

1 STATE OF NEW YORK
2 COMMISSION ON PUBLIC INTEGRITY

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4 IN THE MATTER OF AN INVESTIGATION
5 INTO THE ALLEGED MISUSE OF RESOURCES
6 OF THE DIVISION OF STATE POLICE
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11 STENOGRAPHIC MINUTES OF SWORN TESTIMONY
12 conducted of DANIEL WIESE, held on the 4th day of
13 February, 2008, at the offices of the Commission on
14 Public Integrity, 540 Broadway, Albany, New York,
15 commencing at 11:00 a.m., before MARION J. EAGAN,
16 a Shorthand Reporter and Notary Public of the State of
17 New York.

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1 APPEARANCES:

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3 ON BEHALF OF THE COMMISSION:

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5 NEW YORK STATE COMMISSION OF PUBLIC INTEGRITY
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8 BY: MEAVE M. TOOHER, ESQ, Investigative Counsel

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10 BARRY GINSBERG, ESQ, General Counsel

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12 ROBERT J. SHEA, Associate Confidential Investigator

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1 DANIEL WIESE,
2 having been duly sworn by the Notary Public, was examined
3 and testified as follows:

4 EXAMINATION BY MS. TOOHER:

5 Q Mr. Wiese, can you state your full name for the
6 record?

7 A Yes, Daniel Wiese.

8 Q And where are you currently employed?

9 A The New York Power Authority.

10 Q And what is your position with the Power
11 Authority?

12 A I'm the inspector general.

13 Q And what are your duties in that regard?

14 A I investigate fraud, waste, and abuse. I have
15 a second title as well. I didn't get a chance to get to
16 that. I'm also the vice president of Corporate Security,
17 and in that role I control security aspects of all 21
18 facilities in the power grid owned by the Power
19 Authority.

20 Q And do you hold any other state positions?

21 A No, ma'am.

22 Q And how long have you been with the Power
23 Authority?

24 A This April will be five years, April '03.

1 Q And where were you employed prior to that
2 time?

3 A I was with the New York State Police.

4 Q And what was your role at the New York State
5 Police?

6 A My last title was lieutenant colonel in charge
7 of the Executive Services detail.

8 Q And how long were you in that position?

9 A In the Executive Services detail?

10 Q Yes.

11 A December 28, 1994.

12 Q And if you would briefly, what were your duties
13 in that position?

14 A Basically to take care of the security for the
15 governor and his family as well as the NGSA, National
16 Governors' Security Association. We provided a role of
17 mutual aid for the other 49 states as they would for us
18 if we traveled to one of the other states.

19 Q So, if a foreign governor or dignitary came to
20 the state, you were responsible for providing security
21 and transportation?

22 A Correct, we would provide somebody to handle
23 their security while they were here.

24 Q And in your position with the Executive

1 Security detail, were you responsible for the
2 transportation of other dignitaries in the state beyond
3 the governor?

4 A Yes, from time to time the lieutenant governor,
5 and on occasion others as well.

6 Q And were you ever responsible for providing
7 transportation to Senator Bruno in that regard?

8 A I believe people on my detail were.

9 Q And was transportation for Senator Bruno
10 treated any differently than transportation for the
11 governor during that time frame?

12 A Well, transportation for any dignitary is a
13 little less than the governor himself. The governor's
14 mandated by state legislature, and there's a difference
15 even between the governor and the lieutenant governor,
16 the amount of security that's required.

17 Q And what are those differences?

18 A Just the level of security. It's less
19 personnel for the lieutenant governor than the governor,
20 lower profile.

21 Q And what about for Senator Bruno?

22 A Again, that would be lower profile as well.

23 Q When you say lower profile, can you describe
24 what that means?

1 A Sure, less personnel involved, and very often
2 maybe just door-to-door security, maybe not attending
3 whatever their functions are.

4 Q And who set the parameters for the type of
5 security that was provided to a particular dignitary?

6 A I think traditionally it was done by the first
7 deputy of the state police. That's who was in charge,
8 that's who I ultimately reported to, the first deputy and
9 the superintendent.

10 Q And during the time frame that you served on
11 the Executive Services detail, were you aware of
12 itineraries being provided in the course of security
13 transportation?

14 A When you say itineraries, you mean --

15 Q When you were requested to provide
16 transportation, were you given an itinerary of the
17 dignitary to do so?

18 A Yes, you would need to where he was coming in,
19 when, and where he was going to in order to set up proper
20 security.

21 Q And how was that provided to you?

22 A To be honest with you, I never did it myself,
23 so I'm not that familiar with it. I assume somebody from
24 their staff would provide it to someone on the second

1 floor, and then I believe it would be transmitted from
2 there.

3 Q Did you ever receive it from the second
4 floor?

5 A No, myself personally, no.

6 Q Did you ever see itineraries during the time
7 that you were serving on the Executive Security detail?

8 A Personally, no.

9 Q And did you ever receive a request from the
10 Executive Chamber to provide them with a copy of the
11 itinerary?

12 A Me personally, no, ma'am.

13 Q Were you aware of those being provided by
14 anyone under you?

15 A Not to my knowledge. I believe it was done by
16 word of mouth. I don't believe there was any formal
17 document.

18 Q Had you ever seen itineraries?

19 A Other than the governor's, no.

20 Q You were provided the governor's itinerary?

21 A Oh, I had access to the schedule, so I saw it
22 daily, yes.

23 Q And did you communicate with the individual
24 officers who were actually providing transportation and

1 security on the details?

2 A Myself, no, ma'am.

3 Q How would you communicate information to those
4 officers?

5 A There were four senior investigators that
6 worked under me as well as a captain, and they would deal
7 with the day-to-day operations of people other than the
8 governor.

9 Q And do you know how they would receive their
10 information?

11 A Personally, no. I assumed it was by telephone,
12 but I'm guessing there. I don't know that personally.

13 Q Did they report to you when they were providing
14 transportation?

15 A Only if it was out of the ordinary, if there
16 was a request that was made out of the ordinary, but
17 normally, no.

18 Q So, normally you would not get involved in
19 those transportation details?

20 A That's right.

21 Q Did you get a report back from the officers at
22 any time, a written report indicating what they had
23 done?

24 A No, ma'am.

1 Q Are you aware of any records that were kept in
2 that regard during the time that you served on that
3 detail?

4 A Not to my knowledge.

5 EXAMINATION BY MR. GINSBERG:

6 Q Dan, Mr. Wiese, in your role, were you
7 generally familiar with the record-keeping with respect
8 to travel requests and so forth in that department at
9 that time?

10 A To a degree, yes.

11 Q Okay. What sorts of records would be kept in
12 the ordinary course that you're aware of?

13 A As far as people's itineraries?

14 Q Well, regarding travel in general.

15 A Very little outside the governor. The governor
16 we had very detailed records.

17 Q When you say very little, what do you mean?

18 A I've never seen a record produced for anyone
19 other than -- actually, let me correct that. I've never
20 seen a record even for the governor about his travel.
21 We'd receive the schedule and we'd make our own
22 arrangements to make sure that was done in a safe and
23 secure manner and confidential.

24 Q How would you get information -- let's assume

1 say for Senator Bruno: Were there occasions when his
2 travel was involved while you were in that position?

3 A I personally never did get any, but I know his
4 office sometimes spoke to the state police to make
5 arrangements, and I thought that was done through Pat
6 Stakro, but I'm guessing. I don't know that for sure.

7 Q Were you aware of any records that the state
8 police received in connection with such requests?

9 A No, I'm not.

10 Q Were you aware of any records that the state
11 police created in connection with such requests?

12 A No, none whatsoever that I'm aware of.

13 Q No forms?

14 A No.

15 Q When it came time to make assignments to
16 particular state police officers or a particular state
17 police detail, were there any records in connection with
18 that?

19 A Not that I'm aware of. We had a couple of
20 individuals in the city, New York City detail that were
21 assigned to do outside governors. If there were no
22 governors scheduled, then it would be assigned to that
23 individual. If there were governors coming into the
24 state, it would then be assigned to Troop NYC to carry

1 the overflow.

2 Q And how would that communication occur?

3 A Usually the captain would speak with a captain
4 or a senior investigator at the troop headquarters in NYC
5 and communicate that verbally, that we needed some
6 assistance, and very often we had a squad assigned to the
7 New York City Chamber, and very often it would be
8 assigned to those gentlemen out of convenience because
9 they'd have to work right downtown.

10 MR. GINSBERG: Go ahead.

11 EXAMINATION BY MS. TOOHER:

12 Q Were you ever aware of any FOIL requests being
13 made concerning transportation records while you were
14 with the Security detail?

15 A Not while I was with the detail, no.

16 Q Would you have been made aware of a FOIL
17 request if it had come in?

18 A I think I would probably be aware but,
19 depending on division counsel whether or not they'd want
20 that information out, I don't know.

21 Q Do you have any knowledge of documents being
22 provided during the time you were on the Executive
23 Services detail?

24 A No, ma'am.

1 Q You left the Executive Services detail in April
2 of '03?

3 A That's correct.

4 Q Is that correct?

5 A Yes, ma'am.

6 Q And did you provide any services to the
7 governor or the state police after April of '03?

8 A Yes, ma'am.

9 Q And what were those services?

10 A It was on a consulting basis, pro bono to the
11 superintendent, James McMahon, and the governor if
12 necessary.

13 Q And how long did that continue?

14 A I believe until March or April of '07.

15 Q And what types of services did you provide?

16 A If they had some questions about something and
17 needed a reference to something in the past I would
18 provide that, but after Jim McMahon left, which I believe
19 was in, I'm guessing here, I'm thinking '05, maybe '04,
20 I'm not sure, it was rare that I ever got any phone calls
21 from Wayne Bennett.

22 Q Were you ever consulted in the area of
23 providing transportation with the helicopters?

24 A Very rarely.

1 Q Were you ever?

2 A I can't think of anything after '03, no.

3 Q So, no one was in contact with you concerning
4 the provision of transportation or ground services with
5 the helicopter from '03 on?

6 A No. Airplane, yes. Helicopter, no. And the
7 reason for the airplane is we have an MOU, the New York
8 Power Authority with the New York State Police, for the
9 shared use of fixed wing airplanes, but to my knowledge
10 that was never used for anyone other than the governor or
11 possibly lieutenant governor.

12 Q And were you ever contacted by anyone from the
13 Executive Chamber concerning use of the aircrafts?

14 A Not that I can recall, no.

15 Q And from the time that Governor Spitzer came
16 into office in January of '07, were you in contact with
17 members of the Chamber at all?

18 A Not that I can recall, no.

19 Q Did you speak with anyone from the Chamber?

20 A Relative to airplanes or helicopters?

21 Q At all.

22 A Oh, I would speak to people from the Chamber on
23 occasion, sure.

24 Q And who were your contacts with the Chamber?

1 A Now we're talking prior to?

2 Q January of '07 on.

3 A January of '07 on.

4 Q In the Spitzer administration.

5 A Bill Howard, he was from the past
6 administration and is currently in this administration,
7 and on occasion -- I can't think of her name now --
8 Marlene Turner.

9 Q And do you recall what your conversations with
10 Mr. Howard involved?

11 A Off the top of my head, my daughter's
12 wedding -- my daughter got married July 6th of '07 -- and
13 possibly Homeland Security. I sit on the same council as
14 he did, Homeland Security Council.

15 Q Were there ever issues concerning the state
16 police that Mr. Howard discussed with you after January
17 of '07?

18 A Not that I can recall, no.

19 Q And what about Marlene Turner?

20 A Marlene would just be the process as far as the
21 MOU existence, explaining how the airplane would be used
22 by the Power Authority and the Chamber actually, not
23 state police. State police fly it, but it was Chamber
24 use.

1 Q So, Marlene Turner was in touch with you
2 concerning the use of the airplane?

3 A I remember a conversation with her about the
4 airplane, yes.

5 Q And what was the subject matter of that
6 conversation?

7 A Basically the process by which it was used and
8 who used it when. I explained that there was an MOU that
9 she should be aware of.

10 Q And did she discuss with you at all how to
11 request use of the airplane, what the requirements were
12 for that?

13 A No, I don't recall that at all.

14 Q And have you ever had any contact with Preston
15 Felton since January of '07?

16 A Yes.

17 Q And what were those contacts?

18 A Again, my daughter's wedding. He attended it.
19 We've been friends for a very long time. I don't
20 remember the substance of the conversations, but on
21 occasion we would have a friendly exchange.

22 Q And you are familiar with what I'll call the
23 Trooper Gate incident?

24 A What I've read in the newspapers, yes.

1 Q I understand that there's some preference it be
2 called Chopper Gate.

3 A Oh, yes.

4 Q But the whole incident with the use of the
5 state police helicopter?

6 A Yes, what I've read in the newspapers.

7 Q Have you ever discussed it with Preston
8 Felton?

9 A Not to my knowledge. I don't recall that at
10 all, no.

11 Q And what about William Howard?

12 A No, again, not to my knowledge.

13 Q Have you had any conversations about it with
14 anyone in the Chamber?

15 A In the Chamber, no, I don't believe so.

16 Q What about anyone in the state police?

17 A I'd like to say no, but I don't recall if I've
18 had any discussions. I did have an inquiry from a news
19 reporter by the name of Fred Dicker. I didn't speak to
20 him, but he wrote an article about me; and I did have a
21 conversation with a reporter by the name of -- a female
22 reporter.

23 Q Liz Benjamin?

24 A Yes. I'm sorry. Yes, Liz Benjamin.

1 Q And Mr. Dicker wrote an article in August
2 2007?

3 A Yes.

4 Q You're familiar with that article?

5 A Unfortunately.

6 Q And in that article, Mr. Dicker refers to you
7 having a relationship with individuals who were
8 responsible for driving Senator Bruno. Do you know who
9 he's referring to?

10 A No, I don't. I remember, I recall the article,
11 but I don't know in the article who he's referring to,
12 no.

13 Q Do you know Captain Thomas Marmion?

14 A I know his name, and if he came in the room I
15 could pick him out, but beyond that, no.

16 Q What about Michael Kopy?

17 A I know Mike. He worked for me years ago in the
18 DA's office.

19 Q And did you discuss any aspects of Trooper Gate
20 with him?

21 A I don't believe I did, no.

22 Q Did he contact you at all concerning anything
23 to do with the helicopter or ground transportation during
24 that time frame, January 1 to July?

1 A It's possible, he was a new major, but I don't
2 recall anything.

3 Q What about Anthony Williams?

4 A I've had several conversations with Anthony,
5 but I don't recall anything about this. It's possible,
6 but I don't recall anything specific.

7 Q How do you know Mr. Williams?

8 A Oh, Anthony's worked for me on and off for
9 about 26 years maybe, 25 years.

10 Q And did he reach out to you about records or
11 information concerning transportation at any time?

12 A I don't recall anything specific. It is
13 possible he may have asked me for advice about records,
14 but I don't recall that.

15 Q What kind of advice would he be asking you
16 for?

17 A Again, I don't know, because I don't recall it.
18 Anthony was in a new position, I believe as of maybe '05,
19 or '06 at the Troop NYC. I believe in '06 he went into
20 that position, so I do know I've had a couple of
21 conversations with him about the process, but I don't
22 remember anything specific to this.

23 Q Did he ever ask you about the records that were
24 kept in the course of the governor's detail?

1 A He may have. I don't recall specifically. And
2 again, I don't remember any records kept in any -- in the
3 course of our business on this type of stuff.

4 Q So, if he had asked you, your response would
5 have been "We didn't keep records."

6 A Correct, to my knowledge, we didn't have
7 records about this, unless -- let me clarify that --
8 unless it was the day of the incident, they may have had
9 their own record of where they were going, but after the
10 incident was -- after the transport was done, I'm not
11 aware of any records.

12 Q What happened to the records after the
13 transport was done?

14 A Well, I don't believe there were records per
15 se. I believe they were communications by phone as to
16 where the individuals would be going. Now, it wouldn't
17 be uncommon, depending on the level of preference, for an
18 assigned member, they may keep their own notes in their
19 own daily day books, that's possible, but I don't know
20 that for a fact, either.

21 Q We had prior testimony that the governor's
22 travel itinerary and schedules were required to be
23 shredded after travel was completed.

24 A That's very possible. That's not something you

1 want left around, because you don't want to establish a
2 pattern, because sometimes on a week-to-week basis he
3 goes to the same locations, the same routes, so that
4 would be consistent with my memory.

5 Q So, is it your memory that the governor's
6 records were shredded following --

7 A I know we never kept them ourselves. Whether
8 the Chamber kept them, I couldn't tell you, but the state
9 police detail didn't keep records of that nature.

10 Q Were you aware that the state police were
11 shredding those records or destroying those records?

12 A I'm not aware of it, but I think that would be
13 proper to do so. You don't leave them around to develop
14 any sort of a pattern which anybody could look at, and
15 I'm talking terror-type patterns. You don't want
16 somebody second guessing where he's going to be on any
17 given day by what his previous patterns had been.

18 Q So, purely hypothetically, if you were asked to
19 provide records like itineraries or travel records, would
20 you have released those records?

21 A I wouldn't have any to release.

22 Q And would you -- what would be your response
23 to a request for those types of records, travel records,
24 itinerary records?

1 A That they would have to maybe go to the Chamber
2 to ask for them, because we didn't keep them, the state
3 police detail.

4 Q Would you know how to go about recreating that
5 information?

6 A Other than memory? I wouldn't be able to
7 recreate anything, no.

8 Q Would the troopers involved in the
9 transportation be able to provide that information?

10 A Again, other than memory, not to my
11 knowledge.

12 MR. GINSBERG: Can I just --
13 EXAMINATION BY MR. GINSBERG:

14 Q Did the troopers who worked on those
15 details -- well, in general, did troopers keep like
16 logbooks, memo books, whatever you want to call them?

17 A It was not a requirement, but they could have
18 on a personal preference level.

19 Q Do you know whether the troopers assigned to
20 the security detail that you're talking about, was there
21 any particular or specific instruction to them with
22 respect to keeping logbooks or memo books?

23 A No, not to my knowledge.

24 Q So, again, it was up to their personal

1 preference?

2 A Yes.

3 MR. GINSBERG: Thank you.

4 EXAMINATION BY MS. TOOHER:

5 Q Do you know Rommel Cartright?

6 A Yes. He's known as Mel.

7 Q Mel?

8 A Mel, yes.

9 Q And how do you know him?

10 A He was a member of the detail also.

11 Q Did you have any conversations with him after
12 January of '07 concerning transportation of Senator
13 Bruno?

14 A Not to my knowledge. I may have run across him
15 somewhere, said hello, but beyond that I don't recall
16 anything, no.

17 Q And what about John Colon, is it?

18 A John Colon was a member of the detail, too. I
19 don't believe I had any discussions with him, either. I
20 knew him less than I knew Mel.

21 Q Robert Swanson, were you familiar with him at
22 all?

23 A Sure, but he was never on the detail.

24 Q So, you have no familiarity with him in terms

1 of serving --

2 A Well, his father works for me, works with me,
3 but any conversation with Robbie Swanson about this? Not
4 to my knowledge at all.

5 Q And what about James Manigault?

6 A Wow, I haven't heard from or seen Jimmy
7 Manigault since maybe '96, '97.

8 Q So, it's safe to say you didn't have a
9 conversation with him?

10 A As long as -- since I've seen Barry. No, I
11 didn't have any conversation with Jimmy Manigault, no.

12 Q What is your relationship with Governor
13 Spitzer?

14 A Well, it goes back to 1989 when I was assigned
15 to the Manhattan district attorney's office.

16 Q That's how long you've known him?

17 A That's how long I've known him, yes.

18 Q And what is your relationship with him over the
19 years?

20 A Professional and personal.

21 Q Do you consider the governor a personal
22 friend?

23 A He was invited to my daughter's wedding. He
24 didn't come, but he was invited.

1 Q And how often do you speak with him?

2 A I used to speak to him quite a bit years ago.
3 Of late, since he's governor, maybe two or three times
4 since he's elected, if that.

5 Q And did you ever have any conversations with
6 the governor about the incident with the state police and
7 the transportation?

8 A No.

9 Q And do you know Darren Dopp?

10 A I know his name. Him personally, no.

11 Q And what about David Nocenti?

12 A Again, I know his name, and I had a
13 conversation with him on Homeland Security when the
14 governor was attorney general relative to background
15 legislation. That's my only, I think the only
16 conversation I've had with him.

17 Q And what about Richard Baum?

18 A I've met Richard on occasion when he was with
19 the attorney general's office.

20 Q And have you been in touch with Mr. Baum since
21 Mr. Spitzer became governor?

22 A Since the election I may have had one
23 conversation with him, but I don't recall. Certainly
24 nothing to do with this.

1 Q And did you have any conversations with the
2 former superintendent of the state police concerning the
3 incident of Trooper Gate and the surrounding
4 circumstances?

5 A I think I may have had a casual conversation
6 with Jim McMahon about the articles when they were
7 written, specifically the Fred Dicker article about me.

8 Q And what was the substance of that
9 conversation?

10 A Just a friendly conversation, you know, about
11 Fred isn't giving up, he's been writing stories about me
12 now for about 11 or twelve years, maybe longer, 13 years.

13 Just for the record, I was part of the indictment
14 against the New York Post in 1992 when the Manhattan
15 district attorney's office indicted the New York Post
16 over circulation problems, so I think that might be the
17 genesis of his dislike. I'm not sure, but it goes back a
18 long way.

19 MR. GINSBERG: Pardon me.

20 EXAMINATION BY MR. GINSBERG:

21 Q When you say part of that, you were part of the
22 team that did the investigation?

23 A Yes.

24 MR. WIESE: I'm sorry. I assumed Barry

1 understood that. I should have clarified that for you,
2 yes.

3 MS. TOOHER: That's okay.

4 Q Just one other question. When the troopers on
5 the NYC detail, when they get assigned to transportation
6 for a dignitary or whatever, do they communicate by radio
7 at all?

8 A I would assume more by cell phone than radio.
9 If there were more than one assigned, it's possible,
10 Troop NYC, but usually they're only assigned one team at
11 a time, to my knowledge, unless there's something like a
12 convention going on.

13 Q When you say cell phone, you mean
14 point-to-point communication?

15 A They may have that capability now, but I think
16 all they had back then was traditional cell phones. They
17 may have -- what do they call it -- Nextels now. They
18 had them years ago and they didn't work, they weren't
19 reliable, so they got rid of them probably '96, the early
20 stages of Nextel.

21 Q Okay. But they don't use radio communications
22 similar to say what NYPD uses?

23 A They have that capability, but in New York City
24 there's so much radio traffic, so it's not very reliable.

1 They're usually stepping on one another, so it's not
2 reliable, and if it's a confidential nature, I don't
3 think you'd want to put it out over an open channel.

4 EXAMINATION BY MS. TOOHER:

5 Q Were you aware of Senator Bruno being denied
6 use of the helicopter at any point during your tenure?

7 A Not to my knowledge, no.

8 Q Do you have a relationship with Senator
9 Bruno?

10 A I believe I do. After reading the articles,
11 that's questionable, but I always felt I got along very
12 well with Senator Bruno, and I have a lot of respect for
13 Senator Bruno.

14 Q When was the last time you were in touch with
15 him?

16 A Oh, wow, probably have to be sometime in '03
17 before I left the state police. I did see him at a
18 funeral, but didn't speak to him, a trooper funeral, I
19 believe in '05 maybe or '06. I saw him, but we didn't
20 have any exchange. I don't even know if he saw me. I
21 was sitting in the church.

22 MS. TOOHER: I just would like to state for the
23 record that Mr. Wiese is here voluntarily, and that
24 completes our interview.

1 MR. WIESE: Thank you very much.

2 MS. TOOHER: Thank you.

3 (Record closed at 11:30 p.m.)

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CERTIFICATION

I, MARION J. EAGAN, a Shorthand Reporter and Notary Public for the State of New York, do hereby certify that the transcript to which this certificate is annexed is a true and accurate record of the testimony as stenographically reported by me in the above-entitled matter.

I further certify that I am neither an attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Marion J. Eagan

Registration No. 01EA5016362
My Commission Expires: August 9, 2009

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