

EDISON TOWNSHIP COUNCIL
2019 COMMITTEE OF THE WHOLE

HELD ON TUESDAY MAY 14, 2019

7:00 P.M.

BEFORE:

ALVARO GOMEZ, Council President

JOSEPH A. COYLE, Councilmember

ROBERT C. DIEHL, Councilmember

AJAY PATIL, Councilmember

SAM JOSHI, Councilmember

MICHAEL LOMBARDI, Councilmember

LEONARD D. SENDELSKY, Councilmember

CHERYL RUSSOMANNO, Municipal Clerk

MARLENA McCRAY, Deputy Clerk

BOARD ATTORNEYS:

CHRISTOPHER MALIKSCHMITT, ESQ.

ANDREW DRESSEL, ESQ.

HUDSON REPORTING & VIDEO

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2 identification.)

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16 identification.)

17 COUNCIL PRESIDENT GOMEZ: Good evening,
18 everyone, and welcome to the Municipal Council Committee
19 of the Whole meeting, Tuesday, May 14, 2019.

20 Everybody please rise for the pledge of
21 allegiance.

22 Role call, please.

23 MUNICIPAL CLERK RUSSOMANNO: Councilmember
24 Coyle.

25 COUNCILMEMBER COYLE: Here.

1 MUNICIPAL CLERK RUSSOMANNO: Councilmember
2 Diehl.

3 COUNCILMEMBER DIEHL: Here.

4 MUNICIPAL CLERK RUSSOMANNO: Councilmember
5 Gomez.

6 COUNCIL PRESIDENT GOMEZ: Here.

7 MUNICIPAL CLERK RUSSOMANNO: Councilmember
8 Joshi.

9 COUNCILMEMBER JOSHI: Present.

10 MUNICIPAL CLERK RUSSOMANNO: Councilmember
11 Lombardi.

12 COUNCILMEMBER LOMBARDI: Here.

13 MUNICIPAL CLERK RUSSOMANNO: Councilmember
14 Patil.

15 COUNCILMEMBER PATIL: Here.

16 MUNICIPAL CLERK RUSSOMANNO: Councilmember
17 Sendelsky.

18 COUNCILMEMBER SENDELSKY: Here.

19 COUNCIL PRESIDENT GOMEZ: Adequate notice
20 please.

21 MUNICIPAL CLERK RUSSOMANNO: Adequate notice of
22 this meeting is required by the Public Meeting Act of
23 1975 has been provided by a special notice published in
24 the Home News Tribune and the News India Times on
25 April 25, 2019 and posted on the municipal complex on

1 that same date.

2 COUNCIL PRESIDENT GOMEZ: I want you to know
3 that we have our attorneys with us, Christopher
4 Malikschmitt and Andrew Dressel joining us here at the
5 dais.

6 Good evening, ladies and gentlemen. Thank you
7 for coming out to the Council Chambers for our first
8 meeting of the Township Council's Committee of the Whole.

9 As many of you know this is an investigatory
10 meeting to investigate the racial flyer that was created
11 and distributed during the 2017 Board of Education
12 election. Our goal tonight is to gather more information
13 that may ultimately lead us to those individuals who were
14 responsible for that terrible and unacceptable act.

15 Our expectations are that tonight we begin the
16 investigatory process and we intend to hold as many
17 meetings as possible or as necessary. With that said, we
18 will be holding another meeting on Thursday, May 23rd,
19 here in Council Chambers at 7 p.m. and another one is
20 being planned for June. Moving forward we stand united
21 as a council to send a message that anyone who engages in
22 this form of racial bigotry not be tolerated and we will
23 not stand silent.

24 It is important that as we begin we understand
25 that these meetings will be conducted with the level of

1 decorum that our residents and this council deserves. I
2 ask that everyone please put their cellphones on silent
3 and respect the individuals who will be speaking tonight.

4 At this time I would like to ask Mayor Lankey
5 to issue a statement regarding these proceedings.

6 MAYER LANKEY: Thank you, Council President.
7 Thank you Councilmembers.

8 I just want to applaud you in forming this
9 committee, very important. As Council President said,
10 this is not acceptable, it is deplorable, disgraceful. I
11 mean, the flyer in front of you that we're all aware of
12 about a year-and-a-half ago now since that came out and I
13 know there's been a lot of investigations going on both
14 our Police Department, Prosecutor's Office, the Postal
15 General, and it goes on, but I applaud you in
16 establishing this committee because we need to make sure
17 that we get to the bottom of this. This is not
18 acceptable.

19 This is probably why we don't see more people
20 run for political office. This is why I think our
21 turnout is as low as it is because this is something that
22 just cannot be tolerated. And Edison prides itself on
23 its diversity and obviously this is not diversity by any
24 means. You know, we just need to make sure we get to the
25 bottom of this. You know, it's been discussed, you know,

1 whether or not this is unlawful, whether it's against any
2 election laws. It doesn't matter because this is just
3 humanly not tolerable and not morally appropriate. So,
4 you know, I applaud you again with what you're doing. I
5 just urge you to please try to, you know, do so with
6 diligence, let's try to leave politics out of it, which I
7 know is difficult at times, especially during this
8 season, but we're here and you're here really to get to
9 the bottom of this and hold accountable whoever did this
10 deplorable act and, again, I just want to thank you and
11 applaud you again for undertaking this serious situation.
12 So thank you very much.

13 COUNCIL PRESIDENT GOMEZ: Thank you, Mayor.

14 I would now like to turn to my Council
15 colleague, Councilman Michael Lombardi to provide more
16 information on our meeting today.

17 COUNCILMEMBER LOMBARDI: Thank you, Council
18 President, and I'd also like to thank everybody that came
19 out tonight.

20 Tonight we are holding our first Committee of
21 the Whole proceeding. There are several individuals that
22 were asked to voluntarily come in and provide testimony
23 as to what, if any, knowledge they possess regarding the
24 racial flyer that was distributed in November of 2017.

25 I'm going to go over some instructions for our

1 witnesses, so I ask that each witness here tonight listen
2 carefully to the instructions.

3 This will be a question-and-answer session.
4 There's a court reporter present and the Committee's
5 questions and your answers to those questions will be
6 taken down by the court reporter. At some point in time
7 the court reporter will prepare a booklet called a
8 transcript. That transcript will have an exact verbatim
9 record of all of the questions and your answers to those
10 questions.

11 The court reporter when you come up will ask
12 you for your name and address. The court reporter will
13 then swear you in. So although you're in Council
14 Chambers tonight your answers are still considered sworn
15 testimony and have the same effect as if you were
16 testifying tonight in court. So it's important that you
17 approach this proceeding with the same degree of
18 seriousness as you would if you were in front of a judge
19 and a jury.

20 There are certain rules that should be
21 followed. First, listen to the question. If you don't
22 hear or understand the question by the Committee Member
23 let them know and I'm sure that the Committee member will
24 repeat or rephrase the question until you're satisfied
25 that you both heard and understood the question. Nobody

1 here wants you to start to answer the question if you're
2 not sure what the question was.

3 We want to know what you know as well as what
4 you do not know, so if you were asked a question and you
5 truly have no idea what the answer is, you should say so.
6 Nobody here wants you to guess or make up an answer if
7 you don't know. However, there's a difference between a
8 guess and a reasonable estimate or an approximation. So
9 if you were asked a question, let's say, about a date or
10 a time and you can't give an exact answer, but you can
11 give a reasonable estimate, we would ask that you do
12 that, just identify your answer as a reasonable estimate
13 or an approximation so you're not held to an exact
14 answer.

15 If at any time you feel that you were cut off
16 and didn't -- weren't permitted to complete your answer
17 to that question, just signal to us and we'll stop and
18 allow you complete your answer to that question.

19 Finally, we should all avoid using slang. If
20 your answer's yes, say yes, if it's no, say no, as
21 opposed to "uh-huh," "uh-uh," a shrug of the shoulders or
22 a movement of the head. This is for the benefit of the
23 court reporter and so that we have a clear record. And I
24 would also ask the Committee members asking the questions
25 that if a witness responds with an "uh-huh" or an "uh-uh"

1 or a shrug of the shoulders that they confirm whether
2 that answers was a yes, a no, or something else.

3 So that's how I'd like to or we would like to
4 proceed tonight. Thank you, Council President.

5 COUNCIL PRESIDENT GOMEZ: Thank you, sir. For
6 purpose of efficiency I would ask that the Committee
7 first lead in questioning with the attorneys and then if
8 there are any new questions above and beyond that from
9 the other Councilmembers, including myself, we should do
10 so afterwards.

11 And, again, questions and discussions should be
12 specific to this matter only pertaining to the flyer.
13 Thank you.

14 We are moving on to call our first witness.
15 Mr. Paul Distefano.

16 PAUL DISTEFANO, currently residing at 60
17 BUCHANAN ROAD, EDISON, NEW JERSEY 08820, was
18 duly sworn to tell the truth and testified as
19 follows:

20 COUNCILMEMBER JOSHI: Mr. Distefano, were you
21 present when we went over the initial instructions?

22 THE WITNESS: Yes.

23 COUNCILMEMBER JOSHI: Did you hear and
24 understand all the instructions?

25 THE WITNESS: Yes.

1 COUNCILMEMBER JOSHI: Do you need me to repeat
2 any or all the instructions before we begin?

3 THE WITNESS: No.

4 COUNCILMEMBER JOSHI: Do you have any questions
5 about the instructions before we begin?

6 THE WITNESS: No.

7 COUNCILMEMBER JOSHI: Mr. Distefano, what was
8 your role in the 2017 Board of Education election in
9 Edison and who else was a part of that ticket, how did
10 you become a part of that ticket, and what generally made
11 decisions -- what were the general questions that -- what
12 were the general reasons as to why you became a candidate
13 for the Board of Education?

14 MR. MALIKSCHMITT: Mr. Distefano, can you hold
15 one second, please.

16 THE WITNESS: Sure.

17 MR. MALIKSCHMITT: I believe the court reporter
18 is going to swear you.

19 COURT REPORTER: I did.

20 THE WITNESS: We did.

21 MR. MALIKSCHMITT: I missed that.

22 THE WITNESS: Before the election, in April I
23 believe, 2017, there was a vacancy on the Board of Ed and
24 one of the prior members had passed away, Debbie Haynes.
25 Debbie was a friend of mine and I had been involved with

1 the schools, mainly the high school, J. P. Stevens, with
2 sports and other activities and the parent groups and
3 things. So when the vacancy came up and the Board was
4 looking for a new Board member, I submitted an
5 application. So I was appointed -- the Board voted,
6 there were six people who put their name in a hat, I was
7 selected, in I believe it was April 2017, to fill the
8 vacancy.

9 I then had to run for reelection in the fall to
10 continue Debbie's unexpired seat so Jerry Shi had asked
11 me to run with him, and Beth Moroney was also a free
12 election for the Board and Jerry had met and invited
13 Falguni Patel to be part of our ticket.

14 COUNCILMEMBER JOSHI: Did you know her ahead of
15 time?

16 THE WITNESS: No.

17 COUNCILMEMBER JOSHI: Okay.

18 THE WITNESS: No. The four of us were part of
19 the -- we were this ticket. We had support from several
20 people in the community. I was new to the politics, I
21 had never run for any type of office before. All of my
22 positions in the past were all volunteer and, you know,
23 there's no election to being the president of the parents
24 group, it's whoever wants to do the work is pretty much
25 the one who gets the seat. So that's been -- that was

1 the extent of my experience with being on a Board.

2 I thought the Board of Ed wasn't supposed to be
3 political, but as time went on I learned that it is a
4 political process. There's -- you know, with the
5 elections and everything else, it's a -- it really is a
6 political position unfortunately.

7 Jerry was handling the -- he was kind of the
8 head of our ticket and he handled pretty much everything
9 as from getting us assistance, to the money, to, you
10 know, booking events and going out and speaking with
11 people, things like that. There was a group of people
12 who were the core that supported our ticket, those people
13 included Councilman Patil, the Special Assistant to the
14 Mayor Mahesh Bhagia, his brother Raj Bhagia, a Committee
15 Person attorney Satish Poondi, and the Democratic
16 Chairman Sharif [phn] -- I don't recall his last name
17 right now, but I think you know who I mean.

18 COUNCILMEMBER JOSHI: Okay.

19 THE WITNESS: So we went to a lot of events, a
20 lot of events at the convention center. You know, Jerry
21 felt it was very important for us to get out to the
22 Indian and the Asian, and the, you know, Chinese
23 community. It was also important that I introduce him to
24 what he called the, you know, the white community, the
25 south -- it was important that I walk with him in South

1 Edison to introduce him to the people that I knew through
2 sports and, you know, just being a Caucasian, he needed
3 me for the vote.

4 COUNCILMEMBER JOSHI: Do you believe that that
5 was part of the reason why you were picked to be part of
6 the ticket?

7 THE WITNESS: No, no. Jerry and I were close.
8 He was one of the -- you know, he was one of the first --
9 one of the five, I believe it was five, that voted for me
10 to get on the Board originally. Jerry and I were very
11 close throughout much of the -- that year and leading up
12 into the campaign and, you know, things kind of changed
13 when it got real political.

14 COUNCILMEMBER JOSHI: So what happened, what do
15 you mean by get political, what was it like during your
16 time throughout the election itself? You ran with these
17 individuals.

18 THE WITNESS: Yeah, yeah. I was pretty much
19 Jerry's, you know, number two guy on the ticket. I mean,
20 he and I spent a lot of time together. He confided in me
21 a lot. There were times when -- oh, the other person who
22 supported us was Shannon Peng, she was also a Board
23 member, she was probably the most active member of our
24 team as far as going out and ringing doorbells and
25 meeting people and putting things together for us.

1 COUNCILMEMBER JOSHI: Okay.

2 THE WITNESS: Yeah, Jerry and I were very
3 close.

4 A couple things, he was very driven to win. At
5 one point during the campaign he had arrangements to go
6 to Australia, I think it was Australia, with his wife for
7 two weeks. He canceled last minute and she went by
8 herself so that he could continue to campaign because he
9 didn't want to -- you know, he figured if there was, you
10 know, in that two-week period however many people he
11 could speak to, that would assure extra votes for him and
12 our team.

13 There was another night his brother was in town
14 for one night on his way back from China for cancer
15 treatments and his brother was at his house and we were
16 at an event at the convention center and he told me his
17 brother was there, he was supposed to go meet him, but he
18 had to keep campaigning and he didn't go see his brother
19 before he went back to -- and that kind of made me
20 wonder, you know, how important this was and you just --
21 you know, started me thinking.

22 I don't know if it was that night, the same
23 night that he didn't go see his brother, we went to the
24 convention center a lot for these events, so I don't know
25 if it was the same night as the brother or another night,

1 but on October 7th he invited me to this -- we had been
2 to the convention center, you know, meet-and-greet and
3 there was a big event, I forget what it was, there was a
4 lot of dancing and --

5 COUNCILMEMBER JOSHI: The Expo Convention
6 Center?

7 THE WITNESS: Yes, yes. Whatever event they
8 had on the night of October 7.

9 COUNCILMEMBER JOSHI: Okay.

10 THE WITNESS: And then we went out for coffee
11 afterwards. It was Jerry, and I, and Shannon, and I
12 believe Shivi was there. After we went for coffee and we
13 were going to break up and go home, it was late, it was
14 probably 11 o'clock or so in the evening, maybe later,
15 Jeffrey invited me to come to this special meeting, a
16 planning meeting he said, and Shannon didn't like that
17 idea.

18 COUNCILMEMBER JOSHI: Who was a part of this
19 meeting, what was it for, what was the purpose, where was
20 it?

21 THE WITNESS: So we left Dunkin Donuts around
22 11, 11:30, we drove over to -- near the Woodside Pool
23 that used to be there on Harding, and from what I learned
24 was that it was the home of Mahesh Bhagia and Raj Bhagia.
25 When we got there there were several gentlemen there,

1 Satish Poondi was one of them, and I walked in with Jerry
2 and Shannon. There were several other gentlemen there
3 that I didn't know and throughout the night several more
4 came and went. It was just -- they just would come in,
5 talk for a few minutes to, you know, Satish and Raj and
6 then they would go.

7 COUNCILMEMBER JOSHI: Do you know how many
8 people came in and out?

9 THE WITNESS: It may have been a half a dozen
10 throughout the -- I was probably there for maybe three
11 hours or so.

12 COUNCILMEMBER JOSHI: Okay.

13 THE WITNESS: I left about 2 a.m., they were
14 still there. I was the first one to leave. But between
15 11:30 and 2 I would say a half a dozen different people
16 came and went. I believe that Councilman Patil was one
17 of the gentlemen who stopped by.

18 It was early in the campaign so I didn't know
19 everyone as well as I -- you know, as well as I came to
20 know everyone later on. It was an interesting
21 experience. When I first got there I believe it was Raj
22 who called Jerry into the other room. So when you walk
23 in the house there was like a living room to the right
24 and I think there was like a dining room and then the
25 kitchen. So they had -- they told me to sit in the

1 living room there and they went towards the kitchen and I
2 overheard, "What is he doing here," and I heard Jerry
3 say, you know, "It's okay. It's okay. He's fine."

4 And the night was pretty much, you know,
5 planning the campaign, talking about, you know,
6 meet-and-greets and different things and there was also a
7 lot of talk about the other candidates and, you know,
8 digging up dirt on the other candidates. They had the
9 book that one of the other candidates had written about
10 being a politician. I don't know if I should mention
11 names or not.

12 COUNCILMEMBER JOSHI: You can. You should.

13 THE WITNESS: Mr. Araujo, who was running for
14 the Board of Ed, he had written a book, Virgin
15 Politician, about his time running for, I believe,
16 Council and Governor and some other positions and, you
17 know, they were looking through the book for something to
18 use in the campaign. They had a Facebook post from one
19 of the other gentlemen that was running, the tall Indian
20 gentleman who was running, Virani, I believe, the name is
21 something like that.

22 COUNCILMEMBER JOSHI: Okay.

23 THE WITNESS: It was -- you know, it was just a
24 silly Facebook post from a few years prior where he was
25 looking for a date, you know, it was like a ridiculous

1 frat-type Facebook post and, you know, they were going --
2 they had planned on using that, but I don't think that
3 ever came out.

4 Shannon had her laptop there and she was
5 working on a flyer, she said she spent all day working on
6 it. She showed it to all of us. Then either that
7 night -- I sent you copies of the -- I sent several
8 people copies of the text exchange between Shannon and I
9 and the email she sent me the next day, it was actually
10 one of our Board of Ed meetings as well. The flyer that
11 she showed me it was going -- because she said it was
12 going to be sent out just to some parents as, you know --
13 I don't remember every detail of the flyer, but it was --
14 it talked about, you know, protecting the Board of Ed
15 and, you know, the unions controlling the Board of Ed and
16 that sort of thing, and she texted me and said, oh, I
17 want to send you the proof, the flyer that we're going to
18 be sending out to some parents, and she sent it to me
19 and, you know, I sent it back and I said I don't think we
20 should do this, I forget the exact wording, but it's in
21 the text exchange, and then didn't hear anything about it
22 for a couple of days. And then a few days later I didn't
23 receive it in the email, but one of my hockey parents
24 received it and forwarded it to me and it was the same
25 flyer, you know, verbatim, same pictures, same text, and

1 at the bottom it said, "Paid for by People For Progress."

2 COUNCILMEMBER JOSHI: So what --

3 MR. MALIKSCHMITT: Mr. Distefano, if the court
4 reporter could put in front of you Exhibit-- what's been
5 premarked as Exhibit-D.

6 If you can just take a minute to examine that,
7 please.

8 THE WITNESS: Yeah, the thing that stands out
9 is the Board table with the BOE members and the union
10 talking about the --

11 COUNCILMEMBER LOMBARDI: Council President,
12 would it possible to have Exhibit-D up on the video
13 screen so we can see it and reference it?

14 MR. MALIKSCHMITT: Yes. Have you had an
15 opportunity to take a look at what's been premarked
16 Exhibit-D?

17 THE WITNESS: Yes.

18 MR. MALIKSCHMITT: And that does appear to be
19 the document that was forwarded to you that you were
20 referencing in your prior testimony?

21 THE WITNESS: Yes.

22 MR. MALIKSCHMITT: And if you could take a
23 look, I don't know how well you can see the screen --

24 THE WITNESS: Yes.

25 MR. MALIKSCHMITT: -- but the images that are

1 on the screen are those the images that essentially were
2 lifted from that document marked as Exhibit-D?

3 THE WITNESS: Yes.

4 MR. MALIKSCHMITT: If the reporter can actually
5 put Exhibit-E in front of the witness, I appreciate it,
6 please.

7 THE WITNESS: Can I get a bottle of water?

8 MR. MALIKSCHMITT: Yes.

9 THE WITNESS: Thank you.

10 MR. MALIKSCHMITT: If you could take an
11 opportunity to review what's been premarked as Exhibit-E.
12 Do you recognize that document?

13 THE WITNESS: Yes, this, I believe, was the
14 second, it came out after this one. This was another one
15 that was sent to me by one of our hockey parents and I
16 Xed out their name because they didn't want to be
17 identified.

18 MR. MALIKSCHMITT: So that is the document you
19 were referring to in your prior testimony?

20 THE WITNESS: No, this is -- this was a second
21 email that came out that I wasn't aware of, but it
22 appears to have been -- you know, it appears to be very
23 similar, you know, a lot of the same information from
24 this one.

25 MR. MALIKSCHMITT: But it is the document that

1 you had testified about having been sent to you from a
2 hockey parent, it appears to be?

3 THE WITNESS: No, this is the one -- well, I
4 was only talking about the first one from October 7th and
5 a few days later I believe this one came out -- they
6 aren't the same -- they aren't the same documents.

7 MR. MALIKSCHMITT: Understood.

8 THE WITNESS: But both were sent to me by
9 hockey parents. I never received them myself other than
10 getting the first one from Shannon.

11 MR. MALIKSCHMITT: Okay. And if you could take
12 a look on the screen, there are some images on the screen
13 that have been lifted from that document premarked
14 Exhibit-E there, I've got it as Exhibit-E. Now, do those
15 appear to be the images that have been lifted from the
16 document that I placed in front of you?

17 THE WITNESS: Yeah.

18 MR. MALIKSCHMITT: Thank you.

19 COUNCILMEMBER JOSHI: Can you go back to the
20 previous -- I want to note the dates. So October 16th
21 and October 9th, okay? Did you know who Andres Morales
22 was?

23 THE WITNESS: No. Among the group that was
24 helping us with our campaign, People for Progress was
25 mentioned and it was mentioned as a PAC. I was -- like I

1 said, at the time I was new to politics, I didn't know
2 what a PAC was, I had to Google it. I Googled Andrew
3 Morales and People for Progress and I couldn't find
4 anything on the internet. The only Andrew Morales I
5 could find related to -- I searched Andrew Morales,
6 People for Progress, I searched Andrew Morales, New
7 Brunswick, because I think one of the addresses on one of
8 the flyers was New Brunswick, and the only Andrew Morales
9 that comes up on Google is like a former football player
10 from Rutgers, that's the only Andrew Morales that I could
11 find.

12 COUNCILMEMBER JOSHI: Did you -- what was your
13 primary source of fundraising for your election?

14 THE WITNESS: It was primarily Jerry. A lot of
15 events with the Chinese community and fundraisers and
16 things like that.

17 COUNCILMEMBER JOSHI: Are you aware that People
18 for Progress had donated to the Unity Team?

19 THE WITNESS: Later on, yes. I don't know if
20 it was October or whatever, but Jerry did mention that he
21 received a check from People for Progress and I believe
22 he wrote a check to People for Progress.

23 COUNCILMEMBER JOSHI: Okay. What was it like
24 when that flyer, the racist flyer, Exhibit-A, had come
25 out, what was it like to be on that team knowing that two

1 of your candidates, your fellow colleagues, your running
2 mates were also -- what were their reactions?

3 THE WITNESS: Fal was visibly upset, shaken,
4 and scared, she was afraid that she was being targeted.
5 Jerry's reaction was different. Jerry was more nervous.
6 He wasn't angry or, you know, he kept talking about, you
7 know, his children seeing this and people finding out and
8 that sort of thing. He wasn't -- you know, it wasn't
9 about, you know, how could somebody do this, it was like
10 what are people going to think.

11 COUNCILMEMBER JOSHI: Okay. Can you --

12 THE WITNESS: But to go back, when I first saw
13 the racial flyer, I didn't get a copy of it, I believe
14 the first time I saw it was either someone sent it to me
15 via text or I saw it on Facebook, or something like that,
16 and to be honest, the first thing I thought was I can't
17 believe Jerry did this.

18 Now, just to take a step back, at that meeting
19 that night on October 7th with the group that I was
20 telling you about, you know, they were trying to dig up
21 all this dirt on the other candidates and I asked why do
22 you need to do this, I don't understand, you know, you
23 have the support of your -- you know, I've been to all
24 these events, the Chinese community, the South Asian
25 community, everyone embraced us and everybody, you know,

1 was telling us that, you know, they supported us, you
2 have the support of your communities, why do you need to
3 do this and the two of them almost in unison it was -- or
4 tandem, they were, you know, we have the support of our
5 community, but they don't come out and vote, we need to
6 figure out a way to get them to come out and vote.

7 COUNCILMEMBER JOSHI: Which two individuals
8 stated this?

9 THE WITNESS: Jerry and Satish.

10 COUNCILMEMBER JOSHI: What night was that?

11 THE WITNESS: That was October 7th at the home
12 of Mahesh and Raj Bhagia.

13 MR. MALIKSCHMITT: Mr. Distefano, you said your
14 first initial thought was that, "I can't believe Jerry
15 did this," or something to that effect; is that right?

16 THE WITNESS: Yes.

17 MR. MALIKSCHMITT: Why is it that you would
18 think that?

19 THE WITNESS: Jerry was obsessed with winning
20 and then after that meeting when they talked about they
21 have to figure out a way to get their people to come out
22 and vote, that's just the first thing that popped into my
23 mind. The other thing is that, you know, there were, I
24 think there were four other Indian candidates that were
25 running, or four or five, why is it only two of my

1 teammates with very nice photos were the ones that were
2 targeted on this flyer. You know, when they were -- you
3 know, when you -- from what I've learned when, you know,
4 the dirty politics, you -- anything you see on TV or on
5 Facebook, if they want to -- if they want to, you know,
6 call somebody out or make somebody look bad, they don't
7 find the nicest picture they can find of them, they get a
8 picture of them with their mouth open or an angry face or
9 something. I mean, those are two very nice photos that
10 were taken off of their Facebook page. It just seemed
11 too perfect.

12 MR. MALIKSCHMITT: Did you have any role, to be
13 clear, in creating or disseminating the flyer?

14 THE WITNESS: No, absolutely not.

15 MR. MALIKSCHMITT: Do you have any direct
16 knowledge as to who did create or disseminate the flyer?

17 THE WITNESS: No.

18 COUNCILMEMBER JOSHI: Can we put Exhibit-B on
19 the screen?

20 Mr. Distefano, do you recognize this flyer?

21 THE WITNESS: Yes.

22 COUNCILMEMBER JOSHI: Do you approve -- did you
23 approve or help create this flyer?

24 THE WITNESS: This one, yes. We were aware of
25 this flyer.

1 COUNCILMEMBER JOSHI: And --

2 THE WITNESS: Meaning -- we meaning the
3 other -- the three of us, Falguni, Beth, and myself.

4 MR. MALIKSCHMITT: Councilman, if I may.

5 Stenographer, if you could place what's been
6 premarked in front of the witness premarked Exhibit-B,
7 please.

8 COUNCILMEMBER JOSHI: Note that this comes from
9 the BOE Unity Team.

10 So who typically created flyers for the Unity
11 Team?

12 THE WITNESS: Jerry had everything done. I
13 know that Shannon helped him with flyers, but I don't
14 know who created these. I know that there were several
15 printers that Jerry worked with, but I don't know who did
16 the, you know, who did the photos and the typeset and put
17 it all together. That, I'm not really sure.

18 COUNCILMEMBER JOSHI: Okay. Can you put up
19 Exhibit-C?

20 MR. MALIKSCHMITT: Stenographer, this actually
21 has not been premarked. It's merely a comparison of
22 Exhibits-A and B, like, side-by-side for the record.

23 COUNCILMEMBER JOSHI: Do you see -- Mr.
24 Distefano, do you see any similarities between these two
25 flyers?

1 THE WITNESS: A little bit. I guess the fonts
2 and colors.

3 MR. MALIKSCHMITT: Mr. Distefano, did you ever
4 receive and approve the flyer that's been premarked as
5 Exhibit-B?

6 THE WITNESS: This one?

7 MR. MALIKSCHMITT: Correct.

8 THE WITNESS: Yes, I believe both. I don't
9 know if I -- I don't know if I approved it before it went
10 out, but it wasn't something that was negative so I -- we
11 didn't typically see all the flyers before they went out.

12 MR. MALIKSCHMITT: But that is something that
13 you had seen prior to this evening?

14 THE WITNESS: Yes, yes. I mean there was
15 another flyer that went out that the three of us did not
16 approve, Falguni, Beth and myself, and that was the --
17 the one that Jerry sent out without our knowledge where
18 he had pictures of Mr. Hahn, Keith Hahn, and the
19 president of the teachers union on the flyer and he was
20 talking about the unions taking over the School Board.
21 We didn't know about that until after it came out.

22 MR. MALIKSCHMITT: What, if anything, did you
23 do after you found out about it?

24 THE WITNESS: I'm pretty sure Fal and I went to
25 Jerry's house that day because we had to sign the filing

1 papers. We were all pretty upset because we didn't --
2 you know, we didn't know about this. There was no need
3 for that flyer, you know, it was just more dirty, you
4 know, dirty politics that I think Jerry knew that we
5 would not have agreed to send that out and that's pretty
6 much what he did.

7 When I questioned him he said that he was
8 trying to get back at everybody for what they did to me
9 and my son. He was referring to -- my son resigned his
10 position as a coach at J. P. Stevens so that I could vote
11 on the Superintendent's contract in 2017. Unfortunately
12 the -- you know, he -- I couldn't -- I wouldn't have been
13 able to vote on the contract and my vote was needed to
14 swing, you know, the five, theoretically, five votes to
15 approve the contract versus those that wanted to, you
16 know, not approve it. So my son stood up and he knew
17 that his position as a coach would keep me from voting
18 and he knew that I was there to do what I -- you know, to
19 do the right thing and he was willing -- at first he was
20 willing to give up his pay and be a volunteer coach and
21 then several of the Board members didn't like that so
22 they went to the State Teachers Union, filed papers with
23 the Township, followed it up with Public Records Act
24 request on any information the District had on my son and
25 at that point he then gave up his volunteer position

1 because they said as a volunteer he's still under the
2 direction of the Superintendent and he had to give up his
3 position so that I could vote my conscious.

4 COUNCILMEMBER JOSHI: Mr. Distefano, I just
5 want to get back to the similarities between these
6 flyers. When I looked at it, apart from the color, the
7 font, do you see any similarity between the stamp on both
8 of these flyers? To me that was the first thing I
9 noticed.

10 THE WITNESS: What do you mean stamp? Oh, I
11 didn't even notice that, the reelection and support,
12 yeah, I never picked up on that.

13 COUNCILMEMBER JOSHI: Because that's not a
14 common font at all. We've spoken to many individuals,
15 graphic designers, and that's not a common font to just
16 rip off and use. Do you see the similarities now?

17 THE WITNESS: Yes, absolutely.

18 COUNCILMEMBER JOSHI: Okay.

19 THE WITNESS: And that's a great picture of
20 Fal. If I was trying to make her look bad, that wouldn't
21 be the picture I'd pick -- I would pick.

22 MR. MALIKSCHMITT: We're turning back to the
23 People for Progress.

24 THE WITNESS: Yes.

25 MR. MALIKSCHMITT: You testified that you don't

1 know who Andres Morales is; is that correct?

2 THE WITNESS: No.

3 MR. MALIKSCHMITT: If the stenographer can
4 place in front of the witness what's been premarked as
5 Exhibit-F, please.

6 Have you had an opportunity to review what's
7 been placed in front of you?

8 THE WITNESS: Yes.

9 MR. MALIKSCHMITT: Do you recognize either of
10 those checks?

11 THE WITNESS: No.

12 MR. MALIKSCHMITT: Would you tell us who those
13 checks -- who those checks purport to be made out from?

14 THE WITNESS: Andrew Morales, Treasurer, with
15 an address.

16 MR. MALIKSCHMITT: And it's handwritten; is
17 that correct?

18 THE WITNESS: Yes.

19 MR. MALIKSCHMITT: And that does seem a bit
20 odd?

21 THE WITNESS: Yes.

22 MR. MALIKSCHMITT: Is the first one made out to
23 Max It Mailing and Fulfillment, Incorporated; is that
24 correct?

25 THE WITNESS: Yes.

1 MR. MALIKSCHMITT: Do you know who that is?

2 THE WITNESS: No, but I think both of these
3 checks have the same check number, so I think it's the
4 same check.

5 MR. MALIKSCHMITT: That would be correct.

6 With regard to -- but you don't recognize
7 anything about these checks or the names, nothing about
8 this jogs your memory?

9 THE WITNESS: No, no. Max It Mailing and then
10 the memo it says "political mailing" but, no, I'm not
11 familiar with Max It Mailing.

12 COUNCILMEMBER JOSHI: Just to put this into
13 perspective, Mr. Distefano, there were -- your campaign
14 had taken -- the Unity Team had taken donations from
15 People for Progress, the Treasurer was Andres Morales.

16 THE WITNESS: I believe so.

17 COUNCILMEMBER JOSHI: There was checks in the
18 thousands coming in from this and it also sent out --
19 checks in the thousands were coming into the Unity Team
20 from this anonymous group, People for Progress.

21 THE WITNESS: Okay.

22 COUNCILMEMBER JOSHI: The only tie that you've
23 stated is that Shannon was connected to People for
24 Progress through your email?

25 THE WITNESS: Yeah, that's -- I wasn't aware

1 that it was thousands, to be honest. That's the first
2 I'm hearing of it, but --

3 COUNCILMEMBER JOSHI: Okay.

4 THE WITNESS: Yeah, I mean, there was talk
5 about this PAC and Andrew Morales, but there was no real
6 details. Like, everything else was kind of, you know, in
7 passing or...

8 COUNCILMEMBER JOSHI: So there's a Treasurer
9 for a Political Action Committee accepting and making
10 donations in the thousands from the Unity Team,
11 handwriting on the top left corner, you can see it was
12 handwritten, this anonymous person that you've never
13 seen?

14 THE WITNESS: Right, yes.

15 COUNCILMEMBER JOSHI: Okay.

16 MR. MALIKSCHMITT: Stenographer, if you can
17 place in front of the witness what's been premarked
18 Exhibit-G.

19 Exhibit G is a multipage document, one of those
20 pages of which has been placed on the projector.

21 Do you recognize this document at all, sir?

22 THE WITNESS: Yeah, this is one of the filings
23 that we all signed. Jerry filled them in and we met
24 every so often, every month, every six weeks or so, and
25 signed.

1 MR. MALIKSCHMITT: Who else signed this
2 document?

3 THE WITNESS: Everyone on the team, so it would
4 be Jerry, Beth, Fal, and myself.

5 MR. MALIKSCHMITT: If I can direct your
6 attention to the third page of the document, "Schedule
7 1D, Disbursements."

8 THE WITNESS: Yes.

9 MR. MALIKSCHMITT: Do you see on that page
10 there's a -- two different disbursements at the top,
11 November 2, 2017 to A to Z Signs in the amount of 3668?

12 THE WITNESS: Yes.

13 MR. MALIKSCHMITT: And third line down on
14 November 9, 2017, to PNGNY, purpose also for printing,
15 both of the purposes are for printing, and the full
16 amount there is 275, do you see that -- 675, do you see
17 that?

18 THE WITNESS: Yes.

19 MR. MALIKSCHMITT: Are you aware of either of
20 those charges?

21 THE WITNESS: I probably saw them when I signed
22 it. A to Z Signs I believe was one of our -- you know,
23 one of the people who came to a lot of our events, if I'm
24 not mistaken.

25 COUNCILMEMBER JOSHI: Who was the name of

1 individual behind that?

2 THE WITNESS: I don't remember the name, I'm
3 sorry, but from what I remember I believe he was the
4 president of the Indian Business Association.

5 COUNCILMEMBER JOSHI: Okay.

6 THE WITNESS: I believe so.

7 COUNCILMEMBER JOSHI: Okay.

8 MR. MALIKSCHMITT: But sitting here today
9 you're not sure what either of these disbursements were
10 for specifically?

11 THE WITNESS: No, no. We sent a lot of flyers,
12 you know, Jerry thought that that was the best way to
13 reach people. And, you know, we spent a lot of money on
14 flyers.

15 MR. MALIKSCHMITT: And with regard to PNGNY, do
16 you know anything about that particular corporation, I
17 assume?

18 THE WITNESS: PNGNY? No.

19 MR. MALIKSCHMITT: What was the answer?

20 THE WITNESS: No. I was just reading the
21 letters to myself, but no that doesn't ring a bell.

22 MR. MALIKSCHMITT: It appears to be out of
23 Tennessee, does it not?

24 THE WITNESS: Yes.

25 MR. MALIKSCHMITT: If the stenographer can

1 place in front of the witness what's been premarked as
2 Exhibit-F, please -- sorry, sorry, H, Exhibit-H.

3 THE WITNESS: Okay.

4 MR. MALIKSCHMITT: Do you recognize this
5 document at all?

6 THE WITNESS: No.

7 MR. MALIKSCHMITT: Can you -- this document, if
8 I can direct your attention to the -- is it fair to say
9 the document, the title Supplement Expenditure
10 Information Form E3?

11 THE WITNESS: Yes.

12 MR. MALIKSCHMITT: And it says the full
13 committee name is People for Progress; is that correct?

14 THE WITNESS: Yes.

15 MR. MALIKSCHMITT: And it has expenditure
16 information on it; is that correct?

17 THE WITNESS: Yes.

18 MR. MALIKSCHMITT: And it has two separate
19 payees, one is PNGNY out of Knoxville, Tennessee and one
20 is A to Z Signs out of Edison, New Jersey; is that
21 correct?

22 THE WITNESS: Yes.

23 MR. MALIKSCHMITT: And these would be the same
24 entities as we've discussed previously with regard to the
25 Team Unity filing form as well?

1 THE WITNESS: I would say so, yes.

2 COUNCILMEMBER JOSHI: Were you surprised to see
3 the printer from People for Progress? I mean, it's
4 interesting because there's two different printers that
5 were used, one locally and one out of Tennessee, which is
6 using an acronym. Did you -- when you were signing off
7 on this, did you not question who was running the show
8 here or what was being printed?

9 THE WITNESS: No, no, we just assumed -- you
10 know, we were told that there were, you know, between the
11 lawn signs and the mailers and I even had business cards
12 made that I thought I ordered from out of state, I don't
13 remember if Jerry paid for them or if I paid for them and
14 he reimbursed me, it's probably in one of these filings
15 somewhere, that was only a couple hundred dollars, but I
16 knew that the A to Z Signs was doing printing and I
17 really didn't think about, you know, if I even noticed
18 that there was an out-of-state printer being used, I
19 didn't think about it, didn't question it.

20 COUNCILMEMBER JOSHI: You didn't question that
21 these expenditures from People for Progress says the
22 names of the printers are the same as your filing?

23 THE WITNESS: Well, this is the first time I'm
24 seeing this other document, H, Exhibit-H.

25 COUNCILMEMBER JOSHI: Okay.

1 THE WITNESS: So, you know, had I seen
2 something like this during the campaign it probably would
3 have, you know, threw up a red flag but, you know, in
4 hindsight, you know, it definitely appears to be a
5 problem.

6 MR. MALIKSCHMITT: And to be clear for our
7 audience, would you read the name on the signatory line
8 on that document.

9 THE WITNESS: Andres Morales.

10 MR. MALIKSCHMITT: Thank you.

11 COUNCILMEMBER JOSHI: When that email went out
12 with Shannon as well as People for Progress, the one that
13 is nearly identical, did you not question who People for
14 Progress was?

15 THE WITNESS: Yeah, I was told it was just a
16 Political Action Committee or group and that, you know,
17 it was nothing to worry about, but later on we, you know,
18 from speaking to people, concerned people, I think from
19 seeing Keith Hahn's Facebook, his Facebook Live events
20 when he showed the flyers and talked about People for
21 Progress, that's when we all started taking notice.

22 COUNCILMEMBER JOSHI: When you were -- once you
23 were elected and you got onto the Board of Education did
24 this not come up at any point amongst your members, did
25 anyone bring it to your attention at the Board of

1 Education meetings?

2 THE WITNESS: Yes, yeah. I think Mr. Brescher
3 brought it up several times and, you know, they tried to,
4 you know, they tried to say that it was -- that it was
5 the Mayor or the Mayor's people and I'm pretty sure,
6 based on conversations with that group that I was a part
7 of, that that wasn't the case.

8 Any time I asked about the Mayor's involvement,
9 you know, I was told that, you know, he didn't want to be
10 involved in the Board of Ed election, you know, he wanted
11 to be hands off, he wanted to keep politics out of the
12 Board of Ed and then, you know, when there was a lot of
13 back and forth between Mr. Hahn and the Mayor. I always
14 questioned why didn't the Mayor fight back or respond to,
15 you know, what was going on and I was told he didn't want
16 to get dirty, he didn't want to do any dirty, you know,
17 nonsense, he didn't want to be slinging any mud, he just
18 wanted to run a clean campaign and just ignore that type
19 of stuff.

20 So People for Progress I just thought was
21 somehow, you know, some political group that supported
22 different causes and it wasn't until later on when, you
23 know, things started building that we started to learn
24 that it was -- it wasn't, you know, it wasn't a legal
25 entity.

1 COUNCILMEMBER COYLE: Just for a point of
2 order, when do we have a chance to question on the
3 answers?

4 COUNCIL PRESIDENT GOMEZ: When the
5 Subcommittee, as I mentioned at the beginning, the
6 Subcommittee and the attorneys finish asking their
7 questions.

8 COUNCILMEMBER COYLE: After Councilman Joshi
9 finishes --

10 COUNCIL PRESIDENT GOMEZ: After the
11 Subcommittee, which is Councilman Joshi, Councilman
12 Diehl, and Councilman Lombardi. Thank you.

13 COUNCILMEMBER JOSHI: I'll try to wrap this up.
14 I just want to understand who is responsible for your
15 Unity Team in terms of racking up the votes? You had an
16 active vote by mail effort. Who is responsible or what
17 set of votes were you expected to bring, what set of
18 votes was Beth or Falguni or Jerry expected to bring?

19 THE WITNESS: Yeah, I mean, they -- you know,
20 mine was the Caucasian vote and sports vote because I was
21 involved with hockey, soccer, and Lacrosse; Fal was going
22 to be, you know, the Indian vote and the South Asian
23 vote; Beth, you know, Jerry mentioned that the Jewish
24 vote and the teachers; and, you know, Jerry was the
25 Chinese community.

1 COUNCILMEMBER JOSHI: Did -- some time prior to
2 this election prior to this flyer coming out, did you do
3 any pole, do you know where you stood on the election,
4 did you think that you were going to win, who was
5 expected to win in terms of poling or perception from
6 your campaign?

7 THE WITNESS: I don't know. I mean, it's --
8 you know, I just assumed that because, you know, Jerry
9 had the support of the Chinese community, and Fal, that
10 they were shoe-ins. I wasn't sure --

11 COUNCILMEMBER JOSHI: Did they feel that way?

12 THE WITNESS: No, no, they didn't.

13 COUNCILMEMBER JOSHI: Did you -- were you
14 confident that you were going to win or did you --

15 THE WITNESS: Me?

16 COUNCILMEMBER JOSHI: -- were you optimistic?

17 THE WITNESS: No, no. I felt Beth was -- Beth
18 had a good shot because she, you know, she had been a
19 teacher and an administrator and she had been on the
20 Board forever and, you know, if you watch those meetings,
21 you know, Beth was the face of the Board of Ed, you know,
22 she was the one who was out there at the events and with
23 the kids and doing all the, you know, doing all the
24 volunteering. I was up against Araujo who had run -- I
25 believe he had run for the Board of Ed before, he was --

1 I believe he was on the Zoning Board at the time. You
2 know, he, from what I understood, he had a lot of -- you
3 know, he had run for Governor, and Mayor, and Council, I
4 believe, he had run for a bunch of different positions,
5 so I just assumed that he had, you know, a big following
6 and a big support base. So I, you know, I was nervous
7 about losing to Araujo because it was just the two of us
8 for the one-year term, everyone else was in the pool for
9 the three-year term. So it was just -- I was just
10 head-to-head with Mr. Araujo.

11 COUNCILMEMBER JOSHI: And I guess my last
12 question would be, what group of individuals would you
13 believe would be responsible for the mailing lists or the
14 core part of your team that implied that this was done
15 within, what individuals would you say were responsible
16 for this?

17 THE WITNESS: Like the mailing labels and
18 things?

19 COUNCILMEMBER JOSHI: Correct.

20 THE WITNESS: I believe -- Jerry -- you know,
21 Jerry was in charge of everything and I'm pretty sure
22 that a lot of that came from Mahesh. Mahesh was involved
23 in the campaign very heavily so I just assumed that that
24 type of thing, you know, lists of addresses, and I think
25 there were lists of, you know, Democratic voters and

1 Republican voters, and who voted in how many elections,
2 and so forth, so those lists I just assumed came from the
3 politically connected people who were helping us.

4 COUNCILMEMBER JOSHI: I don't have any
5 questions.

6 COUNCILMEMBER DIEHL: Council President.

7 COUNCIL PRESIDENT GOMEZ: Yes.

8 COUNCILMEMBER DIEHL: Good evening, Paul.
9 Thank you for coming tonight.

10 THE WITNESS: Thank you.

11 COUNCILMEMBER DIEHL: Paul, I'm interested
12 especially in the two flyers. This one here, would you
13 say when the Unity Team -- that's the team, right, the
14 Unity Team?

15 THE WITNESS: Yes.

16 COUNCILMEMBER DIEHL: When the Unity Team sent
17 this out who do you think received it, do you know how
18 many copies something like this and how many or where
19 would it go?

20 THE WITNESS: No, no.

21 COUNCILMEMBER DIEHL: Okay. How about this
22 flyer here, do you have any idea of how many people would
23 receive this?

24 THE WITNESS: No, no, I don't know anyone who
25 received it.

1 COUNCILMEMBER DIEHL: Okay. You're saying,
2 from what I could understand, the person responsible for
3 the design of this flyer was who?

4 THE WITNESS: I'm not exactly sure. I know --

5 COUNCILMEMBER DIEHL: Okay.

6 THE WITNESS: I know there were multiple
7 printers involved and I don't know who created this
8 flyer.

9 COUNCILMEMBER DIEHL: Okay.

10 THE WITNESS: But I know that Shannon was
11 involved in the graphics on the -- on these other ones.

12 COUNCILMEMBER DIEHL: Okay. Because the font
13 on this is exactly the font on this do you believe that
14 the same printer printed these two flyers?

15 THE WITNESS: I believe so.

16 COUNCILMEMBER DIEHL: Thank you, sir.

17 COUNCILMEMBER LOMBARDI: Council President.

18 COUNCIL PRESIDENT GOMEZ: Yes, sir.

19 COUNCILMEMBER LOMBARDI: I just have a couple
20 followup questions.

21 Mr. Distefano, thank you again for coming in
22 tonight.

23 Did the Unity Team at any time before November
24 2017 or after the November 2017 election hire an
25 attorney?

1 THE WITNESS: Yes.

2 COUNCILMEMBER LOMBARDI: And do you know when
3 this attorney was hired?

4 THE WITNESS: Jerry hired the attorney shortly
5 after the President of the Teachers Union filed a lawsuit
6 against us because of the flyer that Jerry sent out
7 without our knowledge.

8 COUNCILMEMBER LOMBARDI: And that was -- which
9 flyer was that?

10 THE WITNESS: It's not here. I don't know if
11 you have a copy of it.

12 COUNCILMEMBER LOMBARDI: Is that the flyer that
13 you mentioned with Mr. Hahn and the Board of Education --

14 THE WITNESS: President.

15 COUNCILMEMBER LOMBARDI: -- president? Okay.

16 THE WITNESS: Yes.

17 COUNCILMEMBER LOMBARDI: And did you or
18 Ms. Moroney or any other member of the Unity Team have to
19 authorize the hiring of that attorney?

20 THE WITNESS: We discussed it. Yes, we
21 discussed it, but Jerry had this attorney and he said he
22 wanted to use them. He admitted to us that it was his
23 fault and that we weren't responsible for the flyer and
24 that he was going to take full responsibility for the
25 lawsuit and he said that he would, you know, take care of

1 the attorneys fees and that he would, essentially, you
2 know, take ownership of that flyer and the repercussions.

3 COUNCILMEMBER LOMBARDI: Do you know if
4 anything happened with that lawsuit?

5 THE WITNESS: No. I guess Mr. Bowden is his
6 name, the president, he filed a Tort, I believe, and it
7 wasn't an actual lawsuit it was a Tort, so I guess he had
8 a year to file a lawsuit. So that attorney was
9 essentially on the retainer for a year and we waited to
10 see if a lawsuit would be filed and it never was.

11 COUNCILMEMBER LOMBARDI: Now, the core group
12 of -- your core group of voters that you were expected to
13 bring, do you know whether any of them received the
14 racist flyer, Exhibit-A?

15 THE WITNESS: No, I don't believe anyone that I
16 know received the flyer.

17 COUNCILMEMBER LOMBARDI: Thank you. That's all
18 I have.

19 COUNCILMEMBER DIEHL: Council President.

20 COUNCIL PRESIDENT GOMEZ: Yes, sir.

21 COUNCILMEMBER DIEHL: Paul, but you do believe
22 that this flyer was sent out, according to what you just
23 explained to us, to kind of rally a group to get out and
24 vote?

25 THE WITNESS: Yes.

1 COUNCILMEMBER DIEHL: So this was kind of a
2 get-out-and-vote flyer, okay, designed to get a certain
3 group out to vote?

4 THE WITNESS: I believe so, yes.

5 COUNCILMEMBER DIEHL: What group do you think
6 it was?

7 THE WITNESS: I believe that that flyer was
8 designed to get the Chinese and the Indian community to
9 come out and vote for either our team or at least Jerry
10 and Fal.

11 COUNCILMEMBER DIEHL: And according to your
12 testimony you believe that Jerry Shi was responsible for
13 sending this flyer out?

14 THE WITNESS: I believe that he was involved.
15 I don't know if he was the person who sent it or he knew
16 who sent it, but I believe, yes, I believe that there's
17 an involvement.

18 COUNCILMEMBER DIEHL: Thank you, Council
19 President.

20 COUNCIL PRESIDENT GOMEZ: Thank you, sir.

21 COUNCILMEMBER COYLE: Council President, may I
22 speak now?

23 COUNCILMEMBER JOSHI: Just one last question.
24 Sorry.

25 Did you find it to be a coincidence that even

1 the three examples of that flyer that we have right now
2 happen to have gone to either Indian and Chinese
3 households?

4 THE WITNESS: Yeah, I think that kind of, you
5 know, that kind of...

6 COUNCILMEMBER JOSHI: If you were responsible
7 for this flyer, would you send that flyer to Chinese or
8 Indian people?

9 THE WITNESS: No, if they wanted to -- if that
10 flyer was designed to rile up people against the Indian
11 and Chinese community, it would have been sent to my
12 voters, not theirs.

13 COUNCILMEMBER JOSHI: Okay.

14 COUNCIL PRESIDENT GOMEZ: Is that all we have
15 for the Committee?

16 COUNCILMEMBER JOSHI: Yes.

17 COUNCIL PRESIDENT GOMEZ: Okay. Councilman
18 Coyle.

19 COUNCILMEMBER COYLE: Thank you, Council
20 President.

21 First, thank you everyone for coming out.

22 Mr. Distefano, thank you for taking the time to
23 give testimony. That was certainly a pretty long hour
24 for you.

25 I just -- again, it's my point to get to the

1 bottom of this and I'm hoping for specifics. I came into
2 this, you know, close to two years ago and I had one
3 story and then the story has switched into multiple
4 directions. And I just want to find out the specifics
5 here.

6 Did you ever receive a copy of the racist
7 flyer?

8 THE WITNESS: No.

9 COUNCILMEMBER COYLE: Did you have any specific
10 knowledge of who sent it?

11 THE WITNESS: Evidence or proof, no.

12 COUNCILMEMBER COYLE: An email --

13 THE WITNESS: Just my opinion.

14 COUNCILMEMBER COYLE: Just your opinion. Okay.

15 Do you have any specific knowledge of whether
16 People for Progress created and distributed the Make
17 Edison Great Again flyer?

18 THE WITNESS: Not that I know of, no.

19 COUNCILMEMBER COYLE: In 2017 were you endorsed
20 by Mayor Tom Lankey?

21 THE WITNESS: Yes.

22 COUNCILMEMBER COYLE: Okay. I just want to
23 reference a point you mentioned that Mr. Lankey had
24 nothing to do with and had no part of the part of that
25 election so --

1 THE WITNESS: That's not what I said. I said
2 that he didn't want to be involved in the Board elections
3 and that's what -- that is based on my first parade that
4 I attended and Jerry had a banner made up that said "The
5 Lankey Team" on it. I questioned it at the time, Jerry
6 said the Mayor was endorsing us. I learned from Facebook
7 and other people that the Mayor didn't want to endorse
8 anyone, he wanted to stay out of the Board of Ed
9 election. When I asked Jerry and Mahesh about, you know,
10 is the Mayor supporting us or not, they basically said
11 no, he wants to stay out of the Board of Ed election, he
12 wants to keep it nonpolitical, but, you know, but we're
13 going to convince him, he'll come around, is what Mahesh
14 said, and that eventually he would support us.

15 COUNCILMEMBER COYLE: Where did you see that
16 banner?

17 THE WITNESS: I think it was -- I think it was
18 the Pakistani Day Parade or it was the first event of --
19 that we attended as a team, as the Unity Team. I think
20 it was only Jerry and I who were at that parade.

21 COUNCILMEMBER COYLE: Do you have any specific
22 information if the Mayor didn't want the banner there or
23 personally told you that he was not endorsing them that
24 day?

25 THE WITNESS: Later on. You know, I didn't

1 know the Mayor at the time. I met him several times
2 after that at events. No, he wanted to stay out of the
3 Board of Ed, you know, he wanted to keep the politics and
4 the Board of Ed separate. As we got -- you know, as I
5 got to know him more and as we spent more time at -- we
6 would show up at different events together, you know, I
7 got to know him and eventually, you know, down the road
8 he did come out and endorse us, but that was more
9 towards -- you know, it wasn't early on and I don't even
10 know if it was halfway through the campaign, I think it
11 was more towards the end that he finally came out and
12 endorsed us.

13 COUNCILMEMBER COYLE: So after the parade
14 banner that clearly stated that the Mayor was endorsing
15 the slate, was there a time that he specifically said to
16 you I don't want to endorse you?

17 THE WITNESS: Not in those words, no, no.

18 COUNCILMEMBER COYLE: Okay. And are you aware
19 of the letter that Team Lankey put together endorsing
20 your slate?

21 THE WITNESS: I'm not sure. Can I see it?

22 COUNCILMEMBER COYLE: I'm going to pass it to
23 the attorney first. I have copies here if you'd like.
24 Here's copies for the -- I just want to identify some
25 things you say which are specific and, again, I'm not

1 here to beat you up, I want to find out, like you want to
2 find out, but I sense a lot of disappointment with you
3 and others and I just want to get clear on specifics and
4 that's all.

5 Did you receive a copy of --

6 MR. MALIKSCHMITT: They're just putting a
7 sticker on it, Councilman, for identification purposes.
8 We'll mark it Exhibit-I.

9 (EXHIBIT-I received and marked for
10 identification.)

11 THE WITNESS: Thank you.

12 I don't recall ever seeing this letter, to be
13 honest.

14 COUNCILMEMBER COYLE: Is it fair to say that
15 you -- did you have time to read it?

16 THE WITNESS: I just read the whole thing.

17 COUNCILMEMBER COYLE: Is it fair to say this is
18 a clear endorsement from Team Lankey?

19 THE WITNESS: Yes.

20 COUNCILMEMBER COYLE: I just want to clarify
21 his involvement in stating whether he's involved or not
22 and this clearly states that he's involved.

23 THE WITNESS: Okay.

24 COUNCILMEMBER COYLE: What time -- what date
25 did the racist flyer go out, do you know a rough date?

1 THE WITNESS: I'm not sure. Late October? I
2 don't recall the exact date. Like I said, I didn't get
3 it so all I saw of it was either Facebook or people
4 talking about it, and then on the news.

5 COUNCILMEMBER COYLE: Now, I know you mentioned
6 there was some meetings you went to with Shannon Peng
7 where Shannon didn't want to go to the meeting where
8 there were specifics at someone's house.

9 THE WITNESS: Yes.

10 COUNCILMEMBER COYLE: Can you walk me through
11 that again real quick?

12 THE WITNESS: Sure. From -- we were at the
13 convention center, some event, dancing, it was an
14 Indian-type event, Indian -- I can't remember the name of
15 it, to be honest, but whatever they had. I'm sure if you
16 go to their calendar from October 7th you can find what
17 the event was. After that we went to Dunkin Donuts to
18 get some coffee and from there we went to the home of
19 Assistant to the Mayor Mahesh Bhagia, his brother Raj, it
20 was Jerry, Shannon, me, the two brothers, Bhagia
21 Brothers, and Satish.

22 COUNCILMEMBER COYLE: At that meeting did you
23 have any specific knowledge, did you see a flyer or
24 anything representing --

25 THE WITNESS: Yeah, this is the one that was on

1 Shannon's computer, Exhibit-D.

2 COUNCILMEMBER COYLE: But the racist flyer, did
3 you have any --

4 THE WITNESS: Oh, no, no.

5 COUNCILMEMBER COYLE: So on that day no
6 specific knowledge of the racist flyer, just
7 conversations about marketing, conversations about
8 getting out the vote and -- okay.

9 Now, you mentioned font, and I'm confused on
10 font, I'm not in the printing business. Do you have a
11 marketing background, do you work for a printer?

12 THE WITNESS: No.

13 COUNCILMEMBER COYLE: And I'm not clear to know
14 at all, but is it your opinion that this is the same
15 printer, do you have any actual specifics that you can
16 tell me?

17 THE WITNESS: No, pretty much everything is my
18 personal opinion.

19 COUNCILMEMBER COYLE: Opinion that due to the
20 racist flyer and the emblem and due to some font that
21 this is your opinion it's the same people?

22 THE WITNESS: Yeah, I hadn't even noticed the
23 emblem until tonight but, I mean, yeah, the colors and
24 the fonts, you know, the print, you know, the font, you
25 know, the letters look very similar, you know, similar

1 type of font.

2 COUNCILMEMBER COYLE: Okay.

3 THE WITNESS: I mean, I use -- I'm on a
4 computer 10 hours a day, you know, I write thousands of
5 words a day. I change fonts on a regular basis, so it's
6 not like being in a printing business. You know, I see
7 fonts every day from Microsoft Word and so forth, so
8 it's -- I'm just -- my personal opinion is that the fonts
9 looked similar to me.

10 COUNCILMEMBER COYLE: Okay. But you never
11 worked in a print shop in --

12 THE WITNESS: No.

13 COUNCILMEMBER COYLE: And do you know how many
14 print shops are in Edison?

15 THE WITNESS: No.

16 COUNCILMEMBER COYLE: Okay. Last, how many
17 fonts are on a computer?

18 THE WITNESS: Thousands.

19 COUNCILMEMBER COYLE: I'm just trying to
20 clarify specifics. Again, I want to identify where this
21 rolls out. I'm not trying to beat you up here, but I'm
22 just clarifying whether it's just your opinion or do you
23 have specifics.

24 THE WITNESS: Yes, everything pretty much,
25 except for the facts that I've stated from being in the

1 room with people, everything that I've stated is my
2 personal opinion.

3 COUNCILMEMBER COYLE: And you spoke about
4 Shannon Peng. Can you walk me through Shannon Peng and
5 some discussions you had about your opinion of her and
6 the racist flyer?

7 THE WITNESS: Shannon was a big supporter of
8 our campaign, she was a fellow Board member on the Board
9 of Ed. You know, she had -- you know, everybody talks
10 about her grassroots campaign where she came from nowhere
11 and won a seat on the Board. I really liked Shannon.

12 COUNCILMEMBER COYLE: And did you receive any
13 specific knowledge of the racist flyer through an email
14 or any discussions you've had with her about --

15 THE WITNESS: No, not specifically about the
16 racist flyer, but, you know, when I've questioned Shannon
17 about some of Jerry's actions throughout the course of
18 the campaign and after, she had said to me and she said
19 to several other of the Board members, including some on
20 our campaign, in our group here, that, you know, she's
21 told Jerry several times to stay away from those people
22 and that they're just going to get them in trouble and
23 that he needs to distance himself from those people.

24 COUNCILMEMBER COYLE: Okay. And when we were
25 going over the reports, the campaign reports, you

1 mentioned at 7:46 that you -- when we were discussing the
2 campaign itself and you mentioned you never think about
3 the lawn signs, the mailers, you had nothing to do with
4 it?

5 THE WITNESS: Ordering them and buying them,
6 no. I mean, we put them out, but that's the -- you know,
7 they showed up on my porch and, you know, or we took them
8 out of Jerry's trunk and we went around town and put them
9 up and gave them to friends and, you know, that sort of
10 thing.

11 COUNCILMEMBER COYLE: So basically you've had
12 no knowledge of any flyers being made, who made the
13 flyers, who paid for the flyers, how we -- what A to Z
14 was doing, what any printer's doing --

15 THE WITNESS: No, I knew that Jerry was dealing
16 or had some of the flyers done with A to Z, but, you
17 know, I don't know, you know, whether the flyers and/or
18 the lawn signs and things like that, I don't know, you
19 know, I don't know how much was -- exactly how much was
20 spent on the printing and the flyers and the signs, but
21 it was considerable.

22 COUNCILMEMBER COYLE: You stated that you could
23 be confused with what's going on. Is it fair to still
24 say that as far as the mailers that it's confusing who's
25 doing what?

1 THE WITNESS: No, I think I mentioned early
2 on -- I didn't say I was confused, I said I was new and I
3 didn't know what a PAC was and I wasn't -- I was never
4 involved in politics. But, you know, none of us on the
5 team really knew how much was being spent on flyers and,
6 you know, how many flyers were made and how many lawn
7 signs we had and that sort of thing, they just -- you
8 know, Jerry took care of it.

9 COUNCILMEMBER COYLE: So it's fair to say that
10 you didn't have no knowledge of anything going on with
11 lawn signs, letters, flyers, drafting of graphics, pretty
12 much that was out of your hands and you had no knowledge
13 at all?

14 THE WITNESS: No, not until after they were
15 done or came out.

16 COUNCILMEMBER COYLE: And you have no specifics
17 of any information on the racist flyer?

18 THE WITNESS: No, just my personal opinion and
19 the discussion that night at the house.

20 COUNCILMEMBER COYLE: Okay. Council President,
21 I'll add to my discussion later. Thank you.

22 COUNCILMEMBER DIEHL: Council President, one
23 followup question for Paul.

24 COUNCIL PRESIDENT GOMEZ: Yes, sir.

25 COUNCILMEMBER DIEHL: When you say that Shannon

1 Peng counseled or advised Jerry Shi to stay away from
2 those people, who would you identify as those people?

3 THE WITNESS: I'm -- she was specifically
4 referring to Satish Poondi, Mahesh Bhagia, and Councilman
5 Ajay Patil.

6 COUNCILMEMBER DIEHL: Thank you, Council
7 President.

8 COUNCILMEMBER PATIL: Council President.

9 Thank you, Paul. It's more than an hour here.

10 Do you recall how many events you attended
11 during that timeframe?

12 THE WITNESS: At least more than a dozen.

13 COUNCILMEMBER PATIL: Do you know who attended
14 those event along with you?

15 THE WITNESS: Yeah, I mean, you were at a lot
16 of them. The same group pretty much. There were several
17 other gentlemen who were, you know, not exactly part of
18 the campaign, but they supported us and we saw them and
19 they came up to us at a lot of those same events.

20 COUNCILMEMBER PATIL: Do you recall any
21 Councilman and the Mayor to be part of those events?

22 THE WITNESS: The Mayor was at several of those
23 events, yes.

24 COUNCILMEMBER PATIL: You didn't mention to
25 begin with?

1 THE WITNESS: The -- that I didn't mention?

2 I'm sorry?

3 COUNCILMEMBER PATIL: You didn't mention in the
4 beginning on the list I asked you specifically who else?

5 THE WITNESS: Oh, no, I didn't.

6 COUNCILMEMBER PATIL: Okay.

7 THE WITNESS: There were hundreds, maybe
8 thousands of people at the events.

9 COUNCILMEMBER PATIL: Specifically any
10 Councilman, without the Mayor?

11 THE WITNESS: Yeah, I think Bob was at some of
12 them, Mr. Coyle, Sam, I believe. I'm not a hundred
13 percent sure, but I think, you know, Sam was at some of
14 these events, but they are -- these were -- I can't think
15 of the name of what those events were with the dance and
16 everything.

17 COUNCILMEMBER PATIL: It's a garba.

18 THE WITNESS: Yes.

19 COUNCILMEMBER PATIL: But you would definitely
20 remember the elected officers who were around you?

21 THE WITNESS: Oh, yeah, there were, you know,
22 people from outside of Edison, Middlesex County people,
23 people from the State. Yeah, there were a lot of people
24 at those events, but I didn't think to mention everyone,
25 just the people that were supporting us and that were,

1 you know, leading us around at these events.

2 COUNCILMEMBER PATIL: So do you mean to say
3 that there were several elected officials around you were
4 also supporting your campaign?

5 THE WITNESS: Elected officials, not outside
6 that core group that I mentioned. I mean, there were --

7 COUNCILMEMBER PATIL: Can you mention the
8 elected officials from that core group? I don't know
9 what the core group means, but in general.

10 THE WITNESS: I believe that you and Sharp were
11 the only elected officials that were in that group.

12 COUNCILMEMBER PATIL: So you mean to say that
13 the Mayor was not supporting you, if you mentioned the
14 Councilman Coyle, Councilman Diehl, Councilman Joshi --

15 THE WITNESS: Well, there's a difference --

16 COUNCILMEMBER PATIL: -- that supported you?

17 THE WITNESS: -- between seeing someone at an
18 event where there's thousands of people and seeing the
19 same four, five people at specific meet-and-greets where
20 the other people aren't always in attendance. There were
21 the same group that basically helped Jerry with his
22 campaign and us with our campaign, and then there were
23 other people who came and went at different events.

24 COUNCILMEMBER PATIL: Okay. Do you know that
25 you running under the panel Team Lankey?

1 THE WITNESS: Yes.

2 COUNCILMEMBER PATIL: And who else -- thank
3 you.

4 And who else ran under Team Lankey banner, who
5 ran with you?

6 THE WITNESS: I believe it was everyone on the
7 Unity Team.

8 COUNCILMEMBER PATIL: Can you name it?

9 THE WITNESS: Yes, it was Falguni Patel, Beth
10 Moroney, Paul Distefano, and Jerry Shi.

11 COUNCILMEMBER PATIL: So Team Lankey included
12 you, Beth Moroney, Jerry Shi and who else, Falguni Patel?

13 THE WITNESS: Yes.

14 COUNCILMEMBER PATIL: So this was a Team
15 Lankey?

16 THE WITNESS: As far as I was told it wasn't
17 officially Team Lankey because that -- you know, because
18 the Mayor wasn't in agreement when that banner was made.

19 COUNCILMEMBER PATIL: Do you have a knowledge
20 of that you were not aware or the Mayor was not aware
21 because just now the Mayor's document was passed to this
22 Council.

23 THE WITNESS: But it's not dated and I don't
24 think -- and, like I said, the Mayor didn't endorse us
25 until towards the end of the campaign. It was very clear

1 that that banner was made up without the Mayor's
2 knowledge.

3 COUNCILMEMBER PATIL: Are you sure or you're
4 guessing?

5 THE WITNESS: Yes, I'm sure.

6 COUNCILMEMBER PATIL: So still you said that
7 you ran under Mayor Lankey's banner, like your team?

8 THE WITNESS: Well, we walked in that parade,
9 the banner was there, I questioned it, I questioned it
10 that day, Jerry told me that the Mayor was going to
11 endorse us, but once I started seeing other people
12 questioning the banner, you know, I questioned it further
13 and that's why I was told that the Mayor didn't want to,
14 you know, get involved in the Board of Ed election, he
15 wanted to keep it separate. And, like I said, I don't
16 know when this letter was dated, I don't recall receiving
17 this letter, but the Mayor did endorse us towards the end
18 of the campaign and I appreciate that, but he was not
19 endorsing us early on in the campaign.

20 COUNCILMEMBER PATIL: So when you were walking
21 under Team Lankey banner, Mayor also attended the same
22 event; do you recall this?

23 THE WITNESS: I do not recall seeing the Mayor
24 there.

25 COUNCILMEMBER PATIL: You sure?

1 THE WITNESS: I'm sure he was.

2 COUNCILMEMBER PATIL: Okay.

3 THE WITNESS: But, no, he was not walking with
4 us. I don't recall seeing the Mayor at that event.

5 COUNCILMEMBER PATIL: Okay. But the Mayor was
6 walking ahead of your banner, not exactly 5-foot
7 distance, but he was there in that rally.

8 THE WITNESS: Okay.

9 COUNCILMEMBER PATIL: So did anyone say
10 anything to you, including the Councilmembers who were
11 also running under the same banner, Team Lankey, do you
12 know who those people are?

13 THE WITNESS: Back then in that election?

14 COUNCILMEMBER PATIL: Yes, 2017.

15 THE WITNESS: Yeah, I believe Mr. Diehl and
16 Mr. -- Sam. I don't recall. I'm sorry I don't recall
17 who else was running for Council.

18 COUNCIL PRESIDENT GOMEZ: I was.

19 THE WITNESS: Okay. Sorry.

20 COUNCILMEMBER PATIL: So did you speak to any
21 -- Mayor Lankey or whatever Team Lankey, you have any
22 discussion one-on-one or maybe group discussion or
23 anyone?

24 THE WITNESS: I don't think so, no. I mean, at
25 the time --

1 COUNCILMEMBER PATIL: You were one happy
2 family?

3 THE WITNESS: I'm sorry?

4 COUNCILMEMBER PATIL: You were one happy
5 family, Team Lankey, going to different events.

6 THE WITNESS: No, I mean, I was -- that was a
7 really weird election. You know, two of the people that
8 were running were on a different banner, on a different
9 lawn sign so, you know, I didn't really know them and I
10 really didn't have many conversations with them because,
11 you know, I just assumed that it was -- you know, that
12 there was some tension or some bad blood there.

13 COUNCILMEMBER PATIL: My last question. Do you
14 agree that you ran under Team Lankey banner, yes or no,
15 at the end of the time day --

16 THE WITNESS: Can you explain ran under it? I
17 mean, we walked with that banner on that one day --

18 COUNCILMEMBER PATIL: Not just the banner,
19 under that brand, because the whole banner was labeled as
20 Team Lankey.

21 THE WITNESS: Yeah, and it really wasn't, but,
22 yeah, the banner said Team Lankey. Jerry liked to throw
23 that term around, but it really wasn't, not until the end
24 of the campaign when the Mayor came out and endorsed us.

25 COUNCILMEMBER PATIL: So this endorsement, is

1 there a date on there?

2 THE WITNESS: No, there's no date and, like I
3 said, I don't recall seeing this particular letter.

4 COUNCILMEMBER PATIL: So this was -- but you
5 were aware that Mayor Lankey endorsed at the tail end of
6 the --

7 THE WITNESS: Yes, yes, I did. I do remember
8 him publicly saying that he would endorse us.

9 COUNCILMEMBER PATIL: Thank you. Thank you for
10 acknowledging that Mayor Lankey did endorse you publicly
11 and you ran under Team Lankey as a slate. And this
12 endorsement happened probably a week or two week before
13 the election, is that a fair --

14 THE WITNESS: It was towards the end but, yeah.
15 And, again, I wouldn't say we ran under Team Lankey. We
16 were the Unity Team --

17 Q. Endorsed by --

18

19 THE WITNESS: -- endorsed by the Mayor Lankey.

20 COUNCILMEMBER PATIL: That the same as Team
21 Lankey. Thank you.

22 COUNCILMEMBER COYLE: Council president.

23 Mr. Distefano, I just want to get a few things
24 clear. Who were your opponents in the election? You had
25 another group running against you, correct?

1 THE WITNESS: Yeah, there were -- I think there
2 were nine candidates total, I believe. I was just
3 running head-to-head for the one-year term against
4 Mr. Araujo, and then there was, you know, the three
5 members of my team who were running for the three-year
6 term and I believe they had four -- I think they had four
7 opponents. I would have to see the --

8 COUNCILMEMBER COYLE: Do you know who was
9 endorsing those four opponents?

10 THE WITNESS: I believe the Teachers Union
11 endorsed some. Other than that, I'm not sure if they had
12 any formal endorsement.

13 COUNCILMEMBER COYLE: Team Lankey group slate,
14 it was quite obvious that they weren't hurting you in any
15 way or running against you in any way, they didn't send a
16 mailer out against you, they didn't do anything obvious.
17 I attended these events, there's Facebook pictures of us
18 everywhere. Would it be fair to say you were happy to
19 get the Mayor's endorsement or at least fundamental
20 feeling that we were together?

21 THE WITNESS: Sure, yeah.

22 COUNCILMEMBER COYLE: Okay. I mean, was it
23 obvious that the other side was not with you?

24 THE WITNESS: The other side meaning the other
25 candidates?

1 COUNCILMEMBER COYLE: The other candidates.

2 THE WITNESS: Well, yeah, obviously.

3 COUNCILMEMBER COYLE: Were they being supported
4 by Keith Hahn for Mayor?

5 THE WITNESS: I don't recall.

6 COUNCILMEMBER COYLE: I guess I'm just trying
7 to identify -- you're making a statement you're not sure
8 of the endorsement. It's quite obvious --

9 THE WITNESS: Which endorsement, theirs or
10 ours?

11 COUNCILMEMBER COYLE: The endorsement for Tom
12 Lankey.

13 THE WITNESS: I'm sure we weren't endorsed by
14 him in the beginning and he endorsed us towards the end.

15 COUNCILMEMBER COYLE: Did any of the
16 Councilmembers running for election send out any mailings
17 against you or have discussions with you that they didn't
18 want to support you?

19 THE WITNESS: Not that I'm aware of.

20 COUNCILMEMBER COYLE: Any emails, specific
21 emails, I'm not interested in helping you, I don't want
22 to be a part of it?

23 THE WITNESS: Not that I'm aware of, no.

24 COUNCILMEMBER COYLE: And is it fair to say
25 it's a good thing to get the Mayor to support you?

1 THE WITNESS: I would imagine so, yes.

2 COUNCILMEMBER COYLE: Thank you very much.

3 COUNCILMEMBER LOMBARDI: Council President.

4 COUNCIL PRESIDENT GOMEZ: Yes, sir.

5 COUNCILMEMBER LOMBARDI: Just a couple followup
6 questions.

7 I think we've kind of diverged from the racial
8 flyer to who endorsed who, but to get back to the racial
9 flyer issue, do you believe that People for Progress had
10 anything to do with the racial flyer that went out in
11 November 2017?

12 THE WITNESS: I would imagine that the people
13 who sent out the People for Progress flyer are the same
14 people who put -- I would assume that they're the same
15 people, yeah.

16 COUNCILMEMBER LOMBARDI: And based upon, I'm
17 not sure what the exhibit was, but based upon one of the
18 exhibits that were shown before, do you believe that
19 Shannon Peng was somehow connected to People for
20 Progress?

21 THE WITNESS: Yeah, based on this -- you know,
22 she had told me it was a mailer that was going to go out
23 to parents and then two days later some of the parents
24 got it with the People For Progress label at the bottom.

25 COUNCILMEMBER LOMBARDI: Thank you, Council

1 President. That's all.

2 COUNCIL PRESIDENT GOMEZ: Thank you, sir.

3 Anything else.

4 COUNCILMEMBER COYLE: Council President, one
5 last question here.

6 It appears -- do you have specific information
7 that the racist flyer, the People For Progress, do you
8 have any specific emails that the People For Progress and
9 the racist flyer are tied together?

10 THE WITNESS: No, I have no physical evidence
11 about the racist flyer.

12 COUNCILMEMBER COYLE: Is it your opinion?

13 THE WITNESS: Yes, everything I said is my
14 opinion.

15 COUNCILMEMBER COYLE: No specific emails that
16 they're tied together? And who runs People for Progress,
17 do you know?

18 THE WITNESS: The name is Mr. Morales.

19 COUNCILMEMBER COYLE: Do you know who Jaffe
20 Communications is?

21 THE WITNESS: No.

22 COUNCILMEMBER COYLE: Are they tied to People
23 for Progress?

24 THE WITNESS: I don't know.

25 COUNCILMEMBER COYLE: Okay. Thank you, Council

1 President.

2 COUNCIL PRESIDENT GOMEZ: Thank you, sir. If
3 nobody else has any questions, I want to thank Mr. Paul
4 Distefano --

5 THE WITNESS: Thank you.

6 COUNCIL PRESIDENT GOMEZ: -- for spending a bit
7 more than an hour with us. Thank you very much for your
8 testimony.

9 THE WITNESS: Okay.

10 COUNCIL PRESIDENT GOMEZ: Have a good evening,
11 sir.

12 THE WITNESS: Thank you.

13 COUNCILMEMBER COYLE: Thank you, Paul.

14 THE WITNESS: Thank you.

15 COUNCIL PRESIDENT GOMEZ: Okay. We're going to
16 call our next witness, Miss Beth Moroney.

17 BETH MORONEY, currently residing at 107
18 STEPHENVILLE PARKWAY, EDISON, NEW JERSEY 08820,
19 was duly sworn to tell the truth and testified
20 as follows:

21 COUNCIL PRESIDENT GOMEZ: I'm going to let the
22 Subcommittee take the lead.

23 COUNCILMEMBER DIEHL: Thank you, Council
24 President.

25 Good evening, Beth. Thank you for coming

1 tonight. It was a long testimony from Paul. He shared a
2 lot of information. What can you add to that or what can
3 you tell us about the election and the flyer?

4 THE WITNESS: Before I answer any of your
5 questions this evening, I would like to make an opening
6 statement.

7 My name is Beth Moroney, and although I have
8 been a member of the Edison Board of Education for five
9 years, I appear tonight to express my thoughts and
10 knowledge of events as an individual in the community and
11 not as a Board member.

12 Last Friday the members of the Board of
13 Education received an email from the Board attorney,
14 Ramon Rivera, of the Scarinci Hollenbeck firm in which he
15 directed Board members not to appear tonight and not to
16 give any testimony. His reasoning for us not to speak
17 was that the Board is about to engage in a lawsuit
18 against the Zoning Board regarding the issue of
19 overcrowding in Edison.

20 I don't anticipate that questions will be asked
21 in this forum regarding this suit, and you have stated
22 previously that this -- tonight would only be about the
23 flyer, but I just want to be clear that I cannot and will
24 not answer any questions if that matter should arise.

25 As with any attorney, Mr. Rivera cannot direct

1 members of the Board as to what to do, he can advise, but
2 he cannot definitively tell us we cannot speak.

3 Because I was a member of the Unity Team and
4 Falguni Patel and Jerry Shi were my running mates, the
5 issue of the flyer caused me a lot of distress,
6 consternation and dismay. I chose to come tonight
7 because I believe that speaking the truth that I know
8 will help me to put to rest the anxieties that the events
9 of 2017 caused me personally. I refuse to be silenced by
10 pressure from anyone regarding what I experienced during
11 that Board of Ed election.

12 The first time that I became aware of People
13 for Progress was in September of 2017. I was told by a
14 teacher whose child attended John Adams that a lengthy
15 email had been sent to the parents of John Adams
16 students. It was signed by Andrew Morales and People for
17 Progress and that email, which she brought up for me to
18 read, was vehemently against Mrs. Bodofsky, Mrs. Conway,
19 and myself. That was the first People for Progress
20 document that went out.

21 I was told a little later that that flyer or
22 that People for Progress was actually Jerry Shi and so I
23 was very upset and I called Mr. Shi and I met with him at
24 the Menlo Park Diner and he said to me, oh, I would never
25 do that to you, I wouldn't do such a thing, I'm not

1 People for Progress, I wouldn't do that. And I wanted
2 very much to believe him, but it was hard, I have to say.

3 Subsequent to that -- by the way, I did not
4 walk in the parades, I had serious knee issues and had
5 surgery the day after the election on my knee, so I
6 wasn't part of any of that.

7 The next thing that I became aware of was I
8 received a phonecall from Jeff Bowden, the president of
9 the ETEA, and Mr. Bowden has always been very supportive
10 of me. I'm a former teacher and a former administrator
11 in the Edison Township school system and Mr. Bowden
12 called me, this was some time, I would say, in the middle
13 of October, extremely upset about a flyer that went out
14 from the Unity Team, this is the flyer, and this flyer
15 attacked Mr. Bowden and Mr. Hahn on the front of it, and
16 on the back of the flyer are the pictures of the Unity
17 Team. Mr. Bowden said to me, how could you do this, and
18 I said I don't know anything about it. And I was sick
19 because this happened to be in my mailbox at the same
20 time, so I did have a copy of it to look at right away.

21 I immediately started calling Mr. Shi. I
22 thought that this had been done by somebody else to
23 discredit the Unity Team because that's one of the issues
24 when you have these kinds of flyers, anybody can use the
25 same font, let's be honest. You know, anybody can put

1 out a flyer saying it's from the Unity Team, but it could
2 be somebody else putting it out, you don't really know.
3 So thinking that, I called Mr. Shi and I said Jerry
4 something terrible has happened, this flyer went out and
5 Jeff Bowden called me and he's very upset, and Jerry said
6 oh, no, we put that out, yeah, we did it. And I was
7 dumbstruck and I said I don't understand, how could you
8 put something this vile out in the public without
9 consulting the team. The only flyer the entire team was
10 ever consulted on was that first flyer, which you had an
11 exhibit with the pictures of the Unity Team, and my
12 brother had actually taken the photograph that's here
13 that we did in August of 2017. That was the involvement,
14 all of the involvement that I ever had in any of the
15 flyers.

16 Subsequent to this another flyer from People
17 for Progress came out identical to this. So now how can
18 you not put two and two together. People for Progress is
19 the Unity Team. The flyers were almost identical. So
20 that really -- like Mr. Distefano said, there were a lot
21 of things going through my head. I have to say that I
22 was very naive during the campaign. I joined forces with
23 Mr. Shi in the spring of 2017 because we were two
24 incumbents who had sat next to each other on the Board of
25 Ed for three-and-a-half years and we were very friendly.

1 We didn't always agree on things, but we were friendly
2 and it seemed the natural thing for Jerry and me to run
3 together and to get another candidate which he set out to
4 do and Jerry was very effective in raising money and in
5 putting the team together and he took care of everything
6 and he just -- every time I would ask a question
7 regarding money, how much did we make at a campaign
8 event, the answer was always the same, "Don't worry about
9 it. You don't worry about it. You have nothing to worry
10 about. I'm taking care of everything." So he refused to
11 answer any questions that I had regarding campaign
12 fundraising, flyers, any of it. I was told where to
13 appear and when to appear. And so, like Mr. Distefano, I
14 went to the garba event, which was wonderful, I enjoyed
15 that immensely. We did a lot of meet-and-greets in
16 people's homes and that was very exiting and wonderful
17 because we had an opportunity to meet members of the
18 Edison community and I really enjoyed all of that. But
19 whenever I would ask anything regarding flyers or money,
20 fundraising, I was never given an answer.

21 COUNCILMEMBER LOMBARDI: Council president.

22 COUNCIL PRESIDENT GOMEZ: Yes, sir.

23 COUNCILMEMBER LOMBARDI: Miss Moroney, thank
24 you again for coming in.

25 In terms of People for Progress have you met,

1 do you know of Andres or Andrew Morales?

2 THE WITNESS: No. I -- I always believed that
3 Andrew Morales was a fictional character. Like
4 Mr. Distefano, I tried to track such a person down and
5 he's fiction, there's no doubt in my mind about that.

6 COUNCILMEMBER LOMBARDI: What efforts were made
7 to track Mr. Morales down by you?

8 THE WITNESS: Internet searches, talking to
9 some people, asking if anybody knew who he was, and,
10 yeah, that's -- that was it.

11 COUNCILMEMBER LOMBARDI: When did you first
12 become aware of the racist flyer?

13 THE WITNESS: I got a phonecall from Falguni
14 the afternoon the flyer came out, I did not receive the
15 flyer, and she was very distraught and explained it to
16 me. I spoke to her for some time. The police had
17 contacted her and she went immediately to the Police
18 Department to discuss the flyer with them.

19 One of the things that she was extremely
20 worried about was her job and what impact something like
21 this was going to have on her job as an attorney. And
22 she was very frightened, as Mr. Distefano said.

23 In looking at the flyer I have to say that I
24 agree with Mr. Distefano, I never gave it a second
25 thought as to whom was responsible for it because in our

1 election Rashika Geneta, Aqib Virani, Sunil Vuppula, were
2 members of the Indian community who put themselves out to
3 run for the Board of Education. If this were truly a
4 racist flyer targeting South Asians and Chinese, then why
5 weren't those other three people on the racist flyer, why
6 was it only the two people from the Unity Team on that
7 flyer?

8 Also, if you turn the racist flyer over, which
9 very few people do, if you look at the message, the
10 message is much of what the Unity Team's message was
11 throughout the campaign. Why would you put this on the
12 back of a flyer that's racist. "Stop the overcrowding.
13 Stop taking over our sports fields," this has nothing to
14 do with racism, this is the message that the Unity Team
15 wanted to put out to the community and the overcrowding
16 is what the Board of Ed has been devoted to for the last
17 two years. So if you put it together, it would seem to
18 me that this flyer was done to get people out to vote for
19 the two victims, so-called victims, on the front of the
20 flyer. If it were truly a matter of hatred, all five of
21 the Asians would have been on the flyer.

22 And I wanted to confront members of my team
23 about this. I attended the event at the Y in which the
24 community came together to support everyone and to
25 celebrate the diversity in Edison and I looked at Mr. Shi

1 and I thought he's the victim, how can I blame the victim
2 for what I believe this is? And the whole business was
3 sickening to me.

4 COUNCILMEMBER LOMBARDI: Miss Moroney, when you
5 said earlier that like Mr. Distefano there was little
6 doubt in your mind as to who was responsible for this,
7 can you just clarify as to who that is that you're
8 talking about?

9 THE WITNESS: I'm talking about Mr. Shi
10 specifically.

11 COUNCILMEMBER LOMBARDI: And you spoke before
12 that you had a conversation the day that the flyer came
13 out with Falguni Patel?

14 THE WITNESS: Yes.

15 COUNCILMEMBER LOMBARDI: Did you also attempt
16 to contact or was contact made with Mr. Shi on the day
17 that you found out about the flyer?

18 THE WITNESS: No, I didn't. I do know though
19 from Falguni that Jerry refused to go and speak to the
20 police, which I found curious because if somebody had
21 attacked me like this I would have been very eager to
22 cooperate with law enforcement to get to the bottom of
23 it. However, that being said, that's Beth Moroney and
24 what Beth Moroney would do that may not be what Mr. Shi
25 would do, but I still thought it was very peculiar.

1 COUNCILMEMBER LOMBARDI: And do you know why
2 the Unity Team hired an attorney in December of 2017?

3 THE WITNESS: Yes, because of the flyer that I
4 showed you in which we attacked Mr. Bowden. Mr. Bowden
5 felt that his family had been dragged into this, you
6 know, election and had no reason that he or Mr. Hahn
7 should have been dragged in on this flyer and so he sent
8 us a notice, a Tort, that there was a possibility of a
9 lawsuit and he had a year to make that decision. And
10 Mr. Bowden could tell you that I went nuts on that, it
11 was very upsetting to me. That Tort I received the night
12 before my surgery and I called Mr. Bowden and said, you
13 know, how could you do this to me, I'm having surgery
14 tomorrow and it's not bad enough that I'm upset about
15 that, but now I need to worry about a lawsuit. I take
16 these things very personally and very seriously and it
17 was very hurtful to me.

18 And so Mr. Shi did go out and, once again, did
19 not really consult the Unity Team, he went out and hired
20 a firm, I believe they were from Trenton. As
21 Mr. Distefano said, Jerry said initially that he would
22 cover the cost of the attorney, but as time went on he
23 backed away from that and he also backed away from saying
24 that he was alone responsible for the flyer. And, again,
25 that was extremely shocking and hurtful. So if it had

1 become a lawsuit I have no doubt that Mr. Shi would have
2 dragged the entire Unity Team through the situation and
3 would have made us pay as well.

4 COUNCILMEMBER LOMBARDI: My final question
5 getting back to the racial flyer.

6 THE WITNESS: Uh-huh.

7 COUNCILMEMBER LOMBARDI: Did you have any
8 involvement in creating, mailing, or disseminating it?

9 THE WITNESS: No.

10 COUNCILMEMBER LOMBARDI: I have no further
11 questions.

12 COUNCILMEMBER JOSHI: When did you learn these
13 flyers -- when did you first hear about the flyer?

14 THE WITNESS: The racist?

15 COUNCILMEMBER JOSHI: The racist flyer.

16 THE WITNESS: The racist flyer, on the day that
17 it was received and mailed out.

18 COUNCILMEMBER JOSHI: Okay. And your initial
19 thought you felt that they were victims?

20 THE WITNESS: Yes, but the immediate thought
21 was that they were victims. Fal was so upset and, you
22 know, she didn't know anybody at that time. The only
23 people that she knew, Board of Ed, were Jerry, me, Shivi,
24 and Paul. So she didn't have anybody to turn to to
25 discuss it with.

1 COUNCILMEMBER JOSHI: When did you first
2 realize or come to terms with the reality that two
3 members from your Unity Team were on the flyers, the
4 racist flyer, whereas there were multiple other Indian or
5 Asian people running for Board of Ed elections as well?

6 THE WITNESS: Immediately.

7 COUNCILMEMBER JOSHI: Okay. And when did you
8 realize that -- when did you learn that these flyers were
9 sent to Indian and Chinese voters?

10 THE WITNESS: When I didn't receive it and
11 other people whom I was asking didn't -- hadn't received
12 it, and when you did find out who had received it -- so
13 it was a gradual recognition on my part, it wasn't an
14 immediate recognition. So I would say that was, you
15 know, gradual, so it took maybe a week or so.

16 COUNCILMEMBER JOSHI: Okay. No further
17 questions.

18 MR. MALIKSCHMITT: Would you be able to tell us
19 who told you that Mr. Shi was People for Progress?

20 THE WITNESS: You know, there were several
21 people in that September, when that first People for
22 Progress letter went out who told me. I really cannot
23 remember, but I do want to say this. That one night at a
24 Board of Ed meeting recently when Mr. Distefano spoke to
25 the Board about the flyers, Mrs. Peng, who sits next to

1 me at the Board of Ed, stated, "Well, I only did one of
2 the People for Progress flyers." She said that right to
3 me, and I was stunned because that was the first that
4 anybody had admitted anything to me. But she did make
5 that statement to me at that Board of Ed meeting.

6 MR. MALIKSCHMITT: Thank you.

7 COUNCIL PRESIDENT GOMEZ: Any more questions
8 from the Committee?

9 COUNCILMEMBER COYLE: Council President.

10 COUNCIL PRESIDENT GOMEZ: Yes, Mr. Coyle.

11 COUNCILMEMBER COYLE: Beth, Miss Moroney, thank
12 you for taking the time to come out tonight and
13 presenting facts and opinions that you have.

14 First, do you have any specific knowledge of an
15 email or flyer, anything sent to you by email, with
16 regards to the racist flyer?

17 THE WITNESS: Of an email sent to me regarding
18 --

19 COUNCILMEMBER COYLE: Yeah, an email sent to
20 you, any correspondence, any specific facts?

21 THE WITNESS: No.

22 COUNCILMEMBER COYLE: Of who designed?

23 THE WITNESS: No.

24 COUNCILMEMBER COYLE: Who printed?

25 THE WITNESS: No.

1 COUNCILMEMBER COYLE: Any conversations you
2 witnessed about this flyer?

3 THE WITNESS: No.

4 COUNCILMEMBER COYLE: I know you're
5 disappointed in Mr. Shi and his leadership of running the
6 campaign. The flyer you mentioned to Mr. Bowden that he
7 was disappointed, what date was that flyer sent out?

8 THE WITNESS: I want to say --

9 COUNCILMEMBER COYLE: -- roughly?

10 THE WITNESS: Roughly about October 15th. It
11 was not right before the election, but it was fairly
12 close.

13 COUNCILMEMBER COYLE: Were you at odds between
14 disconnecting yourself from the campaign or did you also
15 have some understanding there was a benefit to staying
16 with the group you were with because of the team
17 together.

18 THE WITNESS: That's a very good question. I
19 actually was given the opportunity to pull away from the
20 Unity Team by an offer from NJEA of considerable campaign
21 contribution and because I'm loyal I did not want to
22 leave Jerry and the team so I turned down the opportunity
23 to pull away and run by myself. And I would like to make
24 one statement about that also. I believe that I was the
25 front runner in the election going into the final days.

1 I -- when I ran the first time for the Board of Ed I was
2 the number one vote-getter and it's no secret that I work
3 very hard for the community and the schools and that I do
4 have a lot of support for which I am extremely grateful.
5 I believed that the next two people behind me were Miss
6 Conway and Mrs. Bodofsky coming into the last couple of
7 weeks before the campaign. I think that Jerry sensed
8 that he was lagging behind, and Fal, nobody even knew who
9 she was, to be fair. I didn't really give her much
10 chance of winning the election because we only had one
11 opportunity to speak to the public and it wasn't even to
12 the public it was before the Teacher's Union at their
13 candidates night. So there wasn't a lot of exposure for
14 her and I didn't really think she had a chance to win
15 going in, but then after the flyer that all changed.

16 COUNCILMEMBER COYLE: Were there any specific
17 emails you may have sent to Jerry Shi or any Board member
18 that you wanted to withdraw?

19 THE WITNESS: No.

20 COUNCILMEMBER COYLE: Did you send any emails
21 that you were disappointed in the flyer that Mr. Bowden
22 discussed?

23 THE WITNESS: That Mr. Bowden, that flyer?

24 COUNCILMEMBER COYLE: Yes.

25 THE WITNESS: No, no, I didn't email about it.

1 COUNCILMEMBER COYLE: Was there a point that
2 you sent an email that you want to withdraw the campaign?

3 THE WITNESS: Oh, no.

4 COUNCILMEMBER COYLE: When you were sworn in
5 was there a moment you wanted to withdraw when you were
6 sworn in?

7 THE WITNESS: No.

8 COUNCILMEMBER COYLE: Okay. Just checking.

9 Now, were you aware of the Team Lankey
10 endorsement?

11 THE WITNESS: There was no Team Lankey
12 endorsement.

13 COUNCILMEMBER COYLE: Okay. The letter -- do
14 you want a copy of this letter from Mr. Lankey?

15 THE WITNESS: Yes.

16 MR. MALIKSCHMITT: It should be in front of you
17 marked at Exhibit-I, I believe.

18 THE WITNESS: I never saw this before tonight.
19 I don't recall receiving it in the mail and also I want
20 to point out that my name is misspelled on this letter
21 and whoever did this should be ashamed of themselves.

22 COUNCILMEMBER COYLE: I'm sorry about that.

23 Just to clarify, were you aware that Mr. Lankey
24 endorsed your ticket?

25 THE WITNESS: Mr. Lankey really never endorsed

1 the team. I want to go back to the parade issue for a
2 moment, if you'll indulge me.

3 COUNCILMEMBER COYLE: I just want to get to the
4 specifics though, I don't want to take up more time. I
5 didn't mean to cut you off, Miss Moroney. I just want
6 the specifics about this.

7 Did you -- were you aware that he endorsed you,
8 yes or no?

9 THE WITNESS: No, I was not aware -- I know
10 that he appeared with us at several meet-and-greets. We
11 never, not in any of the garbas or any of the big events
12 was Mayor Lankey in attendance, not at any of the ones
13 that I was, and he never spoke on our behalf. The only
14 time I recall Mayor Lankey speaking on our behalf was at
15 one of the meet-and-greets in someone's backyard in
16 August and we were all up on a dais and we all spoke and
17 at that time he did endorse us, but that was the only
18 public meeting that I ever recall that the Mayor publicly
19 endorsed us.

20 COUNCILMEMBER COYLE: Did Team Lankey send out
21 any flyers against you running for office and requesting
22 not to vote for you?

23 THE WITNESS: Not that I know of.

24 COUNCILMEMBER COYLE: Do you have any specific
25 knowledge of him sending a mailer by email, any

1 correspondence, any graphics, that he was not supporting
2 you and the team.

3 THE WITNESS: No.

4 COUNCILMEMBER COYLE: Okay. And you were not
5 aware of this letter of endorsement?

6 THE WITNESS: No, I don't recall seeing it.

7 COUNCILMEMBER COYLE: Okay. And one more time,
8 do you have any specific knowledge of the racist flyer,
9 any emails, any correspondence, any facts that you can
10 tell me?

11 THE WITNESS: No, I do not.

12 COUNCILMEMBER COYLE: Okay. Is most of your
13 testimony an opinion of what you believe that may have
14 happened?

15 THE WITNESS: Yes.

16 COUNCILMEMBER COYLE: Okay. Thank you.

17 COUNCIL PRESIDENT GOMEZ: Mrs. Moroney, I thank
18 you again for coming tonight.

19 Just a question. You were going to elaborate a
20 little bit more on what occurred during the parade.

21 THE WITNESS: Well, Jerry called me and told me
22 that he had had the banner made up and that Mayor Lankey
23 was, in fact, endorsing the team and I said are you sure
24 about that, and he said, oh, yeah, yeah, I'm sure about
25 that, and I said I really don't think you should walk

1 with that banner, I think it's too early and I'm not a
2 hundred percent convinced that Mayor Lankey has, in fact,
3 endorsed us and then I found out after the parade that in
4 fact there was a lot of issues and problems and that the
5 Mayor was very unhappy that they had walked with that
6 banner because he did not endorse the Unity Team prior.
7 So that was what I wanted to add to that.

8 COUNCIL PRESIDENT GOMEZ: Thank you.

9 You also said that Miss Shannon Peng admitted
10 to you that she did one of the flyers?

11 THE WITNESS: Yes, her exact words to me were,
12 "I only did one of the flyers."

13 COUNCIL PRESIDENT GOMEZ: When did she do that,
14 when did she admit that?

15 THE WITNESS: That was at a Board of Education
16 meeting. I don't remember the exact date, but I believe
17 Mr. Hahn was there and Mr. Distefano, and they were
18 coming to talk about the flyers and tried to get some
19 answers at a Board of Ed meeting and that's when she
20 turned to me and she said I only did one People for
21 Progress flyer.

22 COUNCIL PRESIDENT GOMEZ: Was that 2017 or
23 later than that?

24 THE WITNESS: It was this year.

25 COUNCIL PRESIDENT GOMEZ: Oh, this year.

1 THE WITNESS: '19.

2 COUNCIL PRESIDENT GOMEZ: Okay. Thank you.

3 COUNCILMEMBER COYLE: Council President.

4 Miss Moroney, do you know the specific flyer
5 that she made?

6 THE WITNESS: No.

7 COUNCILMEMBER COYLE: No emails, no
8 correspondence of that?

9 THE WITNESS: No.

10 COUNCILMEMBER COYLE: Thank you, Council
11 President.

12 COUNCILMEMBER PATIL: Council President.

13 Thank you, it's really candid and honest Q & A
14 so far and I'm really thankful that you're speaking from
15 your heart and you are telling us the truth, not like any
16 other witness.

17 Do you recall how many meetings you had with
18 Mr. Shi?

19 THE WITNESS: I'm sorry, could you say that
20 again?

21 COUNCILMEMBER PATIL: How many meetings you had
22 with Mr. Shi?

23 THE WITNESS: How many meeting I had with
24 Mr. Shi? You mean --

25 COUNCILMEMBER PATIL: Roughly.

1 THE WITNESS: -- during the election period?

2 COUNCILMEMBER PATIL: Yes, yes.

3 THE WITNESS: I would say maybe eight or so.

4 COUNCILMEMBER PATIL: Do you know who were in
5 attendance of those meetings?

6 THE WITNESS: Well, very frequently it was the
7 Unity Team meeting at Panera to sign documents, to plan
8 strategy, it was usually the team.

9 COUNCILMEMBER PATIL: Did you see me in any of
10 those meetings?

11 THE WITNESS: Did I see you at any of the
12 meetings?

13 COUNCILMEMBER PATIL: Uh-huh.

14 THE WITNESS: I saw you at some of the events
15 that we went to, but I don't recall seeing you at any of
16 the meetings.

17 COUNCILMEMBER PATIL: Thank you.

18 THE WITNESS: You're welcome.

19 COUNCILMEMBER PATIL: At the events, other than
20 me, and I was probably the first one who said that this
21 is the right team and I candidly said this is the winning
22 team, if you recall that?

23 THE WITNESS: I do.

24 COUNCILMEMBER PATIL: And several -- and I was
25 a more coordinating between the Team Lankey, which is the

1 Mayor and the Council as well as the Board of Ed, so
2 anything that I will hear from two teams
3 [unintelligible].

4 So do you think there was any coordination
5 between these two teams in some sort of between the
6 campaign money incorporated or this was just mere --

7 THE WITNESS: Between -- are you asking me
8 between Mayor Lankey's group and Unity Team?

9 COUNCILMEMBER PATIL: Yes.

10 THE WITNESS: Do I think that there was any?
11 Well, I know that there was -- I know that there was a
12 relationship, but I cannot speak to the depth of the
13 relationship. I was not present, you know, as Paul was,
14 in that one evening meeting. I will also say that you
15 were always very supportive of me and, you know, helped
16 me through some bad moments from time to time.

17 COUNCILMEMBER PATIL: Thank you. Thank you,
18 Council President.

19 COUNCIL PRESIDENT GOMEZ: Thank you. I'm just
20 going to remind Council Members, please do not make
21 derogatory comments to any of the witnesses or anybody
22 else.

23 COUNCILMEMBER COYLE: Council President.

24 COUNCIL PRESIDENT GOMEZ: Yes, sir.

25 COUNCILMEMBER COYLE: My last question. Is it

1 fair to say that the Lankey Team and your team were
2 benefactors of each other working together because you
3 weren't working against each other.

4 THE WITNESS: We were not working against each
5 other. In terms of benefactors, I --

6 COUNCILMEMBER COYLE: Votes, helping each
7 another at different factions?

8 THE WITNESS: Not really.

9 COUNCILMEMBER COYLE: So the Board of Ed or
10 Jerry Shi in no way helped Mr. Lankey get elected?

11 THE WITNESS: I don't believe so. When push
12 comes to shove on the votes, I really don't think the
13 Unity Team had an impact on the Mayoral campaign or the
14 campaign of any of the Councilmen who were running at
15 that time. I still -- I guess in my heart I want to
16 believe that the Board of Ed is the Board of Ed and the
17 Town Council and the Mayor are in their faction and I
18 really find it hard to believe that the Unity Team had an
19 impact on the Mayor's campaign.

20 COUNCILMEMBER COYLE: I guess what I'm getting
21 at, since we switched the election to November, on that
22 same day you're voting for other candidates and elected
23 officials, Council and Mayor and then you're voting for
24 Board of Ed, in the past we did this, in a different time
25 it was completely separate. In any way was the Mayor

1 working and Jerry Shi working against each other?

2 THE WITNESS: No.

3 COUNCILMEMBER COYLE: Okay. So there's some
4 synergy, some energy?

5 THE WITNESS: Please don't put words in my
6 mouth. I'm not going to say that.

7 COUNCILMEMBER COYLE: But it's fair to say that
8 they were not working against each other?

9 THE WITNESS: They weren't working against each
10 other and I really did not feel -- as Mr. Distefano said,
11 I did not feel that the Mayor truly wanted to invest in
12 Board of Ed, he wanted to stay out of Board of Ed because
13 I believe that the Mayor has maintained the separation
14 between the Board of Ed and the Mayor's office and Town
15 Council up until the time that we created the Committee
16 that we have established so that we do have a line of
17 communication. So, no, I don't think so.

18 COUNCILMEMBER COYLE: Was it clear that Keith
19 Hahn for Mayor was working against Tom Lankey and your
20 ticket?

21 THE WITNESS: No, I didn't get the sense that
22 Mr. Hahn was working against our ticket. Clearly he was
23 running against the Mayor, so he's going to be on the
24 opposite side. Keith and I had some conversations during
25 the election period in which he was very supportive of

1 me. We didn't really talk about the rest of the Unity
2 Team.

3 COUNCILMEMBER COYLE: I guess my last point
4 here, did Keith Hahn's team have a separate group of
5 Board of Ed candidates than you?

6 THE WITNESS: No.

7 COUNCILMEMBER COYLE: So --

8 THE WITNESS: Not that I knew of.

9 COUNCILMEMBER COYLE: Thank you, Council
10 President.

11 COUNCILMEMBER LOMBARDI: Council President.

12 COUNCIL PRESIDENT GOMEZ: Yes.

13 COUNCILMEMBER LOMBARDI: Again, I think we're
14 losing focus as to, you know, who was endorsing who. But
15 to get back to your original opening statement I just had
16 a couple of questions.

17 THE WITNESS: Uh-huh.

18 COUNCILMEMBER LOMBARDI: Did the Board of
19 Education retain Mr. Rivera to represent the Board with
20 regard to this Committee of the Whole?

21 THE WITNESS: No.

22 COUNCILMEMBER LOMBARDI: Okay. Because this
23 may be the same letter that you received, but I received
24 a letter from Mr. Rivera saying, and it's addressed to
25 Mr. Malikschnitt, our attorney, "Our office represent the

1 Edison Board of Education with respect to the above
2 referenced matter. The above referenced matter is the
3 Committee of the Whole on recent elections in Edison
4 Township."

5 THE WITNESS: All right. So I'm going to tell
6 you what I think here and how I feel about the lawyer,
7 the attorney. When Mr. Shi was elected president of the
8 Board of Education he wanted to find a lawyer who he felt
9 would support his opinions and so behind the back of four
10 of the members of the Board he found Scarinci Hollenbeck
11 firm. There was some meetings, these were kind of the
12 notorious meetings at Panera and the grocery store where
13 firms were interviewed and then one night four of us at a
14 Board of Ed meeting, shortly after Mr. Shi became elected
15 president in 2018, they fired the firm that had been
16 representing us for several years and hired Scarinci
17 Hollenbeck without four of us knowing or having an
18 opportunity to interview the attorney. And so from that
19 time I have felt unrepresented as a Board of Ed member.
20 I do not feel I have representation legally on the Board
21 of Ed.

22 COUNCILMEMBER LOMBARDI: So prior to you
23 receiving the letter, and I don't want you to talk about
24 any conversations you may have had with Mr. Rivera, but
25 did Mr. Rivera contact you prior to sending this letter

1 to you?

2 THE WITNESS: Mr. Rivera doesn't speak to me.

3 COUNCILMEMBER LOMBARDI: Okay. Do you know if
4 the Board ever took an informal or formal vote on asking
5 Mr. Rivera to send this letter out to Mr. Malikschnitt in
6 terms of the Committee of the Whole?

7 THE WITNESS: No, it was never discussed.

8 COUNCILMEMBER LOMBARDI: Would any Board member
9 have the authority to have Mr. Rivera send a letter out
10 on behalf of the Board without getting Board approval?

11 THE WITNESS: The Board President.

12 COUNCILMEMBER LOMBARDI: And who was the Board
13 President?

14 THE WITNESS: Mr. Shi.

15 COUNCILMEMBER LOMBARDI: Thank you. No further
16 questions.

17 COUNCILMEMBER JOSHI: Council President.

18 COUNCIL PRESIDENT GOMEZ: Yes, sir.

19 COUNCILMEMBER JOSHI: Unless there's other
20 questions I was hoping we could still get to the
21 detective tonight.

22 COUNCIL PRESIDENT GOMEZ: I believe we have no
23 further questions. Thank you, Miss Moroney, for being
24 here.

25 THE WITNESS: You're welcome.

1 (Witness excused.)

2 COUNCIL PRESIDENT GOMEZ: Now, I would like to
3 call Detective Keith Hahn.

4 THE WITNESS: Thank you, Council President.
5 Keith Hahn, 81 Fairview Avenue.

6 KEITH HAHN, currently residing at 81 FAIRVIEW
7 AVENUE, EDISON, NEW JERSEY, was duly sworn to
8 tell the truth and testified as follows:

9 COUNCIL PRESIDENT GOMEZ: Subcommittee may
10 proceed.

11 COUNCILMEMBER DIEHL: Good evening, Keith.
12 Thank you for coming tonight.

13 THE WITNESS: Good evening, Councilman.

14 COUNCILMEMBER DIEHL: We've heard a lot
15 already. I want to thank you for coming in. I this time
16 ask you what you can share.

17 THE WITNESS: First I would like to thank you,
18 Councilman Diehl, and Councilman Joshi for their
19 steadfast commitment to following through on this
20 investigation and to expose those responsible for this
21 despicable racial flyer.

22 Let me be clear in no uncertain terms, I had
23 nothing to do with this flyer and my family had nothing
24 to do with this flyer. I condemn not only the flyer, but
25 the politics and the individuals responsible. The

1 negative impact of this flyer and the accusations that
2 followed in the aftermath were felt not only by me, but
3 my family. My wife, Liz, my 10-year-old daughter, my
4 eight-year-old son suffered through the media assault and
5 allegations of me being the racist responsible.

6 I voluntarily came here tonight only to
7 clear -- not only to clear my name, but as an example to
8 my children who are sitting here at this late hour, he
9 got a little nap so I think he's wide awake now, and I
10 want to show them to always do the right thing, to stand
11 up for what you believe in and what you believe is right
12 no matter how hard or how difficult it may be, and to
13 always treat others with -- the way you want to be
14 treated, with dignity and respect.

15 I've been a police officer for 25 years. I'm
16 currently assigned as a Detective in the Edison Police
17 Department. During my career I was assigned for almost
18 three years as an investigator with the Middlesex County
19 Prosecutor's Office. I was assigned to the New Jersey
20 State Police Public Corruption Unit for 60 days to
21 investigate a corrupt police lieutenant. I worked with
22 the DEA in both an investigative and undercover capacity.
23 I worked with the FBI on a prostitution/sex trafficking
24 case involving elected officials and I have testified as
25 an expert in both Municipal and Superior Court.

1 I was also elected by my peers as state
2 delegate of the New Jersey PBA, a position I held for 10
3 years, and I was also elected by my peers as PBA
4 president. My 25-year law enforcement career, most of
5 which has been spent in an investigative capacity,
6 provide me with a unique perspective and skill set to
7 examine the facts surrounding the creation and
8 distribution of this despicable flyer.

9 With your permission I would like to go through
10 a chronological timeline of the facts that I have
11 gathered, with the permission of the Committee.

12 COUNCILMEMBER DIEHL: Please do, sir.

13 THE WITNESS: Thank you.

14 On May 7, 2017 a lawsuit filed against me by
15 Democratic Committeewoman Debbie Andrews which accused me
16 of being a racist was dismissed by Superior Court Judge
17 Arthur Bergman. Andrews was represented by Attorney Lou
18 Mangione of the Spevak Law Firm. Mangione hosted a
19 fundraiser and contributed to Mayor Lankey's campaign. I
20 also have been informed that he was paid to represent
21 Miss Andrews by a Councilperson.

22 On May 26, 2017 Shannon Peng filed a police
23 report for harassment after she found a dead animal on
24 her doorstep. Peng told Patrolman Don Ship I was
25 responsible but was unable to provide any facts or

1 reasons other than I was not a supporter of Jerry Shi.

2 On August 13, 2017 was the Indian Day Parade
3 with that banner that everybody's been talking about, and
4 if I could just shed some light on that.

5 Despite me and Mayor Lankey being adversaries
6 during the campaign, we do have candid conversations
7 quite frequently. After that banner was carried in the
8 parade on August 13th, I called up Mayor Lankey and I
9 said, "Tom, what are you doing? You told me you're not
10 going to get involved in the Board of Ed campaign."
11 Mayor Lankey told me at that time he didn't, they printed
12 that banner and they carried it in the parade without his
13 authorization. I thought that was odd that he wouldn't
14 rebut that or come out against it, being it was a parade
15 with 40,000 people, but that's what he did tell me at
16 that time, August 13th or 14th or 15th, shortly
17 thereafter.

18 On September 18th of 2017, this is leading up
19 to the election, Edison Board of Education and Township
20 Auditor Andy Hodgowick of the firm Hodgowick and Morrissey
21 gave 7200 to a PAC known as People Energizing Government,
22 or PEG PAC. PEG PAC is run by New Jersey Democratic
23 Committee Vice Chairwoman, Peg Schaeffer, who is a
24 partner of the law firm Shane Schaeffer, and actually
25 uses the law firm's address for her elect filings.

1 Nathan Rudy, the former chairman of the Edison Chamber of
2 Commerce, and a friend of Mayor Lankey, filed NJ Elect
3 Form for PEG PAC's -- as PEG PAC's treasurer for the
4 above donation on 10/16/17.

5 On October 9th there was a series of text
6 messages that went through, Mr. Distefano covered. I
7 have the context of the text messages if anybody would
8 like to ask any questions about them.

9 October 16th, that was Exhibit-E, which you
10 guys showed, which was an email of a flyer sent to the --
11 by Andres Morales and People For Progress.

12 October 17th was Exhibit-B, which you guys had
13 shown, and it included BOE Unity Team member Paul
14 Distefano was forwarded an email from a parent. That was
15 exhibit -- the email from the parent, was that Exhibit-B
16 or -- I'm sorry, Exhibit D.

17 MR. MALIKSCHMITT: I think you're referring to
18 Exhibit-E would be the email that was sent by the
19 soccer --

20 THE WITNESS: Correct.

21 MR. MALIKSCHMITT: Excuse me, the hockey
22 family; is that correct?

23 THE WITNESS: Yes, sir.

24 On October 22nd three political mailers were
25 send to Edison residents using U.S. Postage Permit Number

1 298, one was paid for by the Election Fund of Thomas
2 Lankey, a second paid for by the EDO, or the Edison
3 Democratic Organization, and a third paid for by People
4 for Progress, A. Morales, Treasurer. Michael Roche,
5 owner of Stuyvesant Green Earth Press at 119 Court
6 Street, Irvington, stated all three flyers were printed
7 for Jaffe Communications.

8 On October 23rd three additional political
9 mailers were sent to Edison residents, both were talked
10 about or two of them were talked about by Miss Moroney.

11 On October 27th Peg Schaeffer and her PAC fund
12 gave Check Number 340 for \$2,800 to Jerry Shi's BOE Unity
13 Team. Peg Schaeffer also gave Check Number 339 for \$7200
14 to the anonymous group People for Progress. That is the
15 same amount that Andy Hodgowick, the Township Auditor,
16 gave to them on September 18th. Andy Hodgowick also
17 serves as Vice Chairman of Magyar Bank, where Mayor
18 Lankey serves as Chairman.

19 On October 29th an email flyer was sent out
20 using a Township Board of Education email list from
21 Andrew Morales, People For Progress. The web address on
22 that email was newsletter@edisonpolitics.com and paid for
23 by People For Progress, accusing me of associating with
24 criminals, stealing, and making racial slurs.

25 Edisonpolitics.com was registered with Dinadot.com on

1 May 28, 2014 and has been responsible for negative
2 campaign messaging attributed to Mayor Lankey's campaign
3 manager, Anthony Russomano, in the past five years.

4 On October 30 People for Progress, the
5 anonymous group which lists Andrews Morales as its
6 treasurer, wrote Check Number 0991 to Skyway Strategies
7 for \$3,299. Skyway Strategies is a subsidiary or another
8 entity of the Jaffe Communications which was hired by
9 Mayor Lankey to run all aspects of his campaign including
10 print media. Skyway Strategies is run by Tony Gallotta,
11 it has a one-page website that lists no address, and a
12 phone number of 973-315-0300. When calling Skyway
13 Strategies the phone is answered Jaffe Communications.
14 Jaffe Communications' website states Tony Gallotta
15 directs the political consulting practice at Jaffe
16 Communications for Municipal, County and statewide races
17 throughout New Jersey. It's also important to note that
18 Jaffe Communications has a professional consultant
19 services contract not subject to competitive bid for
20 44,000 a year with Edison Township. That contract was
21 signed by both Mayor Lankey and the owner of Jaffe
22 Communications, Jonathan Jaffe.

23 On November 1st the racial flyers hit the
24 mailbox. That same day the racial flyers hit mailboxes
25 People for Progress filed electronically at 12:52 a.m.,

1 NJ Elect Form C3 and reported receiving \$7,200 from Peg
2 Schaeffer and her PAC on October 31st. They also filed
3 Form C3 electronically at 1:02 a.m. an expenditure of
4 \$3,299 to Skyway Strategies, otherwise known as Jaffe
5 Communications.

6 Later that evening, the same day the racial
7 flyer hit, at 9:33 p.m. I received the message that was
8 sent out via text and WhatsApp and it was distributed by
9 Sam Cahn, President of the South Asian Community
10 Organization that contained a picture of the racist flyer
11 and the following text, and this was attributed to me.
12 "Get ready to be deported!!! If you were thinking to
13 vote for Keith Hahn and his Board of Education team, that
14 is exactly what his campaign thinks about Asians living
15 in Edison, that we don't belong here. We are all
16 immigrants and 65 percent property tax paid by Asian
17 Americans in Edison. If you want to stop all of this,
18 then vote for Mayor Lankey, Jerry Shi, Falguni Patel,
19 Paul Distefano for the Board of Education, Column B,
20 Democrats on Tuesday November 7th."

21 The next day, on November 2nd, the day after
22 the racial flyer, People For Progress filed
23 electronically at 10:49 p.m, Check Number 0994, which I
24 believe was Exhibit-E that you showed for Paul Distefano,
25 it was for \$7500 to A to Z Signs, 95 Newfield Road,

1 Edison.

2 MR. MALIKSCHMITT: I believe it's Exhibit-F.

3 THE WITNESS: Exhibit-F, my apologies.

4 A to Z Signs is a business in Raritan Center
5 which is owned by Dhiren Amin, who's the President of the
6 Indian Business Association, and also served as a member
7 of Governor Murphy's transition team.

8 On November 2nd the Washington Post printed an
9 article about the flyers in which Mayor Lankey said in an
10 email statement, "This despicable mailer from an
11 unidentified source contains the Trump Republican
12 sentiments that Edison's Republican mayoral challenger
13 and some of the supporters have chosen to embrace. This
14 mailer appears to be an act of desperation meant to
15 misdirect and confuse voters."

16 Now, let me just be clear with that statement
17 that Mayor Lankey was quoted in the Washington Press.
18 For those of you who know Mayor Lankey, he doesn't talk
19 to the press. That was a carefully orchestrated press
20 release that came from the PR firm and his campaign of
21 Jaffe Communications. In no way am I blaming Mayor
22 Lankey for talking -- and it wasn't just the Washington
23 Post, it was the New York Times. I spent five days on
24 the phone talking to every major media outlet in the
25 country trying to explain to them how I was not

1 responsible for this flyer.

2 The next day, on November 3rd, a text message
3 and WhatsApp message was circulated by both Sam Cahn and
4 federally convicted felon Nilesh Dasondi, both of who
5 were vocal supporters of Mayor Lankey and Jerry Shi's BOE
6 Unity Team. That stated, "Important announcement from
7 Keith Hahn. On November 8 will be chartered buses at Oak
8 Tree Road to take you straight to JFK Airport. Don't
9 take much stuff with you since you all came empty handed.
10 Don't make it difficult for your back home is paid for by
11 Keith Hahn for Edison Mayor, endorsed by President Trump,
12 supported by Golden Era Adult Daycare. For more
13 contact -- for more info contact Peter Kothari.

14 On November 3rd Mayor Lankey distributed a
15 letter from Democratic Committeewoman Debbie Andrews
16 which read, and this came from the Committeewoman, "Since
17 I have been the only African American female
18 Committeewoman in Edison, Keith Hahn's behavior has
19 caused me much anxiety and concern as I look over my
20 shoulder and worry that a person like him is actually a
21 police officer." Mayor Lankey also serves as the Public
22 Safety Director. He chose to distribute this letter in a
23 public domain as a campaign tool, but took no official
24 action in regards to this very disturbing statement. And
25 when I refer to Mayor Lankey, I'm not saying I have

1 personal knowledge that it was Mayor Lankey who
2 distributed it, but it was somebody working for or with
3 his campaign that put that messaging out.

4 On November 4, Mic.com, an online multimedia
5 company with 19 million unique monthly users, printed an
6 article about the flyer, and I quote, it said this "In a
7 statement on Friday, Incumbent Mayor Thomas Lankey blamed
8 his Republican opponent, Keith Hahn, for the racist
9 mailing." Now we have the Washington Post and that was
10 mic.com. But as I said earlier it was the New York Post,
11 it was the New York times, it was every media outlet in
12 the country, CNN, they were calling me for four days
13 straight and I had to explain to them that I had nothing
14 to do with this flyer.

15 On November 7, Election Day, an email from
16 peopleforprogress@gmail.com was sent to those on the
17 Edison Board of Education email list alleging my
18 association with known criminals.

19 On December 11th the BOE Unity Team wrote Check
20 Number 128 for \$2500 to the law firm of Genova and Burns
21 for a retainer. Miss Moroney had spoke about that.

22 On December 28th Peg Schaeffer returned a
23 phonecall that I had put out to her about who she
24 communicated with at People for Progress and who she had
25 given the check for \$7200. Peg Schaeffer responded, and

1 this is a transcript of the voicemail that I played at
2 one Council meeting, "Hey, Keith, it's Peg Schaeffer
3 calling. The only thing we were able to find out was
4 that it was a PAC connected to the Mayor, the Mayor of
5 Edison. I don't know whether he's directly involved in
6 it, but apparently it's something that he has some
7 involvement with. So I don't know anything else, don't
8 know any of the other players. You know, and as I said
9 to you, it's one of our supporters who asked us to make
10 the donation and we were told it's for a progressive
11 group which is what this appears to be. So good luck on
12 your trail. All right. Thanks." And that was coming
13 from Peg Schaeffer who is now the current Vice Chairwoman
14 of the New Jersey Democratic Committee.

15 On April 12th Peg Schaeffer's PAC writes a
16 Check Number 104 to the A to Z Signs, which is Dhiren
17 Amin's printing company, for \$1150 and listed outstanding
18 obligation of \$5,850 to A to Z Signs.

19 On April 18th, less than one week later, Peg
20 Schaeffer's law firm, Shane Schaeffer, was appointed as
21 the new attorney to the Edison Library Board.

22 Based on the facts I provided, the similarities
23 in graphic design, font, paper stock, timing, mailing
24 list, distribution, financing and messaging, it is
25 apparent that the BOE Unity Team, which is Jerry Shi, the

1 Edison Democratic Organization, Shariq Ahmad, the
2 anonymous group People For Progress, which lists Andres
3 Morales as its Treasurer, and the Election Fund of Thomas
4 Lankey coordinated their campaigns and messaging through
5 Jaffe Communications. The timing, messaging and campaign
6 coordination would indicate the despicable racial flyer
7 was an inside job done by somebody within one of those
8 four campaigns with the sole purpose of increasing
9 turnout amongst minority voters and helping the campaign
10 of both the BOE Unity Team and Mayor Lankey.

11 As despicable as the flyer was, the politics
12 and those responsible are even worse. Our elected
13 officials and community leaders cannot tolerate this any
14 longer and must condemn this in the strongest terms
15 possible. Politics has never been an excuse to lie and
16 we cannot allow this to become the norm in your
17 elections. Those responsible with this flyer, they
18 attacked me, they attacked my family. For what, a vote,
19 to win an election? It's disgusting and anybody up here
20 that does not condemn it and speak against it, is guilty
21 by association.

22 I thank you for the opportunity to speak
23 tonight and I hope you are successful in exposing the
24 spineless cowards responsible for this despicable flyer.
25 Thank you.

1 COUNCILMEMBER DIEHL: Detective Hahn, thank
2 you.

3 THE WITNESS: Councilman Diehl, if I could just
4 interrupt for one second. I will answer any questions
5 that you, the Council President or Councilman Joshi have,
6 but I will not participate as this hearing spirals into a
7 political circus with the guys who are running for
8 election this year. If we can stick to that.

9 COUNCILMEMBER DIEHL: That's fair.

10 THE WITNESS: Council President, would that be
11 okay?

12 COUNCIL PRESIDENT GOMEZ: Yeah, you don't have
13 to respond to any questions if you don't want to.

14 THE WITNESS: Thank you. And no offense to you
15 guys, but I want to stick to the facts here.

16 COUNCILMEMBER DIEHL: Thank you, sir. Thank
17 you for coming, again, and your perspective is a little
18 different, certainly a lot different maybe, than the two
19 previous speakers, and I understand why you would want to
20 come tonight and state what you did. It's a long
21 timeline that you described, which I've heard some of it
22 over the past year-and-a-half, but I'm sure the people in
23 the audience or the people who may watch this somewhere,
24 it's going to be pretty hard to follow all those pieces
25 that you put together or have over the years.

1 THE WITNESS: Sure.

2 COUNCILMEMBER DIEHL: So I'm going to make this
3 brief in the interest of time. We have another speaker.

4 Can you tell me who you believe is responsible
5 for this flyer?

6 THE WITNESS: I believe that the Make America
7 Great Again flyer was created, distributed, and produced
8 by the same people responsible for People For Progress.
9 I've stated that from day one.

10 COUNCILMEMBER DIEHL: Okay. Now, you said
11 there were four groups in there, so you think -- could
12 you give me those groups again?

13 THE WITNESS: It was the BOE Unity Team, which
14 was Jerry Shi; it was the Edison Democratic Organization,
15 Shariq Ahmad; it was People for Progress; and it was
16 Mayor Lankey's campaign.

17 COUNCILMEMBER DIEHL: Okay. So out of the four
18 who do you think is responsible for this or is it a
19 combination of a couple of those groups?

20 THE WITNESS: I think throughout the course of
21 the campaign there were different people working on
22 different sides and back and forth, but I believe it was
23 some people from the BOE Unity Team and I believe Jaffe
24 Communications has some questions to answer to as they
25 did printing for all three. People -- the one

1 commonality that I found through my investigation was
2 Jaffe Communications. They did printing for People For
3 Progress, they did printing for Mayor Lankey, and they
4 did printing for Jerry Shi and the BOE Unity Team.
5 They're the only commonality I found. And it's also
6 important to note that this racial flyer, that the
7 individuals responsible went to great lengths to conceal
8 their identity. It was -- them flyers were printed on an
9 inkjet printer, they were printed on cardboard stock
10 that's not commercial grade, and they were cut with a
11 hand cutter, as if somebody did them in their home.

12 COUNCILMEMBER DIEHL: Well, thank you, because,
13 you know, the other thing you said and I certainly
14 appreciate you listing how long you've been a detective
15 and how much work you do with this. Well, one of the
16 comments you made was it's an inside job. So is it your
17 belief that it is truly an inside job?

18 A One hundred percent.

19 Q. Okay. Because one of the things when this
20 first happened, of course, and we did not know when this
21 first happened, where did it come from, who did it, it
22 could be seen as much, much different. You're saying
23 it's not what it looks like, it's something else, it's an
24 inside job?

25 A One hundred percent, it was done by somebody

1 involved with one of these four campaigns.

2 Q. Okay. Thank you, sir.

3 COUNCILMEMBER JOSHI: Detective Hahn, first, I
4 just want to state for the record that, you know, I too
5 remember the entire election, you were accused for this.
6 In no way do I believe that you're a racist at all
7 whatsoever and, you know, I don't think that you were
8 responsible for those flyers simply because you probably,
9 more than any person I know, has gone out of your way to
10 try to get to the bottom of this. So I appreciate your
11 putting all the facts together and also being as
12 consistent as you've been in terms of trying to, one,
13 clear your name, but also get the truth out.

14 THE WITNESS: Thank you, Councilman.

15 COUNCILMEMBER JOSHI: What was the -- what was
16 the universe, to your knowledge, of who received the
17 mailers?

18 THE WITNESS: From the information I have
19 available to me there were no Caucasian families who
20 received that flyer. It went out only to Indians and
21 Chinese families.

22 COUNCILMEMBER JOSHI: Did any of your
23 supporters receive this flyer?

24 THE WITNESS: No.

25 COUNCILMEMBER JOSHI: Do you know supporters of

1 either the Unity Team or the other side that received
2 this flyer?

3 THE WITNESS: No. Actually until this evening,
4 that was the first time I ever actually saw a physical
5 copy of the flyer was when Mr. Diehl -- Councilman Diehl
6 held it up tonight.

7 COUNCILMEMBER JOSHI: So when did you learn
8 that these flyers were sent to both Indian and Chinese
9 households?

10 THE WITNESS: Over the course of the year, over
11 the course of the last year, I spoke to probably 20
12 people who said they received it, they were all of Indian
13 or Chinese descent. Nobody has come forward, no
14 Caucasians have come forward who actually received a
15 physical flyer.

16 COUNCILMEMBER JOSHI: And I too believe that
17 simply because, even when I went on Facebook that day or
18 through social media I had only seen my personal friends
19 or other Indian or Chinese members from the Edison
20 community receive this.

21 Mr. Hahn, or Detective Hahn, rather, say you
22 were responsible for this, if someone wants to throw that
23 out to you, would you send this flyer to Indian or
24 Chinese people; what would be the reason to --

25 THE WITNESS: Only if I was trying to lose the

1 election.

2 COUNCILMEMBER JOSHI: Okay. Are you aware of
3 any independent private investigations of this incident?

4 THE WITNESS: Yes, the Teachers Union did hire
5 a private investigator to do so background on this.

6 COUNCILMEMBER JOSHI: And do you know what
7 conclusions were made out of or were reached through that
8 investigation?

9 THE WITNESS: I don't have all of the
10 information, but what I do know is, I'm going to say,
11 June of 2019, I did receive a call from an investigator
12 from the Attorney General's Office and he asked if I
13 could provide him with a phone number of the private
14 investigator. His name was Joe Blatelor. I gave him
15 Mr. Blatelor's phone number and approximately one hour
16 later Mr. Blateler called me and told me he had spoken
17 with the investigator of the Attorney General's Office.
18 He said the investigator had informed him that they had
19 positively identified somebody who purchased the stamps
20 used to send out these racial flyers and that that
21 individual was Shariq Ahmad.

22 COUNCILMEMBER JOSHI: Have you -- to what
23 extent did you discuss this with the Post Master, what
24 else did the Post Master tell you?

25 THE WITNESS: I have not spoken to the Post

1 Master, that was the investigator from the Attorney
2 General's Office that called me and the information was
3 relayed through the private investigator.

4 COUNCILMEMBER JOSHI: Okay.

5 THE WITNESS: And that information was reported
6 in an NJ.com article, so that's common knowledge that it
7 was out there.

8 COUNCILMEMBER JOSHI: Council President, I do
9 not have any further questions at this time.

10 COUNCIL PRESIDENT GOMEZ: Just for the record,
11 Detective Hahn, the date is June 2000 -- you said 2019?

12 THE WITNESS: Correct, that was this past
13 June -- I'm sorry, 2018.

14 COUNCIL PRESIDENT GOMEZ: I just want to
15 clarify that. Thank you, sir.

16 THE WITNESS: My mistake. Sorry.

17 COUNCIL PRESIDENT GOMEZ: Any further
18 questions?

19 COUNCILMEMBER PATIL: Detective Hahn, thank you
20 for coming and giving the entire history what happened
21 and thank you for continuing to raise the voice and
22 honestly I don't believe you did anything on this one.

23 THE WITNESS: Thank you.

24 COUNCILMEMBER PATIL: I truly condemn that if
25 somebody accusing you it is not fair, it's not fair to

1 you, it's not fair to your family. That's the first
2 thing.

3 Coming back to my one question here, do you
4 know who would have benefited from this racist flyer?

5 THE WITNESS: Council President, I'm not going
6 to take question.

7 COUNCIL PRESIDENT GOMEZ: He's not going to
8 take the question. He's entitled not to answer.

9 COUNCILMEMBER PATIL: Okay. Do you know who
10 sends these articles to the media that called you racist
11 one time when there were multiple statements from
12 different people, elected officials?

13 COUNCIL PRESIDENT GOMEZ: Councilmember Patil,
14 Mr. Hahn instructed me differently that he would answer
15 --

16 THE WITNESS: Yeah, I think my previous
17 testimony answered that as Jaffe Communications.

18 COUNCILMEMBER PATIL: Thank you.

19 COUNCILMEMBER COYLE: I just want to make a
20 statement, Mr. Hahn. I think you did a great job. I
21 haven't had a chance to listen to that entire testimony.
22 I know you said you were doing a lot of homework and I'm
23 sorry for what happened to this campaign, to your family,
24 and all the phonecalls you received, and the negative
25 publicity from it. I think you've done a wonderful job

1 putting everything together, the timelines explain to
2 everybody what happened and I appreciate you describe the
3 correlation between everybody involved and you put a lot
4 of time into this. I don't think anybody has ever done
5 what you did and I thank you for that, bringing it
6 everybody's attention.

7 THE WITNESS: Thank you, Councilman.

8 COUNCIL PRESIDENT GOMEZ: All set? Thank you,
9 Detective.

10 THE WITNESS: Thank you, Council President.

11 (Witness excused.)

12 (Audience applause.)

13 COUNCIL PRESIDENT GOMEZ: We're going to take a
14 break, five-minute break.

15 (Whereupon, a recess was taken.)

16 COUNCIL PRESIDENT GOMEZ: We are ready to
17 reconvene.

18 SYLVIA ENGLE, currently residing at 82 WINTHROP
19 ROAD, EDISON, NEW JERSEY, was duly sworn to
20 tell the truth and testified as follows:

21 THE WITNESS: I really don't have much to add
22 to your investigation because the only information I had
23 was people calling me and telling me, did we do that,
24 meaning the flyer, because it said Make Edison Great
25 Again and of course that was synonomous with the

1 President's theme during the campaign, Make America Great
2 Again, and immediately everybody thought we had something
3 to do with it. So my comment -- I didn't even know what
4 they were talking about when I was getting calls from too
5 many people who have friends in the Indian community and
6 I guess the Chinese community too because I don't know of
7 any Committee people that actually got it. So, you know,
8 I said, no, I don't know what you're talking about, send
9 it to me, so I got a few emails with it. And we had
10 absolutely nothing to do with it, we wouldn't do
11 something like that, it's despicable. And that's my
12 statement.

13 So if anybody has any questions, I'd be happy
14 to answer that.

15 COUNCILMEMBER LOMBARDI: I have no questions,
16 Council President.

17 COUNCIL PRESIDENT GOMEZ: Any questions from
18 the Subcommittee?

19 Mrs. Engle, thank you for coming out tonight.
20 We appreciate your presence --

21 THE WITNESS: Okay.

22 COUNCIL PRESIDENT GOMEZ: And taking the time
23 to be here.

24 COUNCILMEMBER JOSHI: Miss Engle, I have just
25 for clarification. You're the Republican Chairwoman?

1 THE WITNESS: Yes.

2 COUNCILMEMBER JOSHI: And how long have you
3 been the Republican Chairwoman?

4 THE WITNESS: I think it was 1992 when I was
5 first sworn in.

6 COUNCILMEMBER JOSHI: How long were you or how
7 invested or involved were you in Keith Hahn's campaign?

8 THE WITNESS: I was very involved in Keith
9 Hahn's campaign.

10 COUNCILMEMBER JOSHI: And who was responsible
11 for -- how did you guys, your team, the Republicans, get
12 the walking lists, the mailing lists, who was
13 coordinating all of that?

14 THE WITNESS: Is Keith here? No, he left. He
15 would remember the name of the consultant. We had a
16 consultant. I can't remember the name right now. I have
17 it home, but I would have come prepared with it. His
18 name was Richard Distaldo, but he had a company name and
19 he handled all our literature, our mailers, and anything
20 we put out.

21 COUNCILMEMBER JOSHI: Okay. And --

22 THE WITNESS: As far as lists of voters, I
23 believe we got them from the NJGOP in Trenton, because
24 they have a data center.

25 COUNCILMEMBER JOSHI: Okay. And my last

1 question is, this was, like I said, blamed on the
2 Republicans initially.

3 THE WITNESS: Initially, yeah.

4 COUNCILMEMBER JOSHI: And if the Republicans
5 had done this would you have mailed it to Indian and
6 Chinese voters?

7 THE WITNESS: I can't answer that question
8 because I just wouldn't send out something.

9 COUNCILMEMBER JOSHI: That's fine. That's
10 fair. No further questions.

11 THE WITNESS: Okay. Thank you.

12 COUNCIL PRESIDENT GOMEZ: Thank you, ma'am.

13 (Witness excused.)

14 COUNCIL PRESIDENT GOMEZ: Next person we are
15 calling up is Shivi Nadhakar.

16 SHIVI NADHAKAR, currently residing at 9 ALISON
17 COURT, EDISON, NEW JERSEY, was duly sworn to
18 tell the truth and testified as follows:

19 COUNCILMEMBER DIEHL: Thank you, Shivi, for
20 coming tonight. We've heard a lot of testimony, almost
21 three hours now, and we want to thank everyone for that.

22 Shivi, what can you add to what we've heard
23 tonight as far as information, and I'd like to ask you,
24 how did you hear -- first hear about the flyer, what was
25 your reaction, what did you do? Kind of take us there.

1 THE WITNESS: So I believe I saw the flyer the
2 first time on Facebook and when I saw it I was like
3 completely disgusted and I was like, you know, this is
4 completely un-America. I immediately called -- made
5 phone calls to both Jerry and to Falguni and that's what
6 I remember about that day.

7 COUNCILMEMBER DIEHL: How did they respond,
8 Jerry and Falguni?

9 THE WITNESS: I was able to talk to Jerry in
10 the evening because Falguni I was talking to almost
11 throughout the day and she was basically very, very
12 upset, and she was talking about -- I know at one point
13 she called me and said, you know what, the bell rang and
14 the reporter's at my house now and, you know, this is
15 what I heard, but I did not sign up for this when I
16 campaigned for the Board of Ed and things like that. And
17 so -- and I know that the three of them put out a
18 statement to the press, I believe Beth, Jerry, and
19 Falguni, just kind of a genetic statement to give out to
20 the reporters. And I spoke to Jerry in the evening and
21 he was campaigning at that the point.

22 COUNCILMEMBER DIEHL: Okay. Now, Falguni spoke
23 to the police, correct?

24 THE WITNESS: I suppose so, yeah.

25 COUNCILMEMBER DIEHL: That was testified --

1 THE WITNESS: I mean, we didn't really -- I
2 didn't really talk about, you know. I mean, I believe
3 she spoken to the police, yes.

4 COUNCILMEMBER DIEHL: Yeah, that was stated
5 tonight. Do we know if Jerry Shi spoke to the police?

6 THE WITNESS: Through the newspapers I've read
7 that he did not, but I haven't spoken to him personally
8 asking him if he spoke to the police or not, but in the
9 newspaper I read that he has not. There was some article
10 at some point.

11 COUNCILMEMBER DIEHL: Okay. Did you find that
12 odd that he wouldn't speak to the police?

13 THE WITNESS: I don't know what his reasons
14 were so, yeah.

15 COUNCILMEMBER DIEHL: Okay. What else can you
16 tell us about the flyer or anything you've heard about
17 the flyer?

18 THE WITNESS: So my role in the campaign -- I
19 mean, I supported this team, this was the incumbent team.
20 And so my role in this campaign was kind of limited to I
21 did some walking and I know that I walked with Beth once
22 and then a couple of streets I walked alone, I did not
23 walk with anybody else, and then I did attend a couple
24 of -- not couple, but quite a few meet-and-greets and I
25 was kind of warming up for my own campaign next year so

1 that's where my role is limited to that.

2 COUNCILMEMBER DIEHL: Okay. Did any of your
3 fellow Board members share any information about what
4 happened with this because my sense is that if something
5 like this happened and if it was not Board of Ed, but if
6 it was Council, you know, there would be a lot of
7 conversation about it, you know, especially with the
8 scope of this thing being as large as it was, national
9 and somebody told me it was even international, so there
10 would be a lot of conversation. What kind of
11 conversations did you have with your fellow Board of Ed
12 members?

13 THE WITNESS: I mean, there was a lot of talk
14 around this issue and I really don't remember any
15 specifics, but, you know, generally kind of -- lot of
16 speculation and, you know, sometimes you can even call it
17 wishful thinking or whatever, but it's not -- but as far
18 as the flyer, this particular flyer is concerned, I mean,
19 you know, we don't know. I mean, I hope you guys are
20 able to get to the bottom of this because this is really
21 important to each and every person, you know, of Asian
22 heritage as well as people of Edison and, you know, we
23 just have to kind of figure out, you know, what happened
24 here.

25 COUNCILMEMBER DIEHL: Thank you.

1 COUNCILMEMBER LOMBARDI: Shivi, good evening.

2 THE WITNESS: Hi.

3 COUNCILMEMBER LOMBARDI: Thank you for waiting
4 this long to testify.

5 THE WITNESS: Uh-huh.

6 COUNCILMEMBER LOMBARDI: You said that you
7 first saw the flyer on Facebook, correct?

8 THE WITNESS: Yeah.

9 COUNCILMEMBER LOMBARDI: In addition to seeing
10 it on Facebook did you receive it in the mail?

11 THE WITNESS: No.

12 COUNCILMEMBER LOMBARDI: Have you ever seen a
13 hard copy of it?

14 THE WITNESS: No.

15 COUNCILMEMBER LOMBARDI: Are you aware of any
16 of your friends, neighbors, or people in the community
17 that did receive the flyers?

18 THE WITNESS: I think Falguni told me that her
19 sister received it.

20 COUNCILMEMBER LOMBARDI: Okay.

21 THE WITNESS: Yeah.

22 COUNCILMEMBER LOMBARDI: And you said that you
23 supported the Unity Team, correct?

24 THE WITNESS: Yeah.

25 COUNCILMEMBER LOMBARDI: Were you made part of

1 any of their campaign strategy meetings?

2 THE WITNESS: Not at all, no.

3 COUNCILMEMBER LOMBARDI: So --

4 THE WITNESS: And that meeting that Paul was
5 talking about, I remember that we had met at the Dunkin
6 Donuts on Talmadge Road and I believe I was not at the
7 event that he was at. I was actually -- I think it was
8 an ETEA event at Pines Manor and Shannon and I went from
9 Pines Manor to Dunkin Donuts and I think Jerry and Paul
10 came from somewhere else. So we just had like a -- it
11 was pretty late and we had like, you know, a cup of
12 coffee and then I just went home after that so I don't
13 know what happened after that. I wasn't part of any of
14 that.

15 COUNCILMEMBER LOMBARDI: I believe the
16 testimony from Paul Distefano was that there was a
17 meeting at the Edison Diner maybe?

18 THE WITNESS: No, Paul said that there was
19 meeting at the Expo, that's what I heard him say.

20 COUNCILMEMBER LOMBARDI: And after the Expo?

21 THE WITNESS: As far as I remember I was not at
22 Expo because we were at the Talmadge Road Dunkin Donuts
23 and that's pretty far away from Expo and because I was at
24 Pines Manor that's where we went after that.

25 COUNCILMEMBER LOMBARDI: Are you aware of the

1 individual or individuals responsible for the creation or
2 design of this flyer?

3 THE WITNESS: No.

4 COUNCILMEMBER LOMBARDI: Are you aware of the
5 identity of the individual or individuals responsible for
6 the printing of this flyer?

7 THE WITNESS: No.

8 COUNCILMEMBER LOMBARDI: Can you --

9 THE WITNESS: One more thing that I remember
10 that Falguni had told me that this picture was taken from
11 her Facebook page and so I went to her Facebook and I
12 looked at all the pictures and I said but I can't see
13 that picture and she said that, you know, it's a group
14 picture, whoever pulled this picture cropped it. So
15 that's something else I remember, so just cropped it to
16 just focus on her face, but this was actually a group
17 picture. She had told me that.

18 COUNCILMEMBER LOMBARDI: And do you know
19 anything with regard to her account settings, whether
20 they were set to private, whether there was only certain
21 --

22 THE WITNESS: I'm not aware of that, yeah.

23 COUNCILMEMBER LOMBARDI: Do you know the
24 individual or individuals responsible for the
25 distribution of the flyer?

1 THE WITNESS: No.

2 COUNCILMEMBER LOMBARDI: And you received the
3 invitation to come to this meeting approximately three
4 weeks ago?

5 THE WITNESS: I received it actually -- I think
6 the letter is dated -- I got it one week after the rest
7 of the people got it because I actually found out that I
8 have to come here through a newspaper article and I sent
9 a message to Sam and I asked him, you know, am I supposed
10 to show up because I haven't received a letter and he
11 told me that you will receive a letter on Monday. So I
12 think I received it last Monday, but the other people
13 received it two Mondays ago.

14 COUNCILMEMBER LOMBARDI: Okay. From the time
15 that you received the letter last Monday to today, has
16 anybody contacted you with regard to your testimony
17 tonight?

18 THE WITNESS: The only people -- the only
19 elected officials that I have spoken to regarding the
20 flyer are Falguni Patel and Beth Moroney.

21 COUNCILMEMBER LOMBARDI: And that was in the
22 last week that you spoke to them about this?

23 THE WITNESS: I spoke to them ever since they
24 got the letter, so that's why I knew that the letter was
25 out.

1 COUNCILMEMBER LOMBARDI: Thank you. I have
2 nothing further.

3 COUNCILMEMBER JOSHI: What was the response?

4 THE WITNESS: About what?

5 COUNCILMEMBER JOSHI: The letter coming.

6 THE WITNESS: Whose response, Falguni's?

7 COUNCILMEMBER JOSHI: Anyone that you had
8 spoken to, any elected official or non?

9 THE WITNESS: I only spoke to Falguni and I
10 spoke to Beth Moroney about the flyer. There were a
11 couple of people who contacted me, but I did not talk to
12 them. But the only people I talked to about the flyer
13 were Falguni and Beth and Falguni was, like, I'm okay to
14 come and give a statement, but I want to give it after
15 June 4th, after the primaries happen, and Beth was, like,
16 you know, I am absolutely going to come and speak at this
17 place. And I was kind like to know why have they called
18 me because all of you guys know that I'm really not
19 connected to any of this and so I said, but I'll go
20 because -- I just voluntary go because, you know, I have
21 been invited for this so I'll just go.

22 COUNCIL PRESIDENT GOMEZ: Anything else from
23 the Committee?

24 COUNCILMEMBER COYLE: Thank you for coming out.

25 COUNCIL PRESIDENT GOMEZ: Anything else?

1 COUNCILMEMBER DIEHL: Council President, I
2 guess Shivi's finished? Okay. Thank you, Shivi.

3 COUNCIL PRESIDENT GOMEZ: Shivi, thank you very
4 much for coming out tonight.

5 (Witness excused.)

6 COUNCILMEMBER DIEHL: Where we are at this time
7 is that I believe we invited ten people tonight to be
8 interviewed. We truly want to thank the five that did.
9 There was a lot of testimony, a lot of information.
10 Thank you very much.

11 Question, though, you know, the other five that
12 aren't here, their names came up throughout the evening
13 and in fairness to all of them I do think it's important
14 that they come and tell their side of the story.

15 Now, I know that Miss Moroney stated that she
16 was advised by the Board of Education lawyer or lawyer
17 for the Board of Education that she and no one else
18 should testify and I want to get to that in a second.

19 Did we hear from Shariq Ahmad, did we hear from
20 him at all as whether he's coming or not coming? His
21 name came up. Do we know?

22 MR. MALIKSCHMITT: No, we have not heard a
23 response.

24 COUNCILMEMBER DIEHL: Okay. Because the
25 question now is, you know, this is very, very important.

1 You know, my initial thought was, sure, everybody would
2 come and share all the information and it's something we
3 all want to get to the bottom of it, at least that's what
4 a lot of people say, and we want to get to the bottom of
5 it. If you want to get to the bottom of it, come here
6 and help us get to the bottom of it. So I'm not sure how
7 we're going to proceed with some of the folks.

8 Now, we are going to send out more invitations,
9 there's more -- I know when the Subcommittee first got
10 together there was 20 to 30 people that we believed had
11 information with this, so there's plenty of people. So
12 Shariq Ahmad we certainly need to find out and, again,
13 this is in fairness to Shariq and in fairness to Jerry
14 Shi and, I believe, everybody else involved, I think it's
15 really important to hear from them. And I know as a
16 Committee -- as a Subcommittee, I probably speak for the
17 whole Council, we want to give them every opportunity we
18 can for them to come here, to be fair, so we understand
19 this better.

20 One thing I'm not really understanding, though,
21 and maybe our counselors can help us out with this. Why
22 would the Board of Education lawyer tell the members of
23 the Board of Education not to come for a racist flyer, a
24 racist flyer investigation, that it really has nothing to
25 do with the current Board of Education or any business

1 that they're doing.

2 MR. MALIKSCHMITT: I can only speculate as to
3 that.

4 COUNCILMEMBER JOSHI: Councilman, I think you
5 brought up an excellent point that needs to be noted,
6 especially by the press. I think it is absolutely
7 stupid, it's nonsense, it's irresponsible, it's reckless,
8 because taxpayer dollars are being used to -- taxpayer
9 dollars from the Board of Education right now are being
10 used to supposedly defend the Board of Education members
11 on an issue that is absolutely not related to the Board
12 of Education at all, whatsoever.

13 There's no reason why an attorney from the
14 Board of Education would direct -- first of all, any
15 attorney works for your client, it's never the other way
16 around. The Board of Ed attorney should not be directing
17 anyone and the Board of Education members, all of them,
18 if they choose to come at a later time, that's one thing,
19 and I can respect that, I can understand that, as you
20 said Falguni wanted to do that. But what is absolutely
21 ridiculous is for taxpayer dollars to be used to defend
22 or allegedly defend Board of Education members on this
23 case. Two totally separate issues, absolutely
24 ridiculous.

25 COUNCILMEMBER DIEHL: And there's another point

1 that was brought up tonight too. Unless we find out
2 differently, the Board of Education never took any type
3 of formal vote, it wasn't a Resolution to retain this
4 lawyer to give that advice.

5 COUNCILMEMBER LOMBARDI: I agree, Councilman
6 Diehl, and I want to thank Beth Moroney for doing what's
7 right and testifying despite this directive or
8 recommendation and I plan on finding out whether the
9 taxpayers of Edison are footing the bill for this
10 supposed representation.

11 COUNCILMEMBER COYLE: Council President.

12 COUNCIL PRESIDENT GOMEZ: Go ahead, Mr. Coyle.

13 COUNCILMEMBER COYLE: I did have a conversation
14 with Shariq Ahmad and he mentioned he will be
15 participating. It's Ramadan this week and he gave at a
16 short statement here, but in short of it, it just
17 basically says his timing of his notice didn't qualify
18 for him to be here on time and it is Ramadan for him, but
19 he did mention to me he would appear. So the timing, but
20 certainly he intends to come. I have a statement he
21 wrote to read if you want to read it.

22 COUNCILMEMBER DIEHL: My only question is, a
23 couple of minutes ago I just asked the question where's
24 Shariq, does anybody know anything about it. So --

25 COUNCILMEMBER COYLE: I was waiting for you to

1 finish. I wasn't being rude.

2 COUNCILMEMBER DIEHL: Go ahead.

3 COUNCIL PRESIDENT GOMEZ: Is this the statement
4 that was passed to the attorneys or?

5 COUNCILMEMBER COYLE: Do you want to read it?

6 COUNCILMEMBER LOMBARDI: I prefer that
7 Mr. Ahmad appear and give a statement as opposed to
8 reading a written statement and it's a little strange
9 that he had the time to write out a statement and provide
10 it to Councilman Coyle, yet he didn't have the time to
11 make a telephone call to either Mr. Dressel or Mr.
12 Malikschnitt and advise them as to the reasons why he
13 couldn't make it tonight.

14 (Audience applause.)

15 COUNCIL PRESIDENT GOMEZ: Okay. Do we have
16 anything else to add?

17 COUNCILMEMBER COYLE: Council President, I'm
18 not here to stick up for him. He claims that the letter
19 was written from to his attorney; is that true or false?

20 MR. MALIKSCHMITT: A letter was written?

21 COUNCILMEMBER COYLE: A letter was written by
22 an attorney.

23 MR. MALIKSCHMITT: I have received no letter
24 from him or his attorney at this time. That doesn't mean
25 he didn't write it, I haven't received it.

1 COUNCILMEMBER COYLE: He sent a copy of the
2 letter to me. I can give it to you. I don't see it
3 being a problem of him appearing, but I'm just passing
4 the message given to me.

5 COUNCIL PRESIDENT GOMEZ: Thank you, sir.

6 Okay. If we have nothing else I want to
7 remind everybody that we will be holding our second
8 meeting on Thursday, May 23rd here for the continuation
9 of the Committee of the Whole. So, again, it's going to
10 be here in Council Chambers, Thursday, May 23rd at 7 p.m.

11 We are -- we need a motion to reconvene as this
12 meeting will stay open.

13 COUNCILMEMBER DIEHL: Motion to reconvene.

14 COUNCILMEMBER PATIL: Second.

15 COUNCIL PRESIDENT GOMEZ: All in favor?

16 (All Councilmembers responded in the
17 affirmative.)

18 COUNCIL PRESIDENT GOMEZ: Good evening,
19 everyone, and thank you for coming tonight.

20 (Hearing adjourned at approximately
21 10:04 p.m.)

22

23

24

25

C E R T I F I C A T E

I, MARIA F. PIOTROWSKI, a Registered Professional Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the hearing of the Meeting of the Whole.

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

Maria F. Piotrowski, RPR

Registered Professional Reporter

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