, you
6 know, wanted to work my way up. I had been here, you know,
7 a long time. I'm good at my job. You know, I eventually
8 wanted to, you know, get a supervisor position and, you
9 know, finish out my career here.

10 So, you know, I basically answered his question,
11 but, you know, he kept asking the same question. And I
12 thought it was odd, but, you know, I just kind of shook it
13 off, you know, as to -- I chalked it up to because he was
14 intoxicated; that, you know, that was why he kept asking
15 me.

16 Periodically, I would text home to my kids. At
17 one point, he got up and went to the bathroom. So while he
18 was in the bathroom, I was texting home. He came -- I was
19 sitting on a couch. He came up behind me. He moved my
20 hair off of my neck. And I kind of looked back at him with
21 this look on my face, like, why are you touching me?

22 He didn't say anything. He came around and sat
23 down next to me on the couch. He put one hand on my leg,
24 and then he put the other hand up the back of my sweatsuit,
25 but not under my cami top. And when he did that, I jumped

1 off of the couch and I looked at him, and I had -- I must
2 have had this, like, deer-in-the-headlights look, like, no,
3 this is not -- this is inappropriate; this isn't happening.

4 And he didn't say anything, so I was like, you
5 know what; I'm going to go in my bedroom. I said, I'm
6 going to bed; if you're staying, you need to go to either
7 Jesse's room or Henry's room; if you're leaving, then
8 please lock the door. And I went to my bedroom in my wing
9 of the house.

10 I shut the door. I didn't bother to lock it,
11 because I was thinking, okay. I felt as though I made it
12 clear I wasn't interested. And I'm thinking, you know,
13 this is a grown man, so I shouldn't have to worry about
14 locking my door.

15 So I got ready for bed, and it's like maybe 10 or
16 15 minutes later, I'm in bed. I was, like, pretty almost
17 asleep. He came in, and the next thing I know, I look up,
18 and he is standing over my bed. And I'm thinking -- I
19 mean, the thoughts that went through my mind -- okay? --
20 in the 30 seconds it took me to open my mouth. My first
21 thought was, oh my God, he's in here; should I shoot him?
22 Well, what will happen if I do that; will I get fired? And
23 then it was, wow, this is crazy.

24 And then finally I just said to him, you know,
25 can I help you? And he was like, well, I don't know; maybe

1 I can help you. And I said, no, no, no, you can't help me,
2 and then there was, you know, a minute or so of silence and
3 he's just looking at me, and I'm thinking, oh my God; okay,
4 what's going to happen now? And then, I don't know, he
5 just kind of shook his head and said, well, okay; I'm going
6 to go.

7 So he left. I waited, like, 10 minutes, and I
8 was like listening for sounds. Finally, I got up. I
9 turned on every light in the house. I checked the doors.
10 I was looking to see if his car was out there. I pretty
11 much didn't sleep then the rest of the night.

12 So that's what happened then.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So did
14 you end up reporting that to your supervisors?

15 AGENT PUGH: Not immediately.

16 I talked to a fellow agent about it first, and
17 there was a reason for that. I had already seen what
18 happens, you know, what happens to people that get on the
19 wrong side of Mr. Jonathan Duecker before I even joined
20 the union. So here was a huge factor in my delayed
21 reporting.

22 Like I said, I discussed it with a fellow agent,
23 who urged me to report it. But again, I was scared. I
24 liked -- I liked my job in the unit, and I was just afraid
25 of what would happen if I reported it.

1 And then the incident with Michele Kluk happened,
2 and then I felt bad. And then at that point, I had to let
3 Henry and Jesse know, because, you know, they had some
4 feelings about what had happened and I wanted them to know
5 that, you know, look, this isn't on the shelf; this is on
6 him. And, you know, this is what happened, but I don't
7 want you to report it; again, for the same reason.

8 So it wasn't until Mr. Duecker opened his own
9 Pandora's box by reporting false allegations against the
10 unit that brought OPR basically to my door, asking me,
11 what's going on; what happened?

12 So it was at that point that I disclosed
13 everything. And I made it very, very clear to OPR that I
14 was afraid. I didn't know what was going to happen to me.
15 And, you know, that kind of started the whole ball rolling.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So when
17 you made reference to the Michele Kluk incident, that is
18 the incident that was reported in the papers where the
19 whole group was out to dinner one night? Is that the
20 incident you're talking about?

21 AGENT PUGH: Yes; yes.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Were
23 you there for that?

24 AGENT PUGH: I had ordered food, so I was there
25 waiting for my food. I saw that he was there, and as soon

1 as I got my food, I left.

2 After the incident happened at the house, I did
3 the best job that I could do to keep my distance from him.
4 I didn't want to be anywhere alone with him, so I did my
5 best to make sure that that did not happen.

6 So I was there and saw that he was there, but I
7 got my food and I took it back to my room.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
9 the next day, did you see Michele?

10 AGENT PUGH: Yes, I did.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And did
12 she tell you---

13 AGENT PUGH: And she was hyster---

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Go
15 ahead.

16 AGENT PUGH: Yeah. She was in hysterics about
17 it. She was in hysterics about the situation, and I felt
18 so bad for her. I felt like, had I reported what happened
19 to me, that perhaps maybe it would not have happened to
20 her.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.
22 So then you reported this to OPR, and that's the
23 Office of Professional Responsibility?

24 AGENT PUGH: Yes; that's correct.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

1 Kind of like Internal Affairs; they handle internal
2 investigations like this?

3 AGENT PUGH: Yes.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
5 right.

6 So then talk to me a little bit about how you
7 ended up transferring out of the Mobile Street Crimes
8 Unit.

9 AGENT PUGH: It wasn't voluntary. Mr. Duecker
10 decided that -- well, I don't know. He just sent an email
11 at 10:30 in the evening one night to Jesse and to
12 Ike Caraway, who was the Regional Director in Region III,
13 Lemoyne, and to Human Resources saying that effective
14 immediately, I was to be transferred back to Region III
15 under Ike Caraway's supervision. A tab bar was going to be
16 created for my position, and that was that. There was no
17 justification given.

18 My supervisor, Jesse, attempted from that evening
19 until clear up until the next morning, when he had to call
20 me and inform me of what had happened, that I was being
21 transferred, he had tried to make numerous contact with
22 Jonathan Duecker about why was I being transferred, and he
23 was never answered. And to this day, I still don't know.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So---

25 AGENT PUGH: Which is really---

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So talk
2 to me. At some point you are contacted by Chad Ellis from
3 OPR?

4 AGENT PUGH: Yes. That was when, like I said,
5 when Mr. Duecker decided to open his own Pandora's box. It
6 was at that point that Mr. Ellis and Heather Long contacted
7 me and asked me to meet with them.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
9 right.

10 And then talk to me a little bit, we heard from
11 Agent Juba a little bit earlier about some efforts to have
12 you recant what happened---

13 AGENT PUGH: Yes.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: ---what
15 Jonathan Duecker did to you. Can you tell us what happened
16 there?

17 AGENT PUGH: Well, the first contact that I had
18 from ex-AG Kane came through one of my old union attorneys,
19 Larry Moran. I got a phone call. I didn't know who this
20 man was. Never heard of him. I mean, I knew that we had
21 union attorneys. I just, I only knew Melissa. I didn't
22 know the other one.

23 He called me on the phone, and he said, I went to
24 law school with Kathleen, and, you know, she called me out
25 of the blue and asked me to come up here to Scranton to

1 talk to -- she wanted to talk to me about your situation,
2 about my claim.

3 Now, little did he know, at that time, it was not
4 a claim; it was just an investigation in OPR. However, she
5 still tried to offer me a quid pro quo: What could she do
6 to make things better for me, and did I want Mr. Duecker
7 terminated?

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I
9 missed -- the connection was bad there. I missed the first
10 part of that. What could keep you what?

11 AGENT PUGH: What could she do -- what could she
12 do to make things better for me.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.
14 What could she do to make things better for you. And this
15 was related to you from your union attorney, Larry Moran,
16 who said he had had a conversation with Attorney General
17 Kane?

18 AGENT PUGH: Yes.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Is that
20 right?

21 AGENT PUGH: He didn't know who I was either.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: What
23 was that?

24 AGENT PUGH: He didn't know anything about what
25 was going on either, just like I didn't really know who he

1 was. But this was all, like, out of the blue.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

3 All right. So then there's a phone call that
4 involves you and Agent Juba and Larry Moran and Melissa
5 Weber. Is that right?

6 AGENT PUGH: Yep.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Can you
8 share with the Committee what happened on the phone call,
9 what was said?

10 AGENT PUGH: Basically it was, again, another
11 quid pro quo from Kane through my union attorney.
12 Basically, she needed Mr. Duecker and wanted me to just lie
13 and say that it didn't happen and that everything was okay
14 and that, you know, everybody was just moving forward.

15 And the first thought in my mind was, I'm going
16 to get fired because I'm telling her no, and I'm going to
17 get fired. And that was her asking me to do -- to make
18 career suicide, basically, was worse than what he did,
19 number one, because she's a woman, and number two, because
20 it's wrong.

21 So, you know, from that point on, I feared every
22 day that I would come in here and I would get fired. And
23 this job is stressful on its own. The added stress of
24 having to worry about, am I getting fired today; if I'm on
25 the street and we get into an altercation and I have to

1 shoot someone, I mean, the extra time that I would have had
2 to take on the streets to think about those things could
3 mean my life or death.

4 So to have to come in here for basically a year
5 and a half living like that, you've got no idea what that
6 does to you. (Crying.) I'm sorry.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: No, I
8 understand. I know, I know this is an emotional subject
9 and certainly very painful, and I really appreciate you
10 opening up and sharing what happened with you in the
11 Attorney General's Office under Kathleen Kane with this
12 Committee. It's very helpful.

13 I do want to just take you back to that phone
14 call for a second and make sure that we are 100 percent
15 clear. Were there any details about, when you say there
16 was a quid pro quo offered to you through your union
17 attorneys from Kathleen Kane---

18 AGENT PUGH: Right. As part---

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: ---can
20 you share the details of that?

21 AGENT PUGH: I'm sorry.

22 As part of that, she wanted me to go onto a
23 Philly news station, obviously with my face blacked out and
24 my voice altered, and basically she wanted, like I said,
25 she wanted me to say that I was not sexually harassed, that

1 I did not file a report of sexual harassment, and that
2 everything was fine and that we all just needed to move on.

3 And the first thing in my mind was, okay, well,
4 that's all a lie, and I'll never be able to work here
5 again. Because number one, he did sexually harass me.
6 Number two, I did -- it was investigated by OPR. So once
7 those two things came out, my career was done, because
8 90 percent or 95 percent of my job is testifying in a court
9 of law.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
11 sorry. Ninety-five---

12 AGENT PUGH: If I would have done---

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I
14 missed that.

15 Ninety-five percent of your job was---?

16 AGENT PUGH: Is testifying in court.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

18 AGENT PUGH: So had I lied, my credibility would
19 have been shot, and no attorney that I worked with would
20 have ever put me on the stand again, because I have no
21 credibility now. My integrity is done.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Right.

23 AGENT PUGH: And all of the cases that I worked
24 over the last 16 ½ years could have been called into
25 question. I mean, the audacity of anyone to use their

1 position to get someone to commit career suicide, because
2 she felt like she needed that man, is just preposterous.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I'm
4 sorry; is just what?

5 AGENT PUGH: It's just -- it's crazy. It's
6 insane.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
8 what was promised to you if you were to go on a Philly
9 TV station with your face blacked out and your voice
10 altered---

11 AGENT PUGH: Nothing.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: ---and
13 lied?

14 What was that?

15 AGENT PUGH: Nothing. Nothing. Absolutely
16 nothing.

17 Oh, you know what? Nothing was promised to me
18 specifically. However, because she was also holding my
19 union hostage with this, he was going to -- if I would have
20 done that and if the union would have backed Duecker with
21 this letter that she was asking for, if those two things
22 happened, then she would look favorable and give us a
23 favorable contract.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: She
25 would give---

1 AGENT PUGH: And at the time---

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: She
3 would give your union---

4 AGENT PUGH: ---our contract didn't have---

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I just
6 want to--- Hey, Cindy? I just want to make sure -- the
7 connection is a little muffled there.

8 You said she would look favorably upon your
9 union---?

10 AGENT PUGH: In contract negotiations.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: With
12 the contract. Okay.

13 AGENT PUGH: And since at the time we didn't have
14 one; we were working without a contract. And we still
15 don't have a contract set in stone.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, so
17 after that phone call, did you have another phone call with
18 Larry Moran again, the union's lawyer?

19 AGENT PUGH: I had another one after that, but
20 that was to ask him if he could represent me in my claim
21 against the office and Kane and Duecker. But
22 unfortunately, he was a witness to everything that happened
23 to me, so he had to refer me to someone else.

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: In that
25 conversation, though, did you have any more dialogue about

1 this offer for a favorable union contract if you were to
2 commit career suicide?

3 AGENT PUGH: Not that I recall. It's possible
4 that we may have; that we may have. The whole situation
5 has had me so stressed out. Trying to keep tabs on
6 everything is---

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I can
8 understand.

9 Did you have -- so now at some point, did you
10 have a conversation with George Moore?

11 AGENT PUGH: Yes.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
13 what happened during that conversation?

14 AGENT PUGH: Basically, George, he must have
15 stressed to me at least 25 times that I needed to get my
16 own attorney. He was like, you need to get an attorney.
17 It was almost like he was trying to tell me that they were
18 going to fire me and that I needed to protect myself. He
19 also let me know that he had requested that Duecker be
20 terminated and that she didn't act on it, obviously.

21 But that was basically the gist of what he was
22 telling me, that I needed to protect myself.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So at
24 this point, you had Melissa Weber and Larry Moran, the
25 union lawyers, both telling you you needed to get your own

1 lawyer, and now you have George Moore telling you you need
2 to get your own lawyer.

3 AGENT PUGH: Yes.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:

5 Ultimately, you got your own lawyer, right?

6 AGENT PUGH: Ultimately, I had got my own lawyer.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
8 right.

9 AGENT PUGH: That I didn't have money to get, but
10 I had no choice.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now---

12 AGENT PUGH: Because on one hand, you know,
13 people were like, okay, you filed your claim with the EEOC
14 so you have some protection there. The union is involved
15 so you have some protection there. But I never felt
16 protected, only because you can't negotiate with crazy.

17 And in their mind, they could have said, you know
18 what; we'll fire her now, knowing she's going to get paid
19 and get her job back, but she'll suffer while that happens.
20 So because of that, I just never felt protected, and that's
21 why I fear it every day.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Yeah.

23 Now, do you know, other than Michele Kluk and
24 yourself, do you know of anyone else who was sexually
25 harassed by Jonathan Duecker?

1 AGENT PUGH: Yes.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Who is
3 that?

4 AGENT PUGH: I won't give her name.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

6 AGENT PUGH: Just know that it was another female
7 agent that was in the unit, and it actually occurred before
8 me. I mean, I didn't find that out until, you know,
9 everything started to come out. But evidently, she was the
10 first.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
12 The---

13 AGENT PUGH: And I did speak---

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Go
15 ahead.

16 AGENT PUGH: No. I mean, I spoke with her. You
17 know, her and I, we spoke.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I
19 understand.

20 AGENT PUGH: And--- Yeah.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So have
22 you spoken with any other law enforcement agencies about
23 this whole affair?

24 AGENT PUGH: The FBI. Yes. I was interviewed by
25 the FBI for about 2 hours.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
2 with that relative to the offer to provide a favorable
3 contract if you were to recant your story? If you were to
4 lie?

5 AGENT PUGH: Yes. And it was also in regards to
6 the initial quid pro quo that she offered, with that very
7 first phone call from Larry.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.

9 Talk to me about sort of the overall morale or
10 the feeling in the office while Jonathan Duecker was there,
11 either as the head of BNI or as the Chief of Staff.

12 AGENT PUGH: Basically, it went from minimal, you
13 know, like low morale when he was just in charge of BNI.
14 When she promoted him and gave him the keys to the entire
15 castle, everybody would just duck and cover. That's how
16 you walked around, duck and cover.

17 And there were two instances after he got
18 promoted that him and I came face to face, and I thought --
19 I felt like I was going to stroke out both times. You
20 know, I got the deer-in-the-headlights. I started to, you
21 know, kind of sweat a little bit. And he just had this
22 creepy smirk on his face, like, yeah, you know, I can get
23 rid of you anytime I want. That was the look that he gave
24 me.

25 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So he

1 managed by fear---

2 AGENT PUGH: So he---

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So he
4 managed by fear. Would you say that? Is that a fair
5 characterization?

6 AGENT PUGH: Oh, absolutely. Fear; intimidation.
7 It was his way or the highway. If you weren't down with
8 what was going on, then you needed to get off the ship.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Do you
10 know why she was willing to in essence give away a union
11 contract, a favorable union contract, in exchange for
12 support for him?

13 AGENT PUGH: I -- you know, look; I have my ideas
14 about why, but they're just ideas.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Got it.
16 So you don't know---

17 AGENT PUGH: All I can tell you---

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So you
19 don't know firsthand?

20 AGENT PUGH: No. All I can tell you is what she
21 told Melissa, that she needed him, so make this go away.

22 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
23 right.

24 AGENT PUGH: And why she needed him, I don't
25 know.

1 I mean, I feel -- I think a lot of it had to do
2 with the fact that she felt like he was the only one in
3 this agency really that she could trust, that had her back.
4 And when you rule by fear and intimidation, you know,
5 you're not going to have a lot of people in your corner, so
6 you need to watch your back. And I think that, you know,
7 that's what she used him for, to watch her back.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
9 you're saying that she ruled by fear and intimidation as
10 well then?

11 AGENT PUGH: Absolutely. Absolutely. Those, and
12 it was funny, because when we had our first meeting with
13 this new unit, he made it very clear that this was the
14 General -- this was the General's baby and that he had
15 direct contact with her, and that was kind of to let us
16 know that, you know, I got her ear, so don't piss me off.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
18 right. Agent Pugh, thank you very much.

19 I'm not sure if any other Members of the
20 Committee might have questions for you. Does anybody else
21 have any questions for Agent Pugh? Barry? Garth? No?

22 All right; Counsel Kane.

23 Agent Pugh, you may remember when we met,
24 Mike Kane, one of our staff members is with us, our
25 attorney, and he's next to me. He has a couple of

1 follow-up questions for you.

2 AGENT PUGH: Yes.

3 COUNSEL KANE: Hello, Agent Pugh.

4 AGENT PUGH: Hi.

5 COUNSEL KANE: I appreciate you coming here
6 today.

7 I just, perhaps because the sound system was not
8 the greatest, I may have missed a couple of things, but I
9 want to clarify.

10 At the time of the incident up in Hazleton with
11 Mr. Duecker, after the Christmas party occurred, he was
12 your supervisor, wasn't he?

13 AGENT PUGH: Yes.

14 COUNSEL KANE: And he had been talking to you
15 about what your goals were, what your plans for the future
16 were. Did you feel that he had some influence over your
17 future in the office?

18 AGENT PUGH: Oh, he absolutely did have influence
19 over my future. And then when she promoted him to Chief of
20 Staff and he was in charge of all personnel decisions, he
21 definitely had complete control over my future.

22 COUNSEL KANE: When he was standing over you and
23 he said, well, maybe I can help you, I just want the record
24 to be clear, what did you take that to mean?

25 AGENT PUGH: That he could make me a supervisor,

1 but only if I would sleep with him. That is how I took
2 that.

3 COUNSEL KANE: Now, you said that you didn't tell
4 anybody at first, except you talked to another agent---

5 AGENT PUGH: Yeah.

6 COUNSEL KANE: ---and it was only after the
7 incident with Michele Kluk happened. But at that point,
8 did you approach OPR or did they approach you?

9 AGENT PUGH: OPR approached me after -- OPR
10 approached me after Mr. Duecker opened his own Pandora's
11 box by trying to make false claims against two of my other
12 supervisors in the unit. And at that point, when those
13 allegations, when he took those allegations to OPR, at that
14 point, OPR came to me.

15 Basically, Chad came to me and said, look, there
16 are some things going on; I know you're a straight shooter;
17 I want to talk to you first, because I know that I'll get
18 the truth from you, and I said okay.

19 COUNSEL KANE: And was it---

20 AGENT PUGH: And at that point, at that point, I
21 told everything.

22 COUNSEL KANE: So you told him about the incident
23 that had happened with you?

24 AGENT PUGH: Yep; everything.

25 COUNSEL KANE: And did you tell him about your

1 discussion with Michele Kluk after the dinner up in
2 Hazleton?

3 AGENT PUGH: Yes.

4 COUNSEL KANE: When -- and I'm not sure if you
5 answered this. I didn't hear the answer.

6 When Mr. Moran contacted you and said that he
7 knew Kathleen Kane, had gone to school with her, and that
8 she wanted to know what could she do to make things better
9 for you, what was it that you told Mr. Moran?

10 AGENT PUGH: I told him that she -- that he -- I
11 said, she needs to follow the recommendation that has been
12 given.

13 COUNSEL KANE: And that recommendation being?

14 AGENT PUGH: Termination.

15 COUNSEL KANE: All right. And that, as we have
16 heard, didn't happen.

17 AGENT PUGH: No.

18 COUNSEL KANE: After, you had some discussions
19 with Mr. Moore, and I believe you said he told you that you
20 needed to watch yourself. Did you take this as a threat or
21 that he was giving you advice?

22 AGENT PUGH: No; I took it as a threat. I took
23 it as that was his way of letting me know that they were
24 looking for a way to get rid of me and that I needed to
25 protect myself.

1 COUNSEL KANE: Okay. But was that a threat from
2 Mr. Moore, or was he just being a friend, telling you that
3 this was---

4 AGENT PUGH: No; he was advising me. It wasn't a
5 threat from him.

6 COUNSEL KANE: Okay.

7 AGENT PUGH: He was advising me that I needed to
8 get an attorney, and I took that to mean that either he
9 heard something or that he knew something; that maybe, you
10 know, that they were trying to get rid of me and that I
11 needed to protect myself.

12 So with him, it was, you know, him advising me as
13 a friend, saying hey. I think, you know, he was looking
14 out for me, for my well-being.

15 COUNSEL KANE: Okay.

16 And after Mr. Moore was fired, how did that make
17 you feel?

18 AGENT PUGH: Sick, and I felt like part of it was
19 my fault, because had he not went to bat for me, he would
20 still have a job.

21 So, you know, I mean, I just feel like -- you
22 know, I felt like I ruined someone else's life, not on
23 purpose. And then I felt scared, like, okay, am I next?

24 COUNSEL KANE: And as a member of the union, I
25 take it Mr. Moore wasn't a member of a union---

1 AGENT PUGH: No.

2 COUNSEL KANE: ---and he didn't have those
3 protections. Did you feel like that had any bearing on
4 whether you ultimately were able to stay in your job?

5 AGENT PUGH: I mean, I -- obviously, it must have
6 had some kind of impact that they left me alone, but that
7 was never, that was never anything that I felt truly
8 comfortable in.

9 COUNSEL KANE: After Mr.---

10 AGENT PUGH: Like I said, you can't negotiate
11 with crazy. If someone wants to do something, they're
12 going to do it.

13 COUNSEL KANE: Right.

14 AGENT PUGH: And they just don't care.

15 COUNSEL KANE: At some point after Mr. Duecker
16 became the Chief of Staff, did you, either before that or
17 after that, did you apply for a promotion?

18 AGENT PUGH: I did. I applied for a supervisor's
19 spot in my region.

20 COUNSEL KANE: All right. And did you get it?

21 AGENT PUGH: Nope.

22 COUNSEL KANE: Well, did someone---

23 AGENT PUGH: They gave it to someone who was
24 10 years my junior. I have been here 16 ½ years. The
25 person that got it had only been with the agency for

1 3 years and I think only had maybe 4 years' prior law
2 enforcement, so 7 years' total.

3 Wasn't from this area. Didn't know the area.
4 Didn't know the workers. But he was brought in by
5 Barb Connelly when he first got hired, who was -- she took
6 Mr. Duecker's position when he got promoted, and of course
7 she was, as they call a Duecker girl, or a person meaning
8 that, you know, whatever Duecker wanted, that those people
9 gave him what he wanted.

10 COUNSEL KANE: Now---

11 AGENT PUGH: So, I don't know. I mean, it's all
12 circumstantial, but you do the math.

13 COUNSEL KANE: Who makes the decision whether, or
14 who made the decision whether you got that promotion?

15 AGENT PUGH: Ultimately, he had the last say in
16 who got it, because he was in charge of all personnel
17 decisions. And he even said that in the hearing.

18 COUNSEL KANE: Thank you. I don't have anything
19 further.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Any
21 other Members of the Committee?

22 Agent Pugh, just one last quick question.

23 When we first met, you shared with me who you
24 voted for for Attorney General in 2012. Who was that?

25 AGENT PUGH: I voted for that woman.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: By
2 "that woman," you mean Kathleen Kane?

3 AGENT PUGH: Oh; yes. I'm sorry. I voted for
4 Kathleen Kane, and if I could take it back, I would.

5 And, you know, the reason that I'm testifying
6 today is because, yeah, she resigned from the office, and
7 yes, she's going to go to jail; however, one day she will
8 get out, and I want to make sure that, you know, I can do
9 my part to make sure that she never gets to run anything,
10 not even a car wash, because you can't run around abusing
11 your power that way and not expect to have consequences.

12 And on the other side of that, you know, I don't
13 want what happened to me to happen to anyone else.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Well,
15 we certainly appreciate all your service to the people of
16 the Commonwealth of Pennsylvania, and I just want to thank
17 you for taking the time.

18 I know this is a sensitive issue and I know that
19 it's an emotional issue, and I really appreciate you
20 opening yourself up to our Committee and sharing what
21 happened with us so that we can take steps to help and,
22 like you, ensure that it doesn't happen to anyone else.

23 So thank you so much for being with us today,
24 okay, Agent Pugh?

25 AGENT PUGH: Okay. Thank you.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
2 right. Stay safe. Take care.

3 AGENT PUGH: All right. Bye-bye.

4 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So
5 long.

6 All right. Our next testifier will be
7 Chad Ellis.

8 We have just two witnesses left. Mr. Ellis, come
9 on up here. You can have a seat behind one of the
10 microphones.

11 Thank you so much for joining us today. I
12 appreciate it. I know you have been sitting around for a
13 little while, so I appreciate that. And I know you had
14 some difficulties at home today, so I'm sure you've got a
15 lot on your mind. We will endeavor to get through this
16 quickly and efficiently.

17 Could you just share with the Members of the
18 Committee where you work and give us some of your
19 experience: how long have you been in law enforcement, and
20 where did you come from before coming here, things along
21 those lines.

22 CHIEF INSPECTOR ELLIS: Sure. I'll go backwards,
23 if it's easier.

24 Presently, I'm the Chief Inspector of the Office
25 of Professional Responsibility within the Pennsylvania

1 Office of Attorney General.

2 I joined the office---

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Can you
4 just slide the microphone closer, a little bit closer to
5 you?

6 CHIEF INSPECTOR ELLIS: Yes.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: There
8 you go. Thanks.

9 CHIEF INSPECTOR ELLIS: I joined the office in
10 May of 2013, and when I was brought on board, I was hired
11 as the Deputy Chief Inspector, so I was the number two in
12 OPR.

13 And I served under Grayling Williams. I was
14 recruited by Grayling Williams to come here from the
15 Baltimore Police Department, where I spent 22 years as a
16 police officer there.

17 In my tenure in the Baltimore Police Department,
18 again, I'll go backwards. My last assignment, I was a
19 squad supervisor of a joint public corruption task force,
20 so I worked within the Federal Bureau of Investigation.
21 And that task force was -- it was a collaborative effort
22 between law enforcement agencies in the Maryland region
23 where we investigated allegations of public corruption, not
24 mainly focusing on police officers but largely dealing with
25 police officers and elected officials.

1 Prior to that, I supervised a squad in internal
2 affairs in the Baltimore Police Department. I was the
3 supervisor of the Special Investigations Section. It was
4 called the Ethics Squad within the Baltimore Police
5 Department's IID.

6 Before that, I was detailed to the Maryland State
7 Police, where I was a detail commander for the Executive
8 Protection Unit for the Governor of Maryland.

9 Prior to that, I spent 4 years as a detail leader
10 for the Mayor's detail within the Baltimore Police
11 Department. I ran the -- I was an assistant team leader
12 for the Executive Protection Unit there.

13 Prior to that, I spent 7 years on the SWAT
14 team. I was a team leader. When I left the SWAT team,
15 prior to that, I was a tactical operator for 7 years. And
16 then prior to that, I was a patrolman in northwest
17 Baltimore.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So all
19 told, how many years in law enforcement?

20 CHIEF INSPECTOR ELLIS: A little over 24.

21 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

22 So, you know, as the head of OPR here in the
23 Pennsylvania Attorney General's Office -- well, let me back
24 up.

25 When did Grayling leave?

1 CHIEF INSPECTOR ELLIS: Grayling left in January
2 of 2015.

3 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.
4 So were you responsible for investigating the allegations
5 against Jonathan Duecker?

6 CHIEF INSPECTOR ELLIS: Actually, I was. Yes.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

8 CHIEF INSPECTOR ELLIS: So as a point of clarity
9 for that, Mr. Duecker then was Special Agent in Charge of
10 the Bureau of Narcotics Investigations and Drug Control,
11 and he had approached me with information against two of
12 his subordinate supervisors that were working within Mobile
13 Street Crimes.

14 He provided information that suggested that there
15 was excessive-force complaints against these two
16 supervisors. He also supplied information -- well, he also
17 suggested there was information that these allegations
18 could be corroborated by not only agents internally but
19 from external police, law enforcement officers in the
20 Harrisburg PD.

21 While conducting that investigation, it was borne
22 out, we learned of the three sexual harassment allegations.
23 And as we were gathering, as my inspectors were gathering
24 the information, we not only spoke to -- obviously, it's on
25 the record that Michele Kluk and C. J. Pugh were two of the

1 individuals that came forth with this information -- we
2 were able to verify that information from individuals that
3 were actually promoted by Mr. Duecker and that were newly
4 promoted supervisors.

5 So that was very telling, because although they
6 were uncomfortable about the situation, there were more
7 than -- there were more than an abundance of individuals
8 that verified their recount of the incidents.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So in
10 the end, after you had conducted, looked into those three
11 allegations, you found them to be credible?

12 CHIEF INSPECTOR ELLIS: Yes.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Okay.

14 And so, tell me, walk me through the steps
15 internally as to what happens when that occurs. So you
16 have an accusation against an employee. You do an
17 investigation. You find it to be credible. What happens
18 next?

19 CHIEF INSPECTOR ELLIS: So sexual harassment
20 allegations are unique and very different than just an
21 allegation of misconduct against an employee.

22 As I said earlier, we were investigating the
23 excessive force. When we were able to gather this separate
24 information, once it was verified and documented,
25 memorialized, I went to the First Deputy Attorney General

1 at the time, Bruce Beemer, and we discussed the incident,
2 and I explained to Mr. Beemer that what I thought we needed
3 to do immediately thereafter was get it to our EEO officer
4 within Human Resources.

5 Human Resources has an EEO officer that handles
6 workplace violence and any types of harassment, to include,
7 obviously, sexual harassment. So Mr. Beemer and I
8 discussed this.

9 And in addition to wanting to bring it forth to
10 Human Resources, we decided -- well, actually, Bruce
11 decided it was very important to get the information to the
12 Attorney General.

13 What we had decided was, I was going to go
14 directly to her with the information. At that time, this
15 was early April 2015. At that time, Mr. Beemer's
16 relationship with then, well, with Kane, was beginning to
17 be strained, and Beemer and I decided it would be easiest
18 just for me to take the memorialized information and have a
19 meeting with Kane.

20 I met with her on Friday, April 17, 2015, at the
21 Essington Avenue office in Philadelphia at about 8:30 in
22 the morning. I brought two reports to Kane. The two
23 reports, I documented both situations, Pugh and Kluk.

24 And I also, prior to that, the third allegation
25 that did not involve Duecker or the other two individuals,

1 I had made a reference to them, but they had already been
2 sent through to our EEO.

3 Kane's response to the reports that we provided
4 -- and in association with the reports, I also had the
5 transcripts of the recorded conversations. She wasn't so
6 interested in those.

7 Just right off the tip of my mind, what remains
8 very clear to me was her immediate response, and her
9 immediate response to me was, how can we contain this, and
10 how do we make the victims whole, and what do we do next?
11 And I remember very clearly saying to her, but what I do
12 next is, I wanted you to have this information; I need to
13 move it to the EEO officer so they can conduct and then
14 come to a disposition for this allegation.

15 And she asked me how that would occur -- and this
16 was on a Friday -- and I said, by Tuesday, I had every
17 intent on taking it to Mr. Moore and Ms. Robinson in HR.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
19 what did she say?

20 CHIEF INSPECTOR ELLIS: She actually didn't say
21 anything immediately thereafter. She then read the -- she
22 read through the report again, and she, as she was reading
23 through the report, she explained to me that she had bigger
24 plans for Mr. Duecker. I didn't ask. They were her words,
25 "bigger plans for Mr. Duecker," and that was it.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
2 right.

3 So then what, you sent this off to George Moore?

4 CHIEF INSPECTOR ELLIS: Yeah.

5 The following Tuesday, and there were -- George
6 and I had, George and I and, at the time, I don't know if
7 prior to that we spoke with the Director of HR, but we had
8 discussions. I was very concerned with who the EEO officer
9 was and what their expertise and training was, because I
10 felt this was a, for lack of a better term, this was a
11 red-ball type of an allegation and it needed to be handled
12 appropriately, and I wanted to make sure that that was
13 going to be done.

14 So when I went back, I believe on the way back
15 from Philadelphia I either called Mr. Beemer or I met with
16 him the following Monday. And I explained to him what had
17 occurred, and there was movement to get the information
18 back to HR.

19 And soon thereafter, I remember being part of
20 a conference call when Mr. Moore; the HR Director,
21 Ms. Kreiser; and the First Deputy discussed in a personnel
22 meeting setting the recommendation from HR as it applied to
23 Mr. Duecker. I was a part to that conversation for any
24 additional factual basis that we were supplying.

25 There was a bit -- there was a time delay. I

1 don't know offhand when that meeting happened. It was
2 probably within a week or two from the April 17th meeting.
3 And during that couple of weeks, or during that time lapse,
4 I do know that my inspectors married up with Mr. Moore and
5 conducted one or two additional interviews to help Moore
6 and Robinson come to their finding.

7 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, I
8 guess the day after your meeting with then Attorney General
9 Kathleen Kane, sharing this information, it's the next day
10 where she announces that Jonathan Duecker is promoted to
11 Chief of Staff. Is that right?

12 CHIEF INSPECTOR ELLIS: That's correct.

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
14 right.

15 So knowing full well that this investigation is
16 underway, she still went ahead and promoted him?

17 CHIEF INSPECTOR ELLIS: Correct.

18 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
19 right.

20 Now, so once the folks in HR make this
21 determination about the disposition, what is supposed to
22 happen next?

23 CHIEF INSPECTOR ELLIS: So---

24 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And
25 what was their determination?

1 CHIEF INSPECTOR ELLIS: The recommendation from
2 HR through to the First Deputy was termination. And
3 typically in the disciplinary setting within the Office of
4 Attorney General, if there is a misconduct allegation or
5 even a harassment allegation, once it goes through the
6 investigative process, HR packages a recommendation based
7 on past similar events or anything that was within HR that
8 would be a precedent setter, and that's forwarded through
9 the First Deputy to the Attorney General as the final
10 decisionmakers.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
12 right.

13 Now, in this instance, do you have a rough idea
14 of when it was first presented to the Attorney General for
15 a final disposition?

16 CHIEF INSPECTOR ELLIS: Whew. So a rough idea?

17 The only time I can honestly say that it was
18 brought forth to the Attorney General was the
19 recommendation -- soon after the conference call with
20 Mr. Beemer, I know that Mr. Beemer attempted to contact
21 Kane with that recommendation. He attempted -- and this is
22 my recollection and only my recollection -- he attempted to
23 contact her numerous times, sent her an email about the
24 incident, and there wasn't -- I don't recall that ever
25 being reciprocated.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So were
2 you ever able to close this out while Kathleen Kane was in
3 office?

4 CHIEF INSPECTOR ELLIS: Absolutely not.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So she
6 never took action in authorizing any disciplinary action on
7 Jonathan Duecker?

8 CHIEF INSPECTOR ELLIS: No.

9 So as a matter of fact, not long after I was
10 promoted to Chief Inspector -- and you'll have to bear with
11 me to make this point.

12 I was promoted in January, essentially by Beemer
13 but with Kane's approval. I was promoted in January, and
14 soon after that promotion, in the weeks that followed, I
15 was directed to change the OPR policy and directive and the
16 reporting chain. I was to make a direct report to the
17 Attorney General, not to the First Deputy, as it has been
18 when Internal Affairs -- prior to being OPR, Internal
19 Affairs always was a direct report to the First Deputy
20 Attorney General.

21 So there was an effort made to carve the First
22 Deputy out of my chain of command, almost, I mean, not
23 suggesting; it was to put control of OPR directly in the
24 hands of Kane. So I had to give every final summary to
25 her, and it was as if I was dropping them in a mailbox that

1 was never opened on the other side.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And so
3 that bypassed, at the time, Bruce Beemer?

4 CHIEF INSPECTOR ELLIS: Yes; absolutely.

5 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Again
6 illustrating the strained relationship that you mentioned
7 earlier?

8 CHIEF INSPECTOR ELLIS: Yes.

9 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
10 right.

11 And until her last day of her resignation, she
12 still never signed off on that disciplinary action for
13 Jonathan Duecker?

14 CHIEF INSPECTOR ELLIS: She never signed off on
15 any final summary that was at all related to anybody near
16 her inner circle.

17 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Well,
18 speaking of which, let's go to Patrick Reese.

19 CHIEF INSPECTOR ELLIS: Okay.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: He
21 probably fits that category.

22 Why don't you tell me OPR's -- your involvement
23 and OPR's involvement with the Patrick Reese matter.

24 CHIEF INSPECTOR ELLIS: So then Special Agent
25 Reese was obviously the head of the security detail for

1 Kane. He was charged with contempt, I believe in August of
2 '15. And we have a very specific policy in our manual that
3 says, if you are criminally charged and it's related to or
4 during the commission of your duties, you're to be
5 suspended. Not fired, but suspended.

6 Immediately after we received the docket sheet
7 from the contempt charge, I sent an email with an agency
8 perspective saying, here's our policy; this is what we need
9 to do with this agent. Not -- my concern in that specific
10 event was for that agent, obviously, but also the method:
11 If there was another agent criminally charged the next day,
12 we're setting a bad precedent.

13 So I sent that through to the executive staff. I
14 attempted to have conversations with Kane. I attempted to
15 have conversations with Duecker, who was the Chief of Staff
16 at the time. And Duecker had suggested to me on not just
17 one occasion that not only were they not going to suspend
18 him, we needed to look at the policy and we potentially
19 would be changing the policy. And he used an example, and
20 the example was, what if a lawyer was found in contempt
21 during a trial; do we suspend that lawyer?

22 Now, Duecker and I went back and forth about that
23 very point, and it was to no avail on my end. But what I
24 then waited for was when there was a, when there was a
25 finding to that criminal charge for Reese. And I said, so

1 here we are; we have a guilty finding, and their response
2 -- when I say "their," I mean Kane and Duecker -- was
3 essentially, it has essentially not been adjudicated; he
4 has not been sentenced; we're going to wait.

5 But I sent the same email. The very same email I
6 sent from August I sent again whenever the sentencing was
7 March, or whenever it was. I don't recall when it was.
8 And I then had at least the wake or the wave of the
9 majority of the senior staff saying the same thing, echoing
10 the same sentiment I had. It was just falling on deaf
11 ears.

12 So then Mr. Reese was sentenced. What, sentenced
13 to 3 to 6 months and a fine of a thousand dollars?
14 Nothing.

15 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS:
16 Standard response.

17 CHIEF INSPECTOR ELLIS: I sent the same email,
18 and it was fruitless at that time. But that's where that
19 stood.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So do
21 you know where he went to work?

22 CHIEF INSPECTOR ELLIS: So---

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Let me
24 back up.

25 So on the day of his sentencing and thereafter,

1 he still had all the full authority of the color of law of
2 the Attorney General's Office? He could have---

3 CHIEF INSPECTOR ELLIS: Yes. He was a Special
4 Agent. He was a senior supervisor and a Special Agent 4.
5 And the way the tier works for the criminal law agency is,
6 you're a Special Agent 1 through 6, and Reese was a 4. He
7 was a duly-sworn agent. And he had his weapon. He had his
8 vehicle. He had all of his communications devices. He had
9 access to JNET. He had access to any criminal record
10 database.

11 I had learned that Duecker, whether it was Kane's
12 direction or vice versa, they had assigned Reese to working
13 what they described as "cold cases" out of the Scranton
14 office. I have no idea what that meant. I have no idea
15 what he was doing.

16 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
17 right.

18 Earlier today we heard from Aaron Laurito,
19 Agent Laurito from the Allentown area, regarding an
20 incident in which one of his confidential informants was
21 going in to make a drug buy. He was given, the
22 confidential informant was given \$100 to buy 10 bags of
23 heroin, came out with 9 bags of heroin and a hypodermic
24 needle in his boot.

25 Agent Laurito testified that David Carolina, his

1 supervisor, ordered him to take the CI into a bathroom,
2 where the CI would dispose of the hypodermic needle down
3 the toilet. And then Agent Laurito submitted his report
4 and detailed exactly what I just recounted, and was told by
5 his supervisor, David Carolina, that he wouldn't accept the
6 report because that information needed to be omitted.

7 Is that the type of thing that OPR would
8 ordinarily investigate?

9 CHIEF INSPECTOR ELLIS: That in fact is the type
10 of thing that OPR does investigate. And when I became
11 aware of that -- well, I became aware of that incident when
12 a former employee had brought forth a civil, I think a
13 civil rights complaint or a -- a Federal whistleblower
14 complaint; I'm sorry. And he recounted this incident in
15 particular.

16 So I read about that in the paper. I went back,
17 and we were able to find that particular case, and to my
18 surprise, largely which you described is reported, and
19 furthermore, there are what I would call
20 mischaracterizations between the internal reporting
21 documents and the court report or the probable cause
22 affidavits that were submitted.

23 Just on first blush, I took that information on
24 March 2nd. No, no. I learned of it March 1st. I had the
25 information. I spoke to First Deputy Beemer and EDAG,

1 Executive Deputy Attorney General for the Criminal Law
2 Division, EDAG Cherba, on March 1st. And I explained the
3 concern I had with the incident, and right off the bat, the
4 incident, and there were agents currently working in that
5 region that were involved in this incident that could rise
6 to the level of criminality.

7 Beemer and Cherba agreed, suggested we move
8 forward with the investigation. The next day, March 2nd, I
9 had a status meeting scheduled with Kane in her office in
10 Harrisburg, and after asking for the final report for
11 Duecker or what was going on with Duecker's allegations,
12 what was going on with Reese's, one of the next orders of
13 business was this situation that I had learned on March 1st.

14 And we had what I would describe as a contentious
15 exchange, and I was essentially ordered to halt any
16 investigative internal or administrative investigative
17 effort relative to that whistleblower complaint as, and
18 Kane's words were, you would interfere with the civil
19 matter, and that would take precedent. The Federal
20 whistleblower matter takes precedent over the potential
21 criminal and civil rights violations that could have
22 occurred within that incident.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, we
24 heard Agent Laurito testify that Jonathan Duecker was aware
25 of that incident and the exchange back and forth with the

1 reports and everything else like that. Are you aware of
2 any involvement with Jonathan Duecker in that incident?

3 CHIEF INSPECTOR ELLIS: I'm not factually aware
4 of any involvement. We could not discern if there was any
5 meeting or phone conversations or directive by Mr. Duecker.
6 But in fact myself and my inspectors heard similar stories.
7 It's that we could not quantify those rumors, let's say.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Sure.

9 At one point, wasn't Jonathan Duecker in a
10 supervisory role in the Allentown area? Was he at one
11 point assigned out there?

12 CHIEF INSPECTOR ELLIS: I mean---

13 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I mean,
14 did he work a fair amount out of an office out there or---?

15 CHIEF INSPECTOR ELLIS: I mean, Duecker oversaw
16 the entire bureau, and he spent, he spent a good amount of
17 time in Allentown and Norristown, on that side of the
18 State. He resides out that way.

19 He promoted the RACs and brought in the RACs for
20 the Philly region, for Allentown. He promoted the RAC that
21 was in Wilkes-Barre. So yeah, he spent a good amount of
22 time out there.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: All
24 right.

25 Let's talk a little bit about Ellen Granahan.

1 CHIEF INSPECTOR ELLIS: Mm-hmm.

2 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: At some
3 point, did OPR investigate her?

4 CHIEF INSPECTOR ELLIS: Yes.

5 So yet again, through the press, I was made
6 aware, I read a report that Kane and Granahan, or Kane
7 released a number of emails that were Granahan's that were
8 allegedly improper. And again, I saw this in a
9 publication, and I directed one of my subordinates to see
10 if these were verified emails. We had no idea of these
11 emails.

12 OPR, about in 2015, 2014 and '15, did two very
13 specific email investigations that were relative to -- they
14 were relative to two different matters. And they were very
15 specific searches, and there was a nexus to two separate
16 events.

17 So we conducted searches on the server for these
18 very specific events, and there was, there was a number of
19 employees that were disciplined for improper utilization of
20 email and electronic resources. During that, during those
21 two matters, Granahan, or she had another married name at
22 the time, they never came up.

23 These particular emails came up. I directed one
24 of my folks to do a search. They found the emails. We
25 isolated them, we preserved them, and we conducted a very

1 brief investigation which showed that there was a violation
2 of policy.

3 And when I attempted to forward it through to the
4 Attorney General, because that's the way she had changed
5 the directive, Jonathan Duecker essentially stepped in and
6 conflicted Kane out of it and said he would handle it.
7 Never did. So OPR had a sustained allegation against
8 Granahan that never went addressed. It was never
9 addressed.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So you
11 had a finding that Jonathan Duecker should be disciplined;
12 a finding that Patrick Moore -- or I'm sorry -- Patrick
13 Reese should be disciplined; a finding -- well, actually,
14 you didn't have a chance to get to a finding on David
15 Carolina because you were cut off before you could even
16 begin an investigation; and a finding that Ellen Granahan
17 should be disciplined, and all of those went unanswered by
18 either the Attorney General or her designee in the last
19 case, Jonathan Duecker?

20 CHIEF INSPECTOR ELLIS: Yes.

21 So I think it's important to, it's important to
22 outline or describe, it's very obvious with Duecker. It's
23 very obvious with Reese. With Carolina -- well, I'll save
24 Carolina for last. And it's very obvious with Granahan.

25 With Carolina, there was an allegation that

1 needed to be investigated, and what I began to see from the
2 chair that I sit is, if you were in this particular circle,
3 there was a stalling of the process.

4 From my perspective, what I observed with
5 Carolina was, Carolina was promoted by Duecker, brought to
6 Allentown, and I began seeing Carolina as the point man on
7 Kane's protective detail. I mean, it's in all the presses;
8 it's in all the press releases. He was close-on protection
9 for the Attorney General.

10 So it became -- it had the appearance to me that,
11 hold on on that investigation. Because I made it clear to
12 Kane in her office on March 2nd that in my opinion, we have
13 to isolate these agents that could have been involved with
14 this incident until we figure out what exactly happened,
15 and Carolina was one of them.

16 So it became apparent to me that if you're in
17 that circle, if you're in that circle, we're going to pump
18 the brakes on the process.

19 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: So the
20 law doesn't apply to those folks? That was the suggestion,
21 or the inference that you took.

22 CHIEF INSPECTOR ELLIS: Well, that's the -- yeah.

23 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Now, I
24 want to kind of take a step away in a different direction
25 here.

1 You and I have had a number of telephone
2 conversations, you know, over the last several months
3 relative to a lot of this information, and I know that you
4 expressed to me some serious concerns about your own job.

5 CHIEF INSPECTOR ELLIS: Yes.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: And I
7 know that you had asked me several times for a protective
8 order to make sure that you were protected, and we
9 endeavored to do that. Unfortunately, not all the Members
10 of the Committee that needed to be were on board with doing
11 that, and I'm sorry that we couldn't get that done for you.
12 I'm glad that your job was in fact intact and remained
13 intact.

14 But, you know, one of the things we're doing
15 today is trying to take a look at what reforms do we need
16 to put in place so that this doesn't happen again. And,
17 you know, I've taken to heart those telephone conversations
18 we had, because I could tell the stress in your voice.
19 And, you know, we had never met, and I could tell that it
20 was a very difficult and stressful time for you, and all
21 you were trying to do was the right thing.

22 Can you share with the Committee your thoughts on
23 reforms, changes to the law that we should look to next
24 session, so that we can help prevent this from ever
25 happening again and help protect employees who need to feel

1 comfortable coming forward when situations like this
2 arise?

3 CHIEF INSPECTOR ELLIS: Well, I think what I can
4 offer is just a snapshot or I can further what I've
5 discussed over the last several minutes. And, you know, in
6 the interests of maintaining, or maintaining a law
7 enforcement agency's ability to be viewed as a body of
8 integrity, one thing that is sorely missed in the Office of
9 Attorney General present is, frankly, oversight.

10 I can't -- look, this is what I would describe as
11 a one-off, an anomaly, whatever you would like to call it,
12 but the way that this occurred and the way that, the
13 information that we possessed as early as March and April
14 of 2015 as it applied to Duecker, there should be, there
15 should be another avenue to bring this to someone else to
16 avoid this impropriety, to have any appearance of
17 impropriety.

18 Now, if there was a baseless allegation that came
19 across an Attorney General that was, by all appearances, a
20 model Attorney General, then I think that individual would
21 want it to be handled, to be referred or handed off to
22 somebody with impartiality that could take that information
23 and then come up with what is an accurate disposition.

24 You know, our system, although it's imperfect,
25 it's strong provided the people in the leadership chairs

1 remain, remain steeped with integrity.

2 Look, I'm not here to -- I'm only here to offer
3 what I have experienced, and what I experienced was an
4 absolute miscarriage of what should have happened. This
5 was not a reach. This was not a stretch. There were
6 things even that I look back on almost daily what I could
7 have done differently to avoid this.

8 I had spoken to the PHRC. I had spoken to the
9 DOJ. I spent a number of years attached to the FBI,
10 working with civil rights squads, and, you know, I don't
11 know how else to say this other than, in my past
12 experience, this was low-hanging fruit that would have been
13 very easily addressed, and it just wasn't. And so to
14 attempt to get this in the right venue to be handled was an
15 absolute struggle.

16 And, you know, here we are. You know, here we
17 are a couple of years later, essentially we're almost
18 2 years later, with this information.

19 You know, I don't necessarily feel comfortable
20 bringing forth how this Duecker allegation actually made it
21 forth. It did make it forth earlier than we learned it.
22 We just didn't know about it. And it still didn't make it
23 -- it didn't make it far enough, and that is just
24 unacceptable. It's just unacceptable. There should be a
25 way to reach outside of your agency in order to protect the

1 integrity of the agency when necessary.

2 I think the -- look, it's the Senate's and the
3 House's responsibility to ensure that, you know, the way in
4 which the OAG is empowered is applicable to the mission,
5 but we also have to be willing and able to police our own.
6 And then when it comes to the highest level within any
7 office, we have to be able to have the courage to do so.

8 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I don't
9 think I can say anything any better than that. I certainly
10 appreciate your testimony.

11 Any follow-up questions for Mr. Ellis?

12 All right. Counsel Kane.

13 COUNSEL KANE: Just briefly, Agent Ellis.

14 You touched on, you went back and you looked at,
15 as you were talking about this discrepancy between the
16 internal report that was done from that operation, that
17 undercover operation, and you said "and the warrant," that
18 there were some discrepancies. First of all, what kind of
19 a warrant are you talking about that was done?

20 CHIEF INSPECTOR ELLIS: If my memory serves me
21 correctly, there was a search warrant for a residence and
22 possibly an arrest warrant for a target of an
23 investigation.

24 I would like to stop short of going any further,
25 because I have absolute faith that there is an outside

1 entity giving resources to that matter.

2 COUNSEL KANE: Fair enough.

3 Getting to your conversation with the Attorney
4 General, you said that she said that this Whistleblower Act
5 trumps, I think was the word you used, the other civil
6 implications of this.

7 CHIEF INSPECTOR ELLIS: Right.

8 COUNSEL KANE: But did you explain that this
9 could rise to the level of a criminal investigation?

10 CHIEF INSPECTOR ELLIS: Yeah. I absolutely
11 explained that, and I explained, from even the Attorney
12 General's perspective, her knowing of this could further
13 damage the integrity of the office. And as the exchange
14 became more and more heated, she crossed, she crossed her
15 arms, and I'm paraphrasing, but she said, Chad, this isn't
16 Baltimore; that's not how we do it here, and we're just
17 going to agree to disagree.

18 COUNSEL KANE: Okay.

19 Now, at that point -- we're talking March of 2016
20 -- her law license was suspended, wasn't it?

21 CHIEF INSPECTOR ELLIS: Correct.

22 COUNSEL KANE: Now, as part of the operation of
23 the office after the suspension of her law license, weren't
24 those decisions about, legal decisions about what the
25 implication of a certain action might be on a civil case,

1 weren't those supposed to be made by now Attorney General
2 Beemer?

3 CHIEF INSPECTOR ELLIS: They in fact were, and
4 that's why I went to Mr. Beemer and Mr. Cherba first. The
5 reality was, that's not how the inner workings of the
6 office were going at the time, and as a matter of fact, in
7 the weeks that followed -- days that followed -- the office
8 mysteriously was blessed with a Solicitor General that was
9 given those responsibilities.

10 COUNSEL KANE: Okay. Thank you.

11 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Any
12 other questions? All right.

13 Mr. Ellis, thank you so much. I appreciate it.

14 And we are going to take to heart your
15 suggestions and recommendations and see if we can't bring
16 them to fruition. And I certainly appreciate all the work
17 you're doing on behalf of the people of the Commonwealth of
18 Pennsylvania.

19 CHIEF INSPECTOR ELLIS: Thank you.

20 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Thank
21 you.

22 All right; our last witness. Hailing from
23 Montgomery County, Detective Paul Bradbury.

24 Thank you for making the trip, Detective.

25 DETECTIVE BRADBURY: Any time.

1 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I
2 appreciate it.

3 All right. Representative Everett is going to
4 pose the questions to Detective Bradbury. Thanks so much
5 for being here.

6 DETECTIVE BRADBURY: You're welcome.

7 REPRESENTATIVE EVERETT: Yeah. Thank you for
8 making the trip today.

9 Just to start off, if you could give us your name
10 and where you work and your position.

11 DETECTIVE BRADBURY: Yes. My name is
12 Paul Michael Bradbury. I'm a Detective with the Montgomery
13 County District Attorney's Office. I'm currently assigned
14 to the Homicide Unit. I have been there for 5 years.

15 REPRESENTATIVE EVERETT: And just give us a brief
16 on sort of your background.

17 DETECTIVE BRADBURY: Yes.

18 I'm actually in my 23rd year of law enforcement.
19 I spent my initial 5 years with the Lower Providence
20 Township Police Department, which is in Montgomery County,
21 as a patrolman.

22 I then transferred over to the Upper Merion
23 Township Police Department, also in Montgomery County, for
24 the next 12 years, where I held various positions, from
25 patrolman to detective to corporal. And then in 2011, I

1 came over to the District Attorney's Office.

2 REPRESENTATIVE EVERETT: If you could, could you
3 just briefly describe and give us an outline of your
4 involvement in the investigation, trial, and conviction of
5 Patrick Reese?

6 DETECTIVE BRADBURY: Yes.

7 The initial investigation into this matter began
8 in December of 2014 when Judge Carpenter, who was the
9 supervising judge for the Thirty-fifth Statewide
10 Investigating Grand Jury, made an investigative referral to
11 then District Attorney Ferman. The allegations were that
12 crimes had been committed in Montgomery County.

13 We then took that referral and did our own
14 independent investigation. During our investigation,
15 information was learned that Mr. Reese had violated the
16 protective order that had been issued by Judge Carpenter
17 in this matter. Charges were subsequently filed against
18 Mr. Reese, and then he was ultimately convicted.

19 REPRESENTATIVE EVERETT: And what specifically
20 was he convicted of?

21 DETECTIVE BRADBURY: He was convicted of indirect
22 criminal contempt, contempt of the order that Judge
23 Carpenter had issued. He basically had violated the
24 protective order by researching information that he was not
25 privileged to do and then disseminated that to several

1 people.

2 REPRESENTATIVE EVERETT: And was it made clear in
3 the Reese trial to whom the information was disseminated?

4 DETECTIVE BRADBURY: I'm going to answer that
5 with a "no" in that no one else was charged with a
6 violation of the protective order in that matter.

7 There was testimony from a witness in that case,
8 a Mr. Peifer, who he talked to regarding the email searches
9 that they were doing. But I wouldn't feel comfortable
10 saying that we could say who Mr. Reese gave the information
11 to.

12 REPRESENTATIVE EVERETT: And as part of your
13 investigation, did you learn, even though it may not have
14 been part of the trial, to whom the emails that -- not
15 emails, but the queries to the database, to whom that
16 information was provided, or did that not come out as part
17 of that investigation?

18 DETECTIVE BRADBURY: That did not come out. It
19 did not come out in the trial.

20 REPRESENTATIVE EVERETT: As part of the trial --
21 and I think it is in the record, but I just want to get it
22 into the record here for our purposes -- did a Josh Morrow
23 testify that the day after he testified to the grand jury,
24 that Attorney General Kane came to him and said that the
25 "word on the street," I believe is the term, was that he

1 had testified in front of the grand jury?

2 DETECTIVE BRADBURY: Yeah. Just a point of
3 clarification. You're now talking about Ms. Kane's trial.

4 REPRESENTATIVE EVERETT: Okay. Yes.

5 DETECTIVE BRADBURY: Yes.

6 Yes, he did testify to that at trial.

7 REPRESENTATIVE EVERETT: Okay. Thank you.

8 And I know that the investigation that you were
9 involved in was mainly the Reese investigation, but I know
10 that you're familiar with the Kane---

11 DETECTIVE BRADBURY: No; I did both.

12 REPRESENTATIVE EVERETT: You did both.

13 DETECTIVE BRADBURY: I did; yes.

14 REPRESENTATIVE EVERETT: And Kane was convicted
15 for the fact that she obtained information from the grand
16 jury investigation, and that was substantiated, what she
17 was convicted of, leaking that information and committing
18 perjury?

19 DETECTIVE BRADBURY: That is correct.

20 REPRESENTATIVE EVERETT: As part of your
21 investigation -- and I know that you are semi-limited on
22 the breadth of where you can go today because appeals, I
23 think, are still pending in both?

24 DETECTIVE BRADBURY: In both cases. That is
25 correct.

1 REPRESENTATIVE EVERETT: Both cases?

2 DETECTIVE BRADBURY: Yes.

3 REPRESENTATIVE EVERETT: So that we have to be
4 careful we don't prejudice---

5 DETECTIVE BRADBURY: Yes.

6 REPRESENTATIVE EVERETT: ---those efforts.

7 Other than Mr. Morrow, were you aware during the
8 investigation of either case of individuals, you know, who
9 were prejudiced or targeted, of information that leaked out
10 of the grand jury that were not part of those trials?

11 DETECTIVE BRADBURY: Yes.

12 I would not feel comfortable going into specific
13 names, but yes, there was information learned that Ms. Kane
14 was partaking in that behavior.

15 REPRESENTATIVE EVERETT: Okay. And I think we
16 have heard other testimony that was probably, you know,
17 threatening and bullying. And I know that, again, we have
18 to be very careful.

19 DETECTIVE BRADBURY: Mm-hmm.

20 REPRESENTATIVE EVERETT: And as you have heard
21 from previous witnesses, is there anything else that you
22 think you have learned through your investigation of these
23 two cases of the internal workings of the Kane Attorney
24 General operation that you think might be valuable, you
25 know, to this Committee going forward, with things that we

1 might do as a Legislature and/or making recommendations to
2 the full Legislature with regard to the issue of Attorney
3 General Kane's possible impeachment?

4 DETECTIVE BRADBURY: Well, I cannot be as
5 eloquent as Mr. Ellis, but sitting here listening to him at
6 the end, I think I would express the same thoughts.

7 Though, I don't know how you have checks and
8 balances when it's the chief law enforcement officer of the
9 Commonwealth of Pennsylvania. You wouldn't think you would
10 need them. But I would submit that there seemed to be a
11 lack of -- overall, you know, she did what she wanted and
12 she had people do what she wanted for them, and if you
13 didn't do it, you were on the outs.

14 REPRESENTATIVE EVERETT: Thank you.

15 And I think this has already been put into the
16 record, but just to make it clear, that even after
17 Mr. Reese was convicted, he continued to work for the
18 Attorney General's Office, I guess until the time he was
19 actually sentenced?

20 DETECTIVE BRADBURY: That is the information that
21 I know. That is correct. He did not lose any of his
22 police powers until Ms. Kane left.

23 REPRESENTATIVE EVERETT: And again I want to
24 thank you -- that's all the questions I have; there may be
25 other questions -- for taking the time to come here today.

1 And I also want to thank you for your good work
2 in both these cases that finally, you know, brought about
3 where we should have been a long time ago. Thank you very
4 much.

5 DETECTIVE BRADBURY: Well, I appreciate that, but
6 I will have to defer those compliments to the District
7 Attorney's Office in Montgomery County as a whole. It was
8 definitely a team effort, and let me add, with Bucks County
9 also.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Thanks
11 again for making the trip.

12 You know, in reviewing the sentencing, I have the
13 notes of the testimony of the transcript from the
14 sentencing hearing for Patrick Reese. It is dated
15 Thursday, March 3rd, before Judge Carpenter.

16 And noteworthy -- and Detective, you don't have
17 to comment on this. I just want to read this for the
18 record.

19 Noteworthy in this instance, the prosecutor,
20 Tom McGoldrick, took -- and I'm reading page 8, line 23.
21 He, in his argument to Judge Carpenter as it relates to the
22 sentence, he said:

23 "In all likelihood, Your Honor, the defendant was
24 ordered to do these prohibited searches by his boss,
25 Kathleen Kane. That is not an excuse. He should have

1 refused any directive that may have come from her.”

2 He then goes on and he makes reference to a
3 provision that Representative Everett referenced. On page
4 9, on line 17, he says:

5 “And to the Commonwealth this was troubling, in
6 that, if you recall”--- Let me start at line 13:

7 “That e-mail”--- Let me start at line 11:

8 “On November 10, 2014, the defendant read an
9 e-mail that was submitted in the case as part of the
10 Commonwealth’s C-48. That e-mail had several Grand Jury
11 subpoenas attached for several different witnesses
12 subpoenaed for the Grand Jury investigation of Kathleen
13 Kane. One of the attached subpoenas was for Josh Morrow.
14 And to the Commonwealth this was troubling, in that, if
15 you recall Detective Bradbury’s testimony regarding
16 Josh Morrow, he informed Detective Bradbury that shortly
17 after he testified before the Grand Jury, Kane had said to
18 Morrow that word on the street was that he had testified.
19 It’s not a great leap in our thinking to believe that the
20 word on the street received by Kathleen Kane came from
21 Mr. Reese.”

22 So I did have a question. Just so I’m clear on
23 this, did the evidence deduced at Mr. Reese’s trial show
24 that Mr. Reese searched for an email and found an email,
25 came across an email, that had subpoenas attached to it,

1 and one of those subpoenas was for Josh Morrow, and then
2 also, evidence was deduced that Josh Morrow was approached
3 by the Attorney General, Kathleen Kane, about his testimony
4 that resulted from that subpoena that Patrick Reese found?

5 DETECTIVE BRADBURY: That's correct.

6 One of the key word searches that Mr. Reese was
7 doing was "subpoenas." When he typed in the word
8 "subpoenas," the subpoenas appeared.

9 And as far as Mr. Morrow's testimony, I
10 interviewed Mr. Morrow, and that's exactly what he told
11 me.

12 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I think
13 also noteworthy -- now, those are the words of the
14 prosecutor, and I think that's important, but certainly on
15 page 15, Judge Carpenter, when he imposed his sentence,
16 said this, at line 11:

17 "The fact that his crime did not benefit him
18 directly, but perhaps benefited him indirectly, is of no
19 benefit to him either. Whether he was told to do it or
20 not, he knew in his mind that he would be taken care of,
21 which is of course illustrated by the fact that he is still
22 on the Office of the Attorney General payroll, even after
23 being found guilty of this criminal conduct."

24 So it seems clear that even Judge Carpenter felt
25 that Mr. Reese was certainly keeping Ms. Kane in mind and

1 that Ms. Kane would certainly keep him in mind should he be
2 found guilty of these crimes, as he was.

3 You know, as it relates to the conduct that
4 Kathleen Kane was convicted of in August, you know, how
5 would you characterize that just as it relates to the
6 administration of justice? I mean, you're a longtime, you
7 know, a longtime career in law enforcement. You know, can
8 you give me your feelings about that, her conduct?

9 DETECTIVE BRADBURY: I think the thing that
10 struck me throughout this investigation, and it was very
11 lengthy and at times frustrating and at times asking myself
12 why and what are we doing this for, I always went back to
13 one thing, and that was, when you spoke to employees inside
14 the Attorney General's Office, and I'm talking about the
15 guys and girls that go to work every day and do the right
16 thing and are just doing, you know, working -- career
17 prosecutors, career law enforcement people, career staff --
18 and you would talk to them and feel and hear the dismay in
19 their voice and what they were going through and they
20 couldn't do their jobs, and I think that, the abuse of the
21 power that she was doing and what she did to that office,
22 is the travesty of this whole thing.

23 You know, those people didn't deserve that.
24 Career prosecutors don't deserve that. Career law
25 enforcement people don't deserve that.

1 You know, what she did to Wanda Scheib. The lady
2 has worked for this State for 20-some years, and put her in
3 a cubicle because she did the right thing. It's those type
4 of people that, you know, I feel good about what we did for
5 them.

6 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: No
7 question. No question.

8 Thanks for all you're doing for the people of PA.

9 DETECTIVE BRADBURY: Thank you.

10 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: Any
11 other questions from anybody? All right.

12 Detective, thank you very much for joining us.

13 DETECTIVE BRADBURY: Thank you.

14 MAJORITY SUBCOMMITTEE CHAIRMAN STEPHENS: I do
15 want to make note for the record, as I have promised since
16 the beginning of this investigation, Kathleen Kane was
17 given the opportunity to join us today, listen to the
18 testimony and provide any responsive testimony she would
19 have liked, and, through her attorney, declined the
20 opportunity to do so.

21 We also extended the same invitation to Patrick
22 Reese. His attorney also declined -- through his attorney,
23 he also declined the opportunity to appear and testify
24 before the Committee.

25 Just by way of closing this up, I said this

1 morning when we opened the hearing that, you know, the
2 purpose of today was threefold: to provide accountability
3 for all of Kathleen Kane's actions, not just the criminal
4 conduct for which she was convicted. We heard, I think,
5 substantial other misconduct that she engaged in as the
6 Attorney General of Pennsylvania, and the people of
7 Pennsylvania certainly deserve a full accounting. Frankly,
8 we heard they are footing an over a million-dollar legal
9 bill in response to many of her actions.

10 But secondarily, it's also, in our mind,
11 important to have created a record in the event anything
12 should happen with her conviction or she should be pardoned
13 or for any other reason: a future Legislature wants to
14 fully understand everything that occurred at the Attorney
15 General's Office of Pennsylvania over the last 24 months.
16 I think we have provided an ample record for them to do so.

17 And frankly, at this point, just as importantly,
18 I think we need to begin to turn an eye towards, how do we
19 learn from this experience; what does the Legislature do in
20 terms of reforms; what steps do we need to take so that we
21 can ensure that this doesn't happen again and the people of
22 Pennsylvania are protected from any type of recurrence
23 here.

24 So I certainly appreciate the Members'
25 participation and attention. I certainly appreciate the

1 press being here. And I know it has been a long day, so
2 I'll wrap it up. But thank you all so much for taking the
3 time and an interest in what I believe is a very important
4 investigation.

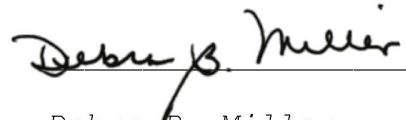
5 And most importantly, thanks to Counsel Kane, who
6 has put in, I can't even tell you how many hours and has
7 reviewed thousands of pages of documents and interviewed
8 countless people and really worked in earnest to ensure
9 that there was accountability in this regard. So Mike,
10 thank you very much. I appreciate it.

11 This concludes this hearing of the Courts
12 Subcommittee of the House Judiciary Committee.

13

14 (At 4:30 p.m., the public hearing adjourned.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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8 *Debra B. Miller*

9 *Transcriptionist*

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