

NEW YORK STATE
JOINT COMMISSION ON PUBLIC ETHICS
INVESTIGATIONS DIVISION

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Interrogation of:

ADAM LOCHER

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Date: July 11, 2014

Appearances:

Pei Pei Cheng-De Castro, Senior Investigative
Counsel

Terence Mulderrig, Senior Investigator

Peter Smith, Investigator

Adam Locher, Interviewee

Andrew Fleming, Attorney

Transcribed by: Geneva Worldwide, Inc.

2 MR. PETER SMITH: Good morning. I'm Peter
3 Smith. I'm with the Joint Commission on Public Ethics
4 here in Buffalo, New York. With me today -- it's
5 Friday, July 11, 2014, approximately 10:00 A.M. I have
6 here in Buffalo -- as I said earlier, I'm Peter Smith,
7 Investigator for JCOPE; I have Mr. Adam Locher, the
8 former Chief of Staff to Assemblyman Dennis Gabryszak.
9 And I have his attorney, Andrew Fleming. And in New
10 York City, we have Investigator Terry Mulderrig, along
11 with legal counsel, Pei Pei Cheng-De Castro.

12 Before we get started today, I just want to
13 thank you for coming in. But there's a couple of house
14 things that we've got to go through. The New York
15 State Joint Commission on Public Ethics is conducting
16 this investigation pursuant to its authority under
17 Article 94 of the Executive Law. You received a
18 subpoena to appear here today. At any time you don't
19 understand the questions, you should so indicate and
20 we'll attempt to clarify the questions for you. If you
21 wish to refer to any documentation to answer a
22 question or refresh your recollection, you may do so.

23 If a question calls for an answer that would
24 intent to incriminate you have a right to assert your
25 Fifth Amendment privilege. You are not entitled to the

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right to the assistance of counsel in this interview. However, the Commission has agreed to allow your counsel to be present for the sole purpose of advising you regarding the privileges you may have. You are not entitled to transcript of this interview. In a moment, you'll be sworn in and will be required to take the oath to testify truthfully. After taking the oath to tell the truth, should you intentionally make a material false or misleading statement, you may be prosecuted for perjury. Do you understand what I've just stated?

MR. ADAM LOCHER: Yes.

MR. SMITH: Mr. Locher, can I get you to raise your right hand? Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. LOCHER: I do.

[WHEREUPON THE WITNESS, MR. ADAM LOCHER, WAS DULY SWORN.]

MR. SMITH: Thank you. Mr. Locher, can I have your present home address and telephone number?

MR. LOCHER: [REDACTED]
[REDACTED]
[REDACTED]

2 MR. SMITH: How about an E-mail address,
3 sir?

4 MR. LOCHER: [REDACTED]

5 MR. SMITH: Sir, what is your employment
6 history beginning from college days forward?

7 MR. LOCHER: Okay. I'll do it from George
8 Washington University with a degree in 1998. During my
9 time at George Washington, I worked for the Grocery
10 Manufacturers of America, Litton Industries, the
11 Republic National Committee as a tele-fundraiser;
12 started a full-time job with the National Association
13 of Health Underwriters; worked in New Hampshire for a
14 short time. Let me give some dates, date specific. And
15 I'll go with the full-time jobs. National Association
16 of Health Underwriters was from April of '98 to August
17 of 2001. I spent a short time in New Hampshire to work
18 with the New Hampshire Association of Health
19 Underwriters, which was for two months, from September
20 to November; came back here to Western New York in
21 January of 2002. I worked a temporary job until I was
22 given the opportunity to be the Assistant to the Town
23 Supervisor for the Town of Cheektowaga in June of 2002.

24 MR. SMITH: Okay. Now your education, sir?

25 MR. LOCHER: I have a bachelors in political

2 science from Niagara University and a masters in
3 political management, lobbying and government
4 relations from George Washington University. Niagara
5 was '96; GW was '98.

6 MR. SMITH: Okay. What was the first time
7 that you met Mr. Gabryszak, do you recall?

8 MR. LOCHER: It may have been -- it may have
9 been May of 2002.

10 MR. SMITH: 2002, okay. When did you become
11 under his employ?

12 MR. LOCHER: June 12, 2002.

13 MR. SMITH: Okay. And what was that position?

14 MR. LOCHER: Assistant to the Town
15 Supervisor.

16 MR. SMITH: And at that time, Mr. Gabryszak
17 was the Town Supervisor?

18 MR. LOCHER: Was the Town Supervisor.

19 MR. SMITH: Okay. How did you find out about
20 that position?

21 MR. LOCHER: An ad in the Buffalo News.

22 MR. SMITH: Okay. And who was part of the
23 interview process for that, do you recall? Was there
24 an interview?

25 MR. LOCHER: Yes. Dennis Gabryszak and Mike

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Stachowski, who was the Town Attorney at the time. I don't recall meeting with anyone else during my interview process.

MR. SMITH: Was this a full-time or part-time position?

MR. LOCHER: This was a full-time position.

MR. SMITH: Okay. And do you remember the salary?

MR. LOCHER: It started out, I want to say at 31; and it finished out somewhere between 38 and 40.

MR. SMITH: And when you say finished out, what -- when was that?

MR. LOCHER: That was the end of January 2007.

MR. SMITH: So you were employed with Mr. Gabryszak in Cheektowaga from June 12, 2002 to sometime in January 2007?

MR. LOCHER: I believe it would have been the 31st. It was a seam-, I believe it was a seamless transition to the Assembly office in February of 2007.

MR. SMITH: Okay. So, how did Mr. Gabryszak get his position in the Assembly? How did that play out?

MR. LOCHER: The last day of petitions, Paul

2 Tokasz announced his resignation. The Democratic
3 Committee had a process to determine who they would
4 put up. The Erie County Democratic Committee had a
5 process and they put up Dennis Gabryszak on the ballot
6 in November of 2006. And he won election in November
7 of 2006 for a term that began January 1, 2007.

8 MR. SMITH: So did he have a full term there?
9 Is he replacing someone?

10 MR. FLEMING: Cheektowaga, you mean?

11 MR. SMITH: Mr. Gabryszak.

12 MR. LOCHER: No, but in Cheektowaga or in
13 the Assembly?

14 MR. SMITH: In the Assembly.

15 MR. LOCHER: No, he was starting a fresh new
16 term. Paul Tokasz had announced his retirement in July
17 of 2006 and finished his term December 31, 2006.

18 MR. SMITH: Okay. So at this time, were you
19 full-time or part-time, working for the Assembly?

20 MR. LOCHER: I was a full-time employee.

21 MR. SMITH: Full-time employee. And what was
22 your position?

23 MR. LOCHER: When I started, I picked a
24 title that wasn't necessarily appropriate. I picked --
25 I want to say I picked the title Legislative Associate.

2 And soon after, probably within the first year of
3 employment, I took the title District Office Manager.
4 And then the Assemblyman announced to the staff in
5 July of -- July of 2012, he announced to the staff
6 that he was having me be the Chief of Staff. And from
7 what I can recall, he didn't file the paperwork
8 officially for this and changed the title until
9 January of 2013.

10 MR. SMITH: Okay. Alright. We jumped ahead a
11 little. I want to back up a little bit.

12 MS. PEI PEI CHENG-DE CASTRO: I'm sorry. Can
13 I go back please?

14 MR. SMITH: Yeah, we need to go back.

15 MS. CHENG-DE CASTRO: Okay. Can you just
16 tell us what your duties were as Assistant to Town
17 Supervisor when you started and if your role and title
18 changed between 2002 and 2007?

19 MR. LOCHER: My title never changed.

20 MS. CHENG-DE CASTRO: Okay.

21 MR. LOCHER: I was responsible for writing
22 two columns a month for two local newspapers. I
23 assisted with the writing of press releases, state-of-
24 the-town addresses, and other written documents as
25 needed. And I assisted the Assemblyman in coordinating

2 larger activities across both department heads, so
3 they didn't necessarily work in silos; and also in the
4 community. I did a lot of, for lack of a better term,
5 community organizing.

6 MR. SMITH: So then you rolled --

7 MS. CHENG-DE CASTRO: When you say you took
8 the title as Legislature Associate when Mr. Gabryszak
9 became the Assembly Member, what do you really mean by
10 took the title? Did you self-title yourself? Or --

11 MR. LOCHER: The Assemblyman had a practice
12 where when someone came on, he gave them the book. He
13 gave them the title book from the Assembly and
14 basically said: Pick your title. And that's what I did.
15 And sometime later on within that first year, I had
16 discussed with him what my responsibilities seemed to
17 be and looked at it from the perspective of an
18 employee that I knew who worked for Paul Tokasz and
19 the District Office Manager title seemed to fit. And
20 he agreed.

21 MS. CHENG-DE CASTRO: Did you have to
22 interview for the job?

23 MR. LOCHER: Did I have to -- in the
24 Assembly?

25 MS. CHENG-DE CASTRO: When he became an

2 Assemblyman?

3 MR. LOCHER: No, I did not have to interview
4 for the job.

5 MS. CHENG-DE CASTRO: Was there a discussion
6 between you and Mr. Gabryszak about just staying on
7 and transitioning with him?

8 MR. LOCHER: Yes.

9 MS. CHENG-DE CASTRO: And did you help Mr.
10 Gabryszak in his campaign to become the Assemblyperson?

11 MR. LOCHER: Yes.

12 MS. CHENG-DE CASTRO: And what was your role
13 in the campaign?

14 MR. LOCHER: I helped out with anything that
15 was needed of me.

16 MS. CHENG-DE CASTRO: Can you be more
17 specific? Like what, what tasks did you do? Did you
18 take care of finances? Did you organize events,
19 fundraisers?

20 MR. LOCHER: I do believe I organized
21 fundraisers. We had a separate Treasurer, who did --
22 who did the financial aspects of things. And I helped
23 coordinate with the Democratic Assembly Campaign
24 Committee and the people that were on the ground for a
25 short time and assisted with anything that was asked

2 of me.

3 MS. CHENG-DE CASTRO: What's the name of --
4 or who was the Treasurer for his campaign at that time?

5 MR. LOCHER: [REDACTED].

6 MS. CHENG-DE CASTRO: How do you spell his
7 last name?

8 MR. LOCHER: [REDACTED].

9 MS. CHENG-DE CASTRO: And did he remain the
10 Treasurer for his campaign throughout the subsequent
11 campaigns or reelections?

12 MR. LOCHER: Yes.

13 MS. CHENG-DE CASTRO: Okay. Sorry, Pete.

14 MR. SMITH: Okay. I just want to follow up
15 on one thing. This separate Treasurer, was he an
16 employee then?

17 MR. LOCHER: [REDACTED] was the -- was and
18 still is the Director of Administration and Finance
19 for the Town of Cheektowaga.

20 MR. SMITH: Alright. So did he -- was he
21 also involved when Mr. Gabryszak became a member of
22 the Assembly?

23 MR. LOCHER: He stayed as Treasurer while
24 still working for the Town of Cheektowaga in a
25 position that he is currently in today.

2 MR. SMITH: Okay. Did he work for Mr.
3 Gabryszak and the Assembly -- payroll?

4 MR. LOCHER: Please clarify your question?

5 MR. SMITH: Okay. [REDACTED] was the
6 Treasurer of Cheektowaga. Right?

7 MR. LOCHER: [REDACTED] was the Director -
8 - was and is the Director of Administration and
9 Finance for the Town of Cheektowaga.

10 MR. SMITH: Okay. Now, when Mr. Gabryszak
11 becomes, gets into the Assembly, does he also continue
12 to help with his books?

13 MR. LOCHER: Yes.

14 MR. SMITH: He does. And how does he do
15 that? Volunteer basis or --

16 MR. LOCHER: Yes.

17 MR. SMITH: Okay.

18 MR. LOCHER: To my -- to my knowledge.

19 MR. SMITH: Okay. Do you know what he was
20 doing with the books of Mr. Gabryszak's?

21 MR. LOCHER: What do you mean --

22 MR. SMITH: What role he had?

23 MR. LOCHER: He kept all the filings. He
24 kept all the receipts. He kept all the paperwork. He
25 did all of that.

2 MR. SMITH: Okay.

3 MR. LOCHER: He deposited checks. He wrote
4 checks. He did the things that I would expect a
5 Treasurer to do.

6 MR. SMITH: Okay. Was that for the budget
7 that he received from New York State, the Assembly
8 budget?

9 MR. LOCHER: No.

10 MR. SMITH: How about for the campaign, the
11 Friends of Dennis Gabryszak?

12 MR. LOCHER: He was the Treasurer for the
13 Friends of Dennis Gabryszak.

14 MR. SMITH: That's what we wanted to get,
15 okay.

16 MR. LOCHER: Am I allowed to ask questions?

17 MR. SMITH: No, you're not. It's one-sided.

18 MR. LOCHER: Okay. Sorry, I just wanted -- I
19 just wanted to ask.

20 MR. SMITH: When you started the work with
21 the Assemblyman, who else was on staff at that time?

22 MR. LOCHER: The first official person to be
23 on the State staff was [REDACTED]. She started
24 before I did.

25 MR. SMITH: Okay. What was her position?

2 MR. LOCHER: I do not recall the title that
3 she started with.

4 MR. SMITH: Okay. Any others on the staff?

5 MR. LOCHER: At the beginning, no.

6 MR. SMITH: Alright. But as it grows though?

7 MR. LOCHER: Well, I can -- do you want me
8 to go through a chronological order from '07 through
9 --

10 MR. SMITH: Exactly.

11 MR. LOCHER: -- '07 to when it was done?

12 MR. SMITH: When you first became part of
13 the Assembly to; we're going to go right on through,
14 right up until we're done here in 2014.

15 MR. LOCHER: Okay, just asking for
16 clarification sake.

17 MR. SMITH: Yup. Who was on the staff at
18 that time then? [REDACTED]?

19 MR. LOCHER: [REDACTED] and myself.

20 MR. SMITH: Okay.

21 MR. LOCHER: [REDACTED] left the staff and
22 either April or May of 2007.

23 MR. SMITH: Do you know why she left the
24 position?

25 MR. LOCHER: I don't know all the specifics

2 of why she left.

3 MS. CHENG-DE CASTRO: Was she a full-time
4 employee?

5 MR. LOCHER: Yes.

6 MS. CHENG-DE CASTRO: But you don't know
7 what her title was?

8 MR. LOCHER: At this time, I do not recall
9 her specific title?

10 MS. CHENG-DE CASTRO: Do you know what she
11 was hired to do?

12 MR. LOCHER: She was hired to be the person
13 who traveled between Buffalo and Albany each week and
14 to introduce bills and be the legislative person. I
15 don't recall if she was the Legislative Director or
16 not. At the same time, that was what I would clarify
17 her to be was the Legislative Director.

18 MS. CHENG-DE CASTRO: So you started in
19 February of 2007 at the Assembly. And then, so you're
20 saying [REDACTED] started before you. Would that have
21 just probably been in January, when the term started?

22 MR. LOCHER: She, she started at the
23 beginning of the term.

24 MS. CHENG-DE CASTRO: Did you have a lot of
25 interaction with her in the four or five months she

2 worked there?

3 MR. LOCHER: Phone conversations and being
4 there when they were back at the end of -- at the end
5 of the week.

6 MS. CHENG-DE CASTRO: Okay. Before she left,
7 did she tell you that she was leaving?

8 MR. LOCHER: Yes.

9 MS. CHENG-DE CASTRO: And did she say why
10 she was?

11 MR. LOCHER: No. And the reason why I say
12 that is because I was on vacation with my family in
13 Disney World. And I had had a conversation with her to
14 check on something and she let me know that she was
15 leaving. I do not recall the reasons why she left.

16 MS. CHENG-DE CASTRO: Can you tell us what
17 your duties were when you started at the Assembly as a
18 Legislative Associate?

19 MR. LOCHER: The most succinct description I
20 can give you was what the Assemblyman told me once.
21 Which was he was advised when he was going to be
22 becoming an Assemblyman that he needed to find someone
23 who he could trust, who would be at home when he was
24 not, to make certain that things were -- that that
25 person was their eyes and ears at home and could relay

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information to him and would, would do their job and didn't need someone over the top of them all the time to do their job.

MS. CHENG-DE CASTRO: But I guess in terms - - but in terms of actual responsibilities, what were you in charge of doing and what did you actually do?

MR. LOCHER: I assisted constituents with their -- with their issues with State, State departments and other items as they arose; other levels of government. In a lot of ways I, I was responsible for making certain that our physical plant on Walden Avenue, our office was kept the way it needed to be. I worked with the landlord and his staff to make certain that things would be okay. And I worked with the Assembly inventory or Assembly computers and others to make certain that things ran smoothly out of that office.

MS. CHENG-DE CASTRO: What was -- do you remember the location of the office?

MR. LOCHER: 2561 Walden Avenue, Suite 109. The zip code is 14225.

MS. CHENG-DE CASTRO: So is that kind of the reason why you maybe renamed yourself the District Office Manager because you were in charge of managing

2 the district office?

3 MR. LOCHER: Yes.

4 MS. CHENG-DE CASTRO: Did you -- did you
5 spend most of your time at the district office? Or did
6 you travel with the Assemblyman?

7 MR. LOCHER: I spent the super majority of
8 my time in the district office.

9 MR. SMITH: Could you give us a number, when
10 you say super majority?

11 MR. LOCHER: I don't think I could go beyond
12 my hands in terms of the number of times I went to
13 Albany in seven years.

14 MR. SMITH: Okay. Ninety percent of the time
15 then in Western New York? Ninety-eight?

16 MR. LOCHER: Ninety percent, 95 percent. I,
17 I did not travel to Albany very often.

18 MS. CHENG-DE CASTRO: What was the impetus
19 in terms of changing your title from District Office
20 Manager to Chief of Staff?

21 MR. LOCHER: Uh, I believed the Assemblyman
22 and I had a conversation one day, where I was curious
23 about it and he said: Oh, I had a talk with my wife
24 about the same thing. And it's something that I would
25 consider for you.

2 MR. SMITH: Was -- what were the different
3 duties between Chief of Staff and District Office
4 Manager?

5 MR. LOCHER: I became more involved in items
6 that -- and it was discussions; it wasn't decisions,
7 it was discussions. I became more involved in
8 discussions with the Assemblyman on items that I was
9 not involved with prior to that, like staff salaries.
10 I never had any decisions on staff salaries ever in my
11 entire time in that office. At the same time, he would
12 discuss those issues with me. In a lot of ways, it was
13 more of a clarification to staff that -- a more of a
14 chain of command because there really was none. I was
15 their equal through, through when he made that
16 announcement in July of 2012.

17 MR. TERENCE MULDERRIG: Yeah, can I ask a
18 question?

19 MR. SMITH: Sure.

20 MR. MULDERRIG: Mr. Locher, who did you
21 report to when you worked in the office?

22 MR. LOCHER: Dennis Gabryszak.

23 MR. MULDERRIG: Were you the senior
24 supervisory person in that office?

25 MR. LOCHER: One of the items I have is --

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MR. ANDREW FLEMING: Answer the question.

MR. LOCHER: No.

MR. MULDERRIG: You reported directly to the Assemblyman and the staff reported to you?

MR. LOCHER: Starting in July of 2012. Prior to that, everyone went to the Assemblyman. There was no chain of command.

MR. MULDERRIG: No one was in charge?

MR. LOCHER: No. Dennis Gabryszak was the boss, if I'm answering your question properly.

MR. SMITH: Did, did you approve time and attendance of other staff in the office?

MR. LOCHER: Starting with being Chief of Staff.

MR. SMITH: Who did it before then?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: How was it done?

MR. LOCHER: He would look at timesheets. He would ask me to write down certain things, which is included in what was handed to you. And before he would sign them, he would ask me to talk to him to make certain that what they were writing was correct.

MR. SMITH: But if you said it wasn't correct, what would happen? Or if you said it's

2 correct?

3 MR. LOCHER: There were times where he
4 signed things anyway when I told him that they were
5 incorrect.

6 MR. SMITH: Okay.

7 MS. CHENG-DE CASTRO: When you say there
8 were times, how many times are we talking about? And
9 do you remember specific examples?

10 MR. LOCHER: A few. And I don't have any
11 examples in mind at this time.

12 MS. CHENG-DE CASTRO: Do you remember right
13 now if there were any -- or recall a particular
14 employee's time and attendance sheet that was wrong,
15 that he had informed him about and he still signed
16 anyways?

17 MR. LOCHER: That may be in what I have
18 handed over. I don't recall.

19 MS. CHENG-DE CASTRO: So you think in some
20 of the documents that you've provided us, there would
21 be examples of when he signed a time and attendance
22 sheet that you had told him specifically that was
23 wrong?

24 MR. LOCHER: There may be.

25 MS. CHENG-DE CASTRO: And if it -- just to

2 clarify what wrong means, what does that mean when you
3 say that?

4 MR. LOCHER: If someone wrote more time than
5 they worked and he still signed off on it and did not
6 ask them to change it, that would be wrong.

7 MS. CHENG-DE CASTRO: So did you keep track
8 of the times that staff worked? Or I guess my point is,
9 how, how would you know that someone filled out their
10 timesheet incorrectly?

11 MR. LOCHER: I was asked by the Assemblyman
12 to keep track on certain employees at certain times
13 when they didn't come to work or when they either came
14 in late or left early from work. So that I could refer
15 that information to him when it came time for him to
16 sign timesheets.

17 MS. CHENG-DE CASTRO: And how would you go
18 about doing that?

19 MR. LOCHER: Usual --

20 MS. CHENG-DE CASTRO: For example, did you
21 have a calendar? And did you do it in a computer?

22 MR. LOCHER: I wrote down those instances in
23 a notebook and that notebook has been provided to you.

24 MS. CHENG-DE CASTRO: Okay. When you said
25 certain employees, is there a reason why you did not

2 keep track of the time and attendance for all
3 employees?

4 MR. LOCHER: I, I was asked at certain times
5 for certain employees who exhibited more frequent
6 absences or issues; I was told to begin tracking when
7 they were gone and when they would leave early or come
8 in late because there had been time and attendance
9 issues.

10 MR. SMITH: When were you doing this? When
11 did you start doing this?

12 MR. LOCHER: I want to say, because I
13 haven't looked back at this stuff; I want to say it
14 more than likely didn't start happening until late '08
15 at the earliest. It may have been '09.

16 MR. SMITH: Okay. Mr. Locher, how much of
17 the time was the Assemblyman in Albany or out of the
18 office?

19 MR. LOCHER: He, he was -- he was in the
20 district office many times. He looked at -- he looked
21 at his Assembly position as a full-time job. And he
22 was in the district office quite a bit when the
23 Assembly was not in session.

24 MR. MULDERRIG: During the day, was he in
25 the office -- how many days would you say he was there

2 when the Assembly was not in session?

3 MR. LOCHER: Thursday and Friday during
4 session, when they were at home; the January to June,
5 he would be there most, most days. Maybe four or five,
6 six hours a day or more, depending on meetings that
7 were happening out of the office. And during non-
8 session time if he had business in Albany or New York,
9 like hearings or other items, he would go to them. He
10 did take time off from time to time. And I would say
11 he was in the district office the majority of the time
12 that they weren't in session.

13 MR. MULDERRIG: When he was not in the
14 office, you would monitor the comings and goings of
15 his staff; is that fair to say?

16 MR. LOCHER: Only in the instances where
17 there was a concern about their attendance or lack
18 thereof.

19 MR. MULDERRIG: And how would that concern,
20 be brought to the attention of the Assemblyman?

21 MR. LOCHER: When -- it might happen in, in
22 phone calls. It might happen in discussions with him
23 face to face.

24 MR. MULDERRIG: What I'm getting at is you
25 would inform him that there was an issue with this

2 particular employee, in terms of time and attendance?

3 MR. LOCHER: That was something that the
4 Assemblyman asked for me to do.

5 MS. CHENG-DE CASTRO: To clarify, so would
6 that be the opposite; it would be the Assemblyman
7 informing you that he believed that there was a time
8 and attendance issue with a particular employee and
9 then ask you to start tracking?

10 MR. LOCHER: Correct.

11 MS. CHENG-DE CASTRO: Is that correct?

12 MR. LOCHER: Yes.

13 MS. CHENG-DE CASTRO: And so you would not
14 be bringing the issue up; he would. And so prior to
15 him bringing up some of these issues, is the
16 Assemblyman the person that's tracking the person's
17 time and attendance? What I'm getting at is: Do you
18 know how he was able to spot, like, or these issues
19 with the employees?

20 MR. LOCHER: He would keep his own notes
21 too.

22 MS. CHENG-DE CASTRO: Do you know how he
23 would keep his notes? Was it in a notebook also?

24 MR. LOCHER: I believe it was written. I do
25 not know. I do not know how he kept them.

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MR. SMITH: Mr. Locher, back in late 2008-2009 is when you were first requested to keep an eye on employees' time and attendance and report in to Mr. Gabryszak?

MR. LOCHER: That is my recollection.

MR. SMITH: Okay. Who was the first employee then?

MR. LOCHER: [REDACTED]

MR. SMITH: Were there other employees that he wanted to keep --

MR. LOCHER: [REDACTED]

MR. SMITH: Additional?

MR. LOCHER: I think I may have done that with [REDACTED] And I think after that, as time went on, I would just record when people were off; just so, just so he had it to -- had it to review.

MR. SMITH: Okay. When you were doing this time and attendance, were you directed by anyone?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Dennis, he told you to keep an eye on [REDACTED] [REDACTED] and [REDACTED]. Did he say why?

MR. LOCHER: As far as I knew, it was to make certain that when he was signing sheets that they

2 were correct.

3 MR. SMITH: Did you have any discussions
4 with him on that matter, on these three employees and
5 their time and attendance?

6 MR. LOCHER: There were times where -- there
7 were times where before he would sign timesheets; we
8 would have a discussion about time and atten-,
9 people's time and attendance. And there were times
10 that I could see that he had taken notes as well to,
11 to refer to and to reconcile. And then he made his
12 decision accordingly.

13 MR. SMITH: Okay. Did he direct you to check
14 their time and attendance daily? Weekly, monthly,
15 whatever? Was it an order from Dennis to you to do
16 this?

17 MR. LOCHER: Yes.

18 MR. SMITH: Okay. And did he say why?

19 MR. LOCHER: It was to ensure that his
20 signature would be, would be right. I, I don't know
21 how else to answer your question.

22 MR. SMITH: Did you identify any employees
23 that there was a time and attendance problem?

24 MR. LOCHER: I did what was asked of me in
25 that regard.

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MR. SMITH: I'll ask it again. Did you identify any employees that had a time and attendance problem and then bring it to Dennis?

MR. LOCHER: These were items that were asked of me by the Assemblyman.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: If you -- could you refer to your notebook that you provided us? Maybe that'll refresh your recollection? Or kind of show, show Mr. Smith the notebook that you're talking about where you made those notes?

MR. LOCHER: Look back to this. I might actually have been early about the dates. I got to see if I had one other one. Okay. I, I apologize. Looking at my notebook, it looks like I started taking notes in 2010. And the first person I had written notes with was [REDACTED] And [REDACTED] starts in here 2-3-2010, at least in this notebook. I -- you can have the notebook here.

MS. CHENG-DE CASTRO: Well, is there -- are there, did you mark the times? I'm sorry. Did you indicate in your notebook the instances when you told the Assembly that the time and attendance sheets were filled out incorrectly?

2 MR. LOCHER: More than likely not. The, the
3 notebook was more about -- the notebook was more about
4 keeping track of the dates where there was an issue.

5 MS. CHENG-DE CASTRO: And when you would
6 tell the Assemblyman that an time and attendance sheet
7 was filled out incorrectly, what was his response?

8 MR. LOCHER: Well, he'd either do something
9 with it or he wouldn't do something with that. That,
10 that was what his responses were.

11 MR. SMITH: Did anyone ever speak to the
12 employee about the time and attendance issue?

13 MR. LOCHER: Um, I can't recall when the
14 Assemblyman would have conversations with them. I'm
15 fumbling through this folder right now because I want
16 to show at least one instance where I made a photocopy
17 of -- I made a photocopy of an instance where I
18 actually spoke to the person. And the reason why I
19 mentioned [REDACTED] was because that was the person
20 that it was and early on and I'm hoping that I can
21 find what it is I'm looking for. Why am I having such
22 a hard time with this? This won't work that great.

23 MR. SMITH: You're going to look for a
24 [unintelligible] [00:45:06] notebook?

25 MS. CHENG-DE CASTRO: You know, I think

2 instead -- we could look for that maybe later. And can
3 we, can we actually go back and talk more about the
4 office structure when he became the Assemblyman? If
5 you could clarify for us who was in charge of doing
6 what in the office? As I understand now, it seems like
7 you are in charge of making sure and I guess
8 corresponding with the landlord, making sure that the
9 Assembly computers were working or there --

10 MR. LOCHER: -- the telephone system was
11 operational. I would go out to taxpayer and community
12 group meetings and represent the Assemblyman. I would
13 help him with any writing or any other issues he might
14 have or things that he wanted to have worked on.

15 MS. CHENG-DE CASTRO: So, who was in charge
16 of hiring employees for the office?

17 MR. LOCHER: Dennis Gabryszak.

18 MS. CHENG-DE CASTRO: Would you ever be
19 involved in the interview process?

20 MR. LOCHER: Much later on, from what I can
21 recall, in my time in the office.

22 MS. CHENG-DE CASTRO: When you say much
23 later on, can you tell us more, a more specific time?

24 MR. LOCHER: I was in-, -- I want to say I
25 was involved in the hiring of [REDACTED]. In terms

2 of I want to say I helped with interviews and I
3 contacted references. And that is actually, I saw in
4 that folder the reference calls that I made on ██████████

5 ██████████

6 MS. CHENG-DE CASTRO: Would you have made
7 any hiring decisions? Or would that just be the
8 Assemblyman's decision?

9 MR. LOCHER: All hiring --

10 MS. CHENG-DE CASTRO: Who made the final
11 hire?

12 MR. LOCHER: All hiring and salary decisions
13 were made the entire time by Dennis Gabryszak.

14 MS. CHENG-DE CASTRO: But would Mr.
15 Gabryszak discuss with you prior to making the final
16 decision what the salary would be or whether someone
17 should be hired?

18 MR. LOCHER: The salary discussions were
19 later than the -- later in chronological order as time
20 went on; versus who the person was who was, was being
21 hired.

22 MS. CHENG-DE CASTRO: Okay. Who was
23 responsible for training the employees?

24 MR. LOCHER: It wasn't a direct
25 responsibility. I feel like I was. We didn't do much

2 training in the office. His expectation was that
3 people would come in knowing enough on how to do their
4 job and would go out and find like people in Assembly
5 offices or Senate offices with similar titles and try
6 to pick their brain to learn; to have people learn how
7 to do their job.

8 MR. SMITH: I need to back up a minute. On
9 the hiring, how were the candidates identified? What
10 type of recruitment was there from the office?

11 MR. LOCHER: Should I go back and --

12 MR. FLEMING: Just listen to the question.

13 MR. LOCHER: In the beginning of 2008, he
14 put an ad in the newspaper, in the Buffalo News, and
15 ended up hiring two people late 2007, early 2008,
16 somewhere in that timeframe. That was through an ad in
17 the newspaper.

18 MR. SMITH: Who did he hire?

19 MR. LOCHER: He hired [REDACTED] and

20 [REDACTED]

21 MR. SMITH: Okay. And then after 2007-2008,
22 how did he recruit?

23 MR. LOCHER: It depended on the individual
24 that he hired. Most of the time, I want to say it was
25 either by word of mouth or an intern that he may have

2 had in Albany.

3 MR. SMITH: Did he accept applications or
4 resumes of any sort?

5 MR. LOCHER: He would -- when people would
6 send in resumes, he would take them and he would put
7 them in a folder.

8 MR. SMITH: Did he have any way of breaking
9 down that folder of like what position these people
10 are looking for?

11 MR. LOCHER: That was his folder. I do not
12 know.

13 MS. CHENG-DE CASTRO: Who was responsible for
14 paying the bills of the office?

15 MR. LOCHER: I was responsible for
16 submitting vouchers to the, to the district office
17 operations at the State Assembly in Albany.

18 MS. CHENG-DE CASTRO: And then who was
19 responsible for budget for the office?

20 MR. LOCHER: The ultimate decision maker on
21 everything was Dennis Gabryszak.

22 MS. CHENG-DE CASTRO: Well, let me backtrack.
23 Was, was there any sort of budget for the office?

24 MR. LOCHER: The district offices had a
25 \$2,700-a-year yearly budget.

2 MS. CHENG-DE CASTRO: So, who would be in
3 charge of managing the budget?

4 MR. LOCHER: The Assemblyman would receive
5 the printouts monthly from the Assembly of what his
6 budget was.

7 MR. SMITH: What role did you have with --

8 MS. CHENG-DE CASTRO: And then after
9 receiving the printout, what happened? Is a budget
10 created in terms of: We're going to allocate this
11 amount of money to staff; this amount for supplies;
12 this amount for outreach? Um --

13 MR. LOCHER: The district office budget that
14 I'm referring to of \$2,700 was for things like
15 newspapers, job advertisements, office equipment that
16 was not able to be provided by the Assembly or items
17 that the Assembly approved and did not want to have
18 delivered from Albany; for example, a filing cabinet.

19 MS. CHENG-DE CASTRO: Alright. So, who would
20 be in charge of kind of using that money or
21 determining what was needed and taking from those
22 funds?

23 MR. LOCHER: Dennis Gabryszak would tell me
24 what he wanted to do. And I was responsible for
25 speaking to the member services office that handled

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the district offices for the Assembly and finding out
if he could do that or not.

MS. CHENG-DE CASTRO: Okay. And then, then
what about the, the money that came from the Assembly
then to actually pay staff and other, other --

MR. LOCHER: He spoke directly to the
personnel clerk in the Assembly [REDACTED], about those,
those issues.

MS. CHENG-DE CASTRO: So those funds, do you
have to submit vouchers for those funds when they are
used? Or how does that work?

MR. LOCHER: He would have to submit
personnel action request forms to be able to start
someone's employment and/or change their salary.

MS. CHENG-DE CASTRO: And that would be done
by Mr. Gabryszak?

MR. LOCHER: That would be done by Mr.
Gabryszak.

MS. CHENG-DE CASTRO: Were you ever involved
in doing that?

MR. LOCHER: Later on in my employment, he
would have me fill certain ones out. And he would tell
me what it was he wanted them to say and he would sign
them.

2 MS. CHENG-DE CASTRO: When you say later on,
3 can you be more specific in terms of a month and a
4 year?

5 MR. LOCHER: These were items that I believe
6 would have started from July of 2012 on.

7 MR. SMITH: Who are the individuals
8 identified on these, on the salary increase or
9 decrease?

10 MR. LOCHER: I recall being a part of
11 filling out the PARs for [REDACTED]. And I may
12 have been involved in the PARs for [REDACTED]
13 [REDACTED] I don't believe I was involved in -- I don't
14 believe I was involved in PARs before that. I, I can't
15 recall.

16 MS. CHENG-DE CASTRO: And who, who was in
17 charge of I guess giving staff back any requests for
18 reimbursements? Would they go to you or the
19 Assemblyman?

20 MR. LOCHER: Please clarify the type of
21 reimbursement you're referring to.

22 MS. CHENG-DE CASTRO: I guess my question to
23 you would be like: What types of reimbursements do you
24 get requests for? And then I guess, then you could
25 tell me who's charge of that?

2 MR. LOCHER: The only reimbursements that I
3 would have been involved in any way were campaign
4 related reimbursements.

5 MS. CHENG-DE CASTRO: So if there was a
6 request for any sort of reimbursement that related to
7 the office or duties for the Assemblyman, that would
8 be submitted to Dennis Gabryszak?

9 MR. LOCHER: The only -- the only
10 reimbursements or types of reimbursements that I would
11 be aware of when it came to the State Assembly itself,
12 State government itself; I don't recall if any staff
13 member, including me, ever received any type of State
14 reimbursement for things like travel or otherwise.
15 Which would have been what I believe the type of
16 reimbursements you're referring to you now. As the
17 District office Manager and then as Chief of Staff,
18 there were times where I would have to buy things that
19 were State-oriented that I got approvals for. And I
20 would fill out vouchers and I would send -- have the
21 Assemblyman sign it and send them in to where they
22 needed to go. There may have been one or two times,
23 very few times, if I was out of the office or sick or
24 in an extended time-off in 2011, where others may have
25 had to submit to the Member Services Office for State

2 Reimbursements. I can't recall that because I was out
3 of the office for two to three months with a surgery
4 recovery.

5 MS. CHENG-DE CASTRO: How many approved
6 computers were provided to the district office for use
7 for the Assembly?

8 MR. LOCHER: Three. No, four. In the end it
9 was four. I want to say in the beginning it was three.
10 And a fourth one was requested for an intern sometime
11 later on, that they granted.

12 MS. CHENG-DE CASTRO: Were specific
13 computers designated to specific individuals? Or did
14 the entire office have access to all these computers?

15 MR. LOCHER: Computers were -- mainly the
16 computers were designated to the person whose desk it
17 was. And that fourth computer -- and I need to go back
18 because more than likely originally there were two
19 computers in the district office. Then it became three.
20 Then it became four. The fourth computer, Dennis
21 Gabryszak would use from time to time and that was the
22 one that was in the kitchen.

23 MS. CHENG-DE CASTRO: Did you have a
24 designated computer for yourself?

25 MR. LOCHER: Yes.

2 MS. CHENG-DE CASTRO: Okay. And, and then so
3 did Dennis have a designated computer for himself?

4 MR. LOCHER: No.

5 MS. CHENG-DE CASTRO: What, what happened to
6 those computers after you left and the Assemblyman
7 left office?

8 MR. LOCHER: You would have to ask [REDACTED]
9 [REDACTED] that question.

10 MS. CHENG-DE CASTRO: Did you take any
11 information that was on your computer with you when
12 you left?

13 MR. LOCHER: No.

14 MS. CHENG-DE CASTRO: So you left whatever
15 information was on that computer on the computer?

16 MR. LOCHER: Yes.

17 MS. CHENG-DE CASTRO: What were the E-mail
18 addresses that you or you used as part of for your
19 duties as Assembly -- for the Assemblyman?

20 MR. LOCHER: My Assembly E-mail address was
21 LOCHERA@ASSEMBLY.STATE.NY.US.

22 MS. CHENG-DE CASTRO: And did you have a
23 cell phone that was provided by the office?

24 MR. LOCHER: No.

25 MS. CHENG-DE CASTRO: Did you use -- did you

2 have a cell phone that was provided by the campaign?

3 MR. LOCHER: No. I used my personal cell
4 phone.

5 MS. CHENG-DE CASTRO: And what was -- what's
6 the number? Is it the same number?

7 MR. LOCHER: Yes -- [REDACTED]

8 MS. CHENG-DE CASTRO: Was your cell phone
9 though paid by the office?

10 MR. LOCHER: No.

11 MS. CHENG-DE CASTRO: What about the
12 campaign?

13 MR. LOCHER: No.

14 MS. CHENG-DE CASTRO: And who's the carrier
15 for your cell phone?

16 MR. LOCHER: Verizon Wireless.

17 MS. CHENG-DE CASTRO: Did the Assemblyman
18 have a cell phone that was provided to him by the
19 office?

20 MR. LOCHER: No.

21 MS. CHENG-DE CASTRO: Did he have a cell
22 phone?

23 MR. LOCHER: yes.

24 MS. CHENG-DE CASTRO: And do you know -- do
25 you remember what the number was?

2 MR. LOCHER: [REDACTED]

3 MS. CHENG-DE CASTRO: And do you know who
4 paid for that cell phone?

5 MR. LOCHER: The campaign.

6 MS. CHENG-DE CASTRO: Can you tell me who
7 the service provider was?

8 MR. LOCHER: AT&T.

9 MS. CHENG-DE CASTRO: And there obviously
10 was a office phone, correct?

11 MR. LOCHER: There was an Assembly phone
12 system.

13 MS. CHENG-DE CASTRO: Okay. Would the
14 Assembly Member have to pay that bill? Or how does
15 that work?

16 MR. LOCHER: Everything was handled by the
17 Finance Department of the Assembly. The bills would go
18 directly to them.

19 MS. CHENG-DE CASTRO: Sorry, Pete.

20 MR. SMITH: Okay.

21 MR. FLEMING: Pete, it's like a lawyer to
22 say: I just have one -- I just have one question.

23 MR. SMITH: With the employees on the staff,
24 was there a six-month or a yearly review that was
25 conducted regarding what their job performance was,

2 their pay scale, pay raises?

3 MR. LOCHER: No, there was no formal review
4 process.

5 MR. SMITH: How about informal?

6 MR. LOCHER: No.

7 MR. SMITH: I mean, how would -- if there
8 was a problem with an employee, who, and who would
9 address it?

10 MR. LOCHER: The Assemblyman or myself.

11 MR. SMITH: Okay. How often did you have to
12 address problems?

13 MR. LOCHER: Clarify how you want that
14 answered.

15 MR. SMITH: Number-wise? Was it monthly? Was
16 it weekly?

17 MR. LOCHER: When circumstances arose and
18 uncomfortable conversations would have to take place.

19 MR. SMITH: Okay. And you would do those
20 uncomfortable conversations?

21 MR. LOCHER: Sometimes.

22 MR. SMITH: And then other times it would
23 be?

24 MR. LOCHER: The Assemblyman?

25 MR. SMITH: Okay. Alright. What type of

2 problems were they that you were addressing?

3 MR. LOCHER: The Assemblyman says we have a
4 fully operational office. You need to work out-,
5 outside of the office -- or in the office. There's no
6 reason that you should be doing work from home. We
7 have an operational office. If you don't have a
8 meeting, come into work.

9 MR. SMITH: Okay. What other?

10 MR. LOCHER: Uh, I discussed timesheet
11 issues before. I -- if there were conflicts or there
12 were issues, there were times where I was asked to
13 either have the uncomfortable conversation or I had to
14 act as the go between, between staff members and the
15 Assemblyman.

16 MR. SMITH: What do you mean by
17 uncomfortable conversations?

18 MR. LOCHER: No one likes to be criticized.
19 No one -- no one likes to have questions asked of them
20 that aren't a lot of fun. Sometimes those type of
21 conversations need to be had though, to be able to get
22 at the heart of the problem to try to rectify it.

23 MR. SMITH: Mm-hmm. Were these problems or
24 conversations ever brought to you about -- at your --

25 MR. LOCHER: I would usually -- I would

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usually have to be the one that start asking questions in certain circumstances to find out if there were problems.

MR. SMITH: Did they raise -- did anyone raise a problem or concern of the office environment to you?

MR. LOCHER: Clarify what type of office problem you may be referring to.

MR. SMITH: Well, some of the, the, the complaints that have been written, written in the paper; the complaints that we've seen.

MR. LOCHER: I have recalled two instances where people came to me to talk to me about issues that would be sexual harassment. Those two individuals were [REDACTED] and in an indirect way, [REDACTED] And in the notices of claim that those two individuals put forth, the items that they said I said were the items I said. And I'll -- how much, how much detail do you want?

MR. SMITH: I, I need the details.

MR. LOCHER: Okay. Looking back at [REDACTED], she, from what I recall, had expressed some concerns. I don't, I don't recall all the details associated with the concerns. I do recall having a

2 conversation where I did say and it wasn't in a mean
3 or intimidating way that job prospects aren't always
4 that great here in the Buffalo area and you, you'd
5 have to, you'd have to take that into account if you
6 were looking elsewhere. ██████████ --

7 MR. SMITH: Well, hey, hold on.

8 MS. CHENG-DE CASTRO: I'm sorry. Can we, can
9 we just stay, stay on ██████████ right now. Can you --
10 did ██████████ approach you to talk to you about her
11 concerns?

12 MR. LOCHER: I, I do believe, yes.

13 MS. CHENG-DE CASTRO: If so, did she ask or
14 request a meeting with you beforehand?

15 MR. LOCHER: I want to, I want to say it
16 would -- it came about in a conversation that she and
17 I were having. It was not a formal request of any kind.

18 MS. CHENG-DE CASTRO: Okay. So this was a
19 face to face conversation?

20 MR. LOCHER: This was a face to face
21 conversation between ██████████ and myself. I
22 do not recall where exactly it was.

23 MS. CHENG-DE CASTRO: And you don't remember
24 if it was in the district office?

25 MR. LOCHER: I want to say it was. I can't

2 just -- I can't a hundred percent recollect.

3 MS. CHENG-DE CASTRO: Do you remember when
4 this took place?

5 MR. LOCHER: I'm not recalling if it was
6 2012 or early 2013. I don't, I don't recall.

7 MS. CHENG-DE CASTRO: Do you recall was it
8 maybe shortly after she was hired? Or maybe further
9 into her --

10 MR. LOCHER: A long -- long time, a good
11 amount of time in. It wasn't, it was not an early on
12 conversation.

13 MS. CHENG-DE CASTRO: Okay. And so do you,
14 do you remember what she said to you with respect to
15 what her concern was?

16 MR. LOCHER: I don't. I just -- I'm, I've
17 been trying to remember the best I can each
18 interaction like that. And I'm remembering that there,
19 that, that there were discussions that were like that.

20 MR. MULDERRIG: Could I ask you? Are you
21 suggesting that you remember what you said in response
22 to her but you don't remember what she was talking
23 about, what her complaint was?

24 MR. LOCHER: Yeah. I'm, I'm sorry.

25 MR. MULDERRIG: You just remember your side

2 of the conversation?

3 MR. LOCHER: I don't remember specifics of
4 what she said.

5 MR. MULDERRIG: Do you remember it in
6 general terms?

7 MR. LOCHER: Fee-, feeling --

8 MR. MULDERRIG: But you did say it was
9 sexual harassment earlier.

10 MR. LOCHER: Feeling uncomfortable in
11 reference to things of that nature. I remember a lot
12 more specifics --

13 MR. MULDERRIG: Well, excuse me one second.
14 Things of what nature?

15 MR. FLEMING: He's already said sexual
16 harassment.

17 MR. MULDERRIG: Well, that's a pretty broad
18 term. I mean, do you have any specific recollection of
19 the conversation?

20 MR. LOCHER: I wish I could give you as much
21 detail as I can give you on the next one.

22 MR. MULDERRIG: Let's stay with this one.

23 MS. CHENG-DE CASTRO: I think you also said
24 you're trying to remember what she said to you -- or
25 maybe I recall a couple times and tell me if I'm wrong.

2 Am I, am I wrong in assuming that she might have
3 complained to you or expressed to you more than once?
4 It would have been [unintelligible] [01:14:03].

5 MR. LOCHER: No, I'm remembering a specific
6 time that she had talked to me about this. It wasn't
7 in a formal approach. It wasn't a meeting request. I
8 want to recall it was over a conversation.

9 MS. CHENG-DE CASTRO: I guess before we
10 continue. Did you review all the complaints that were
11 filed by the former staff members of the Assemblyman
12 prior to coming here?

13 MR. LOCHER: I have in the past looked at
14 the notices of claims. I did not look at them again
15 before coming here today.

16 MS. CHENG-DE CASTRO: Okay. So, you remember
17 [REDACTED] expressing concerns regarding sexual
18 harassment to you during this conversation. Then you
19 responded. Did you do anything afterwards? Like, did
20 you tell Mr. Gabryszak about her concerns?

21 MR. LOCHER: I don't remember if I -- I
22 don't remember if I spoke to the Assemblyman about her
23 concerns.

24 MS. CHENG-DE CASTRO: Did you record in any
25 way or in your notebook or anywhere else your

2 conversation with her?

3 MR. LOCHER: I, I don't believe so.

4 MS. CHENG-DE CASTRO: Was her concern at
5 that time -- when she expressed her concern to you,
6 were you surprised by the fact that she told you
7 whatever she told you?

8 MR. LOCHER: There was an interact-, there
9 was a general interaction between the two of them over
10 time that made it so that I didn't take what she was
11 saying as seriously as I did with the second person
12 who I mentioned.

13 MS. CHENG-DE CASTRO: Okay. Can you tell me
14 more about what you mean by that there was this
15 general I guess rela-, or interaction?

16 MR. LOCHER: They had -- they, they had a
17 very flirty relationship, very back and forth; at
18 times inappropriate interchanges between the two of
19 them.

20 MS. CHENG-DE CASTRO: Can you give us some
21 examples?

22 MR. LOCHER: I don't have any specific
23 stories at this time.

24 MR. SMITH: Mr. Locher, could I ask a
25 question? What, what month and years -- from when to

2 when did that first person work?

3 MR. LOCHER: [REDACTED], I want to say
4 she worked for more than two years with the
5 Assemblyman.

6 MR. SMITH: What years?

7 MR. LOCHER: I want to say it was '11
8 through '13. I'm, I'm not remembering the specific
9 months.

10 MR. SMITH: That's alright.

11 MR. LOCHER: She, she was the longest
12 serving communications staff member that we had.

13 MR. MULDERRIG: Next question. I'm sorry to
14 interrupt here.

15 MS. CHENG-DE CASTRO: Oh, no, thank you.
16 Well, so then I could represent to you she worked from
17 June 2011 to March 2013. So when did would you
18 characterize that this flirty rela-, interaction
19 between the Assemblyman and [REDACTED] start? Was it
20 kind of off the bat when she started working there? Or
21 did you notice it, you know, six months into her
22 working there? If you could recall when this flirty
23 interaction started?

24 MR. LOCHER: Within the first six months of
25 her being there. Probably sooner.

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MS. CHENG-DE CASTRO: And based on your observation, who would start these flirty interactions? Would it be the Assemblyperson -- man, or ██████████

MR. LOCHER: Shared.

MS. CHENG-DE CASTRO: And do you not remember any specific examples of what was said?

MR. LOCHER: I don't have any specific stories, no.

MS. CHENG-DE CASTRO: Well, do you remember what the topics were? Because previously I think you said they were -- they were inappropriate. So what -- do you recall what was discussed?

MR. LOCHER: Thing-, things that would be of a sexual inappropriate nature. I, I don't know. I, I don't have any specific stories that I can give you. And I'm trying to make certain I only answer the questions that you guys ask without giving a lot of speculation. I mean --

MS. CHENG-DE CASTRO: Well, have you ever heard the Assemblyman and ██████████ talk about strip clubs?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what would they say about strip clubs?

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MR. LOCHER: They, they both discussed having gone to them in the past.

MS. CHENG-DE CASTRO: And you would say that [REDACTED] sometimes would start this conversation and tell the Assemblyman that she's been to a strip club?

MR. LOCHER: I'm saying that there were times of sexual-oriented subjects. Not necessarily [REDACTED] saying she had gone to a strip club. There were just times where there were certain exchanges between the two of them that I would have classified as inappropriate.

MS. CHENG-DE CASTRO: During these conversations that were present at, was there anyone else that was also present that heard these conversations?

MR. LOCHER: I want to say [REDACTED] was still employed by the Assemblyman at that time. Uh, Lauren Paulo could have been present for conversations like that. [REDACTED] could have been present for conversations like that. I mean, if it will help --

MS. CHENG-DE CASTRO: Did you -- I'm sorry. Yeah, sure, go ahead.

MR. LOCHER: If it will help, since this has

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all happened, I had the Director of the Cheektowaga Senior Center, whom was a part of the Veterans' trip that Dennis sponsored to Washington DC in August of 2011. [REDACTED] went with the Assemblyman because I was out on surgical recovery leave. I've had the Director tell me that some of her attendees on this trip, who are regulars at the Senior Center, came up to her and asked her if [REDACTED] and the Assemblyman were a couple. They were playing off one another so much that they gave these people reason to believe that they were a couple.

MS. CHENG-DE CASTRO: Do, do you remember the names of these people?

MR. LOCHER: No. I just can tell you that the Director of the Senior Center's name is [REDACTED].

MS. CHENG-DE CASTRO: So then based on your interaction or just working at the office, do you agree with the comments that were said to you with respect to -- from the senior center members? Did you observe the same thing when you were in the office with [REDACTED] and the Assemblyman?

MR. LOCHER: I would agree with that perception.

2 MS. CHENG-DE CASTRO: So when -- the times
3 you said that you thought that conversation was
4 inappropriate, did you ever say anything to ██████████
5 ██████████ or the Assembly Member and expressing your
6 concern that their discussion was inappropriate in the
7 office?

8 MR. LOCHER: Pei Pei, I was classified as
9 the no-fun league by the Assemblyman. There were many
10 times where I would have to be the one to say to the
11 group or to individuals that the types of
12 conversations that they were having were inappropriate
13 for the office. And I -- can I give you specific
14 examples right now? No. I just usually was the one who
15 had to try to pull everyone back.

16 MS. CHENG-DE CASTRO: Do you recall having
17 any private conversations with just you and the
18 Assemblyman regarding these types of inappropriate
19 conversations?

20 MR. LOCHER: The main thing that sticks with
21 me is the fact that when ██████████ came to me
22 in September of 2013, even though I was trying to get
23 ██████████ to be in front of the Assemblyman; I told
24 the Assemblyman that he had to stop the sexual
25 comments, the sexual content. And --

2 MS. CHENG-DE CASTRO: Okay. Well, I -- well,
3 let's, I'm going to just pause. So, can you kind of --
4 can you tell us how that came about that she came to
5 you and what she said?

6 MR. LOCHER: You're, you're still on

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8 MS. CHENG-DE CASTRO: No, I'm on [REDACTED]
9 now.

10 MR. LOCHER: Okay. On a Saturday morning
11 over the telephone, she called me because after items
12 that had taken place on the Veterans' trip to New York
13 City, that she went with the Assemblyman on and a
14 lunch that we had had the day before with the
15 Assemblyman, [REDACTED] and myself; behavior that he
16 had exhibited toward her in New York City, and I'll be
17 detailed with you, the conversations that he had at
18 the Cheesecake Factory for [REDACTED] leaving our
19 office were just so bad and so inappropriate to her
20 that she finally had to say something.

21 MS. CHENG-DE CASTRO: Okay. So then what
22 does she say to you?

23 MR. LOCHER: She talked about behavior
24 toward her by the Assemblyman when they were in New
25 York City, comments that he would make to a waitress

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if a waitress say: Oh, are you guys a couple? And he would play along with that and got excited by that. He would talk about things like the Naked Cowboy and the Naked Cowgirl and different things that he saw when he was in New York City. And the straw that broke the camel's back was somehow during the lunch that we had at the Cheesecake Factory with the four of us, a discussion was had about the fact that [REDACTED] was going to be moving away, back to Albany and she was going to be having a garage sale. And he decided to say something about: [REDACTED] why don't you sell your panties at the garage sale? And he started making comments about me, I should buy -- I should buy her panties.

MS. CHENG-DE CASTRO: Did you respond when he said that?

MR. LOCHER: No. I -- by, by that point, no matter how many times; no matter how many times in the past I would say to people that certain things were inappropriate, they did them anyway.

MS. CHENG-DE CASTRO: What was [REDACTED] [REDACTED] and [REDACTED] reaction when he said that, that day?

MR. LOCHER: Disgusted. Both of them. And I

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wasn't thrilled with it. And when I told my wife, she was sickened by it.

MS. CHENG-DE CASTRO: When [REDACTED] [REDACTED] called you that Saturday, did she call your cell phone or your home phone?

MR. LOCHER: Cell phone.

MS. CHENG-DE CASTRO: Okay. And then so what happened after the call?

MR. LOCHER: I had suggested --

MS. CHENG-DE CASTRO: Well, actually -- I'm sorry. Let me go back. So she told you this on Saturday and what did you say to her?

MR. LOCHER: I told her that -- the things I remember are that I, I expressed concern about getting involved in a sexual harassment complaint; that I felt that she should talk to the Assemblyman, to tell the Assemblyman how she felt and that I was going to try to make that happen. And later on that day or in the evening, the Assemblyman called me because I had called him when [REDACTED] first left a message with me that morning asking if he knew what she might be calling about. He called later on that night and I had to say: Look, I want [REDACTED] to be able to tell you what her concerns are. At the same time, stop the

2 sexual comments.

3 MS. CHENG-DE CASTRO: And what did he say in
4 response?

5 MR. LOCHER: Nothing. Which was the
6 Assemblyman's way.

7 MS. CHENG-DE CASTRO: So when you say it was
8 the Assemblyman's way, what do you mean by that? Was
9 there -- were there [unintelligible] [01:31:09] on his
10 part?

11 MR. LOCHER: Over, over time and I worked, I
12 worked for the Assemblyman for what --11 years? I
13 would tell him things and I felt he listened. He just
14 said very little usually. And that was another
15 instance where I believe he took in what I said and
16 that was it.

17 MR. FLEMING: Can we take a break for a
18 couple minutes for a head call?

19 MR. SMITH: Sure.

20 MS. CHENG-DE CASTRO: Sure.

21 MR. SMITH: It's 11:35. We're going to stop
22 recording for a couple minutes for a restroom break.

23 [OFF THE RECORD]

24 [END 7-11-14 interview part 1.WMA]

25 [START 7-11-14 interview part 2.WMA]

2 [ON THE RECORD]

3 MR. SMITH: Okay. It's July 11, 2014. We're
4 back. It's approximately 11:45. You had a question,
5 sir?

6 MR. LOCHER: Well, I just wanted to mention
7 something. I tried going through my folder, thinking I
8 had a copy of something. This is an example of a note
9 in my book of where I had identified something of
10 [REDACTED] and had to discuss that issue with her.
11 I thought I had a physical timesheet copy in here and
12 I don't.

13 MR. SMITH: Okay.

14 MR. LOCHER: So, I, I don't want you to
15 think that I'm making stuff up. I just don't have; I
16 went through here a couple times just now and I could
17 not find a physical timesheet copy.

18 MR. SMITH: Well, we can use this note here
19 on 1-30-12.

20 MR. LOCHER: And you can go through -- you
21 can have it. I -- you, you get to have this. I just,
22 for the record, I wanted to point that out.

23 MR. SMITH: Okay.

24 MS. CHENG-DE CASTRO: So continuing on, did
25 you eventually help [REDACTED] set up an appointment

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with Assemblyman?

MR. LOCHER: I attempted to. What had happened was [REDACTED] was going to be going out of town on a Wednesday toward the end of September. The Assemblyman was out of town on the Monday and the Tuesday. I don't know recall which. There was a window on that Wednesday where; and there was a window on that Wednesday where the Assemblyman could have been in the office between 9:00 and 1:00 and [REDACTED] was there at 9:00 and had to leave at 1:00. I told the Assemblyman that [REDACTED] was going to be there so that the two of them could speak. And the Assemblyman did not come in until after [REDACTED] had to leave.

MS. CHENG-DE CASTRO: Did you call the Assemblyman to remind him about the meeting?

MR. LOCHER: Yes, I attempted to do that.

MS. CHENG-DE CASTRO: Did he answer his phone?

MR. LOCHER: I, I don't --

MS. CHENG-DE CASTRO: Did he answer?

MR. LOCHER: I don't specifically recall.

MS. CHENG-DE CASTRO: When he eventually came in, did you say anything to him?

2 MR. LOCHER: Yes. You had your opportunity
3 and she had to leave. And that was it.

4 MS. CHENG-DE CASTRO: And how did he respond?

5 MR. LOCHER: I, I don't recall.

6 MS. CHENG-DE CASTRO: Was there another
7 meeting that was supposed to be set up?

8 MR. LOCHER: When [REDACTED] came back to the
9 office the next week, the first thing she announced to
10 me was: I'm leaving. I have found another job. I'm
11 leaving.

12 MS. CHENG-DE CASTRO: And she said that to
13 you?

14 MR. LOCHER: And she said that to me.

15 MS. CHENG-DE CASTRO: And how did you
16 respond?

17 MR. LOCHER: As was written in the notice of
18 claim, I said: I didn't blame you.

19 MS. CHENG-DE CASTRO: And what do you mean
20 by that?

21 MR. LOCHER: Because of his collective
22 behavior and the fact that she was similar to me in
23 the fact that we believed in respect to the utmost and
24 wouldn't come right out to your boss and say: Shut up,
25 which was a quote from her and he continued behavior

2 that she couldn't tolerate anymore. She was able to go
3 -- she was able to work out on her own, unbeknownst to
4 me, to go back to her last employer before she came to
5 the Assembly office.

6 MS. CHENG-DE CASTRO: So when you said
7 continued behavior, what do you mean by that?

8 MR. LOCHER: He, he thought it was funny to
9 have inappropriate jokes and comments and stories and
10 like I told you about the, about the panties at the
11 garage sale reference. I mean, he thought that kind of
12 stuff was funny. Not everyone finds that funny.

13 MS. CHENG-DE CASTRO: So after the garage
14 sale pantie reference, he -- did the Assemblyman
15 continue to make similar references to [REDACTED]
16 [REDACTED] that you observed?

17 MR. LOCHER: He had no opportunity because
18 she was gone. She was gone by the end of the week that
19 she came back. He just -- I believe their last
20 interaction was he came in and wished her well.

21 MS. CHENG-DE CASTRO: So then prior to their
22 Cheesecake Factory garage sale conversation, did he
23 used to -- the Assemblyman used to make similar
24 comments to [REDACTED]?

25 MR. LOCHER: I would believe so, yes.

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MS. CHENG-DE CASTRO: What do you mean, you believe so? Do you actually know so? Were you present at any of these conversations?

MR. LOCHER: [REDACTED] went to Albany more times than I did in the span that she worked there and I worked there, if I recall. And I wasn't with him 24 hours a day, seven days a week. And she had to be the one to go with him at the end of the session. And I want to say there were at least two weeks that she went along with him, where they were there either four days or five days in a row. So, there were many times where I wasn't present, that the two of them were next to one another or adjacent to one another or what have you.

MS. CHENG-DE CASTRO: So, are you trying to tell me that you believe though that at times when you were not present and she was alone with the Assemblyman that he may have made inappropriate sexual comments to her?

MR. LOCHER: Then -- yes.

MS. CHENG-DE CASTRO: And what's your basis for the belief?

MR. LOCHER: When you work for a person for 11 years, you learn about like who they are. I, I, and

2 what, the types of things that they speak about. I, I
3 don't know how to answer your question.

4 MS. CHENG-DE CASTRO: Well, if you can, if
5 someone asks you like describe what it's like to work
6 for Dennis Gabryszak, what type of person he is; what
7 would you say?

8 MR. LOCHER: I'm biased.

9 MS. CHENG-DE CASTRO: That's fine. You're
10 biased. What would you say?

11 MR. LOCHER: Every person in this world has
12 their good points and bad points.

13 MS. CHENG-DE CASTRO: And what are his good
14 points?

15 MR. LOCHER: He cares about his son. He
16 cares about his dad. I -- in some respects he cares
17 about his community that he served.

18 MS. CHENG-DE CASTRO: Anything else?

19 MR. LOCHER: No.

20 MS. CHENG-DE CASTRO: So then what would his
21 bad points be?

22 MR. LOCHER: Very early on in working for
23 the Assemblyman, when I was in the Town Supervisor's
24 Office, he informed me that one of my informal job
25 responsibilities was to ensure that he did his job; to

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make certain that he did his job. To keep after him,
to make certain that he would do what he was supposed
to do. Because more often than not, he would rather
have fun more than do his job. Not a circumstance I
would want to wish on anyone from my, my perspective.
Having to push your boss? It's supposed to be the
other way around.

MS. CHENG-DE CASTRO: So are you saying one
of his bad points is that he doesn't -- am I
characterizing it; tell me if I'm characterizing this
wrong, but he's not -- he doesn't take responsibility
and he leaves it off to other people, for other people
to do?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay. Anything else?

MR. LOCHER: He likes to test people. He
likes to present circumstances to people and see how
they respond to it and see how they; see what
decisions that they make which may give him an
indication of their character. Would you like an
example?

MR. SMITH: Yes.

MS. CHENG-DE CASTRO: Sure.

MR. LOCHER: [REDACTED], we -- I

2 don't remember the specific event that was happening
3 on a; actually I do. We were going to have a press
4 conference with the Cantalician Center on a Saturday
5 and I do not recall the month. I do not recall the
6 date of the press release that we had. And she had had
7 reservations with a friend in Toronto on a Friday
8 night. She is the communications director. One would
9 expect she would be present for the press conference.
10 She asked him if it was okay not to be at the press
11 conference and he said: Yes, it's okay that you're not
12 there. While sharing with me that that was not the
13 case. He wanted to see how that person would respond
14 and he got -- and he got an impression on that
15 person's character. I, on the other hand, am of the
16 belief that you come right out and you say what you
17 mean and you don't test people. Because that when
18 you're the boss, doing that is -- it's not nice to do
19 that. You, you -- the boss should say what it is they
20 want and what it is they don't want and not test
21 people.

22 MS. CHENG-DE CASTRO: Would he test staff
23 members with -- by using sexual scenarios?

24 MR. LOCHER: I never had conversations with
25 him that would lead me to -- lead me to make a

2 judgment on that one way or the other.

3 MS. CHENG-DE CASTRO: So, other than
4 [REDACTED] and [REDACTED], had any
5 other staff members complained to you at all about the
6 Assemblyman's behavior?

7 MR. LOCHER: There was one instance that I
8 recall and I did not take this to be sexual in nature,
9 sexual harassment in nature. And I believe this person
10 referenced it in their notice of claim. [REDACTED] [REDACTED],
11 when I was at a fundraiser with her in Albany, I
12 remember having a conversation with her, where she
13 brought up the fact that when she would come out here
14 to Buffalo and she came out here a few times over her
15 two to three years of employment; the one time that
16 she came here and he paid through the campaign for her
17 hotel room. She had mentioned to me that he took her
18 back to the hotel room and for whatever reason, he
19 didn't necessarily leave right away. She thought that
20 he would drop her off and leave.

21 And what I recall saying to her was that the
22 Assemblyman just didn't like going home and he would
23 like to hang out with people and stay out and not, and
24 not have a reason to go home. His home life wasn't
25 that great. And I viewed that as creepy behavior, just

2 not sexual harassment behavior. She did not come out
3 and say: I felt sexually threatened by the Assemblyman.
4 So, and I don't believe I said anything to the
5 Assemblyman about her making that reference to me
6 because I just knew that he would do the same kind of
7 thing with me sometimes. He would -- he would rather
8 sit and talk to me than go home.

9 MS. CHENG-DE CASTRO: Any other instances
10 you can remember?

11 MR. LOCHER: That that's his -- I've been
12 beating myself up for six to seven months now and
13 that's the best I have.

14 MR. SMITH: And how long -- you've known the
15 Assemblyman since 2002, right. A lot of the people
16 that we've spoken to had known him that long also. You
17 said that, that this was continuous behavior. When did
18 you first observe this type of behaviors towards, you
19 know, sexual content in his conversation, possible
20 sexual harassment of people? You mentioned earlier
21 about his language. When did all this start?

22 MR. LOCHER: With all of the notices of
23 claim that were put out, the first instance that I
24 recall, based on what was written in those notices of
25 claim, was [REDACTED] Now, she didn't come to me.

2 Okay? I need to make that abundantly clear. She didn't
3 come to me. But it was something that I observed him
4 either wanting to put something up or showing
5 something that was inappropriate for the office. I
6 don't remember if it was a piece of art or it was
7 something that he was considering putting up in the
8 district office. I do recall that I felt that that was
9 pretty odd or inappropriate behavior; kind of, kind of
10 pushing the envelope if you will. I don't recall -- I
11 don't recall her coming to me individually and
12 complaining about it. I just recall that instance and
13 feeling similar to what she expressed in her notice of
14 claim.

15 MS. CHENG-DE CASTRO: But did you express
16 your --

17 MR. LOCHER: Uh, there were, there were
18 times -- there were times in the Assembly office or in
19 the Supervisor's office where he either said things or
20 did things in a inappropriate nature that I wouldn't
21 have agreed with either. I mean, guys, I've had people
22 --

23 MS. CHENG-DE CASTRO: Like what?

24 MR. LOCHER: I have reason to believe,
25 because his wife said this to me on the day that all

2 this stuff broke out, that he had an affair with an
3 unofficial intern in the Supervisor's office while I
4 was there. Her name was [REDACTED].

5 MS. CHENG-DE CASTRO: When was she an intern
6 at the office?

7 MR. LOCHER: I don't recall the specific
8 dates. It was for a short time. It may have -- I
9 believe it was supposed to be for three months. I
10 think it ended in a month and a half because I think
11 they smartened up and said: You know what? I can't be
12 carrying on this way and having this person in the
13 office.

14 MR. MULDERRIG: Who -- who told you that
15 occurred?

16 MR. LOCHER: Louise Gabryszak confirmed that
17 on December -- December 20, 2013.

18 MR. MULDERRIG: What do you mean she
19 confirmed it? So you went to her and she said that it
20 was accurate?

21 MR. LOCHER: I had to go to his house the
22 day that this all broke in Buffalo. And over a
23 conversation at the kitchen table, I mentioned
24 something, which was: I believe the video exists that
25 showed up all over the airwaves of Dennis acting

2 inappropriately in a bathroom stall. And she made
3 mention of the fact that: Don't you remember the
4 intern that Dennis had an affair with while he was
5 Supervisor? I don't re-, I never saw them physically
6 engaged. They, they acted kind of flirty to one
7 another. I just never saw anything physically.

8 MS. CHENG-DE CASTRO: Because this is when
9 he was a Town Supervisor?

10 MR. LOCHER: Correct.

11 MS. CHENG-DE CASTRO: Do you know what
12 precipitated his wife telling you about the affair
13 with the intern while he was the Supervisor?

14 MR. LOCHER: No, I was surprised he said
15 that -- or she said that to me. It kind of confirmed
16 everything I felt and that's why I basically exited
17 stage left for three weeks until he resigned. That's
18 why hired a, a counsel. That's why I contacted Andy.
19 Everything was just clear. And I, I'm, I'm forty years
20 old. I have 20 to 30 years of work remaining in my
21 life. And I needed advice. I needed counsel. And I
22 needed to exit from a situation. That kind of put the
23 nail on the head for me that she would say that that
24 way.

25 MR. SMITH: When she brought that that to

2 your attention, did that; alright, what was your
3 feeling towards all these other complaints?

4 MR. LOCHER: Did you guys watch my TV
5 interview?

6 MR. SMITH: Yes, I did.

7 MR. LOCHER: And you remember in the end I
8 said something to the effect of: These are really big
9 claims and I don't want to take anything away from the
10 claims. I feel like that today.

11 MR. SMITH: Okay.

12 MR. LOCHER: It -- I, just, this is not time
13 for me to speculate. I'm here to answer your questions.

14 MS. CHENG-DE CASTRO: So, are you saying
15 when you say that they're really -- these are really
16 big claims is that you; obviously you having read
17 these notice of claims. Are you saying you kind of,
18 you agree with what's alleged in these claims? Because
19 I know previously you referred to --

20 MR. LOCHER: That doesn't sound like a legal
21 question.

22 MR. SMITH: Well, I --

23 MS. CHENG-DE CASTRO: We're just asking your
24 opinion. I mean --

25 MR. FLEMING: Isn't he here -- isn't here as

2 a fact witness under a subpoena? Not to render
3 opinions but to --

4 MS. CHENG-DE CASTRO: Well, it's not a legal
5 opinion. I'm just wondering if he agrees with the
6 allegations that are alleged in the notice of claims;
7 that they actually occurred.

8 MR. LOCHER: Alright. This is what -- this
9 is what I'm going to try to say here. Okay? It's been
10 six months since all this broke. I'm pretty well known
11 in the community that I worked. Almost every person to
12 a tee who comes up to me says: I knew Dennis for
13 decades. We weren't surprised that this was how he
14 behaved. And I feel sorry for you, Adam. I feel the
15 worst for you, that you had to be there; you had to be
16 in the middle of this and you've had to deal with this.
17 And that's why I sought counsel. And that's -- I, I'm,
18 I usually --

19 MR. FLEMING: Well, let me, let me intersect
20 here. He doesn't agree with everything that's in the
21 claims in he said that in the interview on TV. If it's
22 helpful for you to know? I mean, he's, he's --

23 MS. CHENG-DE CASTRO: It is help --

24 MR. FLEMING: He's also testified today that
25 someone who's made an allegation against him for two

2 years continued to frequently travel with him in the
3 car alone to Albany, back and forth. Somebody who's
4 made a complaint about him, there's a photograph we're
5 giving you. They're happy go lucky friends and friends
6 and the whole deal in New York City. So, he's not of
7 the view that Dennis Gabryszak went out -- you know,
8 I'm not; you know, he's not of the view that Dennis
9 Gabryszak did all the things that he's been accused of.
10 He's characterized his view of it. But he's not saying;
11 he's saying they're big claims in terms of what the
12 parameters could be.

13 We have received a letter from one of the --
14 an attorney for one of these complainants threatening
15 to sue Adam. And he shouldn't be getting sued over all
16 this stuff. But he's been -- so big claim means it's a
17 big deal to him because somebody's threatening to sue
18 him. Of course under the Public Officer's Law, he's
19 going to be seeking, you know, representation through
20 the State. But the point being is that, you know, I'm
21 not sure how his opinion on this at this stage --
22 we're not entitled to a copy of this transcript; is
23 going to be -- is a fair question. That's my kind of
24 objection. Not that I'm a position to object. But it's
25 arguably privileged and it goes towards the merits of

2 what might ultimately be his defense. He's been a
3 cooperative witness and I'm hoping we can move on.

4 MR. LOCHER: Guys, you --

5 MR. FLEMING: Next question.

6 MS. CHENG-DE CASTRO: Okay. I think from and
7 this is where kind of this question is, in fact the
8 previous question really is a sense for me is is that
9 from seeing your interview on TV, you get the sense
10 and I could be wrong; I get the sense that, you know,
11 you were kind of defending the Assemblyman. But today
12 as you come here and you specifically point to
13 particular sections in notice of claims where you say:
14 This happened and I was there and I agree with it; I
15 feel differently. I feel that maybe six months later,
16 you're now coming and you're telling us that: You know,
17 these things did happen in the office. You know, and I
18 see a difference between what you said initially and
19 now.

20 And so I, I want to explore that: What did
21 you see? What was the inappropriate behavior? You've
22 already told us some. But I think we need to know more
23 specific examples, if you could remember. Things,
24 inappropriate things that he said; what were they
25 about? How as it started? So, I need you to think back

2 in 11 years that you worked for him and tell me why
3 you, you, you're -- what happened and what he said.
4 What was inappropriate?

5 MR. LOCHER: Pei Pei, I went on TV to defend
6 me. Me -- not him. Not them -- me. Because there were
7 many instances in those notices of claims where they
8 said I was Chief of Staff and they came to me. And I
9 don't believe they came to me. Okay? I went out there
10 for me. I'm 40 years old and I wanted to be able to
11 try to protect myself. I stayed away for three weeks
12 and was amazed that [REDACTED] called me and asked
13 me if I was in danger. You want to know why I called
14 him? I called Andy because he started saying --
15 because Dennis Gabryszak started saying to me, saying
16 to me: You're, you're going to be there for me. You're
17 going to protect me, right? No. No. I, I'm sorry if I
18 gave you the impression that I was defending him. What
19 I was saying was I was in the middle. I was in the
20 middle of everybody. And I was --

21 MR. FLEMING: Hold -- hold on a second.
22 Let's just -- let's take -- Pei Pei, what was
23 communicated in some of these notices of claim, to
24 help Adam here so we can move along; is that he was
25 somehow in a position to make employment decisions

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about these individuals. And he wasn't. That's what he wanted to communicate on television and I'm hoping he's communicated it here today. Was he called the de facto or de jure, I suppose, Chief of Staff as of July of 2012? I suppose he was. Did he keep track of their time slips or time? Yes. Was he in a position to make any decision about the terms and conditions of their employment? No. So, that's important for us to all understand here. He was a co-worker with these people. He was in a position -- and I know that there were, a lot of earlier questions were along the lines setting up: Were you in a position to hire and fire? He was not. Was he in a position to express opinions about things that weren't happening? Yes.

But these were -- this was Dennis Gabryszak's show. It was not Adam's. So, maybe there - - I think that the investigators here and Pei Pei are interested in any other specific instances of sexual harassment you can remember, coming to your attention. Because it sounds like these people weren't, quote, complaining to you, other than [REDACTED] Other -- those were conversations. [REDACTED] you took as a no doubt a complaint to you, right? Alright. And you approached your boss about it. Didn't go to the,

2 whatever the hotline was or whatever, just as she
3 hadn't. But, uh, for that maybe you, maybe you should
4 have. But the long and the short of it is: Are there
5 other instances of sexual harassment? I don't mean to
6 take your thunder here, Pei Pei. But I think that's --
7 it would be very helpful for them to have information
8 about; that you can remember.

9 MS. CHENG-DE CASTRO: No, no thunder taken.
10 Thank you. I, I, I understand your position. And yet
11 right now, the point I'm getting at is I really need
12 you to tell us; you know, you're giving us the sense
13 that: Yes, he acted inappropriately in the office.
14 Everybody knew it and a lot; you know, everybody who
15 knew him, knew it. And you, you're the one that stayed
16 with him and worked for him for 11 years. So, you need
17 to tell us, you know, what or other examples of
18 inappropriate behavior that you observed.

19 MR. LOCHER: This was my dream job. Being
20 able to be involved in helping to make Western New
21 York better. Dennis Gabryszak would remind me and
22 remind me in regards to others that these positions,
23 including my own, were at-will positions. Someone
24 could look at him with a dirty look and that would be
25 enough to be able to send them on their way. He would

2 remind me of that and those items would come up in
3 conversations between he and I; I'm not going to say
4 like every day or every week. They were frequent
5 enough that that's what I remember. He was my boss.
6 And I just tried the best I could to keep everything
7 together the best I could.

8 MS. CHENG-DE CASTRO: Okay, I understand
9 that. But I've got -- what Mr. Fleming and I are, are
10 kind of just asking you to, to tell us is: If you
11 remember specific examples of the Assemblyman creating
12 inappropriate behavior, or behaving inappropriately?

13 MR. LOCHER: I can't give you specific
14 stories. What I can tell you is he talked about strip
15 clubs a lot, which is referenced a lot in notices of
16 claims. He would talk -- he would --

17 MS. CHENG-DE CASTRO: Besides, besides it
18 being referenced in the notice of claims, you say he
19 talked about strip clubs a lot. What do you mean by
20 that? Did he talk about it once a week? Every time he
21 was in the office? Was it open to the entire staff? Or
22 at least --

23 MR. LOCHER: It was open -- it was open to
24 the entire staff. He talked about things like that
25 quite often. He talked about how people looked, how

2 they dressed. He was pretty free with talking about
3 things that would -- that I would classify as sexually
4 inappropriate. Do I recall him -- do I recall
5 witnessing him trying to go up and grab people? No, I
6 don't. Would it -- if I was in his position, would I
7 be conducting myself verbally the way he was? No,
8 absolutely not. And he would try to egg me on and get
9 me involved in the conversations. And I didn't like
10 doing that because that wasn't what we were there for.
11 That was inappropriate and it was more about the
12 perception of other people. When you talk like that,
13 it doesn't matter how you're intending it to be. It
14 only matters what the person on the other side is
15 receiving it as.

16 MS. CHENG-DE CASTRO: And how many times
17 throughout the 11 years that you worked for him when
18 he made these inappropriate comments, did you ever
19 approach him and tell him that what he was doing you
20 thought was inappropriate?

21 MR. LOCHER: There were many times where I
22 said it out in front of everybody: We got to stop this.
23 You got to stop this. I mean, did I keep a journal of
24 that? No. And we weren't memo writers either. That was
25 one of the main things that I was surprised by with

2 your subpoena. We weren't memo writers. Even, even the
3 two conversations I mentioned with [REDACTED]
4 and [REDACTED] there was no notes. No one
5 wrote anything to me. They're -- the only closest
6 thing I have that I would classify as a diary is what
7 I gave to you. You can -- I hope that the Assembly
8 will say: Here's all the files. Here's all the
9 Assembly E-mails. Here's all -- everything on the
10 computers. Go at it. Have the I-Drive, have everything.
11 Look at whatever you want. I was not the photo taker.
12 I, I stunk at photos. He knew it. He didn't have me
13 take photos. So, any photos that may be on the flash
14 drives or the hard copies of photos I gave you, it's
15 because I had them. So, I was not the photo taker. I
16 didn't go --

17 MR. FLEMING: Let's get a mix of question in
18 here. Next question, Peter.

19 MS. CHENG-DE CASTRO: So when you would tell
20 the Assemblyman that his behavior was inappropriate,
21 what was generally his reaction or response to you?

22 MR. LOCHER: Nothing.

23 MS. CHENG-DE CASTRO: He would just keep
24 quiet?

25 MR. LOCHER: Yeah, that was his way about

2 most everything. You would hope he was --

3 MS. CHENG-DE CASTRO: Did he ever dismiss --
4 did he ever dismiss you and then continue the
5 inappropriate behavior?

6 MR. LOCHER: That's why he called me the no-
7 fun league. That was his way. Dr. No and no fun. That
8 was me. I carry that with me to this day.

9 MS. CHENG-DE CASTRO: What was your main
10 method of communication with the Assemblyman?

11 MR. LOCHER: Verbal.

12 MS. CHENG-DE CASTRO: Did you E-mail him at
13 all?

14 MR. LOCHER: Some. He wasn't an E-mail type
15 person usually. He would tell me that. Most of the
16 time, he was included on E-mail, either it be
17 government or campaign, to ensure that I knew he had
18 it if he asked.

19 MS. CHENG-DE CASTRO: What E-mail did he use
20 when he was Assemblyman?

21 MR. LOCHER: GABRYSZAKD@ASSEMBLY.STATE.NY.US
22 and he created [REDACTED] and that was what the
23 political stuff went to.

24 MS. CHENG-DE CASTRO: So, [REDACTED]

25 MR. LOCHER: Yes.

2 MS. CHENG-DE CASTRO: That E-mail was used
3 for campaign or fundraising sort of?

4 MR. LOCHER: Yes, political campaign
5 purposes.

6 MS. CHENG-DE CASTRO: Any other E-mails?

7 MR. LOCHER: No.

8 MS. CHENG-DE CASTRO: I think you said that
9 he one cell phone, correct?

10 MR. LOCHER: Yes.

11 MS. CHENG-DE CASTRO: Would you text with
12 him at all?

13 MR. LOCHER: I was not a texter.

14 MS. CHENG-DE CASTRO: But did the
15 Assemblyman text his -- any other, like text with
16 other staff.

17 MR. LOCHER: He texted with everybody under
18 the sun.

19 MS. CHENG-DE CASTRO: And that would be from
20 that phone number that you gave us?

21 MR. LOCHER: Yes. I was not aware of any
22 other phone numbers that he would use.

23 MS. CHENG-DE CASTRO: Just to clarify,
24 you're not saying that you don't text with him; it's
25 just very rare? Is that correct?

2 MR. LOCHER: During my entire time in the
3 Assembly, I made it so that my phone would not text.

4 MS. CHENG-DE CASTRO: Why?

5 MR. LOCHER: Because I have bad fingers. Big
6 fat, bad fingers and they don't work that great. And I
7 didn't like texting anyway.

8 MR. FLEMING: Next question.

9 MS. CHENG-DE CASTRO: Pete, go ahead. I'm
10 good I think.

11 MR. SMITH: Okay. I got -- a lot of these
12 we've already answered. I just want to go through them
13 real quick. How many job applicants would the office
14 receive a year?

15 MR. LOCHER: In, in the time that I would be
16 aware, we got five to ten sporadic, not called upon
17 resumes. That would be about it.

18 MR. SMITH: A year?

19 MR. LOCHER: Yeah. We didn't get -- we
20 didn't have positions open all the time. And, I mean,
21 we had --

22 MR. FLEMING: Next question. Just listen to
23 the questions.

24 MR. SMITH: How were the applicants
25 prescreened?

2 MR. LOCHER: He brought them in. He
3 interviewed them. Sometimes he would have me interview
4 them. Sometimes I would say we needed to call
5 references. Most of the time, he didn't care.

6 MR. SMITH: Okay. When you say he, he, he;
7 who is that?

8 MR. LOCHER: Dennis Gabryszak.

9 MR. SMITH: Okay. Were men ever considered
10 for employment?

11 MR. LOCHER: Yes.

12 MR. SMITH: Yes? How often? And were they
13 hired?

14 MR. LOCHER: A few times -- and no.

15 MR. SMITH: A few times --

16 MR. LOCHER: And no.

17 MR. SMITH: Okay. That's what --

18 MR. LOCHER: I was the only man who worked
19 for him while he was in the Assembly -- paid employee.
20 I was the only male paid employee in the, in the time
21 in the Assembly.

22 MR. SMITH: Did he ever mention why that's
23 the case?

24 MR. LOCHER: No. We had --

25 MR. FLEMING: Just listen to the questions.

2 Okay?

3 MR. LOCHER: Okay.

4 MR. SMITH: Was there ever a time that a
5 resume was offered --

6 MS. CHENG-DE CASTRO: Hopefully -- I'm sorry.

7 MR. SMITH: Oh, go ahead.

8 MS. CHENG-DE CASTRO: What were you going to
9 say?

10 MR. SMITH: I'm asking about the resumes.

11 MS. CHENG-DE CASTRO: Oh, okay.

12 MR. SMITH: Was there ever a time that
13 you're aware of that resumes of men were submitted?

14 MR. LOCHER: Yes.

15 MR. SMITH: Okay. And what was done with
16 them?

17 MR. LOCHER: He wanted to hire a
18 communications person who was from Washington DC when
19 we were going through the hiring process for [REDACTED]
20 [REDACTED] He wanted -- he wanted too much money and
21 the Assemblyman couldn't do it.

22 MR. SMITH: Okay. Was the Assemblyman
23 interested in hiring him?

24 MR. LOCHER: Yes.

25 MR. SMITH: And the reason for not hiring

2 him?

3 MR. LOCHER: He wanted more money than I
4 made. At the time, I was either making 42 or 46. And
5 he wanted more than me. And in the Assembly, they have
6 very little money.

7 MR. SMITH: Did you ever hear the quote: "I
8 want women in the position. If you don't like it, find
9 another position"?

10 MR. LOCHER: No.

11 MR. SMITH: Who determined when someone
12 would be fired?

13 MR. LOCHER: Dennis Gabryszak.

14 MR. SMITH: Would anybody have any input
15 into that?

16 MR. LOCHER: He may ask me for my opinion.

17 MR. SMITH: Okay. And would you concur or
18 disagree with him?

19 MR. LOCHER: I've heard a term recently
20 called stoop advisor. Where someone is given all the
21 responsibility and no -- none of the authority. And
22 that's what I would informally classify myself to have
23 been, the stoop advisor. There were certain employees
24 who if I was the Assemblyman, they would have been
25 gone a lot sooner than they were. I did not have the

2 authority to let anyone go.

3 MR. SMITH: Would you make recommendations
4 to let someone go?

5 MR. LOCHER: Yes.

6 MR. SMITH: Okay. And who was that?

7 MR. LOCHER: [REDACTED]. She was the -- she
8 was the main person who I had said a number of times
9 to him that I would suggest that he let her go.

10 MR. SMITH: And why?

11 MR. LOCHER: When she started out in 2008,
12 her main responsibility was to travel back and forth,
13 either with him or just travel back and forth to
14 Albany as the Legislative Director. I want to say that
15 in 2010 beginning of the session, she stopped going.
16 She just stopped going and never gave a reason to him
17 as to why. And things got really, really bad. And the
18 intern was ineffectual and it made things extremely
19 difficult. And I would say to him: Why do you not tell
20 her to go? If I was you, I would say something over
21 and over and over again until they did what I asked or
22 it would be time to part ways because you're the boss.
23 And if you're okay with this, then let it go. In the
24 end, her classification was changed. She went to a
25 part-time position eventually. And she stayed on for

2 at least another, another year or so if my memory
3 serves.

4 MR. SMITH: Okay. Did, did Dennis -- you
5 said you wanted to hope that; you would have removed
6 her immediately, correct? How come Dennis held onto
7 her?

8 MR. LOCHER: She had union ties. That would
9 be the only reason I would think that he kept her as
10 long as, as she did. Your, your guess is as good as
11 mine, Peter.

12 MR. SMITH: What other employees were fired
13 or demoted?

14 MR. LOCHER: [REDACTED] [REDACTED]

15 MR. SMITH: Why was [REDACTED] [REDACTED]
16 removed?

17 MR. LOCHER: She was removed from what I
18 understand because he was made aware that she did not
19 have a current driver's license. And he called her on
20 it and said: You have been driving my car and I need
21 you to produce a current driver's license. If you
22 cannot produce a current driver's license, because he
23 had worked as the First Deputy DMV, he knew of a
24 document that he told her to go get from the DMV that
25 would illustrate if -- that would illustrate that she

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was in good standing with the driver's license. She never produced that. They came to an agreement and she left.

MR. SMITH: Who else?

MS. CHENG-DE CASTRO: I'm sorry. If I could just -- how did this whole situation about him finding out that she didn't have a current driver's license come about?

MR. LOCHER: I believe [REDACTED] told him.

MS. CHENG-DE CASTRO: What's your basis for that belief?

MR. LOCHER: Because I remember [REDACTED] telling me that.

MS. CHENG-DE CASTRO: So, [REDACTED] told you that she told Mr. Gabryszak that [REDACTED] [REDACTED] didn't have a valid driver's licenses?

MR. LOCHER: Correct.

MS. CHENG-DE CASTRO: Do you recall if [REDACTED] [REDACTED], near the end of her employment at the office, had her hours reduced?

MR. LOCHER: We were going in -- Dennis and I --

MR. FLEMING: Just listen to the question. Do you remember if her hours were reduced?

2 MR. LOCHER: She was given -- she was made
3 aware of changes that were going to be made. And she
4 decided instead of going to temporary status, that she
5 was going to leave the office.

6 MS. CHENG-DE CASTRO: Was [REDACTED] a
7 full-time employee?

8 MR. LOCHER: [REDACTED] started as a full-
9 time employee; then became a 17-1/2 hour a week part-
10 time employee. And before her employment ended, she
11 was presented with becoming a temporary employee; that
12 would be anything under 17-1/2 hours a week.

13 MS. CHENG-DE CASTRO: Why did she become a
14 full-time employee to a 17-1/2 hour employee?

15 MR. LOCHER: Because she refused to go to
16 Albany anymore. And when the next session began the
17 next year, he needed to find another way to make it
18 work. And he ended up hiring a former intern who
19 became the part-time Legislative Director.

20 MS. CHENG-DE CASTRO: So who made the
21 decision to change her status from full-time to 17.5
22 hours?

23 MR. LOCHER: Dennis Gabryszak.

24 MS. CHENG-DE CASTRO: Okay. And then from
25 17.5 to temporary?

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MR. LOCHER: Dennis Gabryszak.

MS. CHENG-DE CASTRO: Did he discuss his decision with you prior to making that decision?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what did he say to you?

MR. LOCHER: Her schedule became -- [REDACTED] schedule became very scattershot and she could pick her own schedule. And we wanted -- he thought it was best to give her a defined schedule and to split more of her salary allotment with another staff member who at the time only worked nine hours a week.

MS. CHENG-DE CASTRO: Do you know why she -- [REDACTED] decided that she didn't want to go travel to Albany anymore? Did she tell you why?

MR. LOCHER: I believe she said it was an expense issue.

MS. CHENG-DE CASTRO: She said that to you?

MR. LOCHER: I, I want to say she may have mentioned that to me, yes.

MS. CHENG-DE CASTRO: Do you remember if there was any other reason, other than that?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Okay. Anyone else

2 besides [REDACTED] and [REDACTED] [REDACTED]?

3 MR. LOCHER: Dennis Gabryszak did not like
4 to fire people; so, no.

5 MR. SMITH: How about others that were full-
6 time and put on part-time status?

7 MR. LOCHER: No one else that I recall went
8 from full-time to part-time status. The only one who
9 did was [REDACTED].

10 MR. SMITH: Who set the salary rate?

11 MR. LOCHER: Dennis Gabryszak.

12 MR. SMITH: How was the rate developed?

13 MR. LOCHER: He discussed his staff
14 allotment with [REDACTED]. And he would work out on
15 his own how he would make it work.

16 MR. SMITH: Okay. When the salaries were cut
17 or someone was put on part-time, does that have to be
18 documented?

19 MR. LOCHER: He would have to fill out a PAR,
20 a personnel action request form.

21 MR. SMITH: And where would that go?

22 MR. LOCHER: That would go to [REDACTED]
23 and Albany human resources.

24 MS. CHENG-DE CASTRO: Mr. Locher, I'm, I'm
25 just referring to [REDACTED] [REDACTED] notice for

2 claim where she says she advised the Assemblyman how
3 upset she was with his sexual conduct and behavior
4 toward her. As a result she received immediate
5 retaliation from the Assemblyman. Her timesheets were
6 not filed and her salary was dropped. She began her
7 employment -- when she began her employment, her
8 salary was \$52,000 per year. By the time she left her
9 position in May 2009, her salary was less than half
10 that amount. Do you know if her salary was cut in half?

11 MR. LOCHER: You're going to have to bear
12 with me. I'm going to give you detail on this. And I
13 actually have to start with me; an example with me, so
14 you understand how I'm going to explain this with
15 Christy.

16 MS. CHENG-DE CASTRO: Okay.

17 MR. LOCHER: The way the Assembly worked in
18 terms of overall salary was they looked at the overall
19 allotment over the course of a year. The example I've
20 given to people is let's say you have \$100,000 over
21 the year. You have three employees who make \$33,000
22 each. Let's say one person leaves in May, one person
23 leaves in July. You have one person on and a new
24 person is going to come on who you intend at the
25 beginning of the next year to pay \$33,000 to. And you

2 don't expect to hire the third until the beginning of
3 January. So you have a little bit of play in there
4 because there was a person that left in the spring and
5 a person who left in the summer. So there's a little
6 play in there. So, a new person comes on -- the second
7 person; the second person in the office. And you say
8 to that person: Look, at the end -- at the beginning
9 of the next year, I'm going to change your salary to
10 \$33,000. Right now, I can give you more. What is your
11 choice? Do you want more money now? Or do I start you
12 at \$33,000? People can make that choice.

13 In the first year in the Assembly, my first
14 year in the Assembly, when [REDACTED] had left, I
15 was the only one there. He didn't bring on a part-time
16 person, [REDACTED] into the district office until
17 later that year. He came to me that summer and he said
18 to me: Adam, right now your salary is \$33,500. I'm
19 willing for the rest of the year, and this can be
20 tracked by PARs; I'm willing to make your salary
21 \$41,000. Be aware that come January 1, your salary is
22 going to go back to or near 33.5, which in essence,
23 January 1, it became 34.5.

24 Fast forward to [REDACTED] [REDACTED]. And I had
25 to learn all this after the fact. And I can't tell you

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with certainty if this is true. But based on the example I just gave builds upon it. [REDACTED] [REDACTED] came in at a time with a gap in between I want to say [REDACTED] and when she started. And supposedly and this came out in March of the year she left, March or April of the year she left, [REDACTED] [REDACTED] left; supposedly he said to her: Right now, today, I can pay you some big amount of money. I don't even know how much it is, to be honest with you. I never saw the PAR. As he explained it to me, he supposedly told her: I can pay you X amount of money now. Your salary is going to change. Your salary is going to change January 1st. And it's going to change because I can't -- and this is him talking to me; I cannot pay you more than Adam. I can't. Adam's been with me for a long time. I can't do that. I'm not going to pay you more.

So supposedly come that January when -- because I want to say that that was the start of a term; I don't recall actually. I think that was the start of a term and at the start of the term you put in everybody's paperwork, including the PARs, as if you resigned them up again. Supposedly, he put in paperwork that said her salary was going to go down.

2 Well, she brought it to my attention somewhere in
3 March or April that: Her salary was different and why
4 was it? So, I went to him and I said: Look, Dennis,
5 she's bringing this to my attention. I remember what
6 you did to me or for me. Tell me what's going on.
7 Because it was clear that she was very angry,
8 rightfully so.

9 It was odd that she was coming to me in
10 March because the way my mind would work with this,
11 this would have been something that would have
12 happened in January. And if you're coming in, coming
13 into me in March and you haven't been looking at your
14 bank statements with your direct deposits; you would
15 have seen a big difference. This was my logic of it.
16 So, I had to say to Dennis: What's going on? What is
17 happening here? I'm bringing this to your attention.
18 And he's telling me that he told these -- he told
19 ████████ this when ████████ tarted. And this is what I
20 was told. I don't remember if I got in the middle of
21 it or not. I just know that the prospect of what he
22 said to me has some validity only because it was
23 something that had happened to me.

24 MR. FLEMING: Next question.

25 MS. CHENG-DE CASTRO: Do you remember or

2 recall is [REDACTED] has said to you that maybe the
3 reason why her salary was reduced was because she
4 complained to him about sexual comments that he made
5 to her?

6 MR. LOCHER: No. She never spoke to me about
7 that.

8 MS. CHENG-DE CASTRO: In her notice of claim,
9 she says she advised you or reported to you of her
10 uncomfortableness with the Assemblyman's behavior. Do
11 you recall her doing that?

12 MR. LOCHER: I never recall her saying those
13 things, no.

14 MS. CHENG-DE CASTRO: Okay. Pete, do you
15 want to continue?

16 MR. SMITH: Yup. Were health benefits always
17 included in the hiring?

18 MR. LOCHER: If you worked 17-1/2 hours a
19 week or more, you got health insurance.

20 MR. SMITH: Did anyone ever come to you with
21 concerns over health insurance?

22 MR. LOCHER: Not that I recall.

23 MR. SMITH: Do you know if anyone went to
24 Dennis over health insurance?

25 MR. LOCHER: I, I don't recall.

2 MR. SMITH: Okay. When Mr. Gabryszak would
3 be traveling to and from Albany and to and from New
4 York, who handled the travel process?

5 MR. LOCHER: Dennis Gabryszak.

6 MR. SMITH: Who funded the travel?

7 MR. LOCHER: It depended on the type of
8 travel it was.

9 MR. SMITH: Okay. What different types of
10 travel are there?

11 MR. LOCHER: Two types.

12 MR. SMITH: Okay, go ahead. What are the two
13 types?

14 MR. LOCHER: Per diem and non per diem.

15 MR. SMITH: What's non per diem?

16 MR. LOCHER: A conference that he wanted to
17 go to. A visit that he was going to make to a plant or
18 to a -- to a school or something. Like when he was the
19 -- when, why am I forgetting this term? He was the de
20 facto; he was an unpaid chair of a task force, where
21 he looked into things at like Columbia or Stony brook
22 or some of the other centers of excellence. And when
23 he went on those trips, I don't know how he -- I don't
24 know how he had them funded; that would be a question
25 for Brian Krause.

2 MR. FLEMING: Next question.

3 MR. SMITH: Why did Gab-, Mr. Gabryszak
4 travel to and from New York City so often?

5 MR. LOCHER: Because it was his favorite
6 place on earth.

7 MR. SMITH: Any idea how many trips he took?

8 MR. LOCHER: I'm not his keeper.

9 MR. SMITH: Besides being his favorite place
10 on earth, were any of them for State business?

11 MR. LOCHER: Some.

12 MR. SMITH: How many?

13 MR. LOCHER: He would go to New York to see
14 the Speaker during non-session at least once a year to
15 ask for staff allotment. Many of the committee -- many
16 of the committees that he was on had their hearing in
17 New York. And he also liked to go there socially.

18 MR. SMITH: Do you know if the campaign fund
19 paid for his trips to New York City?

20 MR. LOCHER: I didn't write the checks.
21 Brian Krause did.

22 MR. SMITH: But do you know if the campaign
23 funds were used?

24 MR. LOCHER: Can I say without a shadow of a
25 doubt? No, I can't.

2 MR. SMITH: Okay.

3 MR. MULDERRIG: I'm sorry, Pete. Did Mr.
4 Gabryszak ever use office funds for the travel? Petty
5 cash or --

6 MR. LOCHER: We didn't have petty cash. We
7 didn't have petty cash in the office. We never did.

8 MR. MULDERRIG: Did he use in any way the
9 office budget?

10 MR. LOCHER: The, the \$2,700 that I
11 mentioned --

12 MR. FLEMING: Listen to the question. Did he
13 use office budget money to go to New York City?

14 MR. LOCHER: No.

15 MR. FLEMING: There you go.

16 MR. MULDERRIG: Did he use any money from
17 the \$2,700 that was allotted?

18 MR. LOCHER: No.

19 MR. MULDERRIG: Thank you.

20 MR. FLEMING: There you go. See how easy
21 that is.

22 MR. SMITH: With his travel to New York City,
23 who made the lodging agreement -- arrangements?

24 MR. LOCHER: Dennis Gabryszak.

25 MR. SMITH: Do you know what hotels he

2 stayed in in New York City?

3 MR. LOCHER: Expensive ones. I don't know
4 the specific ones. He was a member of two, three,
5 maybe four different club programs, like Marriott or
6 Hilton. He --

7 MR. FLEMING: Next question.

8 MR. SMITH: Did you ever travel to New York
9 City with Dennis Gabryszak?

10 MR. LOCHER: Once.

11 MR. SMITH: Once. For what reason?

12 MR. LOCHER: [REDACTED] volunteered an
13 idea at a dinner in November of 2013. That idea was:
14 Let's have our holiday trip, our holiday -- which we
15 usually have Russell's Steak House or Salvatore's
16 Italian Gardens or Hyde Park Steak House, when it
17 existed -- no. I've never been to New York City. I
18 would like to have our staff dinner in New York City.
19 Well, Dr. No comes out, me, saying: It's holiday time.
20 I have a family. You're talking about a \$1,000 trip.
21 Assemblyman Says: Guys, if you want to do this, the
22 only thing that's coming out of the campaign is for
23 the dinner. You have to take care of all your travel
24 expenses. You have to take care of all of your lodging
25 expenses.

2 You want to know why I know that? Because
3 what's in there, are the only time, the only time I
4 kept my receipts because it was not paid for by the
5 campaign. So, I kept my physical receipts. I would
6 give my receipts for everything that was campaign
7 related, that I was being reimbursed for, to Brian
8 Krause.

9 MR. FLEMING: So you went to New York once.

10 MS. CHENG-DE CASTRO: Do you know why the
11 staff dinner was coming out of the campaign funds
12 versus the \$2,700?

13 MR. LOCHER: Because New York State does not
14 allow you to consumer food; it does not allow you to
15 pay for consumables.

16 MS. CHENG-DE CASTRO: Okay.

17 MR. SMITH: This trip at the holiday time,
18 where did you stay?

19 MR. LOCHER: I stayed at the Hotel Carter.

20 MR. SMITH: Where did Mr. Gabryszak stay?

21 MR. LOCHER: At a super new only opened a
22 week Hyatt.

23 MR. SMITH: Any idea how that was paid?

24 MR. LOCHER: No.

25 MR. SMITH: Terry, any questions on the

2 travel?

3 MS. CHENG-DE CASTRO: Who paid for you hotel?

4 MR. LOCHER: Me.

5 MR. SMITH: Did you socialize during the
6 trip?

7 MR. LOCHER: Yes.

8 MR. MULDERRIG: Would you tell us about that?

9 MR. LOCHER: We went to a show together, the
10 four of us. [REDACTED] sat right next to me. I had
11 to pay for [REDACTED] ticket. I had -- we had
12 lunch together before the show. And then we all went
13 to dinner and I left before the dinner was over.

14 MR. MULDERRIG: Why'd you live before the
15 dinner was over?

16 MR. LOCHER: Because I hadn't felt well
17 basically the entire month. And I was a trooper and I
18 went to New York City so the person who said they had
19 never been to New York City before got an opportunity
20 to go.

21 MS. CHENG-DE CASTRO: Who was the fourth
22 person there?

23 MR. LOCHER: [REDACTED].

24 MS. CHENG-DE CASTRO: And who is she?

25 MR. LOCHER: She was the Legislative

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ADAM LOCHER

07/11/2014

Director that the Assemblyman hired. And a photograph I have here shows the four of us at Rockefeller Center.

MR. MULDERRIG: What'd you say, two days -- overnight?

MR. LOCHER: It was an overnight. I flew out the next day.

MR. MULDERRIG: So the socializing included lunch, a show and the dinner?

MR. LOCHER: And being at Rockefeller Center on the way to the dinner.

MS. CHENG-DE CASTRO: What did you do at the Rockefeller Center?

MR. LOCHER: He wanted a photo taken outside.

MR. SMITH: Was that photo taken?

MR. FLEMING: It's in the -- it's in the collection.

MR. LOCHER: And you can have it. I don't want it back.

MS. CHENG-DE CASTRO: Was there -- do you recall was there an incident where the four of you were at Rockefeller Center and the Assemblyman had asked the two women that were with you to take photos with their butts touching?

MR. LOCHER: I did not -- I did not hear

2 that.

3 MS. CHENG-DE CASTRO: Do you recall during
4 that time if the Assemblyman made any sexual comments
5 to the women who were with you, about taking photos or
6 anything else?

7 MR. LOCHER: I recall that some of the
8 conversations amongst the four of us, plus people that
9 were in New York City that he invited along weren't
10 the most appropriate conversations in the world. I
11 just know that, uh, I don't recall any conversations
12 happening that had to do with any poses of any kind.

13 MS. CHENG-DE CASTRO: When you say not
14 inappropriate, are you referring to sexually -- sexual
15 comments?

16 MR. LOCHER: Yes.

17 MS. CHENG-DE CASTRO: And who started these
18 comments?

19 MR. LOCHER: I don't remember the -- it's
20 almost like locker room talk. I can tell you the
21 people who were there.

22 MS. CHENG-DE CASTRO: Yeah, who was there?

23 MR. LOCHER: ██████████, former
24 Comptroller of the City of Buffalo and current Deputy
25 Comptroller -- Comptroller State of New York. ██████████ ██████████

2 crap, I should remember this name. I'm forgetting
3 [REDACTED] last name. His mother is a lobbyist and I'm
4 forgetting her name too. And I don't recall if anyone
5 else joined us for dinner.

6 MR. MULDERRIG: Did they pay for anything?

7 MR. LOCHER: Andy paid for his own food
8 through I believe expen-, expense account he had from
9 the Comptroller's Office. And I don't remember how
10 Scott paid.

11 MR. MULDERRIG: So the bills were kind of
12 split up?

13 MR. LOCHER: Yes.

14 MS. CHENG-DE CASTRO: Did you get a sense if
15 [REDACTED] and [REDACTED] were uncomfortable during
16 the dinner?

17 MR. LOCHER: Actually, no. Actually, no.

18 MR. FLEMING: They were not uncomfortable?

19 MR. LOCHER: I was not given that impression.

20 MS. CHENG-DE CASTRO: Did they participate
21 in conversations when they were of a sexual nature?

22 MR. LOCHER: They both relatively new at
23 that point. And when you're new, you're quiet and you
24 watch and you observe. I don't remember them partaking
25 in the conversations.

2 MS. CHENG-DE CASTRO: Pete, do you want to
3 continue?

4 MR. SMITH: Okay, yeah. We want to switch
5 gears to campaign work. Okay. How many campaigns were
6 you involved with, with Mr. Gabryszak?

7 MR. LOCHER: One in the Supervisor's Office.
8 Assembly '06, Assembly '08, Assembly '10, Assembly '12.

9 MR. SMITH: Did you get seven there?

10 MR. FLEMING: Six.

11 MR. SMITH: Six. Were you his campaign staff
12 advisor?

13 MR. LOCHER: I had no formal title.

14 MR. SMITH: Campaign manager?

15 MR. LOCHER: I had no formal title.

16 MR. SMITH: Were you in charge of his
17 campaign?

18 MR. LOCHER: I acted as a go between between
19 people that we had to go between with.

20 MR. SMITH: And who are these people?

21 MR. LOCHER: Democratic Assembly Campaign
22 Committee.

23 MS. CHENG-DE CASTRO: Did he have a campaign
24 manager?

25 MR. LOCHER: There was no one who had an

2 official campaign title with the campaign.

3 MR. SMITH: Is that ever?

4 MS. CHENG-DE CASTRO: But maybe besides
5 Brian Krause though, right?

6 MR. LOCHER: Treasurer, that was it. Sorry.

7 MR. SMITH: So was the boss then of his
8 campaign?

9 MR. LOCHER: Dennis Gabryszak was heavily
10 involved in campaigning. He was more involved in
11 campaigning than anything else he did. He, he had been
12 involved in campaigns since the age of 18 with his
13 father. Dennis Gabryszak was in control of everything.

14 MR. FLEMING: Next question.

15 MR. SMITH: Did you direct people on the
16 Assembly staff to work on the campaign?

17 MR. LOCHER: There were items that I had to
18 hand out via his direction.

19 MR. SMITH: Okay. What are these items?

20 MR. LOCHER: Coordinating fundraise and
21 follow up phone calls. Coordinating walk lists and
22 door to door knocking and, and lit dropping and
23 anything else that; putting together of literature,
24 designing literature, website -- website maintenance
25 and the things that go with campaigning.

2 MR. SMITH: Did you do this during State
3 time?

4 MR. LOCHER: Yes.

5 MR. SMITH: How much time?

6 MR. LOCHER: It depended.

7 MR. SMITH: On what?

8 MR. LOCHER: Time of year.

9 MR. SMITH: Okay. Election time. We'll go
10 from July; we'll start with July 4th usually, the
11 parades. Maybe Memorial Day right up to Election Day.
12 How much of your time would have been spent on the
13 campaign?

14 MR. LOCHER: I'm going to throw it out in a
15 percentage.

16 MR. SMITH: Sure.

17 MR. LOCHER: When I look back at it, maybe
18 25 percent.

19 MR. SMITH: Twenty-five percent?

20 MR. LOCHER: In total over that time. Now,
21 you also have to keep in mind, I had responsibilities
22 during the day and at night. I was -- and for both,
23 for government and for politics. So, there --

24 MR. SMITH: How about the staff? How much
25 time did they spend on State time?

2 MR. LOCHER: Similar.

3 MR. SMITH: Similar to what?

4 MR. LOCHER: What I said.

5 MR. SMITH: Which was?

6 MR. LOCHER: Twenty-five percent. I mean,
7 you have to look at it in aggregate. I mean, there
8 were times, Peter, where I took time off because I
9 knew my entire day or a week or more was going to be
10 campaigning. So, there were times with my timesheets
11 where it looked like I was on vacation when I wasn't.
12 I was doing things that had to be done. So --

13 MR. FLEMING: And then those days, did you
14 take yourself off the State clock, so to speak?

15 MR. LOCHER: Yeah. And you can -- you can
16 see that in, in my timesheets.

17 MR. SMITH: How about the staff? When they
18 were doing their 25 percent, as you say, did they do
19 that on State time?

20 MR. LOCHER: Yes.

21 MR. SMITH: Who directed them to do that?

22 MR. LOCHER: Everything was directed by
23 Dennis Gabryszak and went through me.

24 MR. SMITH: Dennis gives you an order or
25 direction and you turn around and give it to the staff.

2 What type of things were being done then by the staff,
3 25 percent of the time on State time?

4 MR. LOCHER: A lot of it at that point was
5 door to door.

6 MR. SMITH: And what do you mean by door to
7 door?

8 MR. LOCHER: Knocking on doors: Hello, I'm
9 with Assemblyman Dennis Gabryszak. We want to say
10 hello, talk to you; or just hand stuff out. And that
11 usually happened very close to the election time.
12 That's why I'm throwing out a percentage as opposed to,
13 uh, hours per se throughout a four-month period. So,
14 it was more, more toward the end time.

15 MR. SMITH: Okay. What other activities went
16 on for the campaign within the office?

17 MR. LOCHER: We folded fundraising material.
18 We made phone calls with cell phones. We folded
19 letters that had to go out. I think that runs the
20 gamut.

21 MR. SMITH: Was there any State office
22 equipment used?

23 MR. LOCHER: Yes.

24 MR. SMITH: And what equipment was that?

25 MR. LOCHER: Mainly the printer; computers

2 and printer.

3 MR. SMITH: Okay. Where was this material
4 stored?

5 MR. LOCHER: One of two places. Either
6 physically in the office or the landlord let us use an
7 empty space that was near us and we put stuff there.

8 MR. SMITH: Who had to pay for that empty
9 space?

10 MR. LOCHER: Nobody.

11 MR. SMITH: Okay. That was provided to you
12 by the landlord or to Dennis by the landlord?

13 MR. LOCHER: Yes.

14 MS. CHENG-DE CASTRO: Was there a campaign
15 office location?

16 MR. LOCHER: No.

17 MS. CHENG-DE CASTRO: So was the campaign
18 being run out of the district office?

19 MR. LOCHER: Yes.

20 MR. SMITH: How were the campaign hours
21 documented versus regular hours on timesheets?

22 MS. CHENG-DE CASTRO: For staff, right?

23 MR. SMITH: For staff?

24 MR. LOCHER: The only time specifically that
25 Dennis would want the point made that you don't write

2 State time is when we would have a fundraising event
3 or some type of explicit campaign event that was out
4 of the office. And we would -- I would be asked to
5 police that; to make certain that people didn't write
6 that time on their timesheet. Now, State timesheets
7 just have numbers. They don't have: I worked from what
8 to what. So, okay.

9 MR. SMITH: So the State timesheet's not
10 broken down that you were in the office from 8:30 to
11 5:00 on this given day?

12 MR. LOCHER: No.

13 MR. SMITH: Okay. Did Dennis know this was
14 going on?

15 MR. LOCHER: Yes.

16 MR. SMITH: And was this expected of the
17 staff?

18 MR. LOCHER: He would say and I heard this
19 many times: If we win, we all win. You continue to
20 have a job because we win campaigns. So, it is -- it
21 is what it is.

22 MR. SMITH: So, Dennis was aware that this
23 was not to be occurring in the office?

24 MR. LOCHER: I would -- I would expect so.
25 He's the Assemblyman.

2 MR. SMITH: And you knew it shouldn't have
3 been in the office?

4 MR. LOCHER: Yes.

5 MR. SMITH: Did anybody ever raise that
6 issue with you, that we're doing campaign work when
7 we're on State time?

8 MR. LOCHER: I don't recall specific
9 occurrences.

10 MS. CHENG-DE CASTRO: Did anybody ever raise
11 an issue that you're using State printers and
12 computers for campaign materials?

13 MR. LOCHER: I, I don't recall.

14 MS. CHENG-DE CASTRO: Was there a separate
15 campaign phone number --

16 MR. LOCHER: There was --

17 MS. CHENG-DE CASTRO: -- or phone line?

18 MR. LOCHER: -- there was eventually a cell
19 phone that the campaign bought.

20 MS. CHENG-DE CASTRO: When was that?

21 MR. LOCHER: What that number is, I don't
22 remember. And I have to believe that Dennis Gabriszak
23 has that campaign phone.

24 MS. CHENG-DE CASTRO: Do you remember when
25 that cell phone was purchased?

2 MR. LOCHER: No.

3 MS. CHENG-DE CASTRO: Do you remember who
4 the carrier was?

5 MR. LOCHER: AT&T.

6 MS. CHENG-DE CASTRO: Do you know why
7 eventually a cell phone was purchased for a campaign
8 line?

9 MR. LOCHER: People were uncomfortable using
10 their own cells to make phone calls. And Dennis
11 Gabryszak felt we had enough campaign money to make
12 that expense.

13 MS. CHENG-DE CASTRO: Were office phones
14 ever used for campaign activities?

15 MR. LOCHER: I can't say with a hundred
16 percent certainty, no. It was strongly discouraged.

17 MS. CHENG-DE CASTRO: Did you ever use the
18 office phone for campaign activities?

19 MR. LOCHER: Not that I recall.

20 MS. CHENG-DE CASTRO: So, you -- so you
21 would use your cell phone?

22 MR. LOCHER: That is correct.

23 MS. CHENG-DE CASTRO: Did the campaign
24 eventually ever -- or ever have its own computer?

25 MR. LOCHER: Yes.

2 MS. CHENG-DE CASTRO: And when was that?

3 MR. LOCHER: It may have been two or three
4 years in. I don't recall when it was purchased. You
5 would have to look at the -- I want to say it was
6 something that was expensed on the campaign filings.
7 You would have to look there.

8 MS. CHENG-DE CASTRO: What type of computer
9 was it?

10 MR. LOCHER: The first one was a Dell. The
11 second one was an Apple.

12 MS. CHENG-DE CASTRO: Do you know where
13 those computers are now?

14 MR. LOCHER: The Dell got stolen when our
15 office was broken into. And the Apple I have to
16 believe is in the possession of Dennis Gabryszak.

17 MS. CHENG-DE CASTRO: Is it a desktop or a
18 laptop?

19 MR. LOCHER: Both were laptops.

20 MS. CHENG-DE CASTRO: Could the entire staff
21 use the laptop or did only Dennis have access to it?

22 MR. LOCHER: Community.

23 MS. CHENG-DE CASTRO: Were there separate
24 sign-ins?

25 MR. LOCHER: No.

2 MS. CHENG-DE CASTRO: So when you say that
3 the State or the office printer was being used, what
4 was it being used for for the campaign? Like, printing
5 --

6 MR. LOCHER: Printing. Printing on campaign
7 letterhead. Printing on labels that were purchased
8 from the outside.

9 MS. CHENG-DE CASTRO: Was the paper for the
10 campaign purchased separately by the campaign or was
11 it from the office?

12 MR. LOCHER: I made every attempt to acquire
13 items that would be used exclusively for the campaign
14 with campaign dollars.

15 MS. CHENG-DE CASTRO: When you say: I made
16 every attempt, are you saying that at times the office
17 supplies were used for campaigns?

18 MR. LOCHER: Yes.

19 MS. CHENG-DE CASTRO: Could you give a
20 breakdown in terms of percentages? What percentage of
21 the office supplies were used for campaigns?

22 MR. LOCHER: It was very limited. It did not
23 happen very often.

24 MS. CHENG-DE CASTRO: But you don't think
25 you could give me a percentage?

2 MR. LOCHER: In, in terms of over a two-year
3 period when you're talking about expenses that could
4 be anywhere in the neighborhood of 40 to \$50,000 in a
5 two-year period for items that are campaign related;
6 the expense for any paper that would have been used
7 would probably be in the neighborhood of five percent
8 or less.

9 MS. CHENG-DE CASTRO: Okay. Well, I'm not
10 just talking about paper. Like, I would probably
11 include paper --

12 MR. LOCHER: I can't give you a percentage.

13 MR. FLEMING: Please, we'll be here all week.

14 MS. CHENG-DE CASTRO: What about stamps?

15 MR. LOCHER: I bought all the political
16 stamps and I was very tireless in making certain that
17 we only use political outside stamps for political
18 purposes.

19 MS. CHENG-DE CASTRO: So were office
20 computers used for campaign purposes even after a
21 laptop was purchased for the campaign.

22 MR. LOCHER: Yes.

23 MS. CHENG-DE CASTRO: Okay. And all the
24 staff used office computers for the campaign?

25 MR. LOCHER: Yes.

2 MS. CHENG-DE CASTRO: Pete, you want to move
3 on?

4 MR. SMITH: Yes. How about the financial
5 records from the campaign? Did you have involvement in
6 reviewing them?

7 MR. LOCHER: The only thing I did for the
8 campaign, when it came to dollars and transactions,
9 was I helped [REDACTED] by depositing the checks at
10 the bank.

11 MR. SMITH: Did any staff ask for
12 reimbursement through the campaign fund for maybe some
13 items that they purchased?

14 MR. LOCHER: Yeah.

15 MR. SMITH: How would that work?

16 MR. LOCHER: They would ask Dennis or they
17 would ask me. I would have them give me the receipt.
18 I'd take it to [REDACTED] Then we'd give them a
19 check. Just the same as I got a check.

20 MR. SMITH: While employed in the office,
21 I'm sure you were required for outside activities with
22 Dennis?

23 MR. LOCHER: Yes.

24 MR. SMITH: Okay. Does that include dinner?

25 MR. LOCHER: Yes.

2 MR. SMITH: Drinks?

3 MR. LOCHER: I didn't drink much at all.

4 MR. SMITH: Okay. Were you ever invited in
5 with his massages?

6 MR. LOCHER: He asked me once and I don't
7 think I went. I don't think I ever went with him.

8 MR. SMITH: You wouldn't remember if you did
9 or if you didn't -- for a massage?

10 MR. LOCHER: I remember that he talked about
11 the massage person at the Senior Center when he was
12 with the Town of Cheektowaga. I went to a massage once
13 with the massage person in the Town of Cheektowaga. I
14 don't think I ever went with him to a massage in
15 Albany, like the women say that they were offered in
16 their notices of claim.

17 MR. SMITH: Okay.

18 MS. CHENG-DE CASTRO: Were you ever present
19 where you heard the Assemblyman offer or ask staff
20 members to go get massages with him?

21 MR. LOCHER: He asked me if I wanted to go
22 and I said no.

23 MS. CHENG-DE CASTRO: Besides you?

24 MR. LOCHER: I'm not recalling a specific
25 instance. Like I said to you earlier on, I wasn't in

2 Albany all the time.

3 MR. FLEMING: Next question. If you can't
4 remember, you can't remember.

5 MR. SMITH: How about in Buffalo? Did he
6 offer you a massage as well in Buffalo?

7 MR. LOCHER: It wasn't a subject that came
8 up. Like I said, I remember stuff like that in
9 Cheektowaga and not in -- when he was in the Assembly.

10 MR. SMITH: How about strip clubs here in
11 Buffalo or in Canada?

12 MR. FLEMING: What's the question?

13 MR. LOCHER: What's the question?

14 MR. SMITH: Did you ever attend a strip club?

15 MR. LOCHER: Yes, with Dennis Gabryszak.

16 MR. SMITH: Whereabouts?

17 MR. LOCHER: Albany.

18 MR. SMITH: Albany? Were there any here in
19 Buffalo or Niagara Falls?

20 MR. LOCHER: I never went with him to
21 Niagara Falls or Buffalo, here at all, Ontario,
22 nothing. I heard stories from him. The only time I
23 went to the strip, strip club with him was, uh, was in
24 Albany once.

25 MR. SMITH: Any idea how often he went to

2 strip clubs?

3 MR. LOCHER: Pertinency?

4 MR. SMITH: How often?

5 MR. LOCHER: This is -- this is a government
6 process. I realize I'm not an attorney but what is the
7 -- what --

8 MR. SMITH: Well, we're trying to, you know,
9 the information that we've received outside those
10 complaints, there could be additional activity that
11 we're looking into.

12 MR. FLEMING: Do you know?

13 MR. LOCHER: He, he went to strip clubs. He
14 would tell me that he went to strip clubs.

15 MR. SMITH: Weekly? Monthly? Daily?

16 MR. LOCHER: No, not daily, not weekly.

17 Maybe he talked about them quarterly. I, I don't --
18 I'm not his keep-, I wasn't his keeper, Peter. I
19 wasn't his keeper.

20 MR. SMITH: Terry?

21 MR. MULDERRIG: Can I jump in a sec? Do, do
22 you know personally whether or not Mr. Gabryszak used
23 State or campaign funds for his visits to the strip
24 clubs?

25 MR. LOCHER: Have no idea.

2 MR. MULDERRIG: Do you -- to the best of
3 your knowledge, has he ever used a credit card or cash
4 at the strip club?

5 MR. LOCHER: When I went to the strip club
6 with him, I did not observe how he was paying.

7 MR. MULDERRIG: Did he pay for you at the
8 strip club?

9 MR. LOCHER: I don't know if we bought
10 rounds or not. I'm not sure.

11 MR. MULDERRIG: Who else was with you?

12 MR. LOCHER: Uh, [REDACTED].

13 MR. MULDERRIG: Who's [REDACTED]?

14 MR. LOCHER: [REDACTED].

15 MR. MULDERRIG: Did he pay for you?

16 MR. LOCHER: I don't -- I think we had one
17 or two rounds. I don't remember who paid. It wasn't
18 very much. It wasn't -- we didn't really; Kevin became
19 more of a friend to the Assemblyman than a lobbyist.

20 MR. MULDERRIG: How do you know that?

21 MR. LOCHER: Because almost every time I
22 went with Dennis to Albany later on, he would call him.
23 He would talk to him quite often. I heard about
24 dinners that they would go to, probably once a week.
25 [REDACTED] someone I still talk to to this day.

2 MR. MULDERRIG: Is that the only time you
3 socialized with [REDACTED] and the Assemblyman?

4 MR. LOCHER: At a strip club.

5 MR. MULDERRIG: No, the question was: Is
6 that the only time you socialized with him?

7 MR. LOCHER: I saw him in Buffalo and I saw
8 him a few times in the last year I was in the Assembly
9 in 2013. I went to -- I went to Albany more times in
10 that year than I think I went almost the entire time
11 combined.

12 MR. MULDERRIG: So your answer is what?

13 MR. LOCHER: I had seen him socially more
14 than just that day at the strip club.

15 MR. MULDERRIG: Can you tell us how many
16 times you socialized with him?

17 MR. LOCHER: Between Buffalo and Albany
18 maybe four or five times.

19 MR. MULDERRIG: And on each of those
20 occasions, was the Assemblyman present?

21 MR. LOCHER: Yes.

22 MR. MULDERRIG: Did he ever pick up the tab?

23 MS. CHENG-DE CASTRO: He, meaning the -- Mr.
24 Baines?

25 MR. MULDERRIG: [REDACTED]

2 MR. LOCHER: Dennis always wanted to pick up
3 the tab.

4 MR. MULDERRIG: That's not the question.

5 MR. FLEMING: Listen to the questions. Okay?

6 MR. MULDERRIG: It's real direct. Did [REDACTED]
7 [REDACTED] pick up the tab when you socialized with him
8 and the Assemblyman?

9 MR. LOCHER: I don't believe so.

10 MR. MULDERRIG: You don't know? Or you don't
11 believe so?

12 MR. LOCHER: I don't recall.

13 MR. MULDERRIG: Did you ever pick up the tab?

14 MR. LOCHER: Yes. I want to say one time I
15 did.

16 MR. MULDERRIG: What was that? Where?

17 MR. LOCHER: We were at a restaurant that
18 included [REDACTED] and myself and [REDACTED] and
19 I split the tab.

20 MR. MULDERRIG: I'm just curious. Why would
21 you guys pick up the tab? You're there with the
22 Assemblyman and [REDACTED]

23 MR. LOCHER: Because it wasn't always
24 business. It was social. That's what people do
25 sometimes. I mean, Dennis Gabryszak spent a lot of

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money taking me to lunch at times. And there were
times later on in my time working for Dennis where I
felt I should pick up the tab when he and I would go
to lunch at a hotdog stand or a burger joint. That's
what we do when you've been around someone for so long.

MS. CHENG-DE CASTRO: Who is [REDACTED] that
you're referring to?

MR. LOCHER: I wish I remembered his last
night right now. Uh, his mother was a lobbyist and I'm
forgetting her name too.

MS. CHENG-DE CASTRO: oh, okay. That was the
person that you also met in New York City?

MR. LOCHER: Correct.

MS. CHENG-DE CASTRO: Okay. If you can
remember his last name, would you just mind telling
your attorney and providing us with that information?

MR. FLEMING: Of course.

MR. LOCHER: [REDACTED] [REDACTED]
[REDACTED]. And I'm forgetting his mother's name.

MS. CHENG-DE CASTRO: Do you know or do you
recall if Assemblyman ever asked any other staff
members to go to strip clubs with him?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Do you know if other

2 staff went to strip clubs with the Assemblyman?

3 MR. LOCHER: No.

4 MS. CHENG-DE CASTRO: What strip club did
5 you go to with Assemblyman and [REDACTED] in Albany.

6 MR. LOCHER: It was in Clifton Hill. I don't
7 remember the name.

8 MS. CHENG-DE CASTRO: Do you remember around
9 what month and year that was?

10 MR. LOCHER: 2013. Late 2013.

11 MS. CHENG-DE CASTRO: Actually, I need to
12 take a little break. I need to go to the restroom. Can
13 we take a break?

14 MR. SMITH: Sure. Okay. It's approximately
15 1:30. We're going to take a restroom break.

16 [OFF THE RECORD]

17 [END 7-11-13 interview part 2.WMA]

18 [START 7-11-13 interview part 3.WMA]

19 [ON THE RECORD]

20 MR. SMITH: Okay, it's 1:35, it's continuing
21 on July 11th, 2014.

22 MS. CHENG-DE CASTRO: Okay, Pete you wanna
23 go ahead.

24 MR. SMITH: Okay, did Mr. Gabryszak or any,
25 offer you any gifts?

2 MR. LOCHER: One time when he went to China
3 he gave my wife and I these pieces of paper-type
4 poster things that had our names on them with Chinese
5 lettering, kind of pretty, cheap things. We exchanged
6 Christmas presents, I'd give him a birthday present,
7 he might give me a birthday present. Nothing, nothing
8 out of the ordinary.

9 MR. SMITH: How about with other staff, did
10 he provide them with gifts that you're aware of?

11 MR. LOCHER: He would give the girls
12 different things if he was in New York or when he went
13 to China twice, scarves and, I mean, I don't think
14 they were worth very much. I'm not a girl, I didn't
15 want some of things that he would see out on the, out
16 when he was out and about and he thought of them and
17 he bought them. I don't, does the term pash-,
18 pashmina mean anything? Pashmina, pashmina?

19 MS. CHENG-DE CASTRO: Pashmina, it's a
20 scarf.

21 MR. LOCHER: Okay.

22 MR. SMITH: Do you know how he paid for
23 these gifts?

24 MR. LOCHER: No.

25 MR. SMITH: Pei Pei, Terry, do you have

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ADAM LOCHER

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anything before we get into the bathroom stall video?

MR. MULDERRIG: No, no, thanks, Pete.

MR. SMITH: Pei Pei?

MS. CHENG-DE CASTRO: Do we, we went through
██████████. Yeah, actually, so did you ever have to
make any massage appointments for Mr. Gabryszak?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Do you know w-, if
there was a place that he regularly went to or someone
he used --

MR. LOCHER: There, there must have been --

MS. CHENG-DE CASTRO: -- to get massages?

MR. LOCHER: -- there must've been a place
in Albany that he went to regularly, I couldn't tell
you what it was.

MS. CHENG-DE CASTRO: And how do you know
that?

MR. LOCHER: Because I, I witnessed him make
a phone call to wherever it was he was going to make
an appointment on a couple occasions.

MS. CHENG-DE CASTRO: And you, you don't
know how he paid for, do, or do you know how he paid
for those massages?

MR. LOCHER: No.

2 MS. CHENG-DE CASTRO: Alright, and do you
3 know if any of them came from state funds or campaign
4 funds?

5 MR. LOCHER: No.

6 MS. CHENG-DE CASTRO: What about prostitutes?
7 Did you ever hear him talk about visiting or
8 soliciting prostitutes?

9 MR. LOCHER: No.

10 MS. CHENG-DE CASTRO: So he never s- spoke
11 about prostitutes in the office, in your presence?

12 MR. LOCHER: No.

13 MS. CHENG-DE CASTRO: Did you ever hear any
14 other staff or, obviously staff besides you, who
15 complained about Dennis talking about prostitutes?

16 MR. LOCHER: I don't recall ever overhearing
17 people complaining about him talking about prostitutes?

18 MS. CHENG-DE CASTRO: Well, not even
19 overhearing, did anyone ever, ever approach you and
20 tell you, like Dennis told me he went to go see a
21 prostitute?

22 MR. LOCHER: No.

23 MS. CHENG-DE CASTRO: Alright, so we're
24 going to bring you back, alright, to the incident
25 where I think it was with respect to one of the

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employees where Dennis wanted to put a image up and
you thought it was inappropriate? Do, did you
actually see that image?

MR. LOCHER: Which image are you referring
to?

MS. CHENG-DE CASTRO: Are there more than
one inappropriate images?

MR. LOCHER: Are you asking -- I, what are
you talking about?

MS. CHENG-DE CASTRO: Yeah I'm asking you
because I, I don't know, here let me go back.

MR. Mr. FLEMING: You ma-, you made a
statement --

MR. FLEMING: Earlier you made a --

MR. FLEMING: -- you made a single reference
that there was some sort of a --

MR. LOCHER: Video, yeah, the, the video.
You brought up the video, too.

MR. SMITH: No, the --

MR. LOCHER: The bathroom stall video.

MR. SMITH: -- nope, you said there was some
inappropriate pictures --

MR. MULDERRIG: Right.

MR. SMITH: -- that he wanted to put up.

2 MR. LOCHER: Oh --

3 MS. CHENG-DE CASTRO: In the office.

4 MR. LOCHER: -- that was back in --

5 MR. SMITH: In the office.

6 MR. LOCHER: -- '07, and it was like nude,
7 nude art is the only words I can use. Sometimes art
8 that may be art might actually be inappropriate.

9 MS. CHENG-DE CASTRO: So back in '07, the
10 Assemblyman wanted to put up nude art in the Assembly
11 office?

12 MR. LOCHER: I do believe, yes. I do
13 recall.

14 MS. CHENG-DE CASTRO: Did he, did he bring
15 the artwork into the office?

16 MR. LOCHER: I think he, yes, that's why I
17 recall it.

18 MS. CHENG-DE CASTRO: And you saw it and you
19 thought it was inappropriate?

20 MR. LOCHER: Yes.

21 MS. CHENG-DE CASTRO: And you eventually,
22 you told him that, di-, what did, did you say to him,
23 I don't think you should put this up?

24 MR. LOCHER: I believe I said that to him,
25 in the end it didn't go up, that's all I, I remember

2 we're talking about conversations or circumstances
3 from '07. I remember it, I don't remember what
4 resulted from it, I just know it didn't go up.

5 MS. CHENG-DE CASTRO: Do you know if there
6 were instances when the Assemblyman would show you
7 photos that you would deem inappropriate to be showing
8 a staff member? Besides the nude art.

9 MR. LOCHER: I remember him showing me some
10 of the New York City photos with the naked cowgirl and
11 naked cowboy that I would have classified like that.
12 There were not, that may, that's really the only
13 instance I can recall that he specifically showed me
14 photos of an inappropriate nature.

15 MS. CHENG-DE CASTRO: And where were these
16 photos located?

17 MR. LOCHER: On a camera --

18 MS. CHENG-DE CASTRO: On his ca-

19 MR. LOCHER: -- that the campaign paid for.

20 MS. CHENG-DE CASTRO: Do you know who has
21 possession of the camera now?

22 MR. LOCHER: Dennis Gabryszak.

23 MS. CHENG-DE CASTRO: Do you know if he
24 showed other staff members any ph-, these photos, the
25 cowgirl, cowpers-, man, boy, photos?

2 MR. LOCHER: No. No. No.

3 MS. CHENG-DE CASTRO: Do you know if he
4 showed any staff, other staff members any
5 inappropriate photos?

6 MR. LOCHER: No.

7 MS. CHENG-DE CASTRO: Did any staff members
8 tell you that Dennis Gabryszak showed them
9 inappropriate photos?

10 MR. LOCHER: No.

11 MS. CHENG-DE CASTRO: Okay, Pete, you want
12 to get?

13 MR. SMITH: Yes, Pei Pei, the one question
14 on the text messaging.

15 MS. CHENG-DE CASTRO: Okay.

16 MR. SMITH: Have you seen this? What,
17 what's that regarding?

18 MS. CHENG-DE CASTRO: Oh, we do have that --
19 you know what, we could skip that --

20 MR. SMITH: Okay.

21 MS. CHENG-DE CASTRO: -- for now.

22 MR. SMITH: What about the bathroom stall
23 video? Did you see it?

24 MR. LOCHER: Yeah, when the whole world did.

25 MR. SMITH: That was the first time that you

2 saw that?

3 MR. LOCHER: I remember it being discussed
4 amongst the staff. People didn't necessarily come to
5 me directly and talk about it, that's why I said to
6 him on the 20th of December, I believe this exists.
7 And at the end of the day I believe that that's the
8 main thing that exists in all of this. And they
9 broadcasted it --

10 MS. CHENG-DE CASTRO: Okay, what did you do
11 when the staff tri-

12 MR. LOCHER: -- for the world to see.
13 Pardon?

14 MS. CHENG-DE CASTRO: What, what, what did
15 you hear amongst the staff that was being said about
16 this video?

17 MR. LOCHER: That the Assemblyman sent
18 someone a video that was inappropriate, and I never
19 had a Smartphone and I never saw it.

20 MS. CHENG-DE CASTRO: Who is that someone?

21 MR. LOCHER: It was talked about between
22 [REDACTED] and [REDACTED]

23 MR. SMITH: Were you there when they
24 received it?

25 MR. LOCHER: Yes.

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ADAM LOCHER

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MR. SMITH: And did you see it then?

MR. LOCHER: No. I, I didn't ask to see it, I didn't, I, I heard about it. I didn't ask to see it.

MR. SMITH: Why not?

MR. LOCHER: Because I didn't ask to see a lot of things.

MR. SMITH: And why is that?

MR. LOCHER: They were things shared between other people, they weren't sent to me.

MR. SMITH: Yes, but by this time you're the Chief of Staff.

MR. LOCHER: No, that, I don't believe that's true.

MR. SMITH: By December? That's just --

MR. LOCHER: I d-, I don't b-, I don't believe I was Chief of Staff when this came about. When [REDACTED] an [REDACTED] were there in 2011, I want to say this was a 2011 activity, I was not Chief of Staff.

MR. SMITH: But Mr. Locher, you were still in charge of that office. Those people were reporting to you.

MR. LOCHER: One of the items that's in that folder is the printout for District Office Manager

2 that came about, I don't know when, sometime in '07,
3 and went all the way through until the next one was
4 printed for Chief of Staff. Right on there, it does
5 not have marked that I was the supervisor of that
6 office.

7 MR. SMITH: I understand that but if you
8 look at the total picture, you look at the way that
9 office was broken down, the way Dennis Gabryszak was
10 giving you orders and you were pushing the orders out,
11 you were supervising that office. You were in charge
12 of establishing the phones, you were establishing
13 meeting with the people for the rent, and the tenants.
14 These peop-, these complainants, they looked at you as
15 the supervisor, and from what you've told me here
16 today, I would say you were the supervisor. And as
17 the supervisor in that office, I would've want to know
18 what was going on there. You ha-, we had a track
19 record of seven, eight years of this going on and it
20 continued and now you've got this video that, you know,
21 the, the women were talking about this video. You
22 didn't want to see this video because you were afraid
23 of what it was.

24 MR. FLEMING: Did anyone complain to you
25 about the video? It doesn't like it though, right?

2 MR. LOCHER: No one came to me explicitly
3 complaining about the video.

4 MS. CHENG-DE CASTRO: So when [REDACTED] and
5 [REDACTED] were talking about the video, where
6 were they? Were they in your office? Where, where
7 were you, were, where the three of you?

8 MR. LOCHER: I don't recall exactly where
9 they were when it was being discussed.

10 MS. CHENG-DE CASTRO: So they were not
11 discussing the video with you, you were, were you just
12 overhearing their conversation?

13 MR. LOCHER: Yes.

14 MS. CHENG-DE CASTRO: At any time, did
15 [REDACTED] or [REDACTED] come to you and
16 tell you about the video?

17 MR. LOCHER: Not that I recall.

18 MR. SMITH: Were you at the political event
19 when they received this video?

20 MR. LOCHER: I don't believe it was a
21 political event, I believe it was a government event
22 around where this was being talked about. I believe
23 it was a legislative town hall meeting when he was not
24 in --

25 MR. SMITH: That's --

2 MR. LOCHER: -- Buffalo at the time.

3 MR. SMITH: -- that's correct. Were you
4 there at that meeting?

5 MR. LOCHER: Yes.

6 MR. SMITH: Were you with the staff at that
7 meeting?

8 MR. LOCHER: Yes.

9 MR. SMITH: Okay.

10 MS. CHENG-DE CASTRO: Were there any other
11 staff at that meeting?

12 MR. LOCHER: I don't remember if there
13 would've been a fourth person, I don't recall.

14 MS. CHENG-DE CASTRO: Actu-, I have one
15 question, I, do you know if there's a person named
16 Nixon Bond [phonetic]?

17 MR. LOCHER: I don't know who that is.

18 MS. CHENG-DE CASTRO: Alright. Okay, do you
19 want to continue?

20 MR. SMITH: Yes.

21 MR. LOCHER: And, and I'm not allowed to say
22 anything? They just ask the questions, I'm not
23 allowed to say anything?

24 MR. SMITH: I --

25 MS. CHENG-DE CASTRO: Well, if there's

2 information that you feel that you want us to know,
3 please go ahead and tell us.

4 MR. SMITH: Yeah --

5 MR. LOCHER: How, how -- as I've spent a lot
6 of time going through my head over the last six months,
7 I keep asking myself one question and I would ask each
8 of you this question, which would be, how many people
9 would've blown in their boss? How many people would
10 have taken the time to go out and blow him in? The
11 Assembly operated like 150 small business, they did
12 not give management training, they did not give so
13 many different things. And I learned after this all
14 broke that the new policy that they never went over,
15 they just passed it and sent out a press release, was
16 I was supposed to pick up the phone and I was supposed
17 to call someone when [REDACTED] came to me.
18 How many, I've been having to say this for months, how
19 many people would have blown in their boss when they
20 have a family and they have a livelihood? How many
21 people would've done that? Not many people do, from
22 what I can recall, from what I can see and from
23 talking to people. I have a family, I have a family
24 to support.

25 MR. FLEMING: Next question.

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ADAM LOCHER

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MR. SMITH: I would like you to describe each of these employees, were they good employees, did they do their jobs, what type of performance. [REDACTED]

[REDACTED]

MR. LOCHER: Difficult employee.

MR. SMITH: What do you mean by difficult?

MR. LOCHER: She started out fine and became a difficult employee as time went on. I explained to you earlier, she stopped doing the main part of her job, which was to go to Albany and back, she just decided and stopped and never spoke to the Assemblyman about it.

MR. SMITH: Okay, was she trustworthy?

MR. LOCHER: In the end, no.

MR. SMITH: Honest?

MR. LOCHER: On certain aspects, no. Pertinence? What is-, what is the pertinence of you wanting me to go over each individual employee?

MR. SMITH: Well, you know, we want to get the feeling of what the atmosphere of that office was.

MR. FLEMING: Next question.

MR. SMITH: Okay. [REDACTED]?

MR. LOCHER: Decent enough of an employee.

MR. SMITH: What do you mean by decent

2 enough?

3 MR. LOCHER: She tried her best, she did the
4 best that she could. She brought a lot to the table.

5 MR. SMITH: Okay, [REDACTED] [REDACTED]

6 MR. LOCHER: She worked hard, she wanted to
7 learn, at times she used bad judgment.

8 MR. SMITH: What was the bad judgment?

9 MR. LOCHER: She thought Dennis went away
10 for the week. She had family in Albany, she stayed
11 back in Albany, the boyfriend was in the office,
12 Dennis hadn't left, Dennis walks in, the boyfriend's
13 there at 10 o'clock in the morning. Oh, I didn't know
14 you left, was what she said to the Assemblyman, I'm
15 hearing this all third person, number one. Number two,
16 she went out with the Assemblyman and [REDACTED]
17 the one night before an event the next day, she got
18 loaded, threw up in the Assemblyman's car, and outside
19 the Assemblyman's car, and they got held up and they
20 didn't leave when the Assemblyman wanted to leave.
21 She used state materials to find her next job and the
22 Assemblyman found fax copies that said, don't call the
23 district office, call the Albany office if you have
24 questions. Bad judgment choices.

25 MR. SMITH: And how about [REDACTED] ?

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ADAM LOCHER

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MR. LOCHER: One of the most untrustworthy people I've ever met in my entire life.

MR. SMITH: Okay, [REDACTED]?

MR. LOCHER: Worked very hard, very respectful, very interested in learning, I was very sad that she left, and as I said earlier, I didn't blame her that she left.

MR. SMITH: How about [REDACTED]?

MR. LOCHER: She tried, she put in the time, she ended up using the deck and communication and information services people as a crutch for most of her time, and when those people weren't being used anymore, she had difficulty doing her job duties.

MR. SMITH: Alright, [REDACTED]?

MR. LOCHER: She was there a very short time, she was very young, she tried her best.

MR. SMITH: [REDACTED]

MR. LOCHER: [REDACTED] did a good job with the fundraising aspects that the Assemblyman wanted when she was doing fundraising for the Democratic Assembly Campaign Committee. I think she tried hard, she cared for people. I had difficulties with her when it came to a project that needed to be done, that I did the majority of the project and I spoke with her

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ADAM LOCHER

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and tried finding out what the problem was and really didn't get anywhere with, and ended up having to do 65 to 70 percent of the data entry for a, a legislative town hall meeting survey that was put out end results.

MR. SMITH: [REDACTED]

MR. LOCHER: She cared about the clock, she was very, very good at what she did and she did a very decent job in the time she was there. At the same time, she was very clock concerned and that interest in staying to a specific time made things very difficult for what it is the Assemblyman needed her to do.

MR. SMITH: Would you say any of them are unreliable?

MR. LOCHER: [REDACTED], Laura Rotte later on in her time, I was uncertain sometimes where [REDACTED] was coming from.

MR. MULDERRIG: Who was that now?

MR. LOCHER: [REDACTED]

MS. CHENG-DE CASTRO: Oh.

MR. SMITH: How about untruthful?

MR. LOCHER: [REDACTED], [REDACTED]
I would have to call her on it.

MS. CHENG-DE CASTRO: So why are you saying,

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ADAM LOCHER

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can you explain why you think [REDACTED] is one of the most untrusting people and unreliable?

MR. LOCHER: Because I never knew if she was ever telling me the truth, ever. And one of the things that I go back to is the fact that she had fought cancer and she would tell us that she would have treatments at Roswell in the mornings and wouldn't come into the office until later on in the day, and when it comes to medical concerns you never look into it because you don't want to take someone's truthfulness into question over health concerns. At the same time, it became so clear over time, both firsthand and third hand knowledge of how much of a drinker she was, that it started to make you wonder in the end if she was coming in late, and a good amount late, because she was too hung over to come to work.

MS. CHENG-DE CASTRO: Oh. But did she do her job when she was working for the Assemblyman?

MR. LOCHER: She was good at the campaign side. There were certain aspects of the government side where she was a good talker, not necessarily a good worker.

MS. CHENG-DE CASTRO: Okay. The, no, go ahead.

2 MR. SMITH: Sorry. Did you ever tell the
3 staff that this is just how Dennis is when they
4 complained about the bi-, his behavior?

5 MR. LOCHER: In general, yes.

6 MR. SMITH: Okay. Did you advise the staff
7 to play along or lose your job?

8 MR. LOCHER: No.

9 MR. SMITH: Did you participate in a fantasy
10 football league?

11 MR. LOCHER: Yes.

12 MR. SMITH: Okay, what were the names of
13 some of the teams?

14 MR. LOCHER: The league that I participated
15 in, the names were pretty straight up, it was called
16 the Prime Time Players. He would talk about some of
17 the other leagues that he was in and he used
18 inappropriate names.

19 MR. SMITH: Such as what?

20 MR. LOCHER: Sporgasms, was the one that
21 sits in my head, and he would talk about the names of
22 the teams.

23 MR. SMITH: And who would --

24 MS. CHENG-DE CASTRO: And would he talk
25 about this in front of other staff?

2 MR. LOCHER: Yes.

3 MS. CHENG-DE CASTRO: And what were, what
4 were their reactions?

5 MR. LOCHER: They didn't look very pleased.

6 MS. CHENG-DE CASTRO: Did anyone ever tell
7 him that that was inappropriate?

8 MR. LOCHER: I, I don't recall if they ever
9 called him on it.

10 MS. CHENG-DE CASTRO: How often would he
11 talk about these fantasy football leagues?

12 MR. LOCHER: Frequently enough during
13 football season.

14 MS. CHENG-DE CASTRO: And those would be
15 related to the ones with inappropriate names?

16 MR. LOCHER: Yes.

17 MS. CHENG-DE CASTRO: How would he start
18 these conversations, if you remember?

19 MR. LOCHER: I, I don't.

20 MR. MULDERRIG: Who, who was having the
21 conversation with him?

22 MR. LOCHER: He would bring up his football
23 team, I don't remember to who, he would just bring up
24 fantasy football and talk about, talk about his teams
25 and team names to be cute. He thought it was funny.

2 MR. MULDERRIG: Did any of the females, did
3 any of the female staff members participate in fantasy
4 football?

5 MR. LOCHER: [REDACTED] id.

6 MR. MULDERRIG: She did?

7 MR. LOCHER: I want to say --

8 MR. SMITH: She did.

9 MR. LOCHER: -- she didn't participate in
10 the Cheektowaga fantasy football league, she
11 participated in one of the other leagues that they put
12 together.

13 MR. MULDERRIG: So he would talk to her
14 about it?

15 MR. LOCHER: Yes.

16 MR. MULDERRIG: And he would talk to you
17 about it? And he would talk to you about it, right?

18 MR. LOCHER: He would, he would talk about
19 fantasy football, it, it was his favorite tune on his
20 campaigning.

21 MR. MULDERRIG: I understand. Did he speak
22 to you about it?

23 MR. LOCHER: Did he talk to me about fantasy
24 football? Yes.

25 MR. MULDERRIG: In front of the other staff?

2 MR. LOCHER: Yes.

3 MS. CHENG-DE CASTRO: So, I mean, you sound
4 like his k-, his kind of being here is, he, when he,
5 when he would say these kind of inappropriate football
6 team names, would he start laughing or what was kind
7 of his --

8 MR. LOCHER: Yeah, he thought --

9 MS. CHENG-DE CASTRO: -- behavior at the --

10 MR. LOCHER: -- he thought it was cute, Pei
11 Pei. He, he would giggle, laugh, people would laugh
12 with him.

13 MS. CHENG-DE CASTRO: Did you ever discuss
14 with anyone about kind of Dennis's conduct when
15 related to anything sexual in nature to anybody else?

16 MR. LOCHER: My wife.

17 MS. CHENG-DE CASTRO: Anybody else?

18 MR. LOCHER: A neighbor.

19 MR. SMITH: Any Assembly staff --

20 MS. CHENG-DE CASTRO: Did you conv-

21 MR. SMITH: -- like another, people that
22 were in your position?

23 MR. LOCHER: No.

24 MR. SMITH: Did you seek advice from anybody
25 else?

2 MR. LOCHER: No. Like I said before, we
3 were all small businesses, I didn't communicate with
4 much anyone outside of our office unless it was
5 government business.

6 MR. SMITH: Go ahead, Pei Pei.

7 MS. CHENG-DE CASTRO: I don't know, you
8 continue, Pete.

9 MR. SMITH: One of the quotes that we had
10 from one of the young women was, Adam is just as
11 dangerous as Dennis, he didn't stop it. What would
12 your response be to that?

13 MR. LOCHER: I've learned now, no matter
14 where I go and work, I have to be ready to blow in my
15 boss. I said that during an interview. I've had such
16 a hard time finding work, and family m-, gave me the
17 opportunity to work at an auto dealership selling
18 vehicles because I haven't been able to find a job
19 much anywhere, and I said to someone who was gonna
20 help me find a temporary job, that the main thing I've
21 learned from this is I have to blow in my boss. So I
22 don't know how to answer your question.

23 MR. SMITH: Okay. Okay,

24 MR. MULDERRIG: could I just ask a question,
25 would it be fair for me to take from what you just

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ADAM LOCHER

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said that if you were in a position now that you had been in the past with Mr. Gabryszak, you would, you would consider contacting someone about his conduct, is that what you're saying?

MR. LOCHER: 800 number, you guys have one now. JCOPE has an 800 number paid for by the governor.

MR. MULDERRIG: That's right.

MR. LOCHER: Learning now, learning what I have now, you'd be getting a phone call from me, and let the chips fall.

MR. MULDERRIG: So, so the 800 number tipped the scales for you?

MR. LOCHER: Yeah, and it shows that the state's going to have to pay a good amount of money to these ladies because they felt in their notice of claim that there, what was [REDACTED] you've had a lot of quotes.

MR. FLEMING: Just lis-, just listen to the questions, okay. So the question was, would you call any-

MR. LOCHER: I'd call you on the phone and tell you.

MR. FLEMING: Next questions.

MR. MULDERRIG: So at the time, you didn't

2 know what to do with this information?

3 MR. LOCHER: Like I said on GRZ, I did not
4 have management training on what to do in this
5 circumstance.

6 MR. MULDERRIG: I understand that, a-, as a,
7 a person of your age and experience, you did not know
8 what to do with this information?

9 MR. LOCHER: I was told the main thing was
10 old school when I said this to Andy back in December
11 or January, I thought I was supposed to, when
12 presented formally, when [REDACTED] came to me
13 formally and spoke to me over the phone, I thought it
14 was my responsibility to give the accuser the ability
15 to speak to the accused, or, to give the accuser the
16 opportunity to speak to the accused to try to remedy
17 the situation. And that was wrong thinking.

18 MS. CHENG-DE CASTRO: Who made you think
19 that?

20 MR. MULDERRIG: Yeah, wha-, it, it is a,
21 well, I don't want to judge it but what made you think
22 that was the appropriate action, I'm just curious.

23 MR. LOCHER: Because from what I knew and
24 from speaking to my wife who's been in the retail
25 business for over 30 years, that was her advice to me,

2 too.

3 MS. CHENG-DE CASTRO: Did you take, did you
4 get any training when you were working under Dennis
5 when he was a town supervisor?

6 MR. LOCHER: No. Government --

7 MS. CHENG-DE CASTRO: There were no --

8 MR. FLEMING: Just --

9 -- shut up, Adam.

10 MR. FLEMING: -- alright, next question.

11 MR. SMITH: So was there any, did, you
12 didn't take any sexual harassment training when you
13 were working under Dennis Gabryszak as town supervisor?

14 MR. LOCHER: No.

15 MS. CHENG-DE CASTRO: Any ethics training?

16 MR. LOCHER: No.

17 MS. CHENG-DE CASTRO: And what about when
18 you started working under the Assembly?

19 MR. LOCHER: Every two years o-

20 MS. CHENG-DE CASTRO: Did you take --

21 MR. LOCHER: -- every two years on the odd
22 years, they would do a sexual harassment ethics and
23 diversity training.

24 MS. CHENG-DE CASTRO: And you took those
25 every two years?

2 MR. LOCHER: Yes, and they never went into
3 what to do as a manager and when I became Chief of
4 Staff that year they didn't have one.

5 MR. SMITH: In that ethics and sexual
6 harassment training, did they say to, as an individual
7 that's being sexually harassed, or EEO complaint or
8 whatever, here's a set of numbers to call for
9 assistance?

10 MR. LOCHER: Every employee received an
11 employee handbook soon after they started working. In
12 that employee handbook, it goes over what you are to
13 do if you feel you have been harassed. I went to that
14 book after [REDACTED] talked to me and it did
15 not have in there what to do if you were a manager --

16 MR. SMITH: What --

17 MR. LOCHER: -- in the employee handbook.

18 MR. SMITH: -- what I'm asking for as, not
19 as a manager, your first five or six, seven years, you
20 were working from this handbook, what did that direct
21 you to do?

22 MR. LOCHER: If you were, if you had a
23 specific incident that took place, when I looked at
24 the book because that was really the first time I
25 looked in-depth in the book, it had a list of intake

2 coordinators, and they could have at any time, picked
3 up the book, looked, looked in it, saw the intake
4 coordinators, and picked up the phone. It's my
5 understanding, not a single person called an intake
6 coordinator and now I've learned that I should've
7 shown them that book, showed them the intake
8 coordinator list, and had them call, and make the
9 decision to call.

10 MR. MULDERRIG: Did, did, when you became
11 aware of the intake coordinators, did you ever
12 consider calling the intake coordinators?

13 MR. LOCHER: I have a family to support,
14 Peter, no, I didn't.

15 MR. MULDERRIG: Well, let me just clarify,
16 you considered it and you decided you had a family to
17 support?

18 MR. LOCHER: I learned about the intake
19 coordinators after I, or, the thought, the thought
20 crossed my mind and I did not call.

21 MR. MULDERRIG: Thank you.

22 MS. CHENG-DE CASTRO: Do you, do you believe
23 that any of the staff left the office because, or due
24 to the Assemblyman's behavior towards them --

25 MR. LOCHER: [REDACTED] --

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ADAM LOCHER

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MS. CHENG-DE CASTRO: -- that it was sexual
in nature?

MR. LOCHER: -- [REDACTED]

MS. CHENG-DE CASTRO: Besides her, anybody
else?

MR. LOCHER: When someone has 1 --

MR. FLEMING: Just listen to the question,
has anyone else besides [REDACTED] leave the
office because they were being harassed to your
knowledge?

MR. LOCHER: No.

MR. SMITH: Since January, have you taken
any classes, as far as ethics or training for the
future?

MR. LOCHER: I, I was unemployed, not
employed, okay. I spent the --

MR. SMITH: The only, the only ethics
training was the every two years that all state
employees have to take?

MR. LOCHER: Yes.

MR. SMITH: Okay.

MR. FLEMING: Are we getting close here,
fellows, or gang? Let's try to wrap it up here, I,
this has been long enough.

2 MS. CHENG-DE CASTRO: Well, mis-, I just, I
3 did advise you, I think, we were to take around five
4 hours so that's the --

5 MR. FLEMING: Yeah, but we're, we're, we're
6 sort of --

7 MS. CHENG-DE CASTRO: -- we're almost close
8 --

9 MR. FLEMING: -- we're, we're getting
10 repetitive here so let's, let's finish up.

11 MS. CHENG-DE CASTRO: Well, I don't think we
12 have, I kind of, I think here we do, but we still have
13 documents to go through and, okay, I think just for
14 the record, if we do find that there are follow-up
15 questions with respect to the documents that were
16 provided to us, we would need Mr. Locher to come back.
17 But we're getting there. Did you review any documents
18 prior to this interview?

19 MR. LOCHER: I read your subpoena.

20 MS. CHENG-DE CASTRO: Anything else?

21 MR. LOCHER: No.

22 MS. CHENG-DE CASTRO: Do you still
23 communicate with Mr. Gabryszak?

24 MR. LOCHER: At the mall.

25 MS. CHENG-DE CASTRO: What does that mean,

2 you have meetings at the mall or?

3 MR. LOCHER: When I walk, when I walk in the
4 mall because my wife is a store manager at the mall
5 and I have to pick her up and take her home, he runs
6 into me at the mall and he wants to talk to me.

7 MS. CHENG-DE CASTRO: Did you tell Mr.
8 Gabryszak that you were meeting with us today?

9 MR. LOCHER: No. Did you tell Mr. Gabryszak
10 y-, I was meeting with him today?

11 MS. CHENG-DE CASTRO: I'm not answering that
12 question. Who, I think --

13 MR. LOCHER: I, I could sh-

14 MS. CHENG-DE CASTRO: -- you had mentioned
15 before that you spoke, or Dennis had told you after
16 the story broke, that you needed to protect him or
17 defend him. What el-, did he say anything else?

18 MR. LOCHER: Don't abandon me now.

19 MS. CHENG-DE CASTRO: And that's it?

20 MR. LOCHER: They're all, there, there's a
21 lot of mistruths in what is being said, you're like a
22 brother to me, Adam. I, I don't know what you guys
23 want.

24 MS. CHENG-DE CASTRO: Well, Pete, you want
25 to go to the documents?

2 MR. SMITH: Sure. I've got A1 here. And we
3 got a list of the expenses from the principal Dennis
4 Gabryzsak account, okay, just want to go through them
5 rather quickly here with you. This is a reimbursement
6 for the amount of \$3,858, check was made out to you,
7 what was that for?

8 MR. LOCHER: All the receipts, every single
9 receipt I've ever gotten reimbursed for resides with
10 [REDACTED] you should subpoena [REDACTED] and
11 have him here.

12 MR. SMITH: Okay, I've got one particular I
13 want to highlight.

14 MS. CHENG-DE CASTRO: Well, do, do you, just,
15 I'm sorry, are, did you keep a personal record for
16 yourself with respect to the receipts that you
17 submitted to Mr. Krause?

18 MR. LOCHER: No.

19 MS. CHENG-DE CASTRO: Did you keep any sort
20 of journal or log?

21 MR. LOCHER: No, I have an e-mail trail of
22 every time I submitted something to [REDACTED]. I
23 kept all the e-mails.

24 MS. CHENG-DE CASTRO: And are, are those
25 being provided to us?

2 MR. LOCHER: That's a part of today's
3 conversation.

4 MS. CHENG-DE CASTRO: What do you mean, is,
5 is it in the flash drive?

6 MR. LOCHER: You tell me an e-mail address
7 and I'll e-mail everything you want or tell me you
8 want --

9 MS. CHENG-DE CASTRO: Okay, so the --

10 MR. LOCHER: -- it on a flash drive, tell,
11 you're going to have to tell me how you want it.

12 MS. CHENG-DE CASTRO: -- okay, so they have
13 not been provided to us yet?

14 MR. LOCHER: That is correct.

15 MS. CHENG-DE CASTRO: Okay, and what, would,
16 would you use, what type of, I guess, payment would
17 you use for your, for these expenses? Would you
18 usually pay by a credit card cash --

19 MR. FLEMING: Just listen, okay.

20 MS. CHENG-DE CASTRO: -- check?

21 MR. LOCHER: Credit card.

22 MS. CHENG-DE CASTRO: Cre-, any particular
23 one?

24 MR. LOCHER: Bank of America.

25 MS. CHENG-DE CASTRO: Alright, sorry, Pete,

2 go ahead.

3 MR. SMITH: Okay, the one in particular
4 interest is other reimbursement on December 21st, 2013,
5 okay, that's the day after the announcement. What was
6 that for and how, when did you submit for this
7 reimbursement?

8 MR. LOCHER: I wanted to clear the deck and
9 be done.

10 MR. SMITH: Right.

11 MR. LOCHER: So I had receipts still with me,
12 I contacted [REDACTED], I sent him an e-mail, I gave
13 him the receipts, and I wanted my money.

14 MR. SMITH: Okay, when did you send him the
15 receipts, then?

16 MR. LOCHER: I handed them to him when he
17 handed me a check.

18 MR. SMITH: Okay, what was the date then?

19 MR. LOCHER: Probably the 21st.

20 MR. SMITH: 21st, okay. So he's got all the
21 records substantiating --

22 MR. LOCHER: Yes.

23 MR. SMITH: -- this? There's one in
24 particular, AL4, it's Dennis Gabryszak, on January 9th,
25 2014, for the amount of \$3,201.50.

2 MR. LOCHER: Andy Fleming suggested to me
3 that I should ask for three weeks' vacation in and
4 around the 24th of December. From that point forward,
5 I had very limited contact with Dennis Gabryszak from
6 that date, the 24th of December, through --

7 MR. FLEMING: Today.

8 MR. LOCHER: -- through today.

9 MR. FLEMING: Right.

10 MR. SMITH: So you have no idea of what that
11 is?

12 MR. LOCHER: Talk to [REDACTED].

13 MR. FLEMING: That's the answer.

14 MR. MULDERRIG: I --

15 MS. CHENG-DE CASTRO: That's the --

16 MR. MULDERRIG: -- see, I'm unclear about
17 that. Could, could you just say it again, I, I didn't
18 follow that?

19 MR. FLEMING: He said that, that, towards
20 the end of December I told him to take leave time
21 because he had it on the books, to get the hell out of
22 there.

23 MS. CHENG-DE CASTRO: S-, so that does, so
24 you don't know what that reimbursement is?

25 MR. FLEMING: He has no idea what that

2 reimbursement's about.

3 MR. MULDERRIG: Oh, I understand --

4 MS. CHENG-DE CASTRO: Okay.

5 MR. MULDERRIG: -- thank you.

6 MS. CHENG-DE CASTRO: Do, do you know any
7 other re-, what the reimbursements that Dennis
8 Gabryszak requested were for?

9 MR. LOCHER: No.

10 MS. CHENG-DE CASTRO: So you were not, so
11 that would, would it, would it be right if I assumed
12 that he requested reimbursements from Brian Krause?

13 MR. LOCHER: That is correct.

14 MS. CHENG-DE CASTRO: Were, were any of the
15 reimbursements from the campaign used --

16 MR. SMITH: Personal.

17 MS. CHENG-DE CASTRO: -- for personal
18 purposes, or non-campaign purposes?

19 MR. MULDERRIG: By anyone?

20 MR. LOCHER: Not that I'm aware of.

21 MR. MULDERRIG: Certainly not by you, right?

22 MR. LOCHER: Everything that I reimbursed
23 for was campaign related I saw it.

24 MR. MULDERRIG: But you were all aware of
25 Dennis using campaign funds for anything but campaign

2 purposes?

3 MR. LOCHER: I have no knowledge of what
4 Dennis Gabryszak was using campaign funding for.

5 MS. CHENG-DE CASTRO: Okay, let's continue,
6 Pete.

7 MR. SMITH: Did you have any knowledge of
8 why Dennis Gabryszak would've been down in New York
9 City -- oh, no, I'm sorry, this is the Millennium
10 Hotel on Walden Avenue on 9/12/11 paying a hotel room?

11 MR. LOCHER: That was more than likely
12 because he brought [REDACTED] out and that's
13 probably where [REDACTED] stayed.

14 MR. SMITH: How about the two below it, the
15 Marriott in New York City?

16 [OFF MIC CONVERSATION]

17 MR. LOCHER: Have, have no idea.

18 MR. SMITH: No idea. Okay, how about on
19 page AL31, [REDACTED], reimbursement for a
20 stolen camera?

21 MR. MULDERRIG: What?

22 MR. SMITH: Any idea what that is?

23 MR. LOCHER: Yes, I mentioned to you that a
24 Dell computer was stolen from our premises when our
25 offi-, our district office got broken into. One of

2 the items that was stolen was [REDACTED] personal
3 camera and she and the Assemblyman and the treasurer
4 worked out how much she was reimbursed for for that
5 camera.

6 MS. CHENG-DE CASTRO: Can we actually got
7 back to AL6?

8 MR. SMITH: Sure.

9 MS. CHENG-DE CASTRO: Why, in AL6 there is a
10 line item dated August 6th 2007, for AT&T, do you know
11 what that is for?

12 MR. LOCHER: Probably a cell phone bill, I
13 don't recall. Either a cell phone bill or, I think he
14 had a wireless network card or wireless device that
15 hooked up to the Dell computer that he bought
16 originally for himself.

17 MS. CHENG-DE CASTRO: So, okay.

18 MR. LOCHER: That's all specification.

19 MS. CHENG-DE CASTRO: Okay.

20 [OFF MIC CONVERSATION]

21 MS. CHENG-DE CASTRO: Oh, yeah, there is a
22 line item number on AL6, it says August 23rd, 2007, to
23 [REDACTED] [phonetic], it says fund, maybe --

24 MR. MULDERRIG: Fundraising?

25 MS. CHENG-DE CASTRO: -- fundraising, \$50

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ADAM LOCHER

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daily numbers winner. Do you know what that was for?

MR. LOCHER: When, when Dennis Gabryszak was town supervisor, he operated with his mother who was the treasurer when he was town supervisor, some type of daily numbers raffle and she might've continued that when we went to the Assembly.

MS. CHENG-DE CASTRO: Wait, so who is Linda Ditole?

MR. LOCHER: I, I have no idea who that is.

MR. MULDERRIG: How, how do you win? What's the game?

MR. LOCHER: Four numbers, three numbers, the New York daily's --

MR. MULDERRIG: You win a lottery? He ran his own lottery?

MR. LOCHER: I think, I think they did when, when he was supervisor. It's also --

MS. CHENG-DE CASTRO: Three would --

MR. LOCHER: -- it's also something that the Cheektowaga Democratic committee does, too.

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: So he also did that for the campaign?

2 MR. LOCHER: Yes.

3 MS. CHENG-DE CASTRO: The Friends of, okay.

4 [OFF MIC CONVERSATION]

5 MR. MULDERRIG: Are you, are you aware that
6 they pay out a daily numbers when it, periodically
7 with campaign funds?

8 MR. LOCHER: The Cheektowaga Democratic
9 committee does their own donkey club even to this day,
10 and they --

11 MS. CHENG-DE CASTRO: No, but we're not
12 asking about the Cheektowaga Democratic Club, we're --

13 MR. LOCHER: I don't know how long Dennis
14 Gabr-

15 MS. CHENG-DE CASTRO: -- not
16 [unintelligible][00:51:05].

17 MR. LOCHER: -- I don't know how long Dennis
18 Gabryszak may have done that while he was in the
19 Assembly, I don't know.

20 MS. CHENG-DE CASTRO: But were you aware
21 that that was being done by that time?

22 MR. LOCHER: That's why I'm able to speak on
23 why I think it was there. We weren't pumping those
24 out as a, as a staff or, that was something that I
25 think his mom was still doing.

2 MS. CHENG-DE CASTRO: So you think his mom
3 was kind of managing that for him?

4 MR. LOCHER: He, she managed the, the
5 numbers thing, she did that when she was the treasurer
6 for the supervisor campaign. I don't know when that
7 ended.

8 MR. MULDERRIG: Could I just ask you, for my
9 own understanding, how's that work, what's that about?
10 Do you, do you put down money and get four numbers,
11 how's it work?

12 MR. FLEMING: I know. Doesn't sound like --

13 MR. MULDERRIG: I'd rather hear it from him.

14 MR. FLEMING: -- of course, but I don't know
15 that he knows.

16 MR. LOCHER: Every --

17 MR. MULDERRIG: Alright, well --

18 MR. FLEMING: I've, being a purchaser --

19 MR. LOCHER: -- every o-

20 MR. FLEMING: -- not of any of these, not of

21 --

22 MR. LOCHER: -- I don't --

23 MR. FLEMING: -- not of either of these
24 parties, by the way.

25 MR. LOCHER: -- I don't usually purchase

2 these tickets, to be honest with you.

3 MR. MULDERRIG: No, no, no, I'm just asking
4 you if you know how they work. I, that's all, it's
5 just a matter of understanding.

6 MR. LOCHER: The, you pay 10 or 20 bucks a
7 month, everybody who participates, if your number
8 comes up, you get some money. I don't know how much
9 but you might get 25 bucks, you might get 50 bucks,
10 you might get 100 bucks.

11 MR. MULDERRIG: And --

12 MS. CHENG-DE CASTRO: So the money is paid
13 to the Friends of Dennis Gabryszak every month?

14 MR. LOCHER: I'm talking about the, what I
15 know, I'm telling you guys what I know about the
16 Cheektowaga Democratic Committee, they use, a lot of
17 people use that framework, that's not just, not just
18 isolated.

19 MR. MULDERRIG: But the, the reason that
20 it's done because there's profit, no?

21 MR. LOCHER: Yes, there's so-, whenever
22 you're raising money, you are able to generate
23 something off of that.

24 MR. MULDERRIG : But you, you re-, you have
25 no personal knowledge of Dennis doing this when he was

2 in the Assembly?

3 MR. LOCHER: Like I said --

4 MR. MULDERRIG: Because he could do them.

5 MR. LOCHER: -- it's my, it's my
6 understanding that his mother may have continued this
7 and coordinated it with [REDACTED] you'd have to
8 ask [REDACTED]

9 MS. CHENG-DE CASTRO: Okay, Adam, did you
10 keep a calendar of Dennis's ac-, like schedule when
11 you were working for him?

12 MR. LOCHER: A few, a few years into my time
13 in the Assembly, I became the district office
14 scheduler and everything was kept in the files on the
15 Assembly Outlook, and prior to that, the Assembly
16 scheduling system, it's all the computer, it's all on
17 the iDrive, you can ask the Assembly for all of that.

18 MS. CHENG-DE CASTRO: Did you keep a copy of
19 it?

20 MR. LOCHER: No.

21 MS. CHENG-DE CASTRO: What about your own
22 calendar?

23 MR. LOCHER: We had a staff calendar that
24 was a part of that Assembly calendar system and if I
25 had things going on, I put them on the staff calendar.

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ADAM LOCHER

07/11/2014

MS. CHENG-DE CASTRO: Who was in charge of putting in event items for Dennis?

MR. LOCHER: I did for the district and whomever the Albany person was, did it in Albany.

MS. CHENG-DE CASTRO: So do you know if Dennis kept a separate calendar for his personal events?

MR. LOCHER: If he did, he kept it on his own devices.

MS. CHENG-DE CASTRO: Okay. Let's just go to AL8, the first items September 29th, 2007, it's the Hyatt Hotel, 109 East 42nd Street, New York, New York, wha-, would you happen, and it actually says explanation, of the, the amount is zero and it says purpose, other, explanation memo 314.15. Would you happen to know what that was related to?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Would, would there be any other documents or information that would help us find out what that was for?

MR. LOCHER: [REDACTED].

MS. CHENG-DE CASTRO: Would know that?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay.

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ADAM LOCHER

07/11/2014

MR. MULDERRIG: Co-, di-, could I just ask, would you know why there would be a hotel reimbursement without associated travel if it's a New York City hotel?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Hmm.

MR. MULDERRIG: Okay.

MS. CHENG-DE CASTRO: Alright.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Do you know who Richard Bamberger is?

MR. LOCHER: I, I don't recall.

MS. CHENG-DE CASTRO: Okay, well, let's take a look at AL9, there's a line item, October 31st, 2007, [REDACTED], New York, it says 575 other staff lodging. Do you recall him being on the campaign staff or the office staff?

MR. LOCHER: No, I don't know what that is for.

MS. CHENG-DE CASTRO: Okay, so you, you don't even know who he is?

MR. LOCHER: No, I don't.

MS. CHENG-DE CASTRO: Alright.

2 MR. MULDERRIG: Is, are you aware of such a
3 person?

4 MR. LOCHER: I don't know that name, I don't.

5 MR. MULDERRIG: Okay, alright.

6 MS. CHENG-DE CASTRO: Okay.

7 [OFF MIC CONVERSATION]

8 MS. CHENG-DE CASTRO: Okay, AL10, January
9 2nd, 2008, Dennis, it's I think the reimbursement's
10 back to Dennis in the amount of \$1,295, would you
11 happen to know what that was for?

12 MR. LOCHER: No. No.

13 MS. CHENG-DE CASTRO: No, okay. And you say
14 the, the treasurer would, would probably know?

15 MR. LOCHER: Yes.

16 MS. CHENG-DE CASTRO: Okay.

17 MR. LOCHER: Does every page have a question
18 on it?

19 MR. FLEMING: No.

20 [OFF MIC CONVERSATION]

21 MR. LOCHER: Is this --

22 MS. CHENG-DE CASTRO: Okay, AL11, January
23 16th, 2008, Hilton Garden Inn, in Albany, would you
24 happen to know who that would've been for?

25 MR. MULDERRIG: Staff lodging.

2 MR. LOCHER: That may have been when he
3 hired [REDACTED] and [REDACTED], I, that could be the only
4 thing that I could recall. I don't --

5 MS. CHENG-DE CASTRO: Okay.

6 MR. LOCHER: -- off the top of my head,
7 that's my best guess.

8 MS. CHENG-DE CASTRO: Okay, so I'm assuming
9 any of the reimbursements that you received, you
10 provided vouchers or receipts to the treasurer for
11 reimbursement?

12 MR. FLEMING: That's the fourth time --

13 MR. LOCHER: Yes.

14 MR. FLEMING: -- that's the fourth time --

15 MS. CHENG-DE CASTRO: Yeah, okay.

16 MR. FLEMING: -- that's been asked and
17 answered, now come on, let's move along.

18 [OFF MIC CONVERSATION]

19 MS. CHENG-DE CASTRO: Okay, AL16, line items
20 dated June 30th, 2008, Embassy Suites, 102 North End
21 Ave, New York, New York, it says memo, \$246 domestic
22 violence conference. Do you recall Mr. Gabryszak
23 attending a conference for, in New York for any type
24 of domestic violence?

25 MR. LOCHER: I do not recall.

2 MS. CHENG-DE CASTRO: Okay. Would that be
3 an event that would be recorded in his calendar?

4 MR. LOCHER: Po- possibly, I couldn't, I
5 couldn't guarantee for certain.

6 MS. CHENG-DE CASTRO: So I'm assuming you're
7 not the sole person that recorded events in his
8 calendar, Mr. Gabryszak would do the same for himself,
9 is that correct?

10 MR. LOCHER: Yes, and other staff members,
11 too.

12 MS. CHENG-DE CASTRO: Okay.

13 [OFF MIC CONVERSATION]

14 MS. CHENG-DE CASTRO: Okay, AL29, dated July
15 7th, 2011, the name is Eastern Tours, address 10 East
16 39th Street, New York, New York, amount \$1,092, and
17 explanation is Russian, a Russia trade mission. Do
18 you know what that was about or for?

19 MR. LOCHER: The Assemblyman went on a
20 number of trade missions when he was in the Assembly.
21 I have to believe that that was the money that would
22 go toward a trade mission to Russia.

23 MR. MULDERRIG: Did he travel alone to Ru-,
24 on a trade mission to Russia?

25 MR. LOCHER: Any trade mission he went on,

2 he traveled alone from an office standpoint with a
3 group of other legislatures or other staff members.

4 MS. CHENG-DE CASTRO: Do you know if any
5 staff members traveled on this trip with him?

6 MR. LOCHER: I don't recall, I do not
7 believe so.

8 MS. CHENG-DE CASTRO: Okay, the next item,
9 July 8th, 2011, Lancaster Self-Storage, storage rental,
10 what, do you know what this storage was used for?

11 MR. LOCHER: We started putting campaign
12 stuff in storage, signs and golf signs and boxes of
13 literature, we started putting in storage.

14 MS. CHENG-DE CASTRO: So this is in addition
15 to that other space that you rec-, you got from the
16 landlord?

17 MR. MULDERRIG: Who had the key to the
18 storage?

19 MR. LOCHER: I kept the combination and when
20 people needed it, they went and they took it.

21 MR. MULDERRIG: Do you know if that storage
22 still exists?

23 MR. LOCHER: That I do not.

24 MR. MULDERRIG: What is the combination that
25 you used at the time?

2 MR. LOCHER: I don't remember, it was
3 written on a sheet of paper, I went to it when you,
4 when I needed it and that was a part of the stuff I
5 put in a box and gave to [REDACTED]

6 MS. CHENG-DE CASTRO: Okay.

7 [OFF MIC CONVERSATION]

8 MR. MULDERRIG: Who, who is [REDACTED]?

9 MR. LOCHER: Who is [REDACTED]?

10 MR. MULDERRIG: You know, you know of no
11 staffer name [REDACTED]?

12 MR. LOCHER: We had a staff member named
13 [REDACTED]?

14 MR. FLEMING: No, no.

15 MS. CHENG-DE CASTRO: No, do you know if
16 there --

17 [REDACTED] MR. MULDERRIG: Do you know who [REDACTED]
18 [REDACTED] is?

19 MR. LOCHER: Did, I have to ask a question,
20 okay, because I'm trying to put, I'm trying to see if
21 they go together, did this person receive money from
22 the campaign more than once?

23 MS. CHENG-DE CASTRO: Yes.

24 MR. SMITH: We're getting to that.

25 MR. LOCHER: And were they for \$200 each

2 time?

3 MR. SMITH: Here, take a look. It's 200,

4 MR. MULDERRIG: it sounds like you're, you're

5 aware of [REDACTED] Who is she?

6 MR. LOCHER: I believe she is someone that

7 [REDACTED] got to know and [REDACTED] got to stay there

8 for 400 a month. [REDACTED] had to put in 200 and

9 Dennis had the campaign put in 200.

10 MR. MULDERRIG: While [REDACTED] was doing

11 work in Albany or --

12 MR. LOCHER: Yes. Yes.

13 MR. MULDERRIG: So Dennis just made it work

14 by having the campaign fund that while it was actually

15 s-, office duty, is that fair to say?

16 MR. LOCHER: Yes.

17 [OFF MIC CONVERSATION]

18 MR. SMITH: We're getting there. What page

19 are you guys looking at?

20 MS. CHENG-DE CASTRO: We're on 36 now.

21 MR. SMITH: Okay, I want a question on 33.

22 MS. CHENG-DE CASTRO: Oh, okay.

23 MR. SMITH: Any idea what this trip was for

24 on 11/3/11, JetBlue, Marriott, JetBlue, Marriott?

25 MR. LOCHER: The only, the only speculation

2 I can give you is there were times that he went to New
3 York to speak to the Speaker.

4 MR. SMITH: Okay.

5 MR. LOCHER: I, I couldn't give you much of
6 anything else.

7 MR. SMITH: Okay, how about on page AL34,

8

9 MR. LOCHER: [REDACTED] ran
10 westernnewyorkpolitics.net, he has since passed away.

11 MR. SMITH: Okay, and what was that?

12 MR. LOCHER: It was a Web site.

13 MR. FLEMING: It would've been for
14 advertising, right?

15 MR. LOCHER: Yes.

16 MR. FLEMING: Okay.

17 MR. LOCHER: It was for advertising on their
18 political Web site.

19 MR. SMITH: Okay.

20 MR. FLEMING: It seems like the first
21 political Web site in Western New York, remember that?
22 Was that, was that --

23 MR. LOCHER: Well, that --

24 MR. FLEMING: -- was that the one?

25 MR. LOCHER: -- that's the other guy who

2 passed.

3 MS. CHENG-DE CASTRO: This one is just here.

4 MR. LOCHER: Deluze [phonetic] was the first,
5 he worked with Deluze and then he went off on his own.

6 MR. FLEMING: Alright.

7 MR. SMITH: I'm at AL36, where are you?

8 MS. CHENG-DE CASTRO: I am, yeah, I'm, we
9 don't have any more questions on that.

10 MR. SMITH: I just, I've got one here,
11 Jessica DeMarco again.

12 MR. LOCHER: That --

13 MR. SMITH: Same thing?

14 MR. LOCHER: -- like I said --

15 MR. SMITH: Okay.

16 MR. LOCHER: -- I, there were multiple times.

17 MR. SMITH: And Adam, then there's one here
18 for you for \$1,009 for fundraising?

19 MR. LOCHER: You'd have to ask Brian Krause
20 --

21 MR. SMITH: Okay.

22 MR. LOCHER: -- for all the, I didn't do any,
23 I didn't do any of the reporting.

24 MS. CHENG-DE CASTRO: Pete, we're at AL41.

25 MR. SMITH: Okay. I've got one for AL39.

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ADAM LOCHER

07/11/2014

MS. CHENG-DE CASTRO: Okay, go ahead.

MR. SMITH: Now we've got [REDACTED]
down to \$50, why would that have dropped, do you have
any idea?

MR. LOCHER: Don't know.

MR. SMITH: You don't know, okay. How about
the next line, Diamond Hawk Golf Course?

MR. LOCHER: It was the deposit for a
fundraiser.

MR. SMITH: Okay, is that where you hosted
the fundra-, the golf tournament, or the --

MR. LOCHER: That's where we held many of
our golf tournaments.

MR. SMITH: Okay. Again, I'm on A41. Again,
JetBlue, car service, the Sheraton, any idea? Year-
and-a-half ago? Okay.

MR. LOCHER: I've, I've told you, we went to
New York City a lot.

MR. SMITH: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Pete, we're moving
along. We're going to page 50 unless you have
something else.

MR. SMITH: Nope.

2 MS. CHENG-DE CASTRO: No?

3 [OFF MIC CONVERSATION]

4 MS. CHENG-DE CASTRO: AL56, December 2nd,
5 2013, Prime New York, 233 Broadway, for \$165?

6 MR. SMITH: Wait, where is this at?

7 MS. CHENG-DE CASTRO: Do you know what this
8 was for?

9 MR. SMITH: The, can you repeat that, Pei
10 Pei?

11 MR. LOCHER: 12 what?

12 MS. CHENG-DE CASTRO: AL56.

13 MR. LOCHER: Yup, oh, this?

14 MS. CHENG-DE CASTRO: Mm-hmm.

15 MR. LOCHER: Prime New York? There were
16 times where that company would send us e-mail actually
17 through, they would send it to the distri-, or to the
18 Assembly e-mail account where they would say, hey, we
19 have e-mail addresses and phone numbers and mailing
20 addresses of people who care about X, and for X amount
21 of money we'll give them to you. So we would pay for
22 them.

23 MR. FLEMING: The printout bullers.

24 [OFF MIC CONVERSATION]

25 MS. CHENG-DE CASTRO: I'm going to 70, do we

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ADAM LOCHER

07/11/2014

have anything in between pa-, Pete?

MR. SMITH: I've just got one here on 59.
Public Hearing New York City, any idea what that would
involve?

MR. LOCHER: What year are we talking?

MR. SMITH: What do we have here for the
year?

MR. LOCHER: '13?

MR. SMITH: '13, yeah. May 1st and then
August 19th.

MR. LOCHER: I think this was GMO, this was
a hearing about GMO's that he went to in New York City.
I don't remember this one, I can just tell you that a
lot of the hearings of the committees that he belonged
on, had their hearings in New York City, and that's
why they have per diems.

MR. SMITH: Okay. Pei Pei?

MS. CHENG-DE CASTRO: Yeah. Would you --

MR. MULDERRIG: Oh, who's [REDACTED]

[REDACTED] is he --

MS. CHENG-DE CASTRO: You got AL78?

MR. LOCHER: Isn't that an Assemblyperson?

MS. CHENG-DE CASTRO: Oh, you know, sorry,
yeah, strike that.

2 MR. MULDERRIG: [Unintelligible][01:14:25].

3 MS. CHENG-DE CASTRO: Yeah, yeah.

4 MR. MULDERRIG: Okay, thank you.

5 MS. CHENG-DE CASTRO: Did you, were you ever
6 aware of that there might, that Dennis Gabryszak might
7 have given a female employee a no-show job while he
8 was at the Assembly? I think something to the affect
9 where he hired a woman to be, I think, a secretary or
10 to answer phones which, and she was getting paid but
11 she never showed up?

12 MR. LOCHER: Yes.

13 MS. CHENG-DE CASTRO: Okay, do you remember
14 her name?

15 MR. LOCHER: No, it was in the first, it was
16 in the first year he was in the Assembly, it was in
17 the fall of 2007, I don't ever remember her name and
18 he had me do something very weird that I never asked
19 any questions about. She, she supposedly saw him out,
20 she worked at a hotel that he stayed at, the one day
21 he wanted me to call the hotel, I don't even remember
22 the hotel name, and to see if she would be the one to
23 pick up the phone. She was not the person who picked
24 up the phone, it was not a female voice, I hung up.

25 MR. SMITH: That was in Albany?

2 MR. LOCHER: That was a person who may have
3 worked for a short time in Albany, I don't even
4 remember her name, I never met her.

5 MS. CHENG-DE CASTRO: Okay, so you don't
6 remember her name, you never met her?

7 MR. LOCHER: Never met her --

8 MS. CHENG-DE CASTRO: Do, and so she --

9 MR. LOCHER: -- don't remember her name.

10 MS. CHENG-DE CASTRO: -- what hotel did you
11 call, do you remember?

12 MR. LOCHER: I don't recall. I just
13 remember the awkward story, you do what you do for
14 your, for your boss when your boss asks you.

15 MR. SMITH: What's the story?

16 MS. CHENG-DE CASTRO: So did he, yeah, so
17 what is the story that he told you?

18 MR. LOCHER: He asked for me to call this
19 person and see if she was there. She must not have
20 been returning his calls is all I could speculate.

21 MS. CHENG-DE CASTRO: So do you --

22 MR. SMITH: So --

23 MS. CHENG-DE CASTRO: -- know if she was on
24 the payroll --

25 MR. LOCHER: No, I'm just going --

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ADAM LOCHER

07/11/2014

MS. CHENG-DE CASTRO: -- for the office?

MR. LOCHER: -- by speculation.

MR. MULDERRIG: Why are you making that association?

MR. LOCHER: Because I remember [REDACTED]

[REDACTED] talking about it once.

MR. MULDERRIG: Talking about what?

MR. LOCHER: This woman and a possible, as he put it, a possible pregnancy.

MR. MULDERRIG: Oh, is there a back story here there you're aware of that you could share with us?

MR. LOCHER: I just gave it, I don't know much detail.

MS. CHENG-DE CASTRO: I, I'm sorry, you heard it from [REDACTED] who?

MR. LOCHER: [REDACTED].

MS. CHENG-DE CASTRO: Oh, [REDACTED]-

MR. MULDERRIG: What did [REDACTED] say to you?

MR. LOCHER: I think it was, did you ever remember the person who he supposedly got pregnant?

MS. CHENG-DE CASTRO: When did the pregnan-

MR. LOCHER: This was in passing.

MR. MULDERRIG: And, and as far as the no-

2 show job, what do, what do you know about that?

3 MR. LOCHER: Well, I just know that the
4 person was there, I never met them, I don't remember
5 what she did, I just remember that he was impressed by
6 her. If I remember him saying it because she sought
7 him out, I had nothing to do with the hiring, nothing
8 to do with the person leaving, I don't believe I ever
9 met the person, I don't even recall talking to the
10 person, I just found it odd.

11 MS. CHENG-DE CASTRO: So Dennis did talk
12 about her?

13 MR. LOCHER: I, I want to say that she came
14 up in conversation.

15 MS. CHENG-DE CASTRO: And what did he say
16 about her?

17 MR. LOCHER: What I just said to you.

18 MS. CHENG-DE CASTRO: Okay.

19 MR. MULDERRIG: But how, how did we arrive
20 at a no-show job?

21 MR. LOCHER: I don't know, you're using
22 those terms, not me.

23 MR. MULDERRIG: Yeah, but you responded to
24 that, that was your association.

25 MR. LOCHER: People use terms all the time,

2 I'm telling you what --

3 MR. MULDERRIG: But we want to make absolu-

4 MR. LOCHER: -- I'm telling you what I know.

5 MR. MULDERRIG: So le- le- let me just see
6 if I can get this fact pattern a little bit, to your
7 knowledge, he be-, he may have become involved with a
8 woman who worked in a hotel?

9 MR. LOCHER: Yes.

10 MR. MULDERRIG: There may or may not have,
11 there may or may not have been a pregnancy issue?

12 MR. LOCHER: Yes.

13 MR. MULDERRIG: And in some matter he
14 decided to assist this woman and give her a job in the,
15 in his Assembly office?

16 MR. LOCHER: I can't make that connection.

17 MR. MULDERRIG: Okay. So what connection
18 can you make in terms of this hotel employee and the
19 Assembly?

20 MR. LOCHER: I believe she worked for the
21 Assembly for a short time, she didn't come to work,
22 they let her go.

23 MS. CHENG-DE CASTRO: Who is, they let her
24 go?

25 MR. LOCHER: Dennis Gabryszak, [REDACTED]

2 [REDACTED] phonetic], so I don't know.

3 MS. CHENG-DE CASTRO: Okay. And you said
4 this was probably in the fall of 2007?

5 MR. LOCHER: Yes.

6 MS. CHENG-DE CASTRO: So the Assembly
7 records would probably show that a woman was being
8 paid during that time? I- if you know.

9 MR. LOCHER: The possibility exists.

10 MS. CHENG-DE CASTRO: Okay. I might, I mean,
11 we might be done, I just, let me go through my notes
12 and --

13 MR. SMITH: I've, I've got a couple quick
14 questions.

15 MS. CHENG-DE CASTRO: Okay.

16 MR. SMITH: In conversations with Dennis,
17 was there any talk of a run for county executive?

18 MR. LOCHER: Yes.

19 MR. SMITH: When did that occur?

20 MR. LOCHER: The year Poloncarz ran and won.

21 MR. SMITH: Okay, was there any talk that
22 you're aware of, that he planned on bringing people
23 over from Albany to help with his campaign for county
24 executive?

25 MR. LOCHER: Never got that far.

2 MR. SMITH: Do you know if there was ever an
3 offer put on the table to have someone move to come
4 over and work if he wins the county executive seat? I
5 need you to say yes or no.

6 MR. LOCHER: No.

7 MR. SMITH: Okay.

8 MR. FLEMING: Are we done?

9 MS. CHENG-DE CASTRO: Oh, sorry. I don't, I
10 don't have any more questions right now but I just
11 want to, again, repeat for the record I do need to
12 review the documents and information you provided us
13 and we'll follow-up afterwards.

14 MR. MULDERRIG: And the e-mails.

15 MS. CHENG-DE CASTRO: And the e-mails. I
16 will follow-up with a request for, I guess, any e-
17 mails that were mentioned in this interview with you.

18 MR. MULDERRIG: Could you put these e-mails
19 that we discussed on a drive?

20 MR. LOCHER: Well, this is, this is what I
21 want to ask, okay, this is all on the Cloud. I've
22 saved my, I've kept my e-mails since '98, I can gi-, I
23 can, heck, I can tell you here, here's my login,
24 here's my password, you take what you want. I, your
25 subpoena says you want e-mails that I sent to anybody

2 or anybody set to me from '07. I have folders in the
3 e-mail that say Dennis campaign, Dennis government,
4 Dennis Web site, in my sent that I do not have
5 categorized. You tell me if you want the logins, you
6 tell me how you want it, we would prefer not to print
7 it because it's a ton, and I've been here cooperating.

8 MS. CHENG-DE CASTRO: Well, yeah, we don't -
9 -

10 MR. SMITH: Okay, yeah.

11 MS. CHENG-DE CASTRO: -- we don't want you
12 to print it, I'll follow-up with your attorney to,
13 we'll arrange the production.

14 MR. FLEMING: And I've, for the record, I've
15 made an inventory for myself of the documents that I'm
16 turning over.

17 MR. SMITH: Okay.

18 MR. FLEMING: And we have them in a Red Well,
19 then I'm just going to hand them to you and it
20 includes the flash drives, alright.

21 MS. CHENG-DE CASTRO: Can, can we just make
22 a copy of your inventory then?

23 MR. FLEMING: Of course.

24 MS. CHENG-DE CASTRO: Do you know what the,
25 what information is on the flash drives or, and, and

2 do you have a copy of it or is that the original?

3 MR. LOCHER: I gave you the original flash
4 drives, you can take what you want.

5 MS. CHENG-DE CASTRO: Okay, but, so then you
6 don't have a copy of what's in this flash drive?

7 MR. LOCHER: No, I'm, I'm giving you --

8 MR. SMITH: Can you submit --

9 MS. CHENG-DE CASTRO: Okay.

10 MR. MULDERRIG: -- and this, this flash
11 drive is the product of what you downloaded from a c-,
12 which computer?

13 MR. LOCHER: One flash drive is stuff that
14 was from the supervisor's office, copies --

15 MR. SMITH: Okay.

16 MR. LOCHER: -- from the supervisor's office
17 and things I've built on, governmentally when I was in
18 the Assembly office, some files inter- interconnected,
19 and there's campaign stuff on the others.

20 MS. CHENG-DE CASTRO: Okay, thank you.

21 Thank you for coming in.

22 MR. FLEMING: Okay, thank you.

23 MR. SMITH: I'm going to stop the recording,
24 it's approximately 3 o'clock on the 11th.

CERTIFICATE OF ACCURACY

I, Jenna Houston, certify that the foregoing transcript of the interrogation of Adam Locher on July 11, 2014 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

A handwritten signature in black ink, consisting of a single, fluid, looped stroke.

Date: August 11, 2014

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