

COUNTY OF HUNTERDON
 NOTICE OF DISCIPLINARY ACTION
 Wednesday, November 27, 2013
 9:00 to 1:00

IN RE: MARGARET PASQUA
 COUNTY TREASURER OF THE
 COUNTY OF HUNTERDON
 and
 KIMBERLY BROWNE, COUNTY
 DEPARTMENT HEAD, DEPARTMENT
 OF ADMINISTRATION AND FINANCE

APPEARANCES:

EDWARD J. FLORIO, ESQ.
 HEARING OFFICER

CLEARY, GIACOBBE, ALFIERI & JACOBS, ESQS.
 169 Ramapo Valley Road
 Oakland, New Jersey 07436
 BY: RICHARD A. GANTNER, ESQ.
 and
 MATTHEW J. GIACOBBE, ESQ.
 Appearing on Behalf of the County of Hunterdon

GAETANO M. DESAPIO, ESQ.
 1110 Harrison Street
 Frenchtown, New Jersey 08825
 Appearing on Behalf of Margaret Pasqua and Kimberly Browne

PHILIP A. FISHMAN
 COURT REPORTING AGENCY
 89 Headquarters Plaza North
 Morristown, New Jersey 07960
 973-285-5331 - FAX 732-605-9391

09:12:20 1 MR. FLORIO: I think you are up, Mr.
 09:12:21 2 Giacobbe.
 09:12:24 3 MARGARET PASQUA PREVIOUSLY SWORN.
 09:12:27 4 CROSS-EXAMINATION CONTINUED BY MR. GIACOBBE:
 09:12:30 5 MR. FLORIO: The witness is still sworn.
 09:12:34 6 Q. Good morning, Ms. Pasqua.
 09:12:36 7 I have a few more questions for you on my
 09:12:39 8 cross-examination.
 09:12:41 9 When you testified the last time on direct
 09:12:45 10 examination you described the process by which health
 09:12:49 11 benefit bills were paid.
 09:12:50 12 Do you remember that?
 09:12:51 13 A. Yes.
 09:12:51 14 Q. I think your testimony -- correct me if I am
 09:12:54 15 wrong -- your testimony was that the department head,
 09:12:58 16 which would have been Human Resources, would sign off on
 09:13:01 17 the bill, and then it would be transmitted to your
 09:13:03 18 department for processing. Is that correct?
 09:13:04 19 A. Correct.
 09:13:05 20 Q. And it was your testimony that if it wasn't
 09:13:08 21 signed off you guys would not pay for it. Is that
 09:13:10 22 correct?
 09:13:10 23 A. Correct.
 09:13:22 24 MR. GIACOBBE: Okay. I want to mark -- I
 09:13:28 25 think this is -- by my count this would be --

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09:13:38 1 MR. FLORIO: H-23, HC-23.
 09:13:42 2 MR. GIACOBBE: -- HC-23. I am not going to
 09:13:45 3 mark these each separately. These are the 2012 -- I am
 09:13:50 4 going to have them marked as HC-23.
 09:13:52 5 Any objection?
 09:13:54 6 MR. DESAPIO: I would just like to note
 09:13:56 7 that -- first of all, are they the complete bills?
 09:13:58 8 MR. GIACOBBE: They are the complete bills.
 09:14:00 9 MR. DESAPIO: With all the attachments?
 09:14:01 10 MR. GIACOBBE: Yes. They were provided to
 09:14:04 11 you with redaction over a month ago.
 09:14:06 12 MR. DESAPIO: No, they weren't.
 09:14:07 13 Those were the things that I have asked for
 09:14:09 14 twice, and with your objection the hearing officer said
 09:14:13 15 we weren't going to be entitled to the complete bills.
 09:14:16 16 Now they are going to be produced. I have a basis for
 09:14:20 17 objecting to them, but I just want to note to spring
 09:14:23 18 them on us at the last minute is really unfair.
 09:14:26 19 MR. GIACOBBE: This is cross-examination. I
 09:14:28 20 am using it to impeach the witness.
 09:14:30 21 Mark this HC-23.
 09:14:32 22 MR. FLORIO: The objection is noted, and I
 09:14:35 23 will allow --
 09:14:37 24 MR. GIACOBBE: This is HC-23.
 09:14:38 25 MR. FLORIO: -- the exhibit to be marked for

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09:14:40 **1** identification and the questioning of this witness.

09:14:47 **2** (Purchase orders are marked as Exhibit HC-23

09:15:02 **3** for identification.)

09:15:35 **4** MR. GIACOBBE: I am showing the witness

09:15:36 **5** what's been marked as HC-23 for identification.

09:15:40 **6** **Q.** Ma'am, these are the bills for 2012 in order.

09:15:46 **7** On the first page, the very first page, if you

09:15:49 **8** could look at it, is that the purchase order that comes

09:15:53 **9** up to your department?

09:15:54 **10** **A. Yes.**

09:15:56 **11** **Q.** Stamped at the top of it there is a date on it in

09:16:04 **12** the very first page.

09:16:06 **13** Is there a date written in the upper top?

09:16:10 **14** **A. The date the check is written, yes.**

09:16:12 **15** **Q.** What date was the check written?

09:16:13 **16** **A. January 3rd, 2012.**

09:16:15 **17** **Q.** And was that bill processed and paid?

09:16:19 **18** **A. Yes.**

09:16:19 **19** **Q.** Can you go through that and show me where Cheryl

09:16:24 **20** Wieder signed off on it?

09:16:30 **21** **A. Often Mrs. Wieder would sign off on the**

09:16:34 **22** **remittance piece. Someone in the Finance Department**

09:16:36 **23** **should have kept a copy of it. This piece of it was**

09:16:38 **24** **produced by Mrs. Wieder since she, obviously, went over**

09:16:41 **25** **the bill.**

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09:16:42 **1** **Q.** Is there any signature for Mrs. Wieder on there

09:16:44 **2** that you can see?

09:16:44 **3** **A. No.**

09:16:45 **4** **Q.** Okay. Let's go to the next one.

09:16:48 **5** What's the date on the top of the next month?

09:16:51 **6** **A. January 18th, 2012.**

09:16:54 **7** **Q.** All right.

09:16:54 **8** Was that paid?

09:16:55 **9** **A. Yes.**

09:16:56 **10** **Q.** And how much was that bill for?

09:16:59 **11** **A. \$812,000.**

09:17:00 **12** **Q.** Can you show me where on that document Ms. Wieder

09:17:03 **13** signed off on it?

09:17:14 **14** **A. Again, she must have signed off on the remittance**

09:17:17 **15** **piece, but she did produce these two lists, so she did**

09:17:23 **16** **go over the bill.**

09:17:23 **17** **Q.** Okay. But she didn't sign off on that one

09:17:26 **18** either, did she?

09:17:27 **19** **A. She had to sign off on it or we wouldn't have**

09:17:30 **20** **paid it.**

09:17:31 **21** **Most likely it was signed off on the remittance**

09:17:35 **22** **copy, and that was sent to Blue Cross.**

09:17:37 **23** **Q.** In terms of the purchase order, did she sign off

09:17:39 **24** on the purchase order?

09:17:40 **25** **A. No, we do the purchase order in the Finance**

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09:17:42 **1** **Department. Because of time constraints these bills**

09:17:45 **2** **have to get paid quickly.**

09:17:46 **3** **Q.** So she never signed off on the purchase order.

09:17:49 **4** Is that correct?

09:17:49 **5** **A. No.**

09:17:50 **6** **Q.** If you go through all the bills, that's the

09:17:52 **7** entire year, calendar year for 2012 --

09:17:57 **8** **A. Uh-huh.**

09:17:58 **9** **Q.** -- just let me know if Cheryl Wieder signed off

09:18:02 **10** on any of the purchase orders that were processed for

09:18:04 **11** payment, ma'am.

09:20:29 **12** Have you had an opportunity to review all those

09:20:31 **13** bills?

09:20:31 **14** **A. Yes. No initials, but each report contains a**

09:20:33 **15** **listing of "Complete and send up."**

09:20:36 **16** **Q.** No initials or signature of Cheryl Wieder on any

09:20:39 **17** of the bills of 2012. Is that correct?

09:20:41 **18** **A. Right.**

09:20:47 **19** **Q.** You testified the other day in the 2010

09:20:55 **20** Corrective Action Amendment that you submitted to the

09:20:59 **21** State that at the time it was your belief that it was a

09:21:03 **22** one-time incident, it was one person. Is that correct?

09:21:06 **23** **A. From the 2000 which Corrective Action, Corrective**

09:21:10 **24** **Action was for the 2010 audit.**

09:21:13 **25** **Q.** 2010 that you filed in 2011.

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09:21:16 **1** **A. Yes. But I don't know how many people that was.**

09:21:18 **2** **Q.** Okay. Well, let me show you the Corrective

09:21:23 **3** Action Plan.

09:22:22 **4** I am showing you what's been marked as HC-16 in

09:23:04 **5** evidence.

09:23:10 **6** Do you recognize that document, ma'am?

09:23:12 **7** **A. Yes.**

09:23:12 **8** **Q.** What is that?

09:23:13 **9** **A. That's the Corrective Action Plan for 2010.**

09:23:17 **10** **Q.** Okay. And what's the third finding?

09:23:20 **11** **A. That measurement terminated employees for medical**

09:23:30 **12** **benefits in a timely manner.**

09:23:32 **13** **Q.** And what audit findings and audit recommendations

09:23:37 **14** did you file with the Department of Community Affairs,

09:23:40 **15** specifically number three? What did you advise them?

09:23:42 **16** **A. "Human Resources has been alerted to this error**

09:23:45 **17** **and has taken steps to correct."**

09:23:46 **18** **Q.** You signed off on this. Correct?

09:23:47 **19** **A. Yes.**

09:23:47 **20** **Q.** Now, when you were testifying the other day we

09:23:52 **21** had gone over PB-38.

09:23:53 **22** You will recall PB-38 was your study that you did

09:23:56 **23** in June of 2013?

09:23:58 **24** Do you recall that?

09:23:58 **25** **A. Yes.**

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09:23:59 **1 Q.** And I think you testified until you had done this

09:24:03 **2** you were not aware there had been problems with people

09:24:06 **3** on the rolls or off the rolls in terms of health

09:24:08 **4** benefits. Is that correct?

09:24:09 **5 A. We only notice one person that kept popping up.**

09:24:12 **6 Q.** Only one person during your tenure that was not

09:24:16 **7** on the role of benefits. Correct?

09:24:18 **8 A. Yes.**

09:24:27 **9** MR. GIACOBBE: Okay. I would like to mark

09:24:28 **10** this as HC-24.

09:24:31 **11** (Health insurance bills are marked as

09:24:51 **12** Exhibit HC-24 for identification.)

09:25:22 **13 Q.** I am showing you what's been marked as HC-24.

09:25:25 **14** You just testified you were aware of one

09:25:28 **15** employee. I think what you testified to last week was

09:25:32 **16** that it was in 2011, and you said it was a laid-off

09:25:35 **17** employee who was a well-known employee.

09:25:37 **18** Do you remember that?

09:25:38 **19 A. Yes.**

09:25:39 **20 Q.** Okay. Let's go to the first page of HC-23.

09:25:43 **21** Is Bonnie Garcia the well-known employee who was

09:25:47 **22** laid off?

09:25:48 **23 A. No, I don't remember her.**

09:25:49 **24 Q.** But you authored this e-mail, did you not, to

09:25:52 **25** Cheryl Wieder?

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09:25:54 **1 A. I guess so. I just don't remember her.**

09:25:56 **2 Q.** And the subject is "Health insurance bills."

09:25:58 **3** Do you see that?

09:25:59 **4 A. Yes.**

09:26:00 **5 Q.** Can you read what you wrote to Ms. Wieder?

09:26:02 **6 A. "Bonnie Garcia is listed as being covered on our**

09:26:05 **7 latest bill, but according to our records she left**

09:26:08 **8 employment on June 23rd. Can you check this out?"**

09:26:10 **9 Q.** Okay. That's Bonnie Garcia. That's on Page 1.

09:26:14 **10** Let's go to the second page.

09:26:16 **11** Is this an e-mail from you to Mrs. Wieder?

09:26:19 **12 A. Yes.**

09:26:19 **13 Q.** What is the date of it?

09:26:20 **14 A. May 23rd.**

09:26:21 **15 Q.** What did you write Mrs. Wieder?

09:26:23 **16 A. "Carol Lane is still on the health insurance**

09:26:27 **17 billing. Is this correct?"**

09:26:29 **18 Q.** Who is Carol Lane?

09:26:30 **19 A. Carol Lane was the one employee we kept noticing**

09:26:33 **20 on the bill, and we have been questioning she should or**

09:26:36 **21 should not have health coverage.**

09:26:38 **22 Q.** Is that the "well-known employee" you referred to

09:26:40 **23** the other day?

09:26:41 **24 A. Yes.**

09:26:41 **25 Q.** So in 2012 you wrote this to Cheryl Wieder?

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09:26:44 **1 A. Uh-huh.**

09:26:45 **2 Q.** Did you ever follow up with Mrs. Wieder to find

09:26:48 **3** out if Ms. Lane was still on the bills?

09:26:50 **4 A. Yes, but verbally.**

09:26:52 **5 Q.** Now, in your PB-38 you did in June of 2013 -- I

09:27:03 **6** will show it to you -- here is PB-38, you authored that

09:27:10 **7** memo, ma'am?

09:27:11 **8 A. Yes.**

09:27:11 **9 Q.** And you did that study, ma'am?

09:27:13 **10 A. Yes.**

09:27:14 **11 Q.** If you could look on that memo, if you could look

09:27:20 **12** at Paragraph 6C, can you identify in Paragraph 6C, who

09:27:25 **13** do you identify?

09:27:26 **14 A. Carol Lane.**

09:27:27 **15 Q.** So on June 18, 2013 she was still on health

09:27:32 **16** benefits. Is that correct?

09:27:33 **17 A. Correct.**

09:27:33 **18 Q.** And you wrote a memo in May of -- May 23, 2012,

09:27:39 **19** over a year before, asking about Carol Lane being on

09:27:42 **20** health benefits. Is that correct?

09:27:43 **21 A. Correct.**

09:27:44 **22 Q.** On May 23, 2012, was she an employee of the

09:27:48 **23** County?

09:27:49 **24 A. What was the date again?**

09:27:50 **25 Q.** May 23, 2012, was she an employee of the County?

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09:27:53 **1 A. No.**

09:27:54 **2 Q.** Okay. In fact, she had been laid off in 2011.

09:27:58 **3** Is that correct?

09:27:58 **4 A. Yes.**

09:27:59 **5 Q.** And in your PB-38 memo you note that we were

09:28:04 **6** still or the County was still being billed \$1,479.09 per

09:28:09 **7** month for Ms. Lane. Do you see that?

09:28:10 **8 A. Yes.**

09:28:11 **9 Q.** Was she entitled to health benefits on June 23rd,

09:28:16 **10** 2013?

09:28:17 **11 A. I am sorry?**

09:28:17 **12 Q.** Was she entitled to health benefits?

09:28:19 **13 A. Not that I am aware of.**

09:28:20 **14 Q.** And did that cause a loss to the County by

09:28:23 **15** keeping her on the health benefit rolls?

09:28:25 **16 A. Yes. Mrs. Yard testified they got the money back**

09:28:28 **17 because it was an error on the health benefits company.**

09:28:33 **18 Q.** Let's turn to the next page of HC-24.

09:28:42 **19** What's the next page? Is that an e-mail from you

09:28:53 **20** to Mrs. Wieder dated August 21, 2012?

09:28:56 **21 A. Yes.**

09:29:00 **22 Q.** And here you identify a Joseph Camenzino.

09:29:06 **23** Do you see that?

09:29:07 **24 A. Yes.**

09:29:07 **25 Q.** And is this dealing with the health insurance

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09:29:10 **1** rates?

09:29:11 **2 A. Yes, he is one of the -- I believe he is one of**

09:29:14 **3 the few employees that we actually billed back to**

09:29:17 **4 receive money back from him.**

09:29:18 **5 Q.** So this is one of those ones that was identified

09:29:22 **6** as COBRA for life employees. Is that correct?

09:29:24 **7 A. That I don't know.**

09:29:25 **8 Q.** Okay. Well, we keep them on our health benefits

09:29:29 **9** and then we bill them back. Is that correct?

09:29:31 **10 A. We just have this one person.**

09:29:32 **11 Q.** So when you testified the other day that you

09:29:35 **12** noticed one person, Ms. Lane, dealing with health

09:29:38 **13** benefits, actually these e-mails demonstrate there were

09:29:41 **14** some other people that you were aware of in 2012 that

09:29:46 **15** you had questions concerning the health benefits.

09:29:52 **16** Correct?

09:29:52 **17 A. No, Joseph Camenzino wouldn't be; we knew we were**

09:29:52 **18 billing him and getting the money back.**

09:29:53 **19 Bonnie Garcia, yes, I don't remember that one.**

09:30:01 **20** MR. GACIOBBE: I would like to move HC-23

09:30:03 **21** and HC-24 in evidence.

09:30:05 **22** MR. FLORIO: Any objection?

09:30:06 **23** MR. DESAPIO: HC-23 and HC-24, no objection.

09:30:11 **24** MR. FLORIO: HC-23 and HC-24 are in

09:30:21 **25** evidence.

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09:30:21 **1 Q.** Do you remember the testimony about employees

09:30:23 **2** being on the wrong Chapter 78 tier?

09:30:27 **3 A. Yes.**

09:30:27 **4 Q.** Okay. Do you know which employees are unionized

09:30:31 **5** in the County and which employees are not?

09:30:34 **6 A. Unclassified. Well, some unclassifieds don't**

09:30:38 **7 have a union, some do. That's about it. Everybody else**

09:30:41 **8 is in the union.**

09:30:42 **9 Q.** In your department you do the deductions for

09:30:45 **10** union dues, do you not?

09:30:47 **11 A. Yes.**

09:30:47 **12 Q.** And that's indicated on payroll, is it not?

09:30:50 **13 A. Yes.**

09:30:50 **14 Q.** So you have the information to determine who is a

09:30:53 **15** unionized employee and who is not?

09:30:56 **16 A. There are several different unions, each are**

09:30:58 **17 different area or different level of negotiations, so**

09:31:02 **18 that can affect how you do the Chapter 78.**

09:31:04 **19 Q.** Okay. And you are aware that at a meeting in or

09:31:08 **20** about April 23rd of 2013 there was a discussion with

09:31:12 **21** Mrs. Yard, Mrs. Browne, yourself and others, in which it

09:31:16 **22** was revealed that everyone was on the same Chapter 78

09:31:18 **23** level. Is that correct?

09:31:20 **24 A. I know we discussed that, yes.**

09:31:22 **25 Q.** And is that accurate that everyone was on the

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09:31:24 **1** same Chapter 78 level in or about April of 2013?

09:31:28 **2 A. That I couldn't tell you.**

09:31:29 **3 Q.** Okay. And you are the CFO of the County. Is

09:31:33 **4** that correct?

09:31:33 **5 A. Yes, but I was not involved with -- I was not**

09:31:37 **6 involved a lot with the Chapter 78.**

09:31:39 **7 Cheryl Wieder had taken the lead on that.**

09:31:41 **8 Q.** But ultimately, Chapter 78 is a payroll

09:31:44 **9** deduction, is it not?

09:31:45 **10 A. Yes.**

09:31:45 **11 Q.** Okay. And that's within your purview as the CFO

09:31:49 **12** and treasurer, is it not?

09:31:50 **13 A. Yes.**

09:31:50 **14 Q.** Okay. And did you make any determination as to

09:31:54 **15** whether or not people are on the proper tier under

09:31:56 **16** Chapter 78 in payroll?

09:31:59 **17 A. Actually, I believe Mrs. Browne worked on that.**

09:32:01 **18 Q.** Okay. But you as the CFO and treasurer did not

09:32:05 **19** take any independent --

09:32:06 **20 A. No, Mrs. Browne was doing it.**

09:32:08 **21 Q.** Mrs. Browne. Okay.

09:32:10 **22** I believe you testified that you wanted to sit

09:32:19 **23** down with Wiss and talk to them about the golf course.

09:32:22 **24** Do you remember that?

09:32:23 **25 A. Yes.**

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09:32:23 **1 Q.** And one of the material findings in the Wiss

09:32:26 **2** report was dealing with the handling of the golf course

09:32:33 **3** operations.

09:32:33 **4** Do you recall that?

09:32:34 **5 A. Yes.**

09:32:34 **6 Q.** Is that what you wanted to talk to them about?

09:32:38 **7 A. I wanted to talk to them about everything about**

09:32:41 **8 the golf course.**

09:32:44 **9 Q.** Did you know that there was something -- why did

09:32:47 **10** you want to talk about the golf course? Were you

09:32:49 **11** concerned the way it was being handled?

09:32:51 **12 A. I wasn't comfortable with it. We would always**

09:32:54 **13 have to wait until the end of the year for the auditors**

09:32:57 **14 to go in and make a determination, and I had asked the**

09:33:01 **15 auditors -- two previous auditors -- if we were doing**

09:33:05 **16 this correctly. They said they were.**

09:33:07 **17 I wanted to have more control over what was going**

09:33:10 **18 on.**

09:33:10 **19 Q.** And in the previous audits for '08, '9, '10 and

09:33:15 **20** '11 you signed off on all of those?

09:33:17 **21 A. Yes.**

09:33:17 **22 Q.** And when you signed off on those audits you're

09:33:20 **23** making the representation that they are materially

09:33:23 **24** accurate. Correct?

09:33:23 **25 A. Yes.**

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09:33:23 **1** Q. But in 2012, 2013, when you were meeting with
09:33:27 **2** Wiss, you wanted to talk to them about the golf course
09:33:30 **3** because you weren't comfortable. Is that correct?
09:33:32 **4** A. I had asked the previous two auditors if
09:33:35 **5** everything looked correct, if we were doing things
09:33:37 **6** properly, and they both said it was.
09:33:39 **7** Therer was still something that nagged me, there
09:33:41 **8** was something I wanted to know more.
09:33:43 **9** Q. And, in fact, in the 2012 audit by Wiss it turns
09:33:47 **10** out that it wasn't being done correctly. Is that
09:33:50 **11** correct?
09:33:50 **12** A. Correct.
09:33:50 **13** Q. So your nagging suspicions the last several years
09:33:54 **14** were correct, it was not being done correctly?
09:33:56 **15** A. Correct.
09:33:57 **16** Q. And it was a material finding in the 2012 audit.
09:34:01 **17** Correct?
09:34:01 **18** A. In the 2012 audit.
09:34:03 **19** Q. During that entire period of time you were the
09:34:05 **20** CFO and treasurer of the County. Correct?
09:34:07 **21** A. Yes.
09:34:10 **22** Q. Ma'am, you testified that at some point Mrs. Yard
09:34:19 **23** put you on administrative leave with pay and relieved
09:34:22 **24** you of all of your duties. Do you recall that?
09:34:26 **25** A. Yes.

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09:34:26 **1** Q. When you were relieved of all duties with the
09:34:29 **2** County, have you done any work on behalf of the County?
09:34:32 **3** A. No.
09:34:33 **4** Q. Have you accessed e-mails?
09:34:36 **5** A. No. I have no access to e-mails.
09:34:38 **6** Q. Have you attempted to access e-mails for any type
09:34:43 **7** of e-mail system through to date on behalf of the
09:34:47 **8** County?
09:34:47 **9** A. I looked at my pension to see if they are filing.
09:34:52 **10** Q. Did you contact DCA to try to get access to the
09:34:56 **11** County's financial information through the DCA?
09:34:59 **12** A. I did ask someone why that was removed.
09:35:10 **13** MR. GIACOBBE: Mark this as HC-25.
09:35:12 **14** (E-mail to Shana Taylor, dated November 22,
09:35:31 **15** 2012, is marked as Exhibit HC-25 for identification.)
09:36:06 **16** Q. I am showing you what's been marked as HC-25,
09:36:10 **17** which is a string of e-mails.
09:36:12 **18** MR. DESAPIO: I object to the question.
09:36:13 **19** Can I have the opportunity to read this --
09:36:21 **20** since it's the first time it's being shown to us --
09:36:21 **21** first before you ask a question about it?
09:36:21 **22** MR. FLORIO: Yes.
09:37:10 **23** MR. DESAPIO: Okay. I am ready.
09:37:12 **24** Q. Turn to the second page, please.
09:37:13 **25** A. Uh-huh.

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09:37:14 **1** Q. The very bottom, it says, "From
09:37:14 **2** lkdry@verizon.dot."
09:37:21 **3** Do you know that address?
09:37:22 **4** A. Yes, that's my home e-mail.
09:37:24 **5** Q. And you're e-mailing to
09:37:24 **6** "mynj@mailserv.state.nj.us."
09:37:30 **7** Do you see that?
09:37:31 **8** A. Yes.
09:37:31 **9** Q. What did you write?
09:37:33 **10** A. Well, I was looking up the invoice information.
09:37:36 **11** I knew I had access to the other link, and I wanted to
09:37:40 **12** know why it was removed from there. That's what my
09:37:43 **13** intention was.
09:37:44 **14** Q. It says, "Logged into my NJ and am unable to
09:37:48 **15** access information on wire transfers which normally
09:37:51 **16** appeared below the MBOS link. How do I get that link
09:37:55 **17** back?"
09:37:55 **18** Do you see that?
09:37:55 **19** A. Yes.
09:37:56 **20** Q. You are talking about wire transfers on behalf of
09:37:58 **21** the County of Hunterdon?
09:37:58 **22** A. That would be money that comes in to the County,
09:38:01 **23** yes.
09:38:01 **24** Q. You had been relieved of all duties prior to
09:38:03 **25** November 15th of 2013, had you not?

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09:38:05 **1** A. Yes, but I still held the title.
09:38:07 **2** Q. Okay. And so you e-mailed -- in your dealing --
09:38:14 **3** it looks like the next page above it -- you are talking
09:38:17 **4** to Doris Gil?
09:38:18 **5** A. Yes.
09:38:18 **6** Q. "oit.state.nj.us."
09:38:22 **7** Who is Doris Gil, do you know?
09:38:24 **8** A. That was the person that was at the help desk.
09:38:26 **9** Q. The help desk at where?
09:38:28 **10** A. The State.
09:38:29 **11** I was just asking why I was removed and how I
09:38:32 **12** would be put back on.
09:38:32 **13** Q. Did you call Cindy Yard or anyone here to ask to
09:38:37 **14** be put back on?
09:38:37 **15** A. No.
09:38:37 **16** Q. You are going through the State to try to get --
09:38:42 **17** A. No, just curious. I wanted to see if the County
09:38:44 **18** ever removed me.
09:38:46 **19** Q. And then if you go up to the bottom of the first
09:38:51 **20** page on top of the second page, November 15th, 2013, on
09:38:57 **21** 4:45 PM, to Doris Gil, you wrote, "Normally, under the
09:39:01 **22** MBOS button was another section where I could look up
09:39:04 **23** checks and wire transfers from State to my county."
09:39:07 **24** A. Yes.
09:39:08 **25** Q. That option is missing?

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09:39:09 **1** **A. Yes.**

09:39:09 **2** **Q.** So you were interested in being able to look up

09:39:12 **3** wire transfers and checks from the State to the County.

09:39:14 **4** Is that correct?

09:39:15 **5** **A. Yes.**

09:39:15 **6** **Q.** Okay. You authored these e-mails?

09:39:21 **7** **A. The first two, yes.**

09:39:25 **8** MR. GIACOBBE: Okay. I would like to move

09:39:26 **9** HC-25 into evidence.

09:39:28 **10** MR. FLORIO: Any objection?

09:39:28 **11** MR. DESAPIO: No.

09:39:30 **12** MR. FLORIO: HC-25 is in evidence.

09:39:32 **13** MR. GIACOBBE: Just give me one second, Mr.

09:39:35 **14** Hearing Officer, I will have to check one thing.

09:39:38 **15** (Whereupon, a discussion takes place off the

09:40:38 **16** record.)

09:40:38 **17** MR. GIACOBBE: I have nothing further for

09:40:39 **18** this witness.

09:40:42 **19** MR. FLORIO: Redirect?

09:40:42 **20** MR. DESAPIO: Yes, but I need two or three

09:40:46 **21** minutes.

09:40:48 **22** MR. FLORIO: We are off the record.

09:40:49 **23** (Whereupon, a short recess takes place.)

09:41:46 **24** MR. DESAPIO: I would like to request that

09:41:47 **25** the hearing officer direct that the originals of these,

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09:41:53 **1** what's been marked as -- just a minute -- they are in

09:41:59 **2** wrong order here -- HC-23, those documents which are

09:42:19 **3** across the hall be produced.

09:42:21 **4** MR. FLORIO: Mr. Giacobbe?

09:42:23 **5** MR. GIACOBBE: Ms. Taylor, Mr. DeSapio is

09:42:26 **6** requesting that the documents that we produced as HC-23,

09:42:29 **7** if the originals -- do we have the originals across the

09:42:34 **8** hall?

09:42:34 **9** MS. TAYLOR: The unredacted ones?

09:42:36 **10** MR. GIACOBBE: Yes.

09:42:38 **11** MS. TAYLOR: I think so.

09:42:39 **12** MR. GIACOBBE: If we can show them to Mr.

09:42:41 **13** DeSapio so he can verify what we produced is accurate.

09:42:44 **14** I am not going to produce the unredacted bills. It has

09:42:47 **15** Social Security numbers.

09:42:51 **16** MR. DESAPIO: I believe when we get them

09:42:53 **17** there is only going to be one page that's relevant.

09:42:55 **18** It's not going to have names on it that I would like to

09:42:57 **19** see.

09:42:58 **20** MR. GIACOBBE: Give us five minutes.

09:43:00 **21** MR. FLORIO: I will rule on that in

09:43:05 **22** accordance with the representations of both counsel.

09:43:06 **23** The originals will be produced for Mr.

09:43:11 **24** DeSapio's review and redirect, but will not be admitted

09:43:14 **25** into evidence unredacted.

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09:43:16 **1** MR. GIACOBBE: Okay.

09:43:28 **2** MR. FLORIO: We are off the record.

09:43:29 **3** (Whereupon, a discussion takes place off the

09:54:23 **4** record.)

09:54:23 **5** MR. GIACOBBE: These are the originals of

09:54:25 **6** HC-23, if Mr. DeSapio would like to look at them in

09:54:30 **7** camera.

09:54:31 **8** MR. DESAPIO: Do you want me to go in the

09:54:32 **9** back room?

09:54:33 **10** MR. GIACOBBE: These are all unredacted.

09:54:38 **11** Do you have HC-23?

09:54:40 **12** MR. DESAPIO: Do I have the one --

09:54:41 **13** MR. GIACOBBE: It's right there.

09:54:42 **14** MR. DESAPIO: I just want to look through

09:54:45 **15** them a second.

09:57:26 **16** Can we go back on the record a second?

09:57:28 **17** I will address this to Mr. Giacobbe and to

09:57:31 **18** the hearing officer.

09:57:32 **19** I want to ask the witness a question about

09:57:34 **20** one page of these originals.

09:57:40 **21** MR. GIACOBBE: Let's see if they are in the

09:57:43 **22** record.

09:57:43 **23** MR. DESAPIO: You mean if they are in

09:57:45 **24** PB-25?

09:57:48 **25** MR. GIACOBBE: PB-25.

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09:57:49 **1** MR. DESAPIO: Yes.

09:57:58 **2** MR. GIACOBBE: Which one are you looking at?

09:58:00 **3** MR. DESAPIO: January 1, 2012, is that the

09:58:01 **4** one you marked first? January 1st, 2012.

09:58:04 **5** MR. GIACOBBE: It's right here.

09:58:05 **6** MR. DESAPIO: Now, this page that I am

09:58:08 **7** looking at is not a full page, although when it's

09:58:14 **8** duplicated it appears to be a full page, and I want to

09:58:17 **9** ask the witness about if there was anything on the

09:58:22 **10** bottom of this page and if it was torn off and what it

09:58:30 **11** might be.

09:58:31 **12** My question is how can we do this in view of

09:58:37 **13** the redaction?

09:58:37 **14** MR. GIACOBBE: I am not going to mark those

09:58:37 **15** into evidence. You can ask her the question. The copy

09:58:41 **16** is in HC-23. If you have your witness turn to the

09:58:45 **17** second page of the document you can ask the question and

09:58:49 **18** we will reference HC-23.

09:58:51 **19** MR. DESAPIO: What I am saying, it's a

09:58:52 **20** misleading copy because -- the copy is misleading

09:58:55 **21** because the copy appears to be a full sheet of paper

09:58:59 **22** when the original is not a full sheet of paper.

09:59:01 **23** MR. GIACOBBE: That's not accurate.

09:59:03 **24** If you look at the copy it shows exactly

09:59:05 **25** where it's cut off.

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09:59:08 **1** You can ask the question.

09:59:09 **2** If there was a part that was torn off, I

09:59:11 **3** have no problem with you asking that question.

09:59:13 **4** MR. DESAPIO: And then could we stipulate

09:59:17 **5** that page has been torn off on each one? I don't know.

09:59:20 **6** MR. GIACOBBE: I didn't do any of the

09:59:21 **7** tearing off.

09:59:22 **8** You can ask the witness if it's her

09:59:23 **9** understanding relative to that page.

09:59:26 **10** MR. DESAPIO: And how do we do that without

09:59:28 **11** marking anything on these originals? Can we mark the

09:59:30 **12** second page on these originals?

09:59:32 **13** MR. GIACOBBE: No, you cannot. Those are

09:59:33 **14** original documents of the County. You can show the

09:59:36 **15** witness the second page and ask her in reference to

09:59:38 **16** HC-23. You have a copy of it. I am not going to

09:59:41 **17** re-copy it again. I already produced a full set.

09:59:51 **18** MR. FLORIO: That would be my ruling on that

09:59:53 **19** as well.

09:59:54 **20** MR. DESAPIO: Do you have an objection to

09:59:55 **21** the witness writing on the copy that's there, that's

09:59:58 **22** been marked?

09:59:59 **23** MR. GIACOBBE: She can say it on the record

10:00:01 **24** what happened on the second page of these bills.

10:00:07 **25** If you want to show her the second page of

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10:00:08 **1** the originals, I have no problem with that either, but I

10:00:14 **2** am not making another set of copies. They are already

10:00:17 **3** marked. If you want to do that --

10:00:24 **4** MR. DESAPIO: Well, I will take my set, and

10:00:27 **5** I will pull those pages out and we will mark them, and

10:00:29 **6** then I will make copies later.

10:00:33 **7** MR. GIACOBBE: I don't know if that's

10:00:34 **8** necessary. She is comparing HC-23, that's got the copy,

10:00:38 **9** and you're showing her the originals that have what

10:00:40 **10** you're suggesting is a tear-off portion.

10:00:44 **11** Why can't you ask the question?

10:00:46 **12** MR. DESAPIO: Because I want the record to

10:00:48 **13** be clear later on as to what she was referring to and

10:00:50 **14** where she was referring to it being located.

10:00:53 **15** Just to testify in a vacuum without having

10:00:55 **16** the ability to show what page she is talking about and

10:01:01 **17** what's been torn off and where, I don't think is going

10:01:03 **18** to make for an accurate record, so I am just going of

10:01:06 **19** take a second and pull those pages out of all of these

10:01:10 **20** and take her through them.

10:01:11 **21** MR. GIACOBBE: I made three sets of the

10:01:14 **22** original for evidence, which I will not allow Mr.

10:01:16 **23** DeSapio to rip apart. I have given him one set. I have

10:01:21 **24** given you one set. He can do whatever he wants with his

10:01:25 **25** set.

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10:01:25 **1** MR. FLORIO: It is my understanding it is

10:01:26 **2** his copy of HC-23 that he intends to disassemble and

10:01:32 **3** question the witness on individual sheets or items

10:01:38 **4** within that package.

10:01:40 **5** Is that accurate?

10:01:41 **6** MR. DESAPIO: Yes.

10:01:42 **7** And, Ms. Taylor, do you have a staple

10:01:46 **8** remover up there? We can save a little time.

10:01:49 **9** MS. TAYLOR: Not up here. I don't think so.

10:01:52 **10** MR. DESAPIO: Okay. That's fine.

10:01:54 **11** MS. TAYLOR: I can go up to my office to get

10:01:56 **12** one if that would help.

10:01:58 **13** MR. DESAPIO: By the time you get up there

10:02:01 **14** we will be done, hopefully.

10:02:03 **15** MS. TAYLOR: Okay.

10:07:08 **16** Are we up to PB-49?

10:07:12 **17** MR. FLORIO: Yes. PB-49.

10:08:15 **18** Summary of Accounts are marked as Exhibits

10:08:18 **19** PB-49 through 60 for identification.)

10:13:56 **20** (Purchase order is marked as Exhibit PB-61

10:14:01 **21** for identification.)

10:14:27 **22** (Purchase order is marked as Exhibit PB-62

10:14:31 **23** for identification.)

10:14:55 **24** (Purchase order is marked as Exhibit PB-63

10:15:01 **25** for identification.)

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10:15:13 **1** REDIRECT EXAMINATION BY MR. DESAPIO:

10:15:26 **2** **Q.** Ms. Pasqua, I am going to show you the first one

10:15:36 **3** of HC-23, which appears to be a bill with a statement

10:15:49 **4** date of December 12, 2011.

10:15:54 **5** **A.** Uh-huh.

10:15:54 **6** **Q.** Okay. What is the first page of that document?

10:16:01 **7** **A.** **The first page is the white copy of the purchase**

10:16:04 **8** **order.**

10:16:05 **9** **Q.** Okay. Now would you flip to the second page.

10:16:10 **10** What is the second page of that document?

10:16:13 **11** **A.** **It's the summary of account from the bill.**

10:16:20 **12** **Q.** Now, Ms. Pasqua, did all of the bills for health

10:16:39 **13** benefits generally contain those first two sheets?

10:16:45 **14** **A.** **Yes.**

10:16:46 **15** **Q.** Okay. Now I am going to show you what's been

10:16:48 **16** marked previously as PB-25.

10:16:57 **17** Do you recognize that as the first three sheets

10:17:05 **18** or first four sheets of a previous bill for health

10:17:09 **19** insurance?

10:17:10 **20** **A.** **Yes.**

10:17:10 **21** **Q.** And what is the date on that?

10:17:13 **22** **A.** **The cover date is April of 2013.**

10:17:17 **23** **Q.** Now I ask you to flip to Page 2 of that.

10:17:21 **24** Would you tell us what Page 2 of that is.

10:17:25 **25** **A.** **It's the summary of account, but it's a complete**

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10:17:27	1	page, including the remittance part.
10:17:30	2	Q. Now, when you say the "remittance part," what do
10:17:33	3	you mean by the "remittance part"?
10:17:35	4	A. The bottom of the half of the page can be torn
10:17:44	5	off and sent with the check to Blue Cross and Blue
10:17:44	6	Shield.
10:17:44	7	Q. Now, has somebody signed PB-25?
10:17:47	8	A. Yes. Cindy Yard.
10:17:48	9	Q. Okay. And does that copy of Page 2 of the
10:17:57	10	summary sheet, does that still have the remittance
10:18:03	11	portion attached to it at the bottom?
10:18:04	12	A. Yes.
10:18:05	13	Q. Okay. And what is the address to which that bill
10:18:11	14	is sent?
10:18:12	15	A. Actually, it's sent to the personnel director of
10:18:15	16	Hunterdon County, 1 East Main Street, Administration
10:18:17	17	Building, Flemington.
10:18:19	18	Q. Okay. Now I am going to show you what has been
10:18:21	19	previously marked as PB-26.
10:18:29	20	What is that?
10:18:29	21	A. That's the bill for May of 2013.
10:18:32	22	Q. Okay. And what is the second page of that
10:18:37	23	exhibit?
10:18:38	24	A. The second page is the summary of account minus
10:18:40	25	the remittance portion.

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10:18:42	1	Q. Okay. And has somebody signed that page?
10:18:46	2	A. Lupe Fowler.
10:18:49	3	Q. Who was Lupe Fowler at the time?
10:18:50	4	A. She is the assistant HR director.
10:18:57	5	Q. And are you aware of why Mrs. Yard signed PB-25
10:19:04	6	and Ms. Fowler signed PB-26?
10:19:07	7	A. Yes, because Mrs. Browne told them we would not
10:19:10	8	pay the bill unless someone signed off on it.
10:19:17	9	Q. Can you give me what the court reporter
10:19:19	10	originally marked? I think they are in front of you.
10:19:33	11	I am going to show you PB-61 for identification.
10:19:38	12	Do you recognize that?
10:19:40	13	A. Yes, that's the November 2012 HMO bill from Blue
10:19:48	14	Cross Blue Shield.
10:19:48	15	Q. Is it an insurance bill?
10:19:49	16	A. Yes.
10:19:50	17	Q. Turn to Page 2.
10:19:51	18	What is Page 2?
10:19:52	19	A. It's a summary of account minus the remittance
10:19:55	20	piece.
10:19:55	21	Q. Did somebody sign or initial PB-61?
10:20:01	22	A. Yes, it says, Approved "CAW," which is the
10:20:04	23	personnel director at the time.
10:20:05	24	Q. Which was who?
10:20:07	25	A. Cheryl Wieder.

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10:20:08	1	Q. Okay. I am going to show you PB-62 marked for
10:20:14	2	identification.
10:20:14	3	Do you recognize that?
10:20:15	4	A. That's the September HMO bill.
10:20:20	5	Q. And does that have a Page 2?
10:20:25	6	A. Yes. Summary of accounts, minus the remittance
10:20:28	7	copy, and it's approved by Mrs. Wieder again.
10:20:31	8	Q. Okay. And I am going to show you PB-63 and ask
10:20:36	9	you if you can identify that.
10:20:37	10	A. That's the October 2012 HMO bill.
10:20:41	11	Q. And does that have a second page?
10:20:44	12	A. The second page again is the summary of account
10:20:47	13	sheet minus the remittance piece, and it's approved by
10:20:51	14	Ms. Wieder again.
10:20:52	15	Q. Now, for the record, PB-61 was furnished by the
10:21:01	16	County, Bates stamp County 417 and 418, Pages 417 and
10:21:09	17	418.
10:21:09	18	There is only one copy if you want to look at it
10:21:12	19	now.
10:21:12	20	PB-62 is County 427 and 428.
10:21:18	21	MR. DESAPIO: Again, furnished in discovery.
10:21:22	22	Q. And PB-63 is County 422 and 423 furnished in
10:21:30	23	discovery.
10:21:34	24	Now I am going to show you what's been marked
10:21:57	25	PB-49.

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10:22:01	1	I am going to ask you to -- just a little
10:22:16	2	tedious. I apologize because I only marked one of
10:22:19	3	those.
10:22:27	4	HC-23, I am going to ask you if PB-49 is the
10:22:36	5	second page of the first of a series of pages that's
10:22:41	6	been marked HC-23 bills?
10:22:44	7	A. Yes, it is.
10:22:45	8	MR. DESAPIO: Okay. Now I know, Mr.
10:22:49	9	Giacobbe, you marked them, but I wonder, for the purpose
10:22:52	10	of efficiency, whether they might not be better marked
10:22:55	11	HC-23A, B, C, D, E, F, G, or something like that.
10:23:00	12	MR. GIACOBBE: They are all dated.
10:23:01	13	We can refer to HC-23. The bill is dated.
10:23:06	14	On the front page of every purchase order there is a
10:23:11	15	specific date.
10:23:12	16	MR. DESAPIO: To save time, PB-50 through
10:23:15	17	PB-60 are the statement of account pages out of those
10:23:20	18	documents which you submitted.
10:23:21	19	MR. GIACOBBE: We will stipulate to that.
10:23:23	20	MR. DESAPIO: Okay.
10:23:24	21	Q. Now looking at PB-49 --
10:23:28	22	MR. GIACOBBE: Just for the record, PB-49
10:23:32	23	through 60 are the second page of HC-23 for each
10:23:39	24	subsequent month.
10:23:40	25	MR. DESAPIO: Of each of the bills in

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10:23:41 **1** question?

10:23:42 **2** MR. GIACOBBE: Yes.

10:23:42 **3** MR. FLORIO: We are all in agreement on

10:23:44 **4** that.

10:23:44 **5** MR. GIACOBBE: Absolutely.

10:23:45 **6** MR. FLORIO: The record is clear as to what

10:23:48 **7** is represented in PB-49 through 60.

10:23:52 **8** **Q.** Now, to save time, would you look at all of

10:23:57 **9** PB-49 through 60.

10:23:59 **10** Do you agree that those are the second pages of

10:24:04 **11** the invoices in question, purchase orders in question?

10:24:21 **12** **A. Yes.**

10:24:21 **13** **Q.** Okay. Now, at the approximate bottom third of

10:24:26 **14** each of those on the copy is a blank, white space.

10:24:33 **15** Is that the way the original statement of

10:24:38 **16** accounts came in to the County or came in to your

10:24:42 **17** office?

10:24:42 **18** **A. No. There would be a remittance piece on there.**

10:24:45 **19** **Q.** Now would you take a look again at PB-25 and just

10:24:53 **20** describe for us what you mean by the "remittance piece."

10:24:57 **21** **A. The remittance piece would have the statement**

10:24:59 **22** **date, the account number and invoice number and the**

10:25:08 **23** **group number. It would show any past due amount, what**

10:25:08 **24** **the current charges were, what they expect to be paid,**

10:25:08 **25** **and the due date and remittance address. This is what**

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10:25:11 **1** **you would include when you sent out the check.**

10:25:14 **2** **Q.** Without looking at anything other than this one

10:25:16 **3** page, I am going to show you the original purchase order

10:25:24 **4** and bill which has been produced by the County for the

10:25:28 **5** statement date 12/12/11 and the payment date, 1/1/12.

10:25:34 **6** Can you identify just the page that I am showing

10:25:36 **7** you?

10:25:37 **8** **A. Yes.**

10:25:37 **9** **Q.** Okay. Is there anything that's missing from that

10:25:41 **10** page?

10:25:42 **11** **A. Yes, there is a remittance missing. I see it**

10:25:45 **12** **torn off.**

10:25:45 **13** **Q.** When you say you can see it "torn off," what are

10:25:47 **14** you pointing to?

10:25:48 **15** **A. The bottom of the page.**

10:25:49 **16** **Q.** Okay. Now I am going to show you the one for

10:25:54 **17** January 10, 2012.

10:25:57 **18** What is that page?

10:25:59 **19** **A. Again, the statement of accounts minus the**

10:26:01 **20** **remittance piece.**

10:26:03 **21** **Q.** And is there anything missing from the way that

10:26:05 **22** page first appeared in your office?

10:26:06 **23** **A. Yes, the remittance piece has been torn off.**

10:26:09 **24** **Q.** Okay. Now, when you say, "the remittance has

10:26:12 **25** been torn off," besides your personal knowledge, is

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10:26:18 **1** there anything that you are looking at, as you look at

10:26:20 **2** those two papers, in terms in your mind that the piece

10:26:23 **3** was torn off?

10:26:24 **4** **A. Yes, there is an edge here.**

10:26:28 **5** **Q.** Okay. Now, on what page of the invoice would

10:26:42 **6** Human Resources sign off?

10:26:44 **7** **A. Should sign off on the "summary of accounts."**

10:26:46 **8** **Q.** Okay. And to your knowledge, did Cheryl Wieder

10:26:52 **9** do that?

10:26:53 **10** **A. Yes, we would not pay them if she hadn't.**

10:26:58 **11** **Q.** Now, to your knowledge, were there any -- to your

10:27:03 **12** knowledge, where on that page would she sign?

10:27:10 **13** **A. Since -- I would assume she is signing off right**

10:27:13 **14** **on the remittance piece.**

10:27:15 **15** **Q.** Do you know, to your personal knowledge, whether

10:27:18 **16** or not that was the case?

10:27:22 **17** **A. I have seen her signatures on the bills. I can't**

10:27:25 **18** **attest to every -- every single one of them, though.**

10:27:29 **19** **Q.** Okay. Did you or anybody in the Finance

10:28:21 **20** Department have the ability to take anybody off of the

10:28:23 **21** health insurance bill?

10:28:25 **22** **A. No, I did not.**

10:28:28 **23** **Q.** Who would take them off?

10:28:29 **24** **A. Human Resource director.**

10:28:40 **25** **Q.** Mr. Giacobbe asked you about HC-16.

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10:28:47 **1** When a Corrective Action Plan is prepared for the

10:28:52 **2** audit, what steps are gone through before it's sent by

10:28:59 **3** you to the Division of Local Government Services?

10:29:02 **4** **A. Any recommendations involving outside departments**

10:29:07 **5** **we will meet with the outside department and come up**

10:29:09 **6** **with a way to correct whatever finding there was.**

10:29:12 **7** **Q.** Is there any freeholder involvement in either the

10:29:14 **8** preparation or the approval of the Corrective Action

10:29:17 **9** Plan?

10:29:18 **10** **A. In the preparation, no. In the approval this has**

10:29:21 **11** **to go before the Freeholder Board.**

10:29:23 **12** **Q.** And when it goes before the Freeholder Board,

10:29:26 **13** what do they have to do?

10:29:28 **14** **A. They have to vote on it and approve it.**

10:29:30 **15** **Q.** Okay. Is there any requirement that they do

10:29:32 **16** anything with that plan after they approve it?

10:29:46 **17** **A. Well, according to, I think, in the back pages of**

10:29:51 **18** **the audits they are responsible to see that it was**

10:29:58 **19** **implemented.**

10:30:18 **20** **Q.** Okay. On HC-23, the first one of those --

10:30:25 **21** **A. Okay.**

10:30:27 **22** MR. DESAPIO: Or maybe for the record I

10:30:29 **23** should just ask you, can we stipulate that each of these

10:30:34 **24** statements of account have the bottom one-third torn off

10:30:39 **25** for each of these bills?

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10:30:40 **1** MR. GIACOBBE: We can stipulate to that.

10:30:42 **2** MR. DESAPIO: Okay.

10:30:42 **3** MR. GIACOBBE: The ones produced in HC-23?

10:30:46 **4**

10:30:46 **5** MR. DESAPIO: Yes.

10:30:47 **6** MR. GIACOBBE: So the record is clear, the

10:30:48 **7** second page of HC-23 is a photocopy of the remaining

10:30:53 **8** bill minus the remittance form that is mailed back to

10:30:57 **9** Blue Cross Blue Shield with the payment for health

10:31:01 **10** benefits for each month.

10:31:04 **11** **Q.** Correct, Margaret -- I mean Ms. Pasqua?

10:31:07 **12** **A. Yes.**

10:31:07 **13** **Q.** Okay. Now, is there anything else, looking at

10:31:11 **14** HC-23, that would lead you to believe that Ms. Wieder

10:31:19 **15** looked at those bills?

10:31:27 **16** **A. Yes. The third page you have her doing a summary**

10:31:33 **17** **for Social Services, which we would use to bill back the**

10:31:36 **18** **money from Social Services.**

10:31:37 **19** **Q.** Okay. Now, when you say "you have her," do you

10:31:41 **20** mean Ms. Wieder?

10:31:42 **21** **A. Yes.**

10:31:42 **22** **Q.** Okay. Which HC-23 bill are you looking at now?

10:31:49 **23** **A. This one. I am looking at January.**

10:31:51 **24** **Q.** Okay. To your knowledge, was the page that you

10:31:58 **25** are looking at now, was that a part of the original bill

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10:32:01 **1** received from Blue Cross and Blue Shield?

10:32:04 **2** **A. No, this is something Ms. Wieder did.**

10:32:06 **3** **Q.** Okay. So the bill was addressed to Ms. Wieder?

10:32:10 **4** **A. Yes.**

10:32:10 **5** **Q.** And then she would do what, when you say "she

10:32:15 **6** does something that she does," what would she do?

10:32:17 **7** **A. Review the bill and pull out the portions of**

10:32:20 **8** **Social Services' employees and do a summary, and from**

10:32:25 **9** **those figures that's what we would bill Social Services.**

10:32:28 **10** **Q.** Now, would she do that summary every month?

10:32:33 **11** **A. Yes.**

10:32:34 **12** **Q.** Would you say from that figure you would bill

10:32:36 **13** Social Services?

10:32:36 **14** **A. Yes.**

10:32:37 **15** **Q.** Why did you bill Social Services?

10:32:38 **16** **A. Because they are a different entity, and while we**

10:32:44 **17** **were paying the bill, they are responsible for paying**

10:32:47 **18** **the bill for the health benefit bill portion for Social**

10:32:54 **19** **Services' employees.**

10:32:54 **20** MR. DESAPIO: I don't have anything further

10:32:55 **21** of this witness.

10:32:56 **22** MR. FLORIO: I have a question for the

10:33:03 **23** witness while she is holding that exhibit in her hand.

10:33:03 **24** Ms. Pasqua, the page you were just

10:33:04 **25** testifying from, how do you know that that is a document

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10:33:10 **1** prepared by Cheryl Wieder or anyone in the Human

10:33:15 **2** Resources Department?

10:33:16 **3** THE WITNESS: Because this is who we got it

10:33:18 **4** from. This is who we received this from.

10:33:21 **5** It's also a February bill, another report

10:33:24 **6** that she also produces. This was always produced by

10:33:28 **7** Mrs. Wieder, and, I believe, this is on her computer in

10:33:30 **8** her office.

10:33:36 **9** MR. FLORIO: That document would accompany

10:33:40 **10** every bill each month that it was presented to your

10:33:42 **11** department for subsequent payment?

10:33:45 **12** THE WITNESS: Yes.

10:33:47 **13** MR. FLORIO: Thank you.

10:33:48 **14** BY MR. DESAPIO:

10:33:48 **15** **Q.** Ms. Pasqua, if you review the other -- in the

10:33:51 **16** HC-23 packet there that the rubber band is around, is

10:33:57 **17** that statement that you are referring to now a part of

10:33:58 **18** each of those bills?

10:34:02 **19** Can you do that for us?

10:35:17 **20** **A. Yes, it's in every bill.**

10:35:23 **21** MR. DESAPIO: I don't have anything further

10:35:24 **22** on redirect.

10:35:25 **23** MR. FLORIO: Recross.

10:35:26 **24** RECCROSS-EXAMINATION BY MR. GIACOBBE:

10:35:28 **25** **Q.** Ma'am, you were asked about PB-6I, 62 and 63.

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10:35:35 **1** Do you have those in front of you? They were new

10:35:43 **2** ones --

10:35:44 **3** MR. GIACOBBE: Guy, do you have PB-6I and

10:35:46 **4** 62?

10:35:47 **5** MR. DESAPIO: I think it's on the table. I

10:35:50 **6** know there is quite a bit of stuff there.

10:36:01 **7** Not up there?

10:36:04 **8** MR. GIACOBBE: Let me see if this is it.

10:36:14 **9** Oh, here they are.

10:36:15 **10** MR. DESAPIO: Yes.

10:36:16 **11** **Q.** Ma'am, I am going to show you PB-6I, 62 and 63.

10:36:33 **12** Do you recall being asked questions about PB-6I,

10:36:37 **13** 62 and 63?

10:36:38 **14** **A. Yes.**

10:36:39 **15** **Q.** If you turn to the second page, is that the bill

10:36:43 **16** from Horizon Blue Cross Blue Shield minus the

10:36:47 **17** remittance?

10:36:48 **18** **A. Yes.**

10:36:48 **19** **Q.** And is PB-6I stamped "Approved" by Cheryl Wieder

10:36:52 **20** and initialed "CAW"?

10:36:53 **21** **A. Yes.**

10:36:54 **22** **Q.** Is that above the remittance?

10:36:56 **23** **A. On this page, yes.**

10:36:58 **24** **Q.** How about P-62? Is that above the remittances or

10:37:01 **25** stamped "Approved"?

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10:37:03 **1** **A. Yes.**

10:37:03 **2** **Q.** What about PB-63?

10:37:06 **3** **A. Yes.**

10:37:07 **4** **Q.** Okay. So in all those documents Ms. Wieder

10:37:11 **5** stamped "Approved" on the bill and signed off on the

10:37:14 **6** bill above the remittance slip. Is that correct?

10:37:17 **7** **A. Yes.**

10:37:17 **8** **Q.** Is your testimony that HC-23 she had stamped the

10:37:22 **9** remittance forms that were mailed back?

10:37:25 **10** **A. She had to because we would not pay these without**

10:37:28 **11** **her initials.**

10:37:30 **12** MR. GIACOBBE: Give me one second.

10:37:47 **13** Mark this as HC-24.

10:37:52 **14** MR. FLORIO: Is that a new exhibit? That

10:37:54 **15** would be 25 -- 26.

10:37:57 **16** MR. GIACOBBE: HC-26.

10:37:59 **17** I apologize.

10:38:00 **18** MR. FLORIO: No problem.

10:38:01 **19** MR. GIACOBBE: Mark this HC-26.

10:38:13 **20** (Purchase orders are marked as Exhibit

10:38:16 **21** HC-26 for identification.)

10:38:59 **22** **Q.** Ma'am, I am showing you what's been marked as

10:39:01 **23** HC-26 for identification.

10:39:04 **24** Go to the very first page, I think, which is the

10:39:10 **25** very first bill of HC-26.

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10:39:13 **1** If you turn the page, the second page, is that

10:39:15 **2** the summary of the bill for, I think, it's COBRA and

10:39:20 **3** self-pay bills?

10:39:21 **4** **A. It's a summary for the HMO.**

10:39:23 **5** **Q.** Is that stamped "Approved" --

10:39:24 **6** **A. Yes.**

10:39:25 **7** **Q.** -- and initialed?

10:39:26 **8** **A. Yes.**

10:39:26 **9** **Q.** Is that on the remittance page or above the

10:39:28 **10** remittance?

10:39:29 **11** **A. Just above the remittance.**

10:39:31 **12** **Q.** Can you turn to the second document in the

10:39:33 **13** package?

10:39:33 **14** **A. Uh-huh.**

10:39:34 **15** **Q.** Is that the bill with the remittance page?

10:39:37 **16** **A. Yes.**

10:39:38 **17** **Q.** Okay. So that's the bill that goes with the

10:39:41 **18** first package which had the "Approved" stamp on it. Is

10:39:55 **19** that correct?

10:39:55 **20** MR. DESAPIO: Can I just object for a

10:39:57 **21** second?

10:39:57 **22** Can we make some semblance out of these

10:40:02 **23** before counsel is allowed to use them?

10:40:04 **24** The other bills had the purchase orders on

10:40:08 **25** the top stapled to the bills, and this is just a bunch

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10:40:12 **1** of loose bills with some purchase orders, some without

10:40:16 **2** purchase orders.

10:40:17 **3** What are you showing the witness?

10:40:18 **4** MR. GIACOBBE: No. What we are showing the

10:40:19 **5** witness right now is the original bill, and then on top

10:40:24 **6** of each bill, if you go to the very first one, it's a

10:40:27 **7** purchase order with the remittance torn off and

10:40:32 **8** "Approved by Cheryl Wieder."

10:40:34 **9** The second package following that is the

10:40:36 **10** original bill. That's how it was maintained in the

10:40:41 **11** records in the Finance Department.

10:40:47 **12** I will make this real simple.

10:40:48 **13** **Q.** Can you go through all of the bills I just gave

10:40:50 **14** you, which is HC-25, and show me where Cheryl Wieder

10:40:54 **15** signed off on the remittance form that was sent back

10:40:58 **16** versus the bill that was retained in the County?

10:41:05 **17** **A. Well, this is a credit balance, so she wouldn't**

10:41:08 **18** **sign off on it. There is no money owed.**

10:41:09 **19** **Q.** Go through all the bills. Every time she signs

10:41:12 **20** off on the bill, just tell me where she signs off.

10:41:16 **21** MR. DESAPIO: Objection.

10:41:16 **22** That's badgering.

10:41:17 **23** She answered the question.

10:41:19 **24** She said, "It's a credit balance, she

10:41:21 **25** wouldn't have signed off," and he is saying, "Just go

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10:41:23 **1** through the bills."

10:41:23 **2** That's badgering.

10:41:24 **3** **A. The next one also has a credit balance.**

10:41:27 **4** MR. FLORIO: One moment.

10:41:28 **5** Let me rule on it.

10:41:29 **6** I am going to overrule the objection.

10:41:31 **7** I think I understand counsel's question to

10:41:33 **8** the witness, and, I think, the witness can answer

10:41:37 **9** without prejudice, so you may continue, Ms. Pasqua.

10:41:43 **10** **A. Okay. The first packet has initials.**

10:41:49 **11** **The second and third packets are credit balances,**

10:41:50 **12** **and actually they are the same bill, so I have two**

10:41:53 **13** **copies of the same thing.**

10:41:55 **14** **Q.** Okay.

10:41:57 **15** MR. DESAPIO: Now I am going to object.

10:41:59 **16** I think he needs -- I think the County needs

10:42:01 **17** to mark each of these separately so we know what he is

10:42:06 **18** showing the witness so the testimony can be related to a

10:42:10 **19** specific document. It won't take very long. It will

10:42:14 **20** make everything much more efficient for the witness to

10:42:18 **21** say this looks like an exact copy for something else you

10:42:20 **22** put in this bundle.

10:42:21 **23** MR. GIACOBBE: It's very simple.

10:42:23 **24** **Q.** If you go -- the very first. Let's just look at

10:42:26 **25** the ones with the purchase order.

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10:42:28 **1** On the purchase order, if you turn to the second

10:42:31 **2** page of the first bill, on the first purchase order that

10:42:34 **3** you are looking at, what is the date on the top, the

10:42:39 **4** first page?

10:42:39 **5** **A. The first page, the date of the purchase order is**

10:42:41 **6** **11/29.**

10:42:42 **7** **Q.** Okay. 11/29.

10:42:43 **8** Turn to the second page.

10:42:44 **9** **A. Uh-huh.**

10:42:45 **10** **Q.** Is that stamped "Approved" by Cheryl Wieder's

10:42:48 **11** initials?

10:42:48 **12** **A. Yes.**

10:42:48 **13** **Q.** And that's above the remittance line. Correct?

10:42:51 **14** **A. Yes.**

10:42:51 **15** **Q.** If you could go to the next document in the

10:42:54 **16** package --

10:42:55 **17** **A. Uh-huh.**

10:42:55 **18** **Q.** -- which is a purchase order.

10:42:57 **19** You are looking now at a bill?

10:42:59 **20** **A. This isn't a purchase order.**

10:43:00 **21** **Q.** Go to the next one.

10:43:01 **22** **A. This one?**

10:43:02 **23** **Q.** Yes, that one.

10:43:03 **24** **A. Okay.**

10:43:03 **25** **Q.** What is the date of that?

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10:43:04 **1** MR. DESAPIO: Again, I am going to renew my

10:43:06 **2** objection.

10:43:06 **3** I think this should be marked separately.

10:43:09 **4** It won't take about 30 seconds or a minute so that the

10:43:12 **5** record reflects what the witness is referring to.

10:43:15 **6** MR. GIACOBBE: I am going to ask what

10:43:16 **7** document she is looking at in HC-25.

10:43:19 **8** MR. FLORIO: Overruled.

10:43:20 **9** **Q.** Ma'am, what is the date on the purchase order

10:43:22 **10** that you are looking at, the second purchase order?

10:43:24 **11** **A. It's October 19, with a November 2012 HMO**

10:43:27 **12** **coverage.**

10:43:28 **13** **Q.** If you turn to the second page, is that stamped

10:43:30 **14** "Approved"?

10:43:31 **15** **A. Yes.**

10:43:31 **16** **Q.** Who signed it?

10:43:32 **17** **A. Cheryl Wieder.**

10:43:32 **18** **Q.** Is that above the "Remittance" line?

10:43:34 **19** **A. Yes.**

10:43:34 **20** **Q.** Okay. We are back in HC-25.

10:43:37 **21** If you can go to the next purchase order in the

10:43:41 **22** package.

10:43:43 **23** Tell me, for the record, what is the date of that

10:43:45 **24** purchase order?

10:43:45 **25** **A. September 25th, 2012 for the October 12th bill,**

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10:43:51 **1** **2012 bill.**

10:43:51 **2** **Q.** Go to the second page of that, ma'am.

10:43:53 **3** **A. Yes, it's "Approved" by Cheryl Wieder.**

10:43:56 **4** **Q.** And initialed. Correct?

10:43:58 **5** **A. Yes.**

10:43:58 **6** **Q.** Is it above the "Remittance" line?

10:44:01 **7** **A. Yes.**

10:44:01 **8** **Q.** Okay. If you go to the next purchase order in

10:44:03 **9** that package, purchase order, the next document,

10:44:08 **10** ma'am --

10:44:08 **11** **A. Uh-huh.**

10:44:09 **12** **Q.** -- what's the date of that purchase order?

10:44:12 **13** **A. August 31, 2012.**

10:44:14 **14** **Q.** Okay. And the second page, is that stamped and

10:44:17 **15** approved?

10:44:17 **16** **A. Yes.**

10:44:17 **17** **Q.** Who approved it?

10:44:18 **18** **A. Cheryl Wieder.**

10:44:19 **19** **Q.** Where is that, is that below or above the

10:44:22 **20** "Remittance" line?

10:44:23 **21** **A. Above.**

10:44:24 **22** **Q.** Can you go to the next purchase order in that

10:44:26 **23** packet?

10:44:31 **24** **A. Dated July 23, 2012, and it has an approval of**

10:44:36 **25** **Cheryl Wieder over the "Remittance."**

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10:44:39 **1** **Q.** Okay. Can you go to the next purchase order on

10:44:42 **2** that packet?

10:44:48 **3** **A. Dated June 20th, 2012, and it's "Approved" by**

10:44:54 **4** **Cheryl Wieder.**

10:44:54 **5** **Q.** Above the "Remittance" line?

10:44:56 **6** **A. Yes.**

10:44:56 **7** **Q.** Okay. And go to the next purchase order in that

10:44:59 **8** packet.

10:45:04 **9** **A. Dated May 21, 2012, and it's "Approved" by Cheryl**

10:45:08 **10** **Wieder.**

10:45:09 **11** **Q.** Above the "Remittance" line?

10:45:10 **12** **A. Yes.**

10:45:11 **13** **Q.** Okay. Go to the next purchase order in that

10:45:14 **14** packet, please.

10:45:21 **15** **A. Dated April 24, 2012, and the second page**

10:45:25 **16** **"Approved" by Cheryl Wieder above the "Remittance" line.**

10:45:29 **17** **Q.** Okay. The next purchase order, please. Just

10:45:32 **18** tell me what the date is.

10:45:33 **19** **A. March 21st.**

10:45:34 **20** **Q.** If you go to the second page.

10:45:36 **21** **A. And that is "Approved" by Cheryl Wieder above the**

10:45:38 **22** **"Remittance" line.**

10:45:39 **23** **Q.** Can you go to the next purchase order in that

10:45:41 **24** packet?

10:45:42 **25** MR. DESAPIO: What was that one? That was

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10:45:44 **1** March 23rd.

10:45:46 **2** THE WITNESS: 21st.

10:45:51 **3** MR. DESAPIO: Can we hold up a second while

10:45:53 **4** I check with you?

10:46:07 **5** Okay.

10:46:08 **6** **Q.** Can you look at -- what's the date of the next

10:46:11 **7** one you are looking at? Which one are you looking at

10:46:13 **8** now?

10:46:14 **9** **A. February 22nd, 2012.**

10:46:15 **10** **Q.** Can you go to the second page?

10:46:17 **11** **A. And it's "Approved" by Cheryl Wieder above the**

10:46:19 **12** **"Remittance."**

10:46:20 **13** **Q.** Okay. Can you go -- I think -- I believe it's

10:46:22 **14** the last purchase order in the packet that I have given

10:46:25 **15** you, which is HC-25.

10:46:29 **16** What's the date of the last purchase order?

10:46:31 **17** **A. January 24, 2012.**

10:46:34 **18** **The second page has Cheryl's approval.**

10:46:37 **19** **Q.** Above the "Remittance" line. Correct?

10:46:39 **20** **A. Yes.**

10:46:39 **21** **Q.** These, you said, are HMO payments. Is that

10:46:48 **22** correct?

10:46:48 **23** **A. That's what it says on the bill, yes.**

10:46:50 **24** **Q.** Okay. And so in all the bills I have just showed

10:46:53 **25** you Cheryl Wieder stamped and approved and initialed it

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10:46:56 **1** all above the "Remittance" line. Is that correct?

10:46:58 **2** **A. Yes.**

10:46:59 **3** **Q.** HC-23, which I have shown you, which are the

10:47:01 **4** bills -- go back to HC-23, these are the bills during

10:47:10 **5** the same period, HC-23, during 2012. Correct?

10:47:13 **6** **A. Yes.**

10:47:13 **7** **Q.** And these are bills in the neighborhood of

10:47:18 **8** \$777,000 per month to over \$800,000 per month. Correct?

10:47:27 **9** **A. Correct.**

10:47:27 **10** **Q.** And this is payment for all the other health

10:47:27 **11** benefits in the County, retirees, active employees, who

10:47:29 **12** are not in the HMO, et cetera?

10:47:30 **13** **A. Correct.**

10:47:31 **14** **Q.** Is that correct?

10:47:31 **15** **A. Yes.**

10:47:32 **16** **Q.** All right.

10:47:32 **17** In those documents there is no "Approved" stamp

10:47:37 **18** by Cheryl Wieder or signature line by Cheryl Wieder

10:47:39 **19** above the "Remittance" stamp. Is that correct?

10:47:41 **20** **A. Correct.**

10:47:43 **21** MR. GIACOBBE: I have no further questions.

10:47:45 **22** I would like to move HC-26 in evidence.

10:47:47 **23** MR. FLORIO: Any objection?

10:47:49 **24** MR. DESAPIO: Well, I have a continuing

10:47:52 **25** objection, so they can be marked separately so we know

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10:47:54 **1** what we are talking about.

10:47:55 **2** What are we marking? Are we marking this

10:47:59 **3** other pile of stuff?

10:48:00 **4** MR. GIACOBBE: What other pile of stuff?

10:48:02 **5** They are all part of HC -- they have all been marked as

10:48:06 **6** HC-26.

10:48:07 **7** MR. DESAPIO: Then I object, because there

10:48:10 **8** has been no direct testimony or testimony on

10:48:12 **9** cross-examination about these other portions, and I have

10:48:16 **10** a continuing objection to marking them all in a bundle.

10:48:21 **11** MR. GIACOBBE: If you would like me to take

10:48:24 **12** all those out, I will be glad to.

10:48:26 **13** Why don't we just say HC-26 will reflect the

10:48:30 **14** purchase orders to which Ms. Pasqua testified, and I

10:48:34 **15** will remove all of the other Horizon Blue Cross Blue

10:48:38 **16** Shield bills.

10:48:38 **17** Is that acceptable, Guy?

10:48:40 **18** MR. DESAPIO: I still have a continuing

10:48:42 **19** objection that they should all be marked separately so

10:48:44 **20** that the record is clear what she's testifying to and

10:48:47 **21** what they are.

10:48:48 **22** MR. FLORIO: The objection is overruled.

10:48:50 **23** Your continuing objection is recognized and

10:48:53 **24** overruled, and HC-26 is in evidence as modified by

10:48:59 **25** counsel on the record.

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10:48:59 **1** MR. GIACOBBE: Right. I am taking out just

10:49:03 **2** the Horizon Blue Cross Blue Shield bills that Ms. Pasqua

10:49:07 **3** had testified to.

10:49:08 **4** All I am doing -- HC-26 will contain the

10:49:13 **5** purchase order along with the "Remittance" document that

10:49:18 **6** was stamped by Cheryl Wieder which Ms. Pasqua testified

10:49:21 **7** to.

10:49:24 **8** MR. DESAPIO: Now I would like, since Matt

10:49:27 **9** is done -- Mr. Giacobbe is done with that --

10:49:41 **10** MR. FLORIO: Mr. DeSapio.

10:49:42 **11** MR. DESAPIO: -- I would like to renew the

10:49:43 **12** request that we made twice previously the first day of

10:49:47 **13** this hearing and then the second or third day of this

10:49:49 **14** hearing, third day, I think, for the County to produce

10:49:53 **15** complete copies of all health insurance bills.

10:49:56 **16** What makes this particularly disconcerting

10:50:01 **17** is, never mind that he brings out what they said they

10:50:04 **18** couldn't produce at the beginning of this hearing and

10:50:06 **19** produces them, right, but, apparently, there is a whole

10:50:11 **20** set of these bills that Ms. Wieder did sign off on that

10:50:16 **21** they held in the back room, and the only reason they

10:50:19 **22** produced them now is because they wanted to deal with

10:50:22 **23** the testimony about the "Remittance" copy being torn

10:50:25 **24** off.

10:50:25 **25** It's particularly disconcerting because they

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10:50:28 **1** knew she signed off on some of these bills or at least
 10:50:31 **2** they had proof that she signed off on some of these
 10:50:33 **3** bills, and they contended that it was impossible to
 10:50:36 **4** produce them.
 10:50:38 **5** Now they produced them, and I want all of
 10:50:40 **6** them produced. I don't want this stuff about, "Well, we
 10:50:44 **7** can't do it," because obviously they can do it.
 10:50:46 **8** They are across the hall, all right, we
 10:50:49 **9** asked for bills for 2011 and 2012, and I want them
 10:50:53 **10** before the next session, and I think we are entitled to
 10:50:56 **11** them because we are getting this stuff piecemeal when
 10:51:00 **12** the County thinks it serves the County.
 10:51:02 **13** MR. FLORIO: Mr. Giacobbe.
 10:51:04 **14** MR. GIACOBBE: I learned a little something
 10:51:06 **15** in law school that you can use raw documents to impeach
 10:51:08 **16** a witness, and every one of these documents that I have
 10:51:11 **17** produced impeaches the witness.
 10:51:14 **18** As you recall, on direct examination by Mr.
 10:51:16 **19** DeSapio, Ms. Pasqua testified that they would never pay
 10:51:21 **20** a bill unless Cheryl Wieder signed off on them. That
 10:51:24 **21** was her testimony.
 10:51:24 **22** What I have demonstrated with these
 10:51:27 **23** documents, which we did not put in our case in chief is
 10:51:29 **24** that, in fact, was not accurate. That's why HC-23 and
 10:51:33 **25** HC-26 shows how Ms. Wieder handled these bills.

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10:51:38 **1** I have just shown Mr. DeSapio the original
 10:51:44 **2** bills of HC-23, which were contained in Finance, which
 10:51:48 **3** he had an opportunity to go through, and he did not say
 10:51:51 **4** that the documents that I produced to them were
 10:51:54 **5** inaccurate.
 10:51:54 **6** They would like me to make the exact same
 10:51:57 **7** copies for him of 2011, we can do that, or rather I can
 10:52:03 **8** show him the bills to satisfy him that we have not
 10:52:07 **9** altered these in any way.
 10:52:08 **10** What's been produced is the copy of the
 10:52:10 **11** identical bills for all of 2012 with the redaction.
 10:52:14 **12** In fact, what we showed Mr. DeSapio is the
 10:52:16 **13** unredacted bills so he can verify that there was nothing
 10:52:20 **14** changed or altered whatsoever.
 10:52:22 **15** What we have here are documents that were
 10:52:25 **16** used to impeach the witness' credibility, and we believe
 10:52:28 **17** that they are absolutely proper, and I think Mr.
 10:52:31 **18** DeSapio, going back, we can go back until 2008 and get
 10:52:34 **19** bills. That's not the issue here.
 10:52:37 **20** The issue is his client testified on direct,
 10:52:40 **21** and I used those bills to impeach her testimony.
 10:52:48 **22** MR. FLORIO: Mr. DeSapio.
 10:52:48 **23** MR. DESAPIO: I didn't state they were
 10:52:48 **24** inaccurate or the copies that we were given were
 10:52:53 **25** inaccurate.

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10:52:54 **1** I stated that they knew from the beginning
 10:52:56 **2** that they had these bills. We demanded them for the
 10:52:58 **3** purpose of discovery. They contended they could not be
 10:53:01 **4** produced. Twice you upheld that objection that they
 10:53:05 **5** should not be produced, that they did not have to
 10:53:08 **6** produce them.
 10:53:09 **7** Now they produce them. They contend --
 10:53:12 **8** well, now they are producing them because it's the
 10:53:15 **9** benefit on our cross-examination, what do we know about
 10:53:19 **10** what's on these bills, I am totally flabberghasted they
 10:53:23 **11** produced another set of bills, and they have another set
 10:53:25 **12** in the back room that they, obviously, didn't produce
 10:53:27 **13** because Cheryl Wieder had signed those, and I think we
 10:53:30 **14** are entitled to see what there is so that we can prepare
 10:53:35 **15** a defense, because the reality is Cheryl Wieder signed
 10:53:40 **16** off on these bills in one way or another, and we are
 10:53:43 **17** entitled to have the opportunity to show that, and when
 10:53:47 **18** the County has the original material in their possession
 10:53:50 **19** and doesn't share it with us except on a piecemeal basis
 10:53:55 **20** as satisfies what they perceive to be in their best
 10:53:57 **21** interest, it is, basically, unfair.
 10:54:01 **22** MR. GIACOBBE: Mr. Florio, if I may address
 10:54:04 **23** that.
 10:54:04 **24** MR. FLORIO: Sure.
 10:54:04 **25** MR. GIACOBBE: You were questioning -- for

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10:54:07 **1** Mr. DeSapio -- PB-61, PB-62 and PB-63, all those were
 10:54:12 **2** produced. In fact, he even read the Bates stamps to you
 10:54:15 **3** from PB-61, 62 and 63.
 10:54:18 **4** Out of all those documents what's
 10:54:20 **5** interesting is Cheryl Wieder stamped and approved and
 10:54:23 **6** initialed it.
 10:54:23 **7** So for Mr. DeSapio -- those we haven't
 10:54:26 **8** produced. We have produced thousands of pages of
 10:54:29 **9** documents.
 10:54:30 **10** Mr. DeSapio just indicated on the record
 10:54:34 **11** that HC-23, which we produced and showed him the
 10:54:40 **12** originals, those were the 2012 bills, so I object to
 10:54:44 **13** this.
 10:54:45 **14** I think all he is doing is delaying this
 10:54:47 **15** hearing further. If Mr. DeSapio would like an
 10:54:50 **16** opportunity or if he would like me to photocopy the
 10:54:54 **17** first two pages of the 2011 bills, we can take a
 10:55:00 **18** 15-minute break, I will do that so he can see them, so I
 10:55:03 **19** don't have to sit there and redact all of them. That's
 10:55:05 **20** the problem.
 10:55:06 **21** We haven't looked at one -- one of the bills
 10:55:09 **22** in HC-25 and HC-23. The only pages we have looked at
 10:55:15 **23** are the first two pages.
 10:55:16 **24** MR. FLORIO: I am satisfied with the
 10:55:17 **25** representation of counsel on this issue, and I am

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10:55:22 **1** prepared to rule, but before I do that, Mr. DeSapio,
 10:55:26 **2** regarding Mr. Giacobbe's offer to photocopy the first
 10:55:32 **3** two pages of the bills for 2011, would you like the
 10:55:37 **4** opportunity to review the photocopied first two pages
 10:55:45 **5** from the 2011 bills to satisfy your inquiry?
 10:55:50 **6** MR. DESAPIO: The first two pages do not
 10:55:52 **7** show us enough because if they did, he wouldn't pull
 10:55:56 **8** these entire bills out today. All right?
 10:55:59 **9** MR. GIACOBBE: I will show Mr. DeSapio in
 10:56:01 **10** camera the complete bills.
 10:56:04 **11** The problem with Mr. DeSapio's request,
 10:56:06 **12** every time he makes three requests, we have to have
 10:56:10 **13** somebody go through and redact hundreds of pages. It
 10:56:12 **14** has Social Security numbers of individuals who either
 10:56:16 **15** were employed or are employed. We can't release that.
 10:56:21 **16** I will be glad to give Mr. DeSapio the first
 10:56:23 **17** two pages of the 2011 bills that are identical to the
 10:56:26 **18** 2012 bills which we produced and redacted and allow them
 10:56:30 **19** to look to see what is necessary. We will copy the
 10:56:34 **20** first and second page of the 2011 bills so that Mr.
 10:56:37 **21** DeSapio is satisfied that we are not doing anything to
 10:56:40 **22** those documents.
 10:56:41 **23** MR. FLORIO: Is your offer of an in camera
 10:56:43 **24** review limited only to the first two pages --
 10:56:46 **25** MR. GIACOBBE: The whole bill.

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10:56:47 **1** MR. FLORIO: -- or the bill in its entirety?
 10:56:49 **2** MR. GIACOBBE: The bill in its entirety.
 10:56:51 **3** MR. FLORIO: Mr. DeSapio.
 10:56:52 **4** MR. DESAPIO: I want to state for the record
 10:56:54 **5** the last phrase that Mr. Giacobbe tacks on, "so that Mr.
 10:56:57 **6** DeSapio can be satisfied that we are not doing anything
 10:57:00 **7** to those documents," I have not asserted and I have
 10:57:03 **8** never asserted and I am not now asserting they are doing
 10:57:06 **9** anything to those documents.
 10:57:07 **10** I am only stating that we are entitled to
 10:57:11 **11** see them.
 10:57:12 **12** Now, I do not have an objection to viewing
 10:57:16 **13** all the documents for as long back as we can go, all
 10:57:20 **14** right, in camera. I do not propose to hold up starting
 10:57:25 **15** the next witness to do that, but I would like -- what
 10:57:30 **16** time are we saying we are going to start on Monday?
 10:57:33 **17** MR. FLORIO: Nine o'clock.
 10:57:34 **18** MR. DESAPIO: I could be here at eight
 10:57:36 **19** o'clock on Monday, if we can start at ten, and I can go
 10:57:38 **20** through that material.
 10:57:39 **21** Because my next request -- and I would like
 10:57:42 **22** him to do it today -- I am done with this witness.
 10:57:45 **23** You are done with this witness, Mr.
 10:57:47 **24** Giacobbe?
 10:57:47 **25** MR. GIACOBBE: I am.

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10:57:48 **1** MR. DESAPIO: In view of this issue, I have
 10:57:50 **2** a County employee who I would like them to produce, and
 10:57:54 **3** if they can -- originally Mr. Giacobbe said, "If you
 10:58:03 **4** have County employees who you would like us to produce,
 10:58:03 **5** you can tell us that, and we will do it without
 10:58:04 **6** subpoena."
 10:58:04 **7** I would like to have them produced. Marva
 10:58:08 **8** Salvato, who works across the hall, because of this
 10:58:10 **9** particular issue, I would like to solicit her testimony
 10:58:12 **10** on my direct case.
 10:58:13 **11** MR. FLORIO: Mr. Giacobbe, on witness
 10:58:15 **12** production.
 10:58:16 **13** MR. GIACOBBE: I will check -- I don't even
 10:58:19 **14** know who this individual is. I will check their
 10:58:22 **15** availability. I won't produce them today. That's
 10:58:25 **16** patently unfair asking somebody to be produced today,
 10:58:30 **17** when we even haven't had the opportunity of him or
 10:58:33 **18** her -- I don't know who this is, a male or female.
 10:58:37 **19** MR. DESAPIO: Yes.
 10:58:38 **20** MR. GIACOBBE: She might be called to
 10:58:39 **21** testify.
 10:58:39 **22** MR. DESAPIO: The first thing Monday
 10:58:40 **23** morning.
 10:58:41 **24** MR. GIACOBBE: I am not available Monday
 10:58:42 **25** morning. I have a judge who ordered me into court.

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10:58:46 **1** It will have to be Tuesday.
 10:58:47 **2** MR. FLORIO: Our Monday hearing is now off.
 10:58:49 **3** MR. GIACOBBE: Off. Yes.
 10:58:51 **4** I asked the judge to adjourn the hearing.
 10:58:53 **5** He won't do it.
 10:58:54 **6** MR. FLORIO: The Tuesday hearing is to begin
 10:58:56 **7** at eleven o'clock.
 10:58:57 **8** We will continue. We are not done for the
 10:58:59 **9** day. Right?
 10:59:00 **10** MR. GIACOBBE: Not at all.
 10:59:00 **11** MR. DESAPIO: I am not done, no.
 10:59:02 **12** MR. FLORIO: So we will cover scheduling
 10:59:05 **13** issues at the end of our day because we are on a limited
 10:59:09 **14** schedule today.
 10:59:10 **15** I want to know for the record, Mr. DeSapio,
 10:59:14 **16** the record will be clear that at no point during this
 10:59:21 **17** well-contested proceeding has either counsel accused the
 10:59:27 **18** other of any untoward activities.
 10:59:29 **19** I think your references to production of
 10:59:33 **20** documents by the County might more specifically be
 10:59:38 **21** directed toward strategy or tactics, but not bad faith
 10:59:44 **22** or anything approaching that, so I didn't hear that, and
 10:59:48 **23** I don't think the record will reflect that.
 10:59:50 **24** I am going to say for the record that both
 10:59:53 **25** counsel have comported themselves with excellence in

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11:00:00 **1** representation of their clients to this point. I would
 11:00:02 **2** expect that will continue.
 11:00:05 **3** Bells are ringing, it's eleven o'clock, we
 11:00:08 **4** are going to take our break now unless counsel wants to
 11:00:11 **5** put something on the record.
 11:00:13 **6** MR. GIACOBBE: What I will do on the break
 11:00:15 **7** is I will get the photocopies, I will attempt to
 11:00:19 **8** photocopy, if I can locate them, the first two pages of
 11:00:25 **9** the 2011 pages.
 11:00:27 **10** If Mr. DeSapio wants to come here earlier in
 11:00:30 **11** the morning -- we are going to start at eleven -- if you
 11:00:32 **12** want to come here at 9:30, Guy, we can actually go
 11:00:35 **13** through the 2011 bills. You have an opportunity to go
 11:00:38 **14** through the actual unredacted bills.
 11:00:40 **15** MR. DESAPIO: Okay.
 11:00:40 **16** MR. GIACOBBE: If you absolutely need them
 11:00:42 **17** at that point we can then have them. What we have to do
 11:00:45 **18** is photocopy all of them and then redact them and then
 11:00:49 **19** re-photocopy them.
 11:00:50 **20** MR. DESAPIO: Can I just clarify?
 11:00:51 **21** MR. FLORIO: Sure.
 11:00:51 **22** MR. DESAPIO: Okay. So the reason we are
 11:00:54 **23** starting at eleven on Tuesday was, right, it was because
 11:00:57 **25** MR. FLORIO: My unavailability.

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11:00:58 **1** MR. DESAPIO: -- of your unavailability.
 11:01:00 **2** MR. FLORIO: Until that time.
 11:01:01 **3** MR. DESAPIO: I understand that.
 11:01:02 **4** Yes, you can save the energy of copying
 11:01:07 **5** anything now. I don't think you need to copy anything
 11:01:10 **6** right now.
 11:01:11 **7** I would like to meet you here Tuesday
 11:01:12 **8** morning. You tell me what time, 8:30, nine o'clock.
 11:01:16 **9** MR. GIACOBBE: Why don't we say nine
 11:01:18 **10** o'clock.
 11:01:18 **11** MR. DESAPIO: Nine o'clock. I will meet you
 11:01:21 **12** here nine o'clock on Monday.
 11:01:23 **13** MR. GIACOBBE: Tuesday.
 11:01:23 **14** MR. DESAPIO: Tuesday -- I am sorry -- nine
 11:01:25 **15** o'clock Tuesday, and we can go through the bills.
 11:01:27 **16** What I would like to do is go through the
 11:01:29 **17** bills for as far back as you can readily produce them,
 11:01:33 **18** okay, don't make any copies. I would like to see the
 11:01:36 **19** health insurance bills -- you know -- to the extent that
 11:01:39 **20** they are here in the Finance Department, and then at
 11:01:43 **21** eleven o'clock on Tuesday I would like you to produce
 11:01:47 **22** Marva Salvato in regard to this issue.
 11:01:48 **23** MR. FLORIO: Are we good?
 11:01:51 **24** MR. GIACOBBE: That's fine, depending on her
 11:01:53 **25** availability. I can't make a representation she is

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11:01:55 **1** available Tuesday. It's the holiday weekend. I will
 11:01:58 **2** find out on our break.
 11:01:59 **3** MR. FLORIO: We will address that after the
 11:02:01 **4** break.
 11:02:01 **5** We will be back -- is 15 minutes enough for
 11:02:04 **6** everybody?
 11:02:04 **7** MR. DESAPIO: Yes.
 11:02:05 **8** MR. GIACOBBE: Yes, sir.
 11:02:05 **9** MR. FLORIO: 11:15.
 11:02:06 **10** We are off the record.
 11:02:08 **11** (Whereupon, a discussion takes place off the
 11:19:15 **12** record.)
 11:19:15 **13** MR. GIACOBBE: If we can go on the record,
 11:19:18 **14** they were able to get the 2000 bills from downstairs.
 11:19:24 **15** The 2010 and '9 bills are in archive
 11:19:28 **16** offsite, so they are going to order them on Monday.
 11:19:33 **17** Marva Salvato, the person Mr. DeSapio wants
 11:19:38 **18** to testify, is out today on vacation. If she is
 11:19:40 **19** available we will produce her Tuesday, I am assuming,
 11:19:43 **20** after your witness is complete on Tuesday.
 11:19:46 **21** MR. DESAPIO: That would be fine, too.
 11:19:48 **22** Sure.
 11:19:48 **23** MR. GIACOBBE: If she is not available
 11:19:49 **24** Tuesday, which I just don't know because she is not in
 11:19:51 **25** today. We looked at her calendar for next week, it does

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11:19:56 **1** appear she will be here Tuesday. If she is available,
 11:19:58 **2** we will produce her on Tuesday.
 11:20:00 **3** MR. FLORIO: Is that fine with both parties?
 11:20:01 **4** MR. DESAPIO: That's fine.
 11:20:03 **5** MR. FLORIO: Also for the record, to
 11:20:05 **6** clarify, nine AM on Tuesday for in camera bill review.
 11:20:10 **7** MR. DESAPIO: Yes.
 11:20:11 **8** MR. GIACOBBE: Right.
 11:20:17 **9** MR. DESAPIO: A question.
 11:20:17 **10** Can my clients accompany me for that review,
 11:20:17 **11** bill review?
 11:20:17 **12** MR. FLORIO: Mr. Giacobbe.
 11:20:18 **13** MR. GIACOBBE: I have no objection.
 11:20:20 **14** MR. DESAPIO: Okay.
 11:20:21 **15** MR. FLORIO: If there is no objection, then
 11:20:24 **16** they are welcome to join you.
 11:20:26 **17** MR. DESAPIO: With all the discussion I
 11:20:27 **18** neglected to move my additional PB exhibits at the end
 11:20:31 **19** of Ms. Browne's testimony.
 11:20:34 **20** MR. FLORIO: Any objection?
 11:20:35 **21** MR. GIACOBBE: None at all.
 11:20:35 **22** You mean Ms. Pasqua's testimony?
 11:20:37 **23** MR. DESAPIO: Ms. Pasqua's testimony.
 11:20:39 **24** I am sorry.
 11:20:40 **25** MR. GIACOBBE: No objection.

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11:20:41 **1** MR. FLORIO: PB-49 through 60, 61 through 63
 11:20:45 **2** are all in evidence.
 11:20:47 **3** MR. GIACOBBE: For Tuesday we definitely
 11:20:50 **4** will have the 2011 bills for you. I actually have
 11:20:54 **5** already directed them to make copies of all the pages
 11:20:57 **6** except for individual backup pages where they have the
 11:21:01 **7** individuals' names and Social Security numbers which --
 11:21:04 **8** if they get the 2000 -- I said go back '9, '10, '8, if
 11:21:11 **9** we can get them, offsite. We will have those available
 11:21:14 **10** for you to review, too, unless there is a problem with
 11:21:17 **11** getting them. I don't know how the archive is.
 11:21:20 **12** MR. DESAPIO: Well, we can handle that on
 11:21:23 **13** Tuesday.
 11:21:23 **14** MR. FLORIO: All right.
 11:21:25 **15** MR. DESAPIO: Okay.
 11:21:26 **16** MR. FLORIO: Anything else on that?
 11:21:26 **17** MR. DESAPIO: No.
 11:21:28 **18** Do we want to begin to throw around some
 11:21:30 **19** more dates, because I don't think we are getting done in
 11:21:33 **20** one day?
 11:21:34 **21** MR. FLORIO: I would rather right now -- do
 11:21:36 **22** you have a witness?
 11:21:37 **23** MR. DESAPIO: Yes.
 11:21:37 **24** MR. FLORIO: I would rather proceed with the
 11:21:39 **25** witness. We can do housekeeping when we are done at

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11:21:42 **1** one.
 11:21:42 **2** MR. DESAPIO: Okay.
 11:21:43 **3** Kim Browne, please.
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11:22:31 **1** Kimberly Browne, 413 Daniel Drive, Stewartsville, New
 11:22:40 **2** Jersey, having been duly sworn according to law, testifies
 11:22:41 **3** under oath as follows:
 11:22:41 **4** DIRECT EXAMINATION BY MR. DESAPIO:
 11:22:42 **5** **Q.** In what position are you currently employed by
 11:22:48 **6** the County of Hunterdon?
 11:22:49 **7** **A.** **My title is Director of Financial and**
 11:22:56 **8** **Administrative Services.**
 11:22:58 **9** **Q.** And how long have you held that position?
 11:23:01 **10** **A.** **Since June of 2012 I was given additional**
 11:23:06 **11** **supervisory experience -- well, supervisory duties.**
 11:23:11 **12** **Q.** Okay. Now, over whom were those supervisory
 11:23:17 **13** duties, those additional supervisory duties given?
 11:23:22 **14** **A.** **I was responsible for supervision over the**
 11:23:26 **15** **purchasing director, John Davenport.**
 11:23:30 **16** **I was responsible for Bob Thurgarland, who is the**
 11:23:35 **17** **division head of Central Print and IT. I also had**
 11:23:41 **18** **insurances under me as well, which -- insurances**
 11:23:48 **19** **encompasses the Joint Insurance Fund, which is all our**
 11:23:57 **20** **other coverages except for health benefits. I was chair**
 11:24:01 **21** **of that. Actually, I was appointed chair.**
 11:24:06 **22** **Before that I was just a representative.**
 11:24:10 **23** **I got more.**
 11:24:11 **24** **Q.** Go ahead.
 11:24:12 **25** **A.** **At the end of the summer the County administrator**

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11:24:16 **1** **and the HR director also came to my office and said, "By**
 11:24:22 **2** **the way, you're supervising the library director, Mark**
 11:24:27 **3** **Titus, and the Election Board."**
 11:24:31 **4** **Q.** What summer was that? You said, "at the end of
 11:24:34 **5** the summer."
 11:24:34 **6** **A.** **Last year, 2012.**
 11:24:37 **7** **Q.** Okay. Prior to that expansion of duties, what
 11:24:45 **8** was your title?
 11:24:45 **9** **A.** **Director of Finance.**
 11:24:46 **10** **Q.** Okay. And when were you appointed Director of
 11:24:52 **11** Finance?
 11:24:53 **12** **A.** **In May of 2008.**
 11:24:54 **13** **Q.** And as Director of Finance what were your
 11:25:02 **14** responsibilities?
 11:25:02 **15** **A.** **I supervised the staff of six. I had a lot of**
 11:25:09 **16** **responsibilities, but my main -- one of my main focuses**
 11:25:13 **17** **was grants. Margaret and I developed the budgets. I**
 11:25:22 **18** **coordinated the actual -- you know -- capital budget**
 11:25:24 **19** **information going out to the departments, collated it**
 11:25:28 **20** **when it came back in, put the budget book together, and**
 11:25:33 **21** **I supervised the staff in Finance.**
 11:25:36 **22** **Q.** Uh-huh. At the time you were appointed Director
 11:25:38 **23** of Finance, were you given a job description?
 11:25:41 **24** **A.** **No.**
 11:25:42 **25** **Q.** Were you employed by the County of Hunterdon in

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11:25:47 **1** some capacity prior to 2008?

11:25:49 **2** **A. Yes.**

11:25:50 **3** **Q.** And what was that?

11:25:52 **4** **A. I was hired November 2002, I was the fiscal chief**

11:25:57 **5** **over Human Services.**

11:25:59 **6** **Q.** What is "Human Services"?

11:26:02 **7** **A. Human Services is on Route 31. They take care of**

11:26:07 **8** **a lot of different services that encompasses the**

11:26:11 **9** **Division of Social Services, which is welfare and --**

11:26:16 **10** **that services clients and Human Services also handles a**

11:26:20 **11** **lot of grants, and the County also gives them over a**

11:26:25 **12** **million dollars to spread out County money to different**

11:26:30 **13** **non-profits. They also have transportation and there is**

11:26:35 **14** **Senior Services over there as well.**

11:26:37 **15** **Q.** Uh-huh. At the time you were appointed Director

11:26:40 **16** of Finance, what was your salary or rate of pay?

11:26:48 **17** **A. When I was appointed, I don't know, actually. I**

11:26:52 **18** **think it was about 60,000.**

11:26:54 **19** **Q.** Now, when were you relieved of your duties as the

11:27:06 **20** director -- were you relieved of your duties as Director

11:27:08 **21** of Finance?

11:27:10 **22** **A. On June 25th I was called in to the freeholder**

11:27:17 **23** **exec room. It was in the afternoon, probably about two**

11:27:21 **24** **o'clock, the County administrator was there, and Matt**

11:27:23 **25** **Giacobbe, labor counsel, was there as well, and Cindy**

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11:27:29 **1** **Yard started talking about -- you know -- there is**

11:27:32 **2** **problems in HR and -- you know -- of course I was aware**

11:27:37 **3** **they had issues. I don't know what all the issues were.**

11:27:39 **4** **I knew about some of them.**

11:27:40 **5** **And she said because of the closeness of the**

11:27:48 **6** **working relationship between Finance and HR that I would**

11:27:49 **7** **be temporarily reassigned, and some outside organization**

11:27:55 **8** **would come in and temporarily do our jobs.**

11:27:59 **9** **When I questioned this -- you know -- I was kind**

11:28:03 **10** **of shocked, and I was told by Mr. Giacobbe where he**

11:28:11 **11** **listed a lot of things, Chapter 78 health benefits, and**

11:28:15 **12** **I specifically said, I said, "Are you blaming Finance**

11:28:18 **13** **for that?"**

11:28:19 **14** **And I was told no, he wasn't, this was not**

11:28:23 **15** **disciplinary, and we were going to be reassigned, like,**

11:28:31 **16** **I was going to the jail, Margaret was going --**

11:28:35 **17** **whether -- there is three of us, the sheriff's office,**

11:28:37 **18** **and then Megan Youells, who is our payroll**

11:28:40 **19** **administrator, was going over to Human Services, so I**

11:28:43 **20** **was told it wasn't disciplinary, so they weren't filing**

11:28:46 **21** **any charges, and I asked for how long, and the County**

11:28:49 **22** **administrator said, "Two weeks."**

11:28:52 **23** **Q.** Okay. Prior to that conference meeting in

11:29:02 **24** June --

11:29:04 **25** **A. Uh-huh.**

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11:29:04 **1** **Q.** -- was there a time during the year 2013 that the

11:29:09 **2** Human Resources director left, retired, or something to

11:29:15 **3** that effect?

11:29:15 **4** **A. Yes. Cindy Yard -- it was toward the end of**

11:29:20 **5** **March, Cindy Yard and Shana Taylor came to my office, it**

11:29:28 **6** **was on a Friday, and Megan Youells was there, our**

11:29:31 **7** **payroll administrator, and also Margaret Pasqua, closed**

11:29:35 **8** **the door, and they said, "This is confidential."**

11:29:38 **9** **They said, "Cheryl Wieder would be going out on**

11:29:42 **10** **three months sick leave and then retiring as of July**

11:29:47 **11** **1st."**

11:29:47 **12** **They didn't go into specifics. We were aware of**

11:29:50 **13** **some things that were going wrong in the department,**

11:29:53 **14** **provisional title for too long, people were in the wrong**

11:29:56 **15** **job titles, there was more stuff -- you know -- that we**

11:30:01 **16** **weren't aware of in Finance, and "This was hush-hush,**

11:30:04 **17** **you can't say anything to anybody." It stayed within my**

11:30:09 **18** **office.**

11:30:13 **19** **And the next thing we know -- we were kind of led**

11:30:15 **20** **to believe that Cheryl Wieder would be around, like, the**

11:30:19 **21** **next week -- you know -- if we needed to talk to her,**

11:30:24 **22** **but she pretty much left that week. We saw her office**

11:30:31 **23** **all boxed up. It was the County administrator, County**

11:30:34 **24** **counsel, they cleaned out her office. They had boxes,**

11:30:38 **25** **transfer boxes there, and they also -- Cheryl Wieder's**

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11:30:44 **1** **assistant, Adrian, was on vacation, they stuck another**

11:30:49 **2** **person, Lupe Fowler came over from Human Services. She**

11:30:54 **3** **was now, I guess, the assistant. She was in Adrian's**

11:30:57 **4** **office, and Adrian came back and all her boxes were**

11:31:00 **5** **there, and she was whisked off to Buildings and Grounds.**

11:31:04 **6** **Q.** Now, you had said there were some things you were

11:31:07 **7** aware of regarding Human Resources and Cheryl Wieder.

11:31:12 **8** How did you become aware of them? Formally,

11:31:14 **9** informally? In what way?

11:31:19 **10** **A. Through a little bit -- it started on -- I am a**

11:31:22 **11** **part of this kitchen cabinet. That was part of my**

11:31:28 **12** **reassigned duties last year. It was five senior**

11:31:31 **13** **managers that met with Cindy Yard on a monthly basis to**

11:31:38 **14** **discuss issues, and we were like her -- where everybody**

11:31:43 **15** **used to report directly to Cindy Yard, we were there a**

11:31:47 **16** **step below that now, so that when I said before that**

11:31:51 **17** **John Davenport, the purchasing director, reports to me**

11:31:55 **18** **now, he used to report directly to Cindy Yard. There**

11:31:59 **19** **was another layer there, and we discussed various**

11:32:02 **20** **issues, and one of the senior members brought up a**

11:32:08 **21** **question about somebody, an employee, that was not**

11:32:12 **22** **qualified for his position, and it just kind of**

11:32:15 **23** **snowballed.**

11:32:16 **24** **Then I got e-mails from County counsel and Cindy**

11:32:20 **25** **Yard saying, "Do you have any other issues with HR?"**

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11:32:25 **1** **And it just took a life of its own.**

11:32:27 **2** **Q.** Okay. Now, approximately when was that that you

11:32:31 **3** got an e-mail "Were there any other issues at HR"?

11:32:34 **4** **A.** **I think the kitchen cabinet was in January**

11:32:36 **5** **sometime, so then from February/March, in that time**

11:32:40 **6** **frame -- you know -- we were asked if there were any**

11:32:43 **7** **concerns with HR, anything that we thought that was**

11:32:46 **8** **important to e-mail.**

11:33:00 **9** **Q.** I am going to show you what's been marked HC-6 in

11:33:04 **10** evidence.

11:33:04 **11** Do you recognize that?

11:33:07 **12** **A.** **Yes. This is what I was referring to.**

11:33:13 **13** **Q.** When you say "this is what you were referring

11:33:14 **14** to" --

11:33:15 **15** **A.** **When I spoke about any outstanding HR issues,**

11:33:22 **16** **this was my response back to Cindy Yard and Shana**

11:33:27 **17** **Taylor.**

11:33:27 **18** **Q.** Are there any parts of HR-6 that relate to what

11:33:35 **19** you have heard as being the charges against you?

11:33:54 **20** **A.** **Well, the last statement, I am telling Cindy Yard**

11:34:00 **21** **and Shana Taylor, "HR approves the Medco invoices and**

11:34:04 **22** **Horizon Blue Cross Blue Shield and sends them to**

11:34:07 **23** **Finance."**

11:34:08 **24** **Q.** Okay. Now, after you made that statement, did

11:34:16 **25** you get any response to that particular statement?

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11:34:20 **1** **A.** **No.**

11:34:20 **2** **Q.** Okay. After this e-mail of March 27, 2013, was

11:34:30 **3** there a meeting that occurred to discuss this e-mail and

11:34:34 **4** other items?

11:34:36 **5** **A.** **We did have a meeting on April 19th, and once**

11:34:50 **6** **Cheryl left there was this new HR team, and it consisted**

11:34:50 **7** **of Cindy Yard, the County administrator, Shana Taylor,**

11:34:51 **8** **County counsel, Cindy Yard's administrative assistant,**

11:34:56 **9** **secretary, Rhonda Kelly, and the new person in the**

11:35:00 **10** **department was Lupe Fowler, the assistant to HR, and**

11:35:08 **11** **once Cheryl left they really did not know what she did,**

11:35:13 **12** **so in response to that the County administrator called a**

11:35:18 **13** **meeting, and we were trying to help them to actually**

11:35:25 **14** **tell them what the connection was between Cheryl and**

11:35:28 **15** **Finance and what her role was.**

11:35:31 **16** MR. FLORIO: Is that what you mean when you

11:35:33 **17** say, "we didn't know what she did," what Cheryl Wieder

11:35:37 **18** did?

11:35:38 **19** THE WITNESS: That's what they didn't know.

11:35:39 **20** HR did not know, really, what Cheryl Wieder's role was.

11:35:45 **21** MR. FLORIO: All right.

11:35:47 **22** Thank you.

11:35:48 **23** **Q.** When you say "they," "HR" meaning?

11:35:50 **24** **A.** **The new HR team did not know what she did, what**

11:35:55 **25** **her job duties were.**

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11:35:58 **1** **They were calling in Workmen's Comp providers to**

11:36:02 **2** **say, "Okay, what do we do with a Workmen's Comp claim?"**

11:36:06 **3** **They did not know.**

11:36:08 **4** **The process -- you know -- like, Horizon Blue**

11:36:12 **5** **Cross bills -- you know -- we told them that Cheryl**

11:36:17 **6** **Wieder would receive them through the mail, so review**

11:36:24 **7** **them, and then she would attach the two pages that we**

11:36:28 **8** **spoke of briefly in the other exhibits, the total recap**

11:36:33 **9** **and the Division of Social Services detailed by employee**

11:36:37 **10** **sheets, and actually I told them, I said, "They got to**

11:36:40 **11** **be on our computer -- you know -- would you find them**

11:36:43 **12** **because you are going to need them."**

11:36:44 **13** **And Rhonda, after a little searching, she did**

11:36:46 **14** **find them because she had access to Cheryl's computer,**

11:36:52 **15** **she did find those sheets on Cheryl's computer.**

11:36:54 **16** **I said, "When you get the bills in, one of the HR**

11:36:57 **17** **team needs to do up these sheets that actually the HR**

11:37:02 **18** **director did for us."**

11:37:03 **19** **Q.** When you say "Rhonda," Rhonda who?

11:37:05 **20** **A.** **Rhonda Kelly is the administrative assistant or**

11:37:08 **21** **secretary to Cindy Yard.**

11:37:10 **22** **Q.** Okay. She was able to find that on Cheryl

11:37:13 **23** Wieder's computer?

11:37:14 **24** **A.** **Yes, she was.**

11:37:15 **25** **Q.** Go ahead.

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11:37:16 **1** **A.** **Sorry.**

11:37:16 **2** **On the April 19th meeting we tried to enlighten**

11:37:20 **3** **them on, just like I said, the process, the process of**

11:37:24 **4** **the bills. And what was a little frustrating to**

11:37:29 **5** **Finance, especially me, those bills didn't -- weren't**

11:37:33 **6** **given prior to that.**

11:37:34 **7** **I had to go down physically and say, "Did we get**

11:37:36 **8** **our Horizon Blue Cross bill this month," because -- you**

11:37:40 **9** **know -- we do a manual check on that, and we don't want**

11:37:42 **10** **any issues with coverage. And at one point we just**

11:37:46 **11** **looked on Cheryl's desk and we found them.**

11:37:48 **12** **So I was always saying, "Someone needs to review**

11:37:51 **13** **them, and they need to be processed and sent, approved**

11:37:54 **14** **and sent up to Finance to pay."**

11:37:56 **15** **Q.** Now, when you say you are "always checking on

11:37:59 **16** it," was that before or after Cheryl left there?

11:38:02 **17** **A.** **Oh, after. Everything is after. She was good**

11:38:04 **18** **about the timeliness of looking them over and sending**

11:38:07 **19** **them to Finance to process.**

11:38:14 **20** **Do you want me to go into the April 19th?**

11:38:18 **21** **I am sorry.**

11:38:19 **22** **Q.** All right. We will get there.

11:38:21 **23** MR. FLORIO: You have to wait for a

11:38:23 **24** question, Mrs. Browne.

11:39:21 **25** MR. DESAPIO: I apologize to the witness and

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11:39:24 **1** the hearing officer and Mr. Giacobbe.

11:40:21 **2 Q.** I am going to show you what was marked PB-25 in

11:40:27 **3** evidence and ask you if you can identify that.

11:40:29 **4 A.** **That's a purchase order for coverage for Horizon**

11:40:34 **5 Blue Cross Blue Shield for April 2013.**

11:40:38 **6 Q.** Okay. And does somebody in the County

11:40:41 **7** organization sign off on that bill?

11:40:44 **8 A.** **Cindy Yard.**

11:40:45 **9 Q.** Okay. Do you have knowledge of how it was that

11:40:50 **10** Cindy Yard came about to sign off on that bill?

11:40:54 **11 A.** **Well, all the invoices go directly to HR, and I**

11:41:02 **12 told them on many occasions that they needed to sign off**

11:41:06 **13 on these bills. That was their responsibility.**

11:41:14 **14 Q.** Was that a practice that existed for some period

11:41:24 **15** of time prior to that date?

11:41:26 **16 A.** **That practice existed before I was over here in**

11:41:29 **17 2008.**

11:41:30 **18 Q.** Okay.

11:41:30 **19 A.** **I didn't change any of that.**

11:41:32 **20 Q.** Okay. Now go back to the meeting of April of

11:41:40 **21** 2013.

11:41:40 **22** Did the topic of health insurance and health

11:41:49 **23** insurance bills come up at that meeting?

11:41:51 **24 A.** **Yes, it did.**

11:41:52 **25 Q.** All right.

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11:41:52 **1** Tell us what was said, who said it, and what the

11:41:55 **2** discussion was, to your recollection.

11:41:57 **3 A.** **Yes. I know specifically. It's ingrained in my**

11:42:00 **4 mind.**

11:42:01 **5 What I said -- because it was a new HR team -- I**

11:42:06 **6 said, "You need to take a month, whether it's May or**

11:42:10 **7 whatever current month you have," I said, "you need to**

11:42:13 **8 go through it and check all the information, the**

11:42:16 **9 coverages, the employees, everything."**

11:42:19 **10 I said, "If I were you, this is what I would**

11:42:23 **11 do" -- because they were all new -- you know -- they**

11:42:26 **12 didn't -- you know -- then I said, "After that all the**

11:42:31 **13 changes you make going forward make sure they are**

11:42:34 **14 reflected in the next bill."**

11:42:36 **15 I said, "It's an internal control mechanism for**

11:42:39 **16 HR to do that."**

11:42:46 **17 Q.** Now, how did you expect that they were going to

11:42:47 **18** check that bill?

11:42:49 **19 A.** **They had all the information, access to all the**

11:42:53 **20 information. Finance didn't, they did.**

11:42:56 **21 Q.** When you said "they had access to all the

11:42:59 **22** information," in what format and why do you know they

11:43:04 **23** had all the access to the information?

11:43:05 **24 A.** **I know Cheryl Wieder had access. She made all**

11:43:08 **25 the additions and deletions from Horizon Blue Cross. I**

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11:43:13 **1 don't know whether -- what kind of website or anything.**

11:43:16 **2 I have never seen it, and I did not have access to that**

11:43:19 **3 website, so let's just be clear there, and I never would**

11:43:25 **4 want to have access. On -- I am Finance. They are HR.**

11:43:30 **5 There is a lot of confidential information, you have**

11:43:33 **6 HIPAA laws. There is no way that I had any business**

11:43:35 **7 being involved in that.**

11:43:37 **8 MR. FLORIO:** Mrs. Browne, before you

11:43:38 **9** proceed, you are talking about the April 19th meeting.

11:43:44 **10** Right?

11:43:44 **11 THE WITNESS:** Yes.

11:43:45 **12 MR. FLORIO:** At that meeting or at any time

11:43:48 **13** thereafter, did you take any notes of that meeting, did

11:43:52 **14** you write down notes of what happened at that meeting,

11:43:56 **15** what you said, what was said to you?

11:44:00 **16 THE WITNESS:** In an e-mail when I got the

11:44:02 **17** e-mail request -- requesting from the County

11:44:05 **18** administrator -- I don't know the date of that -- I know

11:44:09 **19** it's in evidence somewhere -- where she said she wanted

11:44:11 **20** to shift those responsibilities back to Finance, and she

11:44:15 **21** went on about internal controls for Finance, and I went

11:44:17 **22** back to her, and I said, "Finance never had the

11:44:20 **23** responsibility, so you can't shift it back," and I

11:44:24 **24** said -- I said in that meeting, I said, "The internal

11:44:27 **25** control was for HR, not for Finance."

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11:44:30 **1 MR. FLORIO:** Did you use that term

11:44:33 **2** specifically "internal control"?

11:44:35 **3 THE WITNESS:** Yes.

11:44:35 **4 MR. FLORIO:** So you're testifying today

11:44:39 **5** about this April 19th meeting strictly from your

11:44:43 **6** recollection? You didn't have any notes to review or

11:44:45 **7** anything like that?

11:44:46 **8 THE WITNESS:** No. But when I got that e-mail

11:44:50 **9** saying -- from the County administrator -- saying that

11:44:53 **10** she wanted Finance to audit, approve the invoices, she

11:44:59 **11** wanted us to do procedures, internal controls for HR,

11:45:02 **12** then I went back, and I had a whole list of things, and

11:45:07 **13** I recapped it, I said, "I told you it was internal

11:45:09 **14** control for HR. It wasn't for Finance."

11:45:11 **15** So I corrected her on a lot of things that

11:45:14 **16** came out at that meeting.

11:45:16 **17 MR. FLORIO:** Thank you.

11:45:17 **18 Mr. DeSapio.**

11:45:19 **19 Q.** I am going to show you what's been marked in

11:45:22 **20** evidence as HC-7, and I ask you if you can identify

11:45:27 **21** that.

11:45:30 **22 A.** **Yes. This is the e-mail we just spoke about.**

11:45:35 **23 Q.** You just spoke about?

11:45:36 **24 A.** **We just spoke about.**

11:45:37 **25 Q.** Okay. Can you go through this, please, sentence

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11:45:43 **1** by sentence, read the sentence out loud and then give us
 11:45:47 **2** your perspective on what's said.
 11:45:49 **3** **A. Sure. It's from the County administrator. It's**
 11:45:53 **4 to Kim Browne, Margaret, cc'd Rob Walton and Matt**
 11:45:58 **5 Giacobbe, and the subject is "Reconciliation and Quality**
 11:46:02 **6 Control of Billing."**
 11:46:05 **7 "Dear Kim and Margaret: Since the HR director's**
 11:46:09 **8 sudden retirement, my office has observed that your**
 11:46:13 **9 department has been handing over numerous packets of**
 11:46:15 **10 billing information. This has included, but is**
 11:46:18 **11 certainly not limited to, your office's request of an**
 11:46:22 **12 audit of the Horizon bills and in particular a careful**
 11:46:26 **13 audit of Social Services' billings."**
 11:46:31 **14 I did not -- I offered it -- I can respond to the**
 11:46:37 **15 sentence -- I offered it as a suggestion, since they**
 11:46:40 **16 were all new, "If I were you, I would go through the**
 11:46:44 **17 bill with a fine tooth comb so you understand it,**
 11:46:48 **18 because they are going to be approving it, so you need**
 11:46:51 **19 to approve something that you feel is correct."**
 11:46:54 **20 So that was my suggestion to that and a careful**
 11:46:58 **21 audit of Social Services' billings, the only thing that**
 11:47:01 **22 refers to is -- and we have seen it today in exhibits --**
 11:47:05 **23 it's that second sheet that Cheryl Wieder did that gets**
 11:47:08 **24 attached to the Horizon Blue Cross bill. It details all**
 11:47:11 **25 the Social Services employees, including retirees, their**

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11:47:16 **1 premium amount, and then it totals it so that we use**
 11:47:19 **2 that as a basis for billing Social Services.**
 11:47:22 **3 So Cheryl Wieder was the one that kept track of**
 11:47:27 **4 all the employees in the various departments, so she had**
 11:47:31 **5 access to that, and so she knew that, "Okay, John Doe,**
 11:47:37 **6 he is a Social Services person," and so forth.**
 11:47:41 **7 So that was what that referred to.**
 11:47:43 **8 Q. Would you have had that information up in Finance**
 11:47:45 **9 who was employed by Social Services and who was not?**
 11:47:49 **10 A. The only thing we get is Cheryl Wieder, toward**
 11:47:53 **11 the end of -- end of the year, beginning of the next**
 11:47:57 **12 year, for budget purposes, she sent Finance a list of**
 11:48:02 **13 all the employees by department, their salaries, and**
 11:48:07 **14 then we used that as a basis for going forward with the**
 11:48:11 **15 department budgets.**
 11:48:12 **16 In that packet she also had Social Services**
 11:48:16 **17 employees included in there.**
 11:48:17 **18 Q. Now, you didn't read the end of that sentence.**
 11:48:20 **19 Do you want to read after the parentheses, the**
 11:48:23 **20 balance of that sentence --**
 11:48:26 **21 A. Okay.**
 11:48:28 **22 Q. -- "As well as"?**
 11:48:29 **23 A. "As well as referring Finance related inquiries,**
 11:48:33 **24 including the auditors and State comptrollers to the**
 11:48:38 **25 administrative suite."**

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11:48:38 **1 Q. Do you know what she was referring to there?**
 11:48:40 **2 A. Yes.**
 11:48:48 **3 One of the Wiss team by mistake, he was**
 11:48:48 **4 downstairs asking questions, HR questions, and,**
 11:48:50 **5 apparently, he asked a question about pensions.**
 11:48:54 **6 Pensions resides up in Finance with the payroll**
 11:48:57 **7 administrator. She is the most informed in that area.**
 11:49:01 **8 For whatever reason, the auditor asked it to**
 11:49:04 **9 them, and I don't know if the County administrator took**
 11:49:08 **10 offense, but she came up, like, the next day, gave me a**
 11:49:11 **11 note and says, "Get back to him, he needs" -- actually,**
 11:49:15 **12 she said, "We deal with HR. This is not HR. Don't send**
 11:49:20 **13 him down for pension questions."**
 11:49:22 **14 And I said, "I didn't send him down. He came up**
 11:49:25 **15 after he talked to you."**
 11:49:27 **16 And I said -- you know -- "Pension resides here.**
 11:49:31 **17 He asked his questions. We answered them, and we moved**
 11:49:34 **18 on, and that was done."**
 11:49:37 **19 Q. Read the next sentence.**
 11:49:38 **20 A. The State comptroller's office in -- I want to**
 11:49:45 **21 say at the end of 2011, all the Counties had to fill out**
 11:49:49 **22 a survey about overtime, and it was specifically**
 11:49:55 **23 addressed to the unclassifieds. I guess they are doing,**
 11:50:00 **24 they get into areas, so Margaret filled it out, Margaret**
 11:50:05 **25 Pasqua, and after she filled it out the State**

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11:50:11 **1 comptroller's office wanted to come in and talk to us,**
 11:50:13 **2 so this was probably in 2012, beginning of 2012, so at**
 11:50:18 **3 the meeting it was the payroll administrator, Megan**
 11:50:20 **4 Youells, it was Cheryl Wieder, it was myself, Margaret**
 11:50:24 **5 Pasqua, and two representatives from the State**
 11:50:29 **6 comptroller's office.**
 11:50:30 **7 They talked about pretty much unclassifieds and**
 11:50:33 **8 who got overtime, why they got overtime, and we had to**
 11:50:36 **9 provide a lot of information to them.**
 11:50:39 **10 They had follow-up questions, and after Cheryl**
 11:50:45 **11 Wieder had left and I in Finance could not answer the**
 11:50:50 **12 questions, "Why did certain unclassifieds get overtime,"**
 11:50:55 **13 we pay it, but I am not involved into who is approved**
 11:50:58 **14 for that unclassified, and there are some -- you know --**
 11:51:02 **15 I guess the State comptroller's office felt maybe they**
 11:51:07 **16 should not be getting overtime, so I referred the State**
 11:51:11 **17 comptroller's office to the County administrator in**
 11:51:13 **18 absence of Cheryl Wieder and -- you know -- they wanted**
 11:51:18 **19 an employee agreement and stuff like that. I did not**
 11:51:21 **20 have access nor did I know why certain individuals will**
 11:51:25 **21 get paid overtime that were unclassified.**
 11:51:27 **22 Q. As far as you knew, what department of the County**
 11:51:30 **23 or who would be responsible for determining whether**
 11:51:33 **24 somebody was entitled to overtime or not?**
 11:51:37 **25 A. Well, it would be in their contracts, but**

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11:51:41 **1 specific to unclassifieds, that would be -- you know --**

11:51:44 **2 HR, the County administrator, probably in the**

11:51:47 **3 freeholders.**

11:51:48 **4 Q. Would you read the next sentence, the one that**

11:51:51 **5 says, "I believe."**

11:51:54 **6 A. Oh, this is from Cindy Yard.**

11:51:57 **7 "I believe that your vast knowledge and**

11:51:59 **8 experience as the fiscal chief in the consolidated Human**

11:52:03 **9 Services Model will allow you" -- I am reading**

11:52:08 **10 specifically -- "allow you to easily train and**

11:52:12 **11 transition this rule back up to your fiscal**

11:52:15 **12 professionals," and she is referring to the health**

11:52:20 **13 benefits monthly invoices.**

11:52:23 **14 Q. What is your reaction to her comment?**

11:52:27 **15 A. I was -- I was a little frustrated at this point**

11:52:33 **16 because I never had the role, and she is saying she**

11:52:37 **17 wants to transition it back to me, a role that I did not**

11:52:40 **18 have, and I knew I didn't have the information to**

11:52:43 **19 actually audit the Horizon bills. I didn't have access**

11:52:48 **20 to the Horizon database or anything else, a list of**

11:52:53 **21 Delta Dental, retirees, I didn't have access to the**

11:52:56 **22 information, and I felt that that really belonged in HR.**

11:53:02 **23 Q. Is that where that role was located up to that**

11:53:06 **24 point?**

11:53:06 **25 A. Yes.**

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11:53:07 **1 Q. And for how long, to your understanding, was that**

11:53:10 **2 role performed by HR?**

11:53:14 **3 A. It was before me. It was before me.**

11:53:16 **4 Q. Read the next sentence.**

11:53:20 **5 A. "While I understand there were many adjacencies**

11:53:22 **6 between the HR director and your Finance Department**

11:53:25 **7 wherein essentially, as you indicated to me, you**

11:53:29 **8 utilized the HR Department as one of Finance's quality**

11:53:31 **9 control mechanisms, as we reorganize, I have determined**

11:53:34 **10 that this is not operationally possible or appropriate,"**

11:53:38 **11 that statement is not correct.**

11:53:41 **12 In the April 19th meeting I said, "Audit the**

11:53:45 **13 bills. It's internal control for HR."**

11:53:48 **14 Now I don't think that -- you know -- we don't**

11:53:54 **15 have time to do it is an indication that Finance should**

11:53:57 **16 do it, because that's what the County administrator**

11:54:00 **17 said. They didn't have time. They had more people now**

11:54:02 **18 under this new HR team, and they didn't have time to**

11:54:05 **19 look at the bills.**

11:54:06 **20 To me, that was one of their most important**

11:54:08 **21 priorities to do.**

11:54:09 **22 Q. How many people were in the HR Department prior**

11:54:14 **23 to Cheryl Wieder leaving?**

11:54:15 **24 A. Well, you had Cheryl Wieder was a full-time. She**

11:54:18 **25 had an assistant. I don't know how much she worked with**

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11:54:21 **1 Cheryl on certain things. I would say maybe a half time**

11:54:24 **2 equivalent.**

11:54:25 **3 Q. Okay. Read the last sentence of the first**

11:54:29 **4 paragraph.**

11:54:30 **5 A. "The two administrative employees who are**

11:54:32 **6 learning the HR service delivery system should not and**

11:54:36 **7 will not perform fiscal quality control which most**

11:54:44 **8 appropriately belongs in the Finance Department."**

11:54:44 **9 Q. What was your reaction to that sentence?**

11:54:45 **10 A. Well, I was frustrated again, and you got to**

11:54:49 **11 understand, when I got this e-mail -- and I may be**

11:54:55 **12 jumping ahead -- I reached out to Dave Gannon from Wiss.**

11:54:58 **13 We had a conversation.**

11:55:00 **14 I said, "Dave," I said, "segregation of duties,**

11:55:03 **15 Finance should not be auditing, approving and paying the**

11:55:07 **16 bills. That's one of your fiscal -- not even control --**

11:55:13 **17 it's good fiscal practice that this doesn't happen.**

11:55:17 **18 Just like bank reconciliations, you don't have the**

11:55:19 **19 person making the deposits doing the bank**

11:55:22 **20 reconciliations; you can have segregation of duties."**

11:55:26 **21 And Dave Gannon and I had a discussion about**

11:55:28 **22 this, and he said, "There is no law," but he told me**

11:55:32 **23 that none of his clients did this belong in Finance. It**

11:55:37 **24 was always in -- an HR function to look at those bills.**

11:55:42 **25 I said, "Dave, this is what we do, the HR**

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11:55:46 **1 director approves the bills, sends them up to Finance.**

11:55:50 **2 We may spot check. That's how we got the Carol Lane.**

11:55:54 **3 My senior account clerk over in Finance, I mean she**

11:55:57 **4 looks at things when she is filing them, and that's how**

11:56:00 **5 we came upon Carol Lane."**

11:56:02 **6 He said, "That's what your job should be," and,**

11:56:05 **7 quite honestly, well, we were kind of forced to try to**

11:56:10 **8 take this on, and then we were removed, but we had an**

11:56:15 **9 audit finding next year if we would have done this.**

11:56:17 **10 Q. Okay. Now go back to the April meeting once**

11:56:29 **11 again.**

11:56:30 **12 Is there anything else that related to the role**

11:56:34 **13 and the relationship between Finance and HR that was**

11:56:36 **14 discussed at that meeting that you think is relevant to**

11:56:43 **15 your defense of the charges against you?**

11:56:44 **16 A. The tier levels came up, which we talk about with**

11:56:48 **17 the Chapter 78 and -- you know -- it is a complicated**

11:56:51 **18 system, but Megan Youells at that meeting said, "In**

11:56:57 **19 discussions with the HR director it was decided to put**

11:57:02 **20 people in their Collective Bargaining Units instead of**

11:57:08 **21 sending them right to tier four, which is the highest**

11:57:10 **22 percentage."**

11:57:11 **23 That's the first time I heard they were doing**

11:57:13 **24 that, because I realized in that meeting that was wrong,**

11:57:18 **25 but I had not heard it before that, and so that then**

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11:57:23 **1 started the ball rolling on looking at who's in what**
11:57:28 **2 tier.**
11:57:28 **3 After that meeting I went back to Megan Youells'**
11:57:31 **4 office, I said, "Megan, that's not right. They should**
11:57:34 **5 all have been in tier four."**
11:57:37 **6 Since Megan wasn't really familiar with the tiers**
11:57:40 **7 per se and the language in Chapter 78, pensions, she was**
11:57:45 **8 following what she was directed by HR.**
11:57:48 **9 Q. In regard to the tier placements --**
11:57:51 **10 A. Uh-huh.**
11:57:52 **11 Q. -- was there some system set up that you know of**
11:57:57 **12 where when that law went into effect employees were**
11:58:00 **13 placed on tiers?**
11:58:03 **14 A. Uh-huh.**
11:58:04 **15 MR. FLORIO: Is that "yes"?**
11:58:06 **16 THE WITNESS: I am sorry. "Yes."**
11:58:07 **17 Q. Who set up that system?**
11:58:08 **18 A. That was Cheryl Wieder.**
11:58:10 **19 Q. And of your personal knowledge, how do you know**
11:58:15 **20 that she set up that system?**
11:58:17 **21 A. Well -- you know -- at the beginning when, I**
11:58:20 **22 think, it was 2011, there was a lot of coordination,**
11:58:24 **23 because the State allowed you to decide what your**
11:58:29 **24 implementation date is because it was a lot of different**
11:58:32 **25 changes, and so there were discussions with all of us --**

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11:58:36 **1 the payroll administrator -- when could we do this --**
11:58:41 **2 you know -- and have this all done, and that started in**
11:58:43 **3 January of, I guess, it would have been 2012 then, so**
11:58:47 **4 there was a coordination of all that, but Cheryl Wieder**
11:58:52 **5 developed this Excel spreadsheet so that -- you know --**
11:58:57 **6 it would be easy to figure out where people would be**
11:59:00 **7 placed.**
11:59:01 **8 Q. And where did that Excel spreadsheet reside?**
11:59:05 **9 A. Cheryl Wieder's computer.**
11:59:06 **10 I mean, I saw it once maybe when she was trying**
11:59:09 **11 to tell me -- you know -- how it was working, and it**
11:59:12 **12 seemed fine to me.**
11:59:15 **13 Q. And do you know what information she used to**
11:59:19 **14 place people at the various tiers?**
11:59:22 **15 A. Well, it would have had to be according to their**
11:59:28 **16 bargaining unit affiliation, because it depended if**
11:59:31 **17 there was an existing contract in place, so those people**
11:59:35 **18 did not shift right away and go into the tier system, so**
11:59:39 **19 there is all -- I don't even know how many bargaining**
11:59:42 **20 units there are now -- eight, nine, I don't know, Cheryl**
11:59:45 **21 had that information, so she could speak to that.**
11:59:47 **22 I mean, all the unclassifieds were the ones**
11:59:51 **23 that -- you know -- I knew that they had to move right**
11:59:54 **24 away, but there was others, I think -- you know -- I**
11:59:58 **25 don't get involved in bargaining units and what is in**

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12:00:01 **1 those contracts.**
12:00:02 **2 Q. Okay. Now, I am going to show you what's been**
12:00:05 **3 marked P-29 in evidence and ask you if you are familiar**
12:00:08 **4 with that.**
12:00:09 **5 A. Yes. We got one of these every year.**
12:00:11 **6 Q. What is that?**
12:00:13 **7 A. It's a health insurance --**
12:00:16 **8 MR. FLORIO: For your convenience, I will**
12:00:19 **9 find it.**
12:00:19 **10 THE WITNESS: Health insurance Reform year**
12:00:22 **11 contribution, Cheryl Wieder used to figure out**
12:00:24 **12 everyone's contribution and send them a letter when this**
12:00:30 **13 whole Chapter 78 started.**
12:00:33 **14 Did you want me to read it?**
12:00:34 **15 Q. No. That's okay.**
12:00:35 **16 What's the date on that?**
12:00:43 **17 A. May 29, 2012.**
12:00:43 **18 Q. Would you flip to the second page.**
12:00:46 **19 A. Okay.**
12:00:47 **20 Q. Okay. And do you recognize the second page?**
12:00:52 **21 A. Yes. Yes.**
12:00:53 **22 Q. What is the second page?**
12:00:54 **23 A. It's -- you get into more detail about the**
12:00:59 **24 Chapter 78. It goes into your coverages that you**
12:01:03 **25 currently have and what your premium would be going**

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12:01:08 **1 forward.**
12:01:08 **2 Q. Okay. And did each County employee, to your**
12:01:11 **3 knowledge, receive that, or was that addressed to each**
12:01:15 **4 County employee, to your knowledge, by Cheryl Wieder?**
12:01:17 **5 A. Yes, it was.**
12:01:18 **6 Q. Okay. I am going to show you -- okay.**
12:01:29 **7 At the April meeting, did the topic come up as to**
12:01:34 **8 whose responsibility it was to determine tier**
12:01:37 **9 placements?**
12:01:41 **10 A. There was never a specific conversation that I**
12:01:46 **11 recall. I know that Megan Youells, our payroll**
12:01:48 **12 administrator, was asked by the County administrator to**
12:01:53 **13 develop a chart per se of all the people that do hires**
12:01:59 **14 that came in after the Chapter 78, which is, I think,**
12:02:03 **15 June 26, 2011.**
12:02:06 **16 Q. Uh-huh.**
12:02:06 **17 A. And then there was an additional meeting where we**
12:02:09 **18 went over the placements.**
12:02:12 **19 Q. I show you what's been marked PB-30 for**
12:02:18 **20 identification.**
12:02:19 **21 Do you recognize -- or in evidence -- do you**
12:02:22 **22 recognize that?**
12:02:23 **23 A. Yes.**
12:02:23 **24 Q. What is that?**
12:02:26 **25 A. This is from the County administrator, and we had**

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12:02:31 **1** several meetings on how to calculate the employee
12:02:34 **2** contribution portion, several meetings. Megan had so
12:02:42 **3** many questions from HR, numerous questions, about how
12:02:47 **4** the calculation worked.
12:02:49 **5** This particular one is the County administrator
12:02:56 **6** is asking Megan if she calculated it correctly.
12:03:00 **7** Q. If who calculated it correctly?
12:03:02 **8** A. If she herself calculated the employee
12:03:04 **9** contribution correctly.
12:03:05 **10** Q. Was the County administrator and the other people
12:03:11 **11** in the HR team after Cheryl Wieder left involved in
12:03:18 **12** that?
12:03:18 **13** A. Lupe Fowler was, I believe, Shana was as well,
12:03:21 **14** she was at the meeting, yes, several meetings, and they
12:03:24 **15** were trying to figure out -- you know -- what that
12:03:27 **16** employee contribution amount should be.
12:03:29 **17** Q. In some previous testimony by the County there
12:03:50 **18** was an indication that you were a part of some sort of
12:03:53 **19** health insurance committee.
12:03:56 **20** Do you recall that testimony?
12:03:57 **21** A. Yes, I do.
12:03:58 **22** Q. Okay. Were you involved in the health insurance
12:04:01 **23** committee?
12:04:02 **24** A. It wasn't actually -- I wouldn't call it a
12:04:04 **25** "committee." I took over for the retired County

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12:04:07 **1** treasurer, Charlie Balogh, and I assumed his role.
12:04:11 **2** What it was was every year in August we would
12:04:16 **3** have brokers go out and solicit, "we," meaning Cheryl
12:04:19 **4** Wieder, solicit quotes to see, because it was renewal
12:04:24 **5** time, what was the best for the County -- you know --
12:04:26 **6** rate-wise, so we would have a meeting and discuss -- you
12:04:32 **7** know -- those rates, and I was there for the fiscal part
12:04:37 **8** of it and the money, what would affect our budget.
12:04:42 **9** I was not there for implementation of that plan.
12:04:48 **10** I was only there for the money and certain, like, Medco,
12:04:51 **11** I was there as the fiscal contact if they had billing
12:04:54 **12** issues, but after that fiscal part of it Cheryl Wieder
12:04:58 **13** did the implementation.
12:05:00 **14** I was not involved in that.
12:05:03 **15** Q. During the course, who else was involved in that
12:05:06 **16** group or committee?
12:05:08 **17** A. It was just Cheryl Wieder and myself, Willis,
12:05:12 **18** which is our brokers, would sit down and analyze all
12:05:16 **19** those rates, and then we make a recommendation to the
12:05:19 **20** freeholders.
12:05:19 **21** Q. Okay. A recommendation to the freeholders as to
12:05:22 **22** what?
12:05:24 **23** A. What was the best plan.
12:05:26 **24** There was also -- see, Cheryl Wieder was familiar
12:05:29 **25** with what was in the bargaining units, their contracts

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12:05:32 **1** and agreements, because most of the time it said "equal"
12:05:35 **2** or "better," so you can get cheaper coverage.
12:05:37 **3** If it affects the employee's deductible and stuff
12:05:40 **4** like that, then you have issues. She was aware of that
12:05:44 **5** end of it, I was not, but for the most part when we
12:05:47 **6** looked at the rates, the current carrier was the one
12:05:53 **7** that had the cheaper rate for us.
12:05:55 **8** Q. Okay. There was some testimony that you had the
12:05:58 **9** ability on your computer to access the Horizon insurance
12:06:07 **10** billing or Horizon. Did you have such access?
12:06:10 **11** A. No, I didn't. I didn't have it. I would not
12:06:14 **12** want it, because there is personal and confidential
12:06:16 **13** information on there with HIPAA and everything. There
12:06:21 **14** is no way I should have access to it anyway, but, no,
12:06:23 **15** that was false.
12:06:31 **16** Q. Okay. I am going to show you what's been marked
12:06:34 **17** in evidence as HC-8 and ask you if you are familiar with
12:06:41 **18** that.
12:06:43 **19** A. Yes.
12:06:45 **20** MR. GIACOBBE: What document is this?
12:06:47 **21** MR. DESAPIO: HC-8, Hunterdon County-8.
12:06:51 **22** Q. What is that?
12:06:52 **23** A. It's my response back to Cindy Yard concerning
12:06:59 **24** the reconciliation and the quality control of billing.
12:07:04 **25** Q. Okay. Can you read the first sentence, please?

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12:07:07 **1** A. "Cindy, I respectfully disagree with this shift
12:07:10 **2** of responsibility of reconciliation of the health
12:07:13 **3** benefits billing to Finance."
12:07:15 **4** Q. Now, what did you mean by that?
12:07:18 **5** A. In her previous e-mail she wanted Finance to
12:07:23 **6** audit and approve the health bills.
12:07:28 **7** Q. Okay. And what were you intending to convey by
12:07:39 **8** this sentence?
12:07:39 **9** A. I am asking her to reconsider that position.
12:07:39 **10** Q. Uh-huh. Okay.
12:07:40 **11** Can you read the second sentence?
12:07:41 **12** A. "I have consulted our County auditor on this, and
12:07:44 **13** he told me that this responsibility with all his clients
12:07:48 **14** resides in HR."
12:07:49 **15** Q. Now, you read, "consulted our County auditor."
12:07:53 **16** What is --
12:07:54 **17** A. The auditor, it was Wiss. Dave Gannon
12:07:57 **18** specifically.
12:07:57 **19** Q. Can you read the next two sentences, please?
12:08:00 **20** A. "Checking the monthly billings for accuracy is an
12:08:03 **21** internal control for HR, not Finance. Finance has in
12:08:08 **22** the past spot-checked some employees when reviewing the
12:08:10 **23** invoices to verify that the Social Services amount that
12:08:13 **24** we are given from HR to charge back are correct."
12:08:18 **25** Q. Read the next paragraph that begins, "Please let

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12:08:21 1 me explain."

12:08:21 2 A. "Please let me explain some of the processes.

12:08:24 3 The reason why Finance handed over the health benefits

12:08:27 4 invoices, copies, is because those original invoices

12:08:31 5 were not being processed timely. I physically had to

12:08:34 6 hunt them down to pay them. All the various invoices go

12:08:37 7 directly to HR, with the exception of Medco, which that

12:08:41 8 is e-mailed to Cheryl and myself. Finance does manual

12:08:44 9 checks on all the health benefits invoices for

12:08:47 10 timeliness and no issues with coverage."

12:08:49 11 Q. Read the next paragraph.

12:08:50 12 A. "I have told you previously that Cheryl said she

12:08:53 13 reviewed the invoices, but I was not aware of what

12:08:55 14 system she had in place. Cheryl would review them,

12:08:59 15 initial them, and forward to Finance for payment.

12:09:02 16 "My suggestion to the team was to thoroughly

12:09:05 17 audit, review the April invoices to make sure all the

12:09:08 18 basic information was correct. Then monthly make sure

12:09:11 19 that the changes that HR made during the month are

12:09:13 20 reflected in the current invoices. I did not request an

12:09:16 21 audit. It was a suggestion on my part since the

12:09:18 22 auditors are questioning the timeliness of removing

12:09:21 23 employees from coverage, and we have been cited in the

12:09:23 24 past for this."

12:09:24 25 Q. Okay. Read the last two paragraphs of this

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12:09:31 1 e-mail, beginning with "Finance is."

12:09:33 2 A. "Finance is is not responsible for any facet of

12:09:35 3 employee coverage -- adds, deletes, changes in coverage

12:09:39 4 with the exception for paying the invoices and the

12:09:42 5 employee contribution info that is given for payroll for

12:09:45 6 deductions. We do not have access to the health

12:09:48 7 database, so I ask, 'How can Finance establish internal

12:09:51 8 controls that we have no control over.' I would have no

12:09:54 9 issues with accepting this responsibility if I truly

12:09:56 10 felt it belongs in Finance, but I do not believe it

12:09:59 11 does. I am asking you to reconsider the shift in

12:10:03 12 responsibilities."

12:10:04 13 Q. Two things.

12:10:06 14 Were you being insubordinate in refusing to do

12:10:13 15 what you were directed?

12:10:14 16 MR. GIACOBBE: Objection; leading.

12:10:16 17 MR. FLORIO: Sustained.

12:10:17 18 Q. Okay. Were you refusing to do what was directed?

12:10:25 19 A. That was asking her, the County administrator, to

12:10:27 20 reconsider this.

12:10:28 21 Q. Okay. Did you get a response?

12:10:35 22 A. No.

12:10:36 23 Q. I am going to show you what's been marked in

12:10:46 24 evidence as HC-9.

12:10:55 25 Do you recognize HC-9?

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12:10:56 1 A. Yes.

12:10:58 2 Q. What was HC-9?

12:11:03 3 A. It was a follow-up from the previous May 24th

12:11:09 4 e-mail asking her to reconsider the shift.

12:11:14 5 Q. And --

12:11:15 6 A. It's dated June 4th.

12:11:17 7 Q. I see this is copied to Rob Walton and Matt Holt

12:11:20 8 as well as Mr. Giacobbe and Margaret.

12:11:24 9 A. Yes.

12:11:24 10 Q. Who are Rob Walton and Matt Holt?

12:11:27 11 A. Rob Walton is the freeholder director.

12:11:30 12 Matt Holt is the deputy director.

12:11:32 13 And Matt Giacobbe is our labor counsel.

12:11:35 14 Q. And what were you suggesting in your June 4th

12:11:40 15 e-mail, HC-9?

12:11:42 16 A. I was -- since I didn't get a response and I felt

12:11:46 17 that no matter what I said that we were going to have to

12:11:49 18 do this, she was going to direct us to do this anyway,

12:11:53 19 that I offered a compromise, and I said, "Finance will

12:11:55 20 take the time to audit or -- you know -- look at the

12:11:59 21 most fully recent bill for Horizon Blue Cross with the

12:12:02 22 help from the HR team. Once that has been completed and

12:12:06 23 reviewed and a correction issued should be followed up

12:12:08 24 by HR. Going forward, HR should then be responsible to

12:12:13 25 review and approve all future invoices and forward to

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12:12:15 1 Finance for payment on a timely basis."

12:12:18 2 Q. Okay. Did you finally get a response to that?

12:12:25 3 A. Yes.

12:12:26 4 Q. I am going to show you HC-10.

12:12:30 5 What is HC-10?

12:12:31 6 A. It's her response to my June 4th and May 24th

12:12:36 7 e-mails, and it was dated June 10th, yes, from Cindy

12:12:40 8 Yard.

12:12:51 9 Q. About one, two, three, four, five lines down in

12:12:56 10 her response there is a sentence that begins, "With

12:12:59 11 regard to the Social Services reconciliation."

12:13:01 12 Do you see that?

12:13:02 13 A. Yes, I do.

12:13:03 14 Q. Can you read that for us, please?

12:13:05 15 A. "With regard to the Social Services

12:13:07 16 reconciliation breakout of employee benefits for

12:13:10 17 billing, which was done by the former HR director, we

12:13:14 18 have located something in Excel but do not know what you

12:13:17 19 need that is not already available to your department."

12:13:25 20 Q. Does that sentence refer to anything to which you

12:13:25 21 previously testified about?

12:13:26 22 A. Yes. Cheryl Wieder was the keeper of all of the

12:13:36 23 employees by department and their salary amounts.

12:13:40 24 That's why we got those -- well, we got several updates

12:13:45 25 when we were doing the budget for budget purposes for

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12:13:51 **1** the department, so we did not have access to that

12:13:54 **2** information because Social Services' employee's -- there

12:13:58 **3** is a lot of shifting that goes in the Social Services

12:14:02 **4** department for personnel.

12:14:05 **5** Q. Now, after those exchange of e-mails did Margaret

12:14:13 **6** Pasqua, to your knowledge, conduct a review of the

12:14:21 **7** billing?

12:14:21 **8** A. She did -- she did not -- I asked for

12:14:26 **9** information, and she did not -- I mean, from the HR

12:14:30 **10** Department, County administrator, so we could

12:14:32 **11** actually -- Margaret came upon the information by

12:14:38 **12** herself. I was asking for any help that the County

12:14:43 **13** administrator would provide us in regard to the Horizon

12:14:47 **14** Blue Cross billing whether she had -- they had

12:14:51 **15** spreadsheets, whatever they had that could help us do an

12:14:55 **16** audit, a good audit of the bills.

12:14:58 **17** Q. Uh-huh. And why were you asking for this

12:15:02 **18** information?

12:15:04 **19** A. Because Cindy Yard was directing us to do the

12:15:07 **20** audit.

12:15:07 **21** Q. But I mean, did you have that information in your

12:15:11 **22** possession?

12:15:12 **23** A. No.

12:15:12 **24** Q. Who had it, to your knowledge?

12:15:14 **25** A. The HR team.

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12:15:15 **1** Q. Is what Margaret prepared what you heard

12:15:24 **2** testimony about, basically, PB-38 in evidence?

12:15:28 **3** I will show it to you.

12:15:29 **4** A. It's right here on top. Yes.

12:15:44 **5** Q. Did you and Margaret then comply with the

12:15:49 **6** directive that was included in a series of e-mails

12:15:55 **7** beginning with HC-7 from the County administrator?

12:15:59 **8** A. I felt we did, yes.

12:16:07 **9** Q. As a result of this proceeding, have you seen

12:16:11 **10** HC-12, which is a chart prepared by the County

12:16:14 **11** administrator?

12:16:20 **12** I will get it for you.

12:16:22 **13** A. Okay.

12:16:49 **14** Q. I show you HC-12.

12:16:52 **15** Have you seen that prior to today?

12:16:54 **16** A. Yes.

12:16:55 **17** Q. You heard testimony about that?

12:16:57 **18** A. Yes.

12:16:57 **19** Q. Look at the second page.

12:17:00 **20** The center column, people who the administrator

12:17:11 **21** indicated died in certain years.

12:17:14 **22** A. Yes.

12:17:14 **23** Q. How many people are listed in that column?

12:17:24 **24** A. One, two, three, four, five, six, seven, eight.

12:17:28 **25** Q. Okay. What was the year again that you and

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12:17:32 **1** Margaret Pasqua took over your position in Finance?

12:17:35 **2** A. May 2008.

12:17:37 **3** Q. Out of those eight people, how many on that list

12:17:42 **4** were reported to have died prior to you taking over?

12:17:46 **5** A. One, two, three, four, five, there is six, and

12:17:50 **6** one died in 2008.

12:17:52 **7** Q. Okay. Ere you responsible at all in the Finance

12:18:00 **8** Department or had anything to do with people and their

12:18:01 **9** benefits prior to 2008?

12:18:04 **10** A. No.

12:18:04 **11** Q. Under these columns, columns two, three and four

12:18:17 **12** refer to policies of the County which either the County

12:18:20 **13** did or did not have payments made pursuant to policies.

12:18:26 **14** Did you hear testimony about that?

12:18:28 **15** A. Yes.

12:18:28 **16** Q. All right.

12:18:29 **17** From the Finance Department, did you have any

12:18:37 **18** role in developing or monitoring HR or freeholder

12:18:41 **19** policies concerning when people would receive benefits

12:18:44 **20** or not receive benefits?

12:18:45 **21** A. No.

12:18:47 **22** MR. GIACOBBE: Every one of these have been

12:18:48 **23** a leading question.

12:18:49 **24** I know this is not an evidentiary hearing or

12:18:53 **25** a formal hearing, but I am going to continue my

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12:18:57 **1** objection.

12:18:57 **2** MR. DESAPIO: I know we had this objection

12:18:59 **3** before, and I tried to deal with it.

12:19:02 **4** I am just a little confused in that I always

12:19:07 **5** thought a leading question was when you suggest an

12:19:11 **6** answer to a witness.

12:19:12 **7** If a question is one that can be answered

12:19:15 **8** "yes" or "no," I fail to perceive how asking a question

12:19:18 **9** that can be answered "yes" or "no" leads the witness as

12:19:23 **10** to the answer.

12:19:25 **11** That's not my understanding of a leading

12:19:27 **12** question.

12:19:28 **13** My understanding of a leading question is a

12:19:31 **14** question that suggests the answer. If you ask the

12:19:34 **15** witness a question, and it could be answered "yes" or

12:19:37 **16** "no," I don't understand how that's leading.

12:19:42 **17** MR. FLORIO: I believe that the manner by

12:19:44 **18** which you frame these questions does suggest an answer

12:19:49 **19** to the witness.

12:19:50 **20** I am going to sustain the objection, but

12:19:53 **21** with limitation, and that is that you endeavor to do

12:19:58 **22** your best to present your inquiries in such a way that

12:20:02 **23** allows the witness to present her own narrative response

12:20:07 **24** rather than a perfunctory answer to what could arguably

12:20:15 **25** be described as a rehearsed Q and A.

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12:20:19 **1** Q. What was your role in developing policies and
 12:20:22 **2** procedures regarding who would receive benefits in the
 12:20:27 **3** County?
 12:20:27 **4** **A. I had no role in that.**
 12:20:31 **5** Q. What was your role or responsibility in
 12:20:35 **6** monitoring whether or not people were entitled to
 12:20:39 **7** receive benefits in the County?
 12:20:42 **8** **A. I wasn't involved in that.**
 12:20:43 **9** Q. All right.
 12:20:44 **10** To your knowledge, in whom did the responsibility
 12:20:51 **11** reside to develop policies and procedures concerning who
 12:20:55 **12** would receive benefits?
 12:20:56 **13** **A. Well, it probably started out at the HR director**
 12:21:03 **14** **level with the County administrator and ultimately it**
 12:21:03 **15** **would be the freeholders.**
 12:21:03 **16** Q. And to your knowledge, who within the County was
 12:21:06 **17** responsible for determining whether employees qualified
 12:21:10 **18** or didn't qualify under existing policies to receive
 12:21:13 **19** benefits?
 12:21:14 **20** **A. I would say the HR director.**
 12:21:16 **21** Q. Okay. And this morning we had some testimony
 12:21:45 **22** about bills for health benefits. There were a series of
 12:21:56 **23** bills marked HC-23 and HC-26.
 12:22:10 **24** What was the practice and procedure that was
 12:22:18 **25** involved in the Finance Department concerning payment of

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12:22:21 **1** health insurance bills?
 12:22:24 **2** **A. The health insurance bills would come up from**
 12:22:27 **3** **downstairs with HR director's approval. In the case of**
 12:22:34 **4** **the Horizon Blue Cross there was two separate sheets**
 12:22:38 **5** **that were attached to every one, and we would process**
 12:22:43 **6** **them for payment.**
 12:22:46 **7** Q. To what extent, if any, would the Finance
 12:22:56 **8** Department review whether or not the County had received
 12:23:03 **9** any goods, merchandise or services reflected in a
 12:23:07 **10** purchase order?
 12:23:08 **11** **A. Can you repeat that?**
 12:23:09 **12** Q. Okay. To what extent would the Finance
 12:23:12 **13** Department -- I am talking about any purchase order
 12:23:14 **14** now -- to what extent would the Finance Department
 12:23:17 **15** review whether the County had received any goods or
 12:23:23 **16** services which were reflected in any bill attached to
 12:23:27 **17** any purchase order?
 12:23:28 **18** **A. The Finance Department would receive a signed**
 12:23:32 **19** **green purchase order stating that that good or service**
 12:23:35 **20** **had been provided or received from any department.**
 12:23:39 **21** **Otherwise, we would not have knowledge of that.**
 12:23:50 **22** Q. For how long was that practice or procedure in
 12:23:56 **23** place?
 12:23:56 **24** **A. It was before me, so we haven't changed that at**
 12:23:59 **25** **all.**

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12:23:59 **1** Q. Did anybody ever tell you or direct you to use
 12:24:02 **2** any specialized procedure in regard to health insurance
 12:24:08 **3** bills, any specialized or different procedure in regard
 12:24:11 **4** to health insurance bills?
 12:24:12 **5** **A. No.**
 12:24:12 **6** Q. Okay. There was some testimony this morning
 12:24:27 **7** about the second sheet of the package, HC-23, not
 12:24:31 **8** containing Cheryl Wieder's signature or initials.
 12:24:34 **9** Did you hear that testimony?
 12:24:36 **10** **A. Yes, I did.**
 12:24:36 **11** Q. What is your reaction to that testimony?
 12:24:41 **12** **A. If Cheryl Wieder did not approve it, then those**
 12:24:48 **13** **two sheets would not have been attached. They all come**
 12:24:51 **14** **up together with her signature.**
 12:24:52 **15** **I do believe that there should have been a copy**
 12:24:56 **16** **made of the remittance and attached to the bill. I**
 12:25:01 **17** **mean, I couldn't believe that all of them were missing**
 12:25:02 **18** **as well.**
 12:25:04 **19** **I mean, my accounts payable at the time -- you**
 12:25:08 **20** **know -- I guess she should have really thought to put**
 12:25:10 **21** **that approval -- you know -- a copy of that approval in**
 12:25:15 **22** **sending out the approval with the remittance, but the**
 12:25:19 **23** **only way that got up in Finance is by Cheryl approving**
 12:25:22 **24** **it first.**
 12:25:24 **25** Q. Have you had any conversations with Cheryl Wieder

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12:25:28 **1** since this proceeding began?
 12:25:35 **2** **A. Yes.**
 12:25:35 **3** Q. Okay. Did you ask her whether or not she signed
 12:25:39 **4** off on these --
 12:25:41 **5** MR. GIACOBBE: Objection.
 12:25:42 **6** This is hearsay.
 12:25:44 **7** MR. DESAPIO: It's admissible in this kind
 12:25:45 **8** of proceeding.
 12:25:47 **9** MR. GIACOBBE: Absolutely not.
 12:25:48 **10** Produce Cheryl Wieder. You can try to get
 12:25:50 **11** her here.
 12:25:50 **12** That's absolutely hearsay.
 12:25:52 **13** MR. FLORIO: The question that is on the
 12:25:54 **14** lips of Mr. DeSapio is not hearsay. He is able to ask,
 12:26:02 **15** if I speculate, what the witness said, which is not
 12:26:06 **16** hearsay. Anything beyond what the witness said would be
 12:26:10 **17** hearsay.
 12:26:11 **18** So as long as we don't get into hearsay, the
 12:26:14 **19** objection is overruled.
 12:26:21 **20** MR. DESAPIO: Maybe we will just have to
 12:26:22 **21** proceed to have to produce Ms. Wieder.
 12:26:35 **22** MR. FLORIO: Off the record.
 12:26:47 **23** (Whereupon, a discussion takes place off the
 12:27:36 **24** record.)
 12:27:36 **25** MR. FLORIO: Please continue, Mr. DeSapio.

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12:27:44 **1** Q. Marked in evidence were some health insurance
12:27:54 **2** bills Ms. Wieder signed off on, I believe.
12:28:03 **3** There was a package that Mr. Giacobbe produced
12:28:06 **4** that was marked as HC-26, PB-62, 63 and 61.
12:28:51 **5** Would there be any reason that Ms. Wieder would
12:29:00 **6** sign off on some of the bills and not all of them?
12:29:03 **7** **A. No.**
12:29:07 **8** Q. What's the County Golf Course?
12:29:09 **9** **A. That's Heron Glen, and it's operated by an**
12:29:14 **10** **outside contracted vendor.**
12:29:16 **11** Q. You heard Ms. Pasqua testify.
12:29:23 **12** What was your understanding of the accounting
12:29:28 **13** records that the Finance Department maintained in regard
12:29:30 **14** to the golf course at the time you and she took over?
12:29:34 **15** **A. There was very minimal records. I know we get**
12:29:37 **16** **the monthly reconciliation, but all the detailed**
12:29:43 **17** **day-to-day invoices were paid by the management company,**
12:29:47 **18** **which was Kemper, and then we reimbursed them monthly.**
12:29:51 **19** Q. Were there ledgers and accounts that had been set
12:29:59 **20** up on the County's books and records -- what were the
12:30:02 **21** ledgers and accounts that were set up on the County's
12:30:06 **22** books and records when the County took over?
12:30:11 **23** **A. There was a bank account for the golf course.**
12:30:13 **24** Q. There has been previous testimony about entries
12:30:16 **25** that appear both in Mr. Klein's audit and previously in

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12:30:25 **1** Mr. Ferraioli's audit.
12:30:43 **2** I show you what's been marked in evidence as
12:30:46 **3** PB-40 and 43.
12:30:48 **4** Are you familiar with those?
12:30:49 **5** **A. Yes.**
12:30:49 **6** Q. And what are they?
12:30:53 **7** **A. PB-43 is accounting for the balance due from the**
12:31:00 **8** **golf course of 125,000 at the end of 2007.**
12:31:06 **9** Q. And the other one?
12:31:07 **10** **A. The other one was the revenue accounts**
12:31:13 **11** **receivable. The golf course was -- had a balance due to**
12:31:22 **12** **the County of \$424,192.78.**
12:31:24 **13** Q. And were those figures and accounts set up in the
12:31:37 **14** Finance Department's books and records at the time you
12:31:39 **15** took over?
12:31:41 **16** **A. They must have been, yes.**
12:31:44 **17** Q. All right.
12:31:44 **18** Now, during the period of time thereafter, the
12:31:48 **19** beginning of 2008 through 2011, what system did you and
12:31:56 **20** Ms. Pasqua use to maintain those accounts?
12:32:02 **21** **A. The auditors would come in in January. That was**
12:32:06 **22** **just an annual visit so we could complete our annual**
12:32:10 **23** **financial statement because we were in a tight time**
12:32:13 **24** **frame, and when they came in we needed to close out the**
12:32:16 **25** **year-end, the auditors would give us the journal entries**

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12:32:21 **1** **that we would actually book for the AR.**
12:32:25 **2** Q. Now, how did that system the two of you used
12:32:29 **3** during those years compare to the system that was in
12:32:33 **4** existence at the time you took over?
12:32:35 **5** **A. We never changed it. Never changed it.**
12:32:38 **6** Q. Now, did you have any concerns about that or
12:32:42 **7** questions about that system?
12:32:44 **8** **A. Yes.**
12:32:45 **9** Q. Okay.
12:32:46 **10** **A. Margaret and I both did have questions.**
12:32:48 **11** Q. What were those questions?
12:32:49 **12** **A. Well, we wanted to make sure we were doing it**
12:32:52 **13** **right.**
12:32:52 **14** **We were so kind of removed from the golf course,**
12:32:57 **15** **and so we wanted more clarification and -- you know --**
12:33:01 **16** **just even though we asked prior auditors -- you know --**
12:33:06 **17** **"Are we doing it right?"**
12:33:07 **18** **And everybody said, "They are doing the journal**
12:33:10 **19** **entry, everything is right."**
12:33:10 **20** **We still did not have the comfort level that we**
12:33:13 **21** **wanted.**
12:33:14 **22** Q. Now, when you say "asked prior auditors," who
12:33:18 **23** were those auditors?
12:33:19 **24** **A. We asked Mike McGuire from Samuel Klein, and we**
12:33:22 **25** **asked Tom Ferry from Ferraioli, and I don't know the**

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12:33:28 **1** **last names of the firm.**
12:33:30 **2** Q. All right.
12:33:30 **3** And so when Wiss took over, did you discuss this
12:33:41 **4** with any particular person, and, if so, with whom?
12:33:44 **5** **A. Dave Gannon. We had several meetings on it. We**
12:33:47 **6** **were both trying to figure out whether what we had been**
12:33:50 **7** **doing all along throughout all the years was the correct**
12:33:54 **8** **way of doing it.**
12:33:55 **9** Q. Now when you say, "we had several meetings," who
12:33:58 **10** is involved?
12:33:59 **11** **A. Mainly Margaret may have been at the first one,**
12:34:03 **12** **but it was pretty much Dave Gannon, myself, and also**
12:34:06 **13** **John Davenport, the purchasing director, was involved**
12:34:09 **14** **because he was the only one still employed with the**
12:34:13 **15** **County that had historical knowledge, so we reached out**
12:34:16 **16** **to him, got Dave a copy of the contract, and so we were**
12:34:23 **17** **able to get more information.**
12:34:23 **18** Q. Now, when you say, "John Davenport had historical
12:34:27 **19** knowledge" --
12:34:28 **20** **A. Uh-huh.**
12:34:29 **21** Q. -- do you know whether he was involved in the --
12:34:31 **22** the time the golf course operation was first set up?
12:34:35 **23** **A. Yes.**
12:34:35 **24** Q. And did he sit in in these meetings with you and
12:34:40 **25** Dave Gannon?

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12:34:42 **1 A. Maybe not all of them, but at least one or two of**
 12:34:45 **2 them, because we were trying to figure out -- you**
 12:34:48 **3 know -- what was right.**
 12:34:49 **4 Q. Okay. And Mr. Gannon has testified that he**
 12:34:54 **5 changed the system that was used --**
 12:34:59 **6 A. Uh-huh.**
 12:35:00 **7 Q. -- and as a result, because of the size, he**
 12:35:04 **8 determined it was a "material weakness."**
 12:35:07 **9 After he made that determination, did he discuss**
 12:35:12 **10 that with you?**
 12:35:14 **11 A. No, we did not have a discussion.**
 12:35:20 **12 Q. Now, in your opinion -- let me stop. I am trying**
 12:35:32 **13 not to ask close to a leading question.**
 12:35:36 **14 These changes that he made, how would you**
 12:35:42 **15 describe the impact that they had on the County's books**
 12:35:45 **16 and records?**
 12:35:46 **17 A. They did not have an impact -- you know -- you**
 12:35:49 **18 debit one, you credit the other. They are offsetting.**
 12:35:52 **19 Q. Okay. And in regard to the larger one, the one**
 12:35:58 **20 that was over one million eight --**
 12:36:00 **21 A. Uh-huh.**
 12:36:00 **22 Q. -- what did that figure refer to, that one**
 12:36:07 **23 million eight figure refer to?**
 12:36:09 **24 A. Actually, we come to find out that was**
 12:36:12 **25 accumulated earnings throughout the years.**

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12:36:15 **1 Q. And Ms. Pasqua testified to an account that had**
 12:36:25 **2 in excess of that money, excess of that amount in it.**
 12:36:29 **3 Can you describe that account?**
 12:36:30 **4 A. That would be the Heron Glen Golf Course bank**
 12:36:35 **5 account.**
 12:36:35 **6 Q. And after these adjustments that Mr. Gannon made,**
 12:36:40 **7 did that account still exist, to your knowledge?**
 12:36:44 **8 A. No, it wouldn't have existed any longer. The**
 12:36:47 **9 bank account would exist, but the journal entry in the**
 12:36:51 **10 AR would not.**
 12:36:52 **11 Q. The "bank account" meaning what?**
 12:36:53 **12 A. Wherever the funds were held, the two million**
 12:36:57 **13 plus is still with the County.**
 12:36:59 **14 Q. Now, there was also some discussion about a**
 12:37:05 **15 \$125,000 receivable from the golf course.**
 12:37:10 **16 What do you know about that?**
 12:37:13 **17 A. After speaking with John Davenport it was set up**
 12:37:16 **18 money, and he felt that it was start up and that we**
 12:37:22 **19 would not be reimbursed from Kemper for it.**
 12:37:25 **20 Q. At the time you took over, did you have any**
 12:37:27 **21 discussion with either of the predecessors in the**
 12:37:33 **22 department about that amount of money?**
 12:37:34 **23 A. Yes, they said it belonged there.**
 12:37:37 **24 Q. When you say "they," who is "they"?**
 12:37:39 **25 A. That would be mainly Charlie Balogh, the retired**

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12:37:42 **1 accounting treasurer.**
 12:39:24 **2 Q. You have heard testimony in this proceeding about**
 12:39:32 **3 the comment 2012-1 that Mr. Gannon set up as the first**
 12:39:40 **4 material weakness in the County's audit. Correct?**
 12:39:44 **5 A. Was that having to do with the transportation,**
 12:39:46 **6 the bullet point of the transportation?**
 12:39:48 **7 Q. I am going to show you PB-5 and ask you if you**
 12:39:52 **8 are familiar with that.**
 12:39:54 **9 A. Yes. Yes.**
 12:39:55 **10 Q. Okay. All right.**
 12:39:56 **11 In regard to all of the items that Mr. Gannon**
 12:40:07 **12 wanted to adjust in Klein's work, where would those**
 12:40:14 **13 figures come from?**
 12:40:16 **14 A. Those adjustments would have come from the**
 12:40:20 **15 auditor's directing us.**
 12:40:23 **16 Q. When you say "those adjustments," to which**
 12:40:29 **17 adjustments are you referring?**
 12:40:32 **18 A. Any adjustments that affect the revenues,**
 12:40:34 **19 accounts receivable, they are given to us by the**
 12:40:38 **20 auditors.**
 12:40:39 **21 Q. Uh-huh. So when you say the "auditors," do you**
 12:40:47 **22 mean for the year 2011 audit? Who would that have been**
 12:40:52 **23 initially?**
 12:40:53 **24 A. The adjusting journal entries would have come**
 12:40:55 **25 from Samuel Klein.**

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12:40:56 **1 Q. Okay. Are you familiar with the audit comments**
 12:41:57 **2 that were made by auditors for the years 2008 through**
 12:42:02 **3 2011, the period of time when you were the director of**
 12:42:06 **4 Finance?**
 12:42:08 **5 A. I can recall some of them.**
 12:42:11 **6 Q. All right.**
 12:42:12 **7 For that period of time, do you understand the**
 12:42:26 **8 difference -- what is your understanding of the**
 12:42:28 **9 difference between a "material weakness" and an "audit**
 12:42:30 **10 comment"?**
 12:42:32 **11 A. An "audit comment" is something that they want**
 12:42:34 **12 you pretty much to improve.**
 12:42:36 **13 A "material weakness" is something that is pretty**
 12:42:43 **14 serious.**
 12:42:43 **15 Q. Okay. For the period of time 2008 to 2011 up**
 12:42:48 **16 until Mr. Wiss' comments, were there any material**
 12:42:52 **17 weaknesses that any auditors found during the period of**
 12:42:55 **18 your responsibility?**
 12:42:57 **19 A. No.**
 12:42:57 **20 Q. Looking at comment two, 2012-2, there are a lot**
 12:43:30 **21 of words there.**
 12:43:32 **22 What is the recommendations or change that the**
 12:43:38 **23 auditor wanted the County to do?**
 12:43:56 **24 A. Wiss recommended that the County perform a**
 12:43:58 **25 recertification process of all active employees and**

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12:44:02 **1** retirees that receive health benefits from the County to

12:44:05 **2** ensure that those individuals are receiving health

12:44:09 **3** benefits appropriately and the coverage being provided

12:44:13 **4** to those individuals is correct.

12:44:14 **5** Q. Okay. Did that recommendation -- okay.

12:44:25 **6** Do you know whether the County performed that

12:44:27 **7** recertification process?

12:44:29 **8** A. Yes, because I got a letter asking for a copy of

12:44:33 **9** the birth certificates, marriage license, and they

12:44:36 **10** needed to be submitted to the HR Department.

12:44:39 **11** Q. Okay. Would you read it again, read it to

12:44:49 **12** yourself again and see if you can identify anything in

12:44:53 **13** there that suggested any change in the process or

12:44:57 **14** procedure for payment of health insurance bills, for a

12:45:05 **15** health insurance bill or who should be responsible for

12:45:09 **16** reviewing a health insurance bill.

12:45:11 **17** A. We are on 2012-2. Correct?

12:45:17 **18** Q. Right.

12:45:57 **19** A. Nothing that speaks to the process of payment of

12:46:01 **20** health bills.

12:47:04 **21** Q. I show you what's been marked HC-14 and ask you

12:47:32 **22** if you recognize that.

12:47:50 **23** A. Yes, I am familiar.

12:47:51 **24** Q. What is HC-14?

12:47:55 **25** A. This one is actually just to Margaret Pasqua, but

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12:47:59 **1** I got one as well.

12:48:00 **2** It's a letter from the County administrator

12:48:04 **3** attaching the representation letter from Wiss regarding

12:48:09 **4** the 2012 Hunterdon County audit.

12:48:13 **5** Do you want me to read it?

12:48:15 **6** Q. No. No.

12:48:16 **7** A. Okay.

12:48:16 **8** Q. What is a "management representation letter"?

12:48:24 **9** A. It's almost like a recap, and it states that we

12:48:31 **10** turned over all the information that they need to do the

12:48:34 **11** audit. We didn't hide anything -- you know -- it's

12:48:41 **12** actually -- it's not as detailed as the Wiss one -- you

12:48:45 **13** know -- it goes into whether there is lawsuits pending

12:48:48 **14** and -- you know -- a lot of different things.

12:48:50 **15** Q. When you say, "it's not as detailed as the Wiss

12:48:52 **16** one," what do you mean "it's not as detailed as the Wiss

12:48:55 **17** one"?

12:48:56 **18** A. I have never seen such a detailed management

12:48:59 **19** letter before. The prior auditors wasn't this detailed.

12:49:03 **20** Q. Okay. Now, what is the document that you are

12:49:07 **21** looking at there? What is the number on it?

12:49:10 **22** A. PB-34.

12:49:12 **23** Q. Now, you testified you received a memo similar to

12:49:23 **24** HC --

12:49:24 **25** A. 14.

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12:49:25 **1** Q. -- 14 addressed to you.

12:49:27 **2** A. Uh-huh.

12:49:27 **3** Q. What was your understanding when you received

12:49:29 **4** that?

12:49:30 **5** A. Well, we were told, "Sign it or get back to her

12:49:38 **6** with our concerns."

12:49:39 **7** Q. Okay. Did you respond?

12:49:47 **8** A. Yes. Margaret and I responded together on

12:49:49 **9** September 10th.

12:49:51 **10** Q. And is that in a particular document that's

12:49:54 **11** marked in evidence?

12:49:55 **12** A. PB-34.

12:49:56 **13** Q. Okay. What did you identify in PB-34?

12:50:04 **14** A. We had concerns on a majority of the items listed

12:50:09 **15** in the management letter.

12:50:10 **16** Q. What was the procedure that was used in previous

12:50:15 **17** years when an auditor would present a management letter

12:50:19 **18** for your consideration?

12:50:20 **19** A. We would go over it with them just like the exit

12:50:25 **20** conference, we would go over it.

12:50:33 **21** Q. What is an "exit conference"?

12:50:33 **22** A. It's a recap of the audit, audit findings they --

12:50:34 **23** at the end -- when they are done and you go over certain

12:50:37 **24** things and -- you know -- "You should do this better" --

12:50:40 **25** you know -- "Next year we'll make sure you change this."

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12:50:43 **1** It's a dialogue.

12:50:45 **2** Q. Okay. Was there any audit conference held

12:50:51 **3** between any representative -- exit conference between

12:51:03 **4** anyone and Wiss?

12:51:03 **5** A. No.

12:51:04 **6** Q. After you were reassigned in June, did anybody

12:51:10 **7** from the County speak to you about any of the problems

12:51:16 **8** or issues which have been presented in this disciplinary

12:51:21 **9** action?

12:51:24 **10** A. Can you repeat that?

12:51:25 **11** Q. Okay. After your reassignment in June, did

12:51:29 **12** anyone from the County speak to you about any of the

12:51:31 **13** problems or issues which are presented in this

12:51:35 **14** disciplinary action?

12:51:37 **15** A. The list of the ten charges or whatever that was.

12:51:39 **16** Q. Anything, anything concerning -- let's make it

12:51:43 **17** simpler.

12:51:44 **18** After your reassignment in June, did anybody

12:51:48 **19** speak to you about any of the issues or problems that

12:51:52 **20** were raised by the Wiss audit?

12:51:54 **21** A. No.

12:51:55 **22** Q. Okay. After your reassignment in June, did

12:51:58 **23** anybody speak to you about any of the issues or problems

12:52:01 **24** that were raised in any of Mr. Tomkins' reports?

12:52:05 **25** A. No.

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12:52:05 **1** Q. Other than the memo that you have just received,

12:52:12 **2** did anybody from the County speak to you about any of

12:52:17 **3** the issues you and Margaret raised in response to the

12:52:21 **4** request that you sign the management letter?

12:52:31 **5** **A. Yes. Someone did speak -- George Wagner actually**

12:52:36 **6 spoke to me at the direction of the County**

12:52:38 **7 administrator.**

12:52:39 **8** Q. Who is George Wagner?

12:52:42 **9** **A. George Wagner is the public safety director.**

12:52:44 **10** Q. Did he speak to you before or after your

12:52:49 **11** response?

12:52:49 **12** **A. He spoke to us before our response.**

12:52:53 **13** Q. Okay. And what was the nature of the discussion?

12:52:58 **14** **A. He was there at the request of the County**

12:53:01 **15 administrator, and he asked me if we were going -- I was**

12:53:07 **16 going to sign the management letter.**

12:53:09 **17** Q. What did you tell him?

12:53:10 **18** **A. I said, "Here, this is what I got."**

12:53:12 **19** **That was a copy of an e-mail from Dave Gannon,**

12:53:15 **20 "There is no note attached from the County**

12:53:18 **21 administrator. Get back to me, you need to sign this."**

12:53:20 **22** **Nothing, I just got a copy of an e-mail with a**

12:53:23 **23 management letter attached, and that was it. Until**

12:53:28 **24 George Wagner approached me no one said anything else to**

25 **me.**

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12:53:33 **1** **When I sat with George Wagner, I said, "Look,**

12:53:37 **2** **George, I have a lot of concerns in here."**

12:53:41 **3** **And he kind of said, "I don't blame you."**

12:53:44 **4** **So he took that message, I guess he took that**

12:53:46 **5** **message back to the County administrator. She never**

12:53:49 **6** **talked to me directly on it, though.**

12:53:51 **7** Q. Describe generically what were your concerns and

12:53:55 **8** why you had them.

12:53:57 **9** **A. One of our biggest concerns is the date of the**

12:54:01 **10** **letter was -- let me see -- August 12th.**

12:54:06 **11** **We were removed effective June 26th. We could**

12:54:10 **12** **not speak to what was going on in the Finance Department**

12:54:13 **13** **from the 26th to August 12th.**

12:54:16 **14** Q. Okay. Had you heard during that period of time,

12:54:21 **15** anything about the operation of the Finance

12:54:25 **16** Department --

12:54:25 **17** **A. Yes.**

12:54:26 **18** Q. -- that gave you concern?

12:54:27 **19** **A. Yes.**

12:54:27 **20** Q. And what and who?

12:54:30 **21** **A. Names weren't getting posted; they have the whole**

12:54:34 **22** **pension problem where we were inactive.**

12:54:37 **23** MR. GIACOBBE: I am going to object.

12:54:38 **24** I don't even know who she is talking about.

12:54:40 **25** This is all hearsay.

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12:54:41 **1** MR. FLORIO: Sustained.

12:54:43 **2** MR. DESAPIO: I am just relating it not for

12:54:46 **3** the truth of what she had to say but what she heard.

12:54:51 **4** MR. FLORIO: It's sustained.

12:54:53 **5** MR. DESAPIO: Okay.

12:55:19 **6** Q. Grab PB-5 for me.

12:55:22 **7** **A. I have PB-34.**

12:55:23 **8** Q. You don't have 5 there?

12:55:26 **9** MR. GIACOBBE: It's the Wiss report.

12:55:27 **10** MR. FLORIO: Before you start this line of

12:55:30 **11** questioning, it's 12:55.

12:55:34 **12** Do you envision finishing with the witness

12:55:37 **13** by one today?

12:55:39 **14** MR. DESAPIO: No. It wouldn't be more than

12:55:43 **15** 15 or 20 minutes, not envisioned by one.

12:55:46 **16** MR. GIACOBBE: Why don't we finish with this

12:55:48 **17** witness?

12:55:49 **18** Can we go to 1:30 today?

12:55:51 **19** MR. DESAPIO: What I would like to do, if we

12:55:54 **20** could, I would like to end, and the reason is, I am

12:55:59 **21** running a little fever, and I don't really feel very

12:56:02 **22** well. I was trying to push to get done, and I would

12:56:07 **23** like to end, if we could --

12:56:08 **24** MR. FLORIO: I respect that.

12:56:10 **25** MR. DESAPIO: -- and come back on Wednesday.

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12:56:12 **1** MR. FLORIO: I don't think anyone would have

12:56:13 **2** a problem with that.

12:56:14 **3** MR. GIACOBBE: No problem.

12:56:15 **4** MR. FLORIO: We will conclude now, Mrs.

12:56:16 **5** Browne.

12:56:17 **6** You can step down.

12:56:18 **7** THE WITNESS: Thank you.

12:56:19 **8** MR. FLORIO: And, I think, we can go off the

12:56:22 **9** record unless counsel, either counsel, has anything

12:56:25 **10** further to add, and then we can go off the record to do

12:56:29 **11** our housekeeping issues in short order, so we are off

12:56:35 **12** the record now.

12:56:36 **13** MR. GIACOBBE: Okay.

12:56:36 **14** (Whereupon, a discussion takes place off the

15 record.)

16 . . .

17 . . .

18 . . .

19 . . .

20 . . .

21 . . .

22 . . .

23 . . .

24 . . .

25 . . .

1 CERTIFICATE

2 I, PHILIP A. FISHMAN, a Certified Shorthand Reporter
3 and Notary Public of the State of New Jersey, do hereby
4 certify that prior to the commencement of the examination,
5 MARGARET PASQUA AND KIMBERLY BROWNE were sworn by me to
6 testify the truth, the whole truth and nothing but the
7 truth.

8 I DO FURTHER CERTIFY that the foregoing is a true and
9 accurate transcript of the testimony as taken
10 stenographically by and before me at the time, place and
11 on the date hereinbefore set forth, to the best of my
12 ability.

13 I DO FURTHER CERTIFY that I am neither a relative nor
14 employee nor attorney nor counsel of any of the parties to
15 the action; and that I am neither a relative nor employee
16 of such attorney or counsel; and that I am not financially
17 interested in the action.

18
19 _____
20 PHILIP A. FISHMAN, CSR

21
22 Dated: _____

23
24
25

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