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IN THE MATTER OF THE INDEPENDENT  
INVESTIGATION UNDER EXECUTIVE  
LAW 63 (8)  
-----x

VIRTUAL ZOOM INVESTIGATION

May 17, 2021  
11:33 a.m.

TESTIMONY of BRITTANY COMMISSO, taken by the  
First Deputy Attorney General of the New York  
Attorney General's Office in the above-entitled  
action remotely held, taken before William  
Visconti, a Shorthand Reporter and Notary Public  
within and for the State of New York.

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A P P E A R A N C E S:

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BY: BRIAN PREMO, ESQ

ALSO PRESENT:

MARCO SOZIO, Videographer.

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THE VIDEOGRAPHER: Good morning, we are going on the record at 11:33 a.m. on May 17, 2021. Please note that the microphones are sensitive and make pick up whispering, private conversations and cellular interference. Audio and video recording will continued to take place unless all parties agree to go off the record.

This is media unit one of the recorded interview of witness May 17th, 2021, taken by Special Deputy for New York Attorney General's Office in the matter of the Independent Investigation Under the New York State Executive Law Section 63 (8). The interview is being held by remote virtual Zoom located at Albany, New York, 12211.

My name is Marco Sozio from the firm Veritext and I'm the videographer. The court report is William Visconti from the firm Veritext New York.

I'm not authorized to administer an oath. Will the court reporter please swear in the witness.

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B R I T T A N Y C O M M I S S O ,  
having been first duly sworn by the Notary Public,  
was examined and testified as follows:

EXAMINATION CONDUCTED BY MS. CLARK:

Q. Miss Commisso, can you state your name for the record and your home address?

A. Sure, my name is Brittany Commisso. I currently live at [REDACTED]  
[REDACTED] [REDACTED]

Q. Thank you meeting with us again today. As you might remember my name is Anne Clark and I have been appointed as a Special Deputy to the First Deputy Attorney General. I will allow the other folks to introduce themselves who are here.

MR KIM: How are you, good to see you again. My name is Joon Kim, I'm with the law firm of Cleary, Gottlieb but also one of lawyers appointed as a Special Deputy to the First Deputy Attorney General to conduct the independent investigation into allegations of sexual harassment by the Governor. Good to see you again. Thank you for joining us.

1 BRITTANY COMMISSO

2 MR. CUKOR: Thank you for joining  
3 us today. My name is Ezra Cukor and I'm  
4 from Anne's firm, Vkadeck, Raskin & Clark  
5 and I'm another one of the attorneys  
6 appointed to assist with this investigation.

7 Q. Feel free to call me Anne. The  
8 New York Attorney General has appointed my  
9 firm, Vladeck, Raskin & Clare and the other law  
10 firm, Cleary, Gottlieb, Steen & Hamilton to  
11 conduct an independent investigation under New  
12 York Executive Law Section 63 (8) into  
13 allegations of sexual harassment brought  
14 against Governor Andrew Cuomo as well as the  
15 surrounding circumstances and you're here today  
16 pursuant to subpoena issued in connection with  
17 this investigation.

18 First I want to note that as you  
19 are aware that today's proceeding is being  
20 video recorded. You have been sworn in and  
21 you're testifying today under oath. That means  
22 you must testify fully and truthfully as if you  
23 were in a court of law sitting before a judge  
24 and jury and your testimony is subject to  
25 penalty of perjury. Do you understand that?

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BRITTANY COMMISSO

A. Yes.

Q. At the end of today, if you want to make any sworn statements, something that we didn't cover that you want to put on the record, feel free to do so and I will remind you at the end about that.

I would also advise, although our investigation is a civil investigation, that the Attorney General's Office also has criminal enforcement powers so you do have the right to refuse to answer a question if it would incriminate you. However, if you refuse to answer a question it could have implications in any civil or criminal or proceeding.

You're appearing today with your attorney. You can consult with your attorney on matters of whether there is a privilege at issue, but otherwise your attorney cannot make objections or interfere with the questioning.

As you can see from the array of people, we have a court reporter present with us in addition to the videographer and he needs to take down both my questions and your answers to create a transcript. In order to have a

1 BRITTANY COMMISSO

2 clean record, you need to give a verbal  
3 response. So if you gesture or say ah huh or  
4 ah hum, that doesn't get captured very easily  
5 by the person taking down our words.

6 The other thing is, it is very  
7 important, I will do my best, it is harder with  
8 Zoom, I will make sure that you finish  
9 answering before I start asking my next  
10 question and I ask that you wait until I finish  
11 talking before you answer because it makes the  
12 court reporter's life difficult.

13 If you don't understand a  
14 question, let me know and I will try to  
15 rephrase it in a way that makes sense. Do you  
16 understand all of that so far?

17 A. Yes.

18 Q. You're not going to be permitted  
19 to view a transcript of this testimony.

20 However, if at any time you want to clarify  
21 something that we discussed earlier, just let  
22 me know and say you want to correct something  
23 or you want to add something to a prior answer,  
24 that is perfectly fine.

25 There will be times I will be

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BRITTANY COMMISSO

asking you about specific information such as names or dates, if you don't remember exactly you can let me know to the best of your ability. For a date if you know it was some time in March or a person's name, you remember their first name and not their last name, as much information as you can provide will be helpful.

We will take breaks throughout the day. If you need a break at any point let me know and we can certainly take a break. We just want you to answer whatever question is pending before we take the break.

I want to confirm that you and your attorney are the only ones into the room right now; is that correct?

A. Yes.

Q. I want to confirm that you and your lawyer are not using any technology to create your own recording of this proceeding including any screen capturing tools; is that correct?

A. Correct.

Q. I want to confirm neither you nor



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BRITTANY COMMISSO

your lawyer are allowing anyone else to listen including through phone or any other devices, correct?

A. Correct.

Q. We want to direct you that neither you or your lawyer should be communicating during today's testimony with anyone as to what is going on. We also want to advise you for this testimony under the Executive Law Section 63 (8), it prohibits you from revealing whatever we are discussing with anyone. So if anyone asks you or your attorney to disclose what are the subjects that we discussed, please let us know, including if they provided any reason why they are asking these questions and we at that point can discuss whether any disclosure is permitted. Do you understand that?

A. Yes.

Q. Are you taking any medication or drugs that would make it difficult for you to understand my questions?

A. No.

Q. Have you had any alcohol today?

1 BRITTANY COMMISSO

2 A. No.

3 Q. Is there any other reason why you  
4 wouldn't be able to answer my questions fully  
5 and truthfully today?

6 A. No.

7 Q. Have you ever given testimony  
8 before in any proceeding?

9 A. No.

10 Q. Other than conversations with your  
11 attorney, which I'm not asking you to reveal,  
12 did you do anything to prepare for today's  
13 testimony?

14 A. No.

15 Q. Did you speak to anyone else about  
16 your testimony today other than your attorney?

17 A. No.

18 Q. Now, there should have been sent  
19 to your lawyer's office a box that has some  
20 exhibits in it. Okay, if you can unseal that.

21 A. Should I open it?

22 Q. Yes. And there should be two  
23 binders and one is for you and you can give one  
24 to your attorney.

25 A. Okay.

1 BRITTANY COMMISSO

2 Q. If I could ask you to turn to the  
3 first tab.

4 (Exhibit 1 for identification,  
5 Testimony subpoena.)

6 Q. Have you seen this document  
7 before?

8 A. Yes.

9 Q. Is this the testimony subpoena  
10 that you received from our office?

11 A. Yes.

12 Q. And did you read the subpoena?

13 A. Oh wait, I'm sorry. Oh, this is  
14 the subpoena for today.

15 Q. For today, for your testimony  
16 today.

17 A. I apologize, I have not seen this  
18 before.

19 Q. Take a moment to read it then.

20 A. Sure, thank you.

21 (Witness reviewing document.)

22 A. Okay, I read through it.

23 Q. So you understand that you're  
24 testifying here today pursuant to that  
25 subpoena?

1 BRITTANY COMMISSO

2 A. Yes.

3 Q. You can set that aside. I want to  
4 ask you a little bit about your background.  
5 How far did you get in school?

6 A. I have received my bachelor's  
7 degree in political science from SUNY Albany.

8 Q. What year did you get your  
9 bachelor's degree?

10 A. Guy my bachelor's degree in 2011,  
11 if I remember correctly.

12 Q. Why don't you take us through your  
13 employment history between getting your  
14 bachelor's degree and when I went to work for  
15 the Executive Chamber.

16 A. Sure. I received my bachelor's  
17 degree from the State University at Albany.  
18 From there I worked for Albany County until  
19 2017. In December of 2017 is when I began work  
20 at the Executive Chamber for New York State.

21 Q. How did you get your first  
22 position with the Executive Chamber?

23 A. I was asked by a friend of mine  
24 who I went to high school with who had been  
25 working at the Executive Chamber if I was ever

BRITTANY COMMISSO

1  
2 interested in coming over to work for the state  
3 and in particular the Executive Chamber and I  
4 had said yes. With my political science degree  
5 and my interest in politics, I thought that  
6 would be a great opportunity and gave her my  
7 resume. It is someone that I went to high  
8 school with. She took my resume and said if  
9 anything opens open up, that she would  
10 definitely put it in.

11 I would say a few months went by  
12 and she reached out to me and she said there  
13 was an opportunity with the Executive Chamber  
14 with the [REDACTED].  
15 At this time his name was [REDACTED] and he  
16 was looking for an executive assistant and if  
17 she want to put my resume in and I said sure.  
18 It sounded like a good opportunity. It would  
19 have been a little bit of a pay raise for me  
20 and so she put my resume in and I got called  
21 for an interview. I interviewed with [REDACTED]  
22 [REDACTED] and I got the position. It was offered  
23 to me and I accepted.

24 Q. What is the name of your high  
25 school friend who helped you get that position?

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BRITTANY COMMISSO

A. [REDACTED]

Q. When did you start working in the Executive Chamber working for the [REDACTED] [REDACTED] ?

A. In mis-December, 2017.

Q. Where were you located in that first position? Where was your office?

A. I was located on the -- in room 234, I believe, and that was on the nonsecure side of the second floor. State operations. There is where a lot of state operations folks are.

Q. How long did you hold the position being of an executive assistant to the [REDACTED] [REDACTED] ?

A. I was there from December, 2017 until January of 2019.

Q. During that time did you do any work for the Governor?

A. No.

Q. How did your job change in 2019?

A. In January of 2019 I had made a good relationship with the transportation portfolio, we worked with the Department of

1 BRITTANY COMMISSO

2 Motor Vehicles, DOT, the Thruway Authority, I  
3 had been helping out a lot in the other state  
4 operations teams when they needed help. So I  
5 thought I was doing a good job, I had inquired  
6 to the [REDACTED] at  
7 the time who was [REDACTED] if I could be  
8 considered maybe for a little bit of a raise  
9 due to my efforts. Unfortunately at that time  
10 he didn't believe that that was an option.

11 Then I was speaking to [REDACTED]  
12 [REDACTED] who was the [REDACTED]  
13 [REDACTED] who had expressed that his  
14 executive assistant was retiring and if I would  
15 like to be considered. He thought I did a good  
16 job. He said that you've always been a kind  
17 and smart and capable person, and I said sure.  
18 So I gave him my resume and on top of that I  
19 had also received a 100 on the PCO civil  
20 service exam. So not only was I able to go  
21 over to the Department of Transportation I was  
22 also able to use my civil service status. That  
23 was a little bit of a pay increase for me, so  
24 it was a good opportunity.

25 Q. What does PCO stand for?

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BRITTANY COMMISSO

A. Professional Career Opportunities.

It is a test that the state gives to anyone that holds a bachelor's degree or higher and instead of taking a state test for one position it offers an array of options depending on how you score and I scored 100.

Q. Before you took that test was your job a civil service position?

A. No. That was management confidential.

Q. Once you took the civil service test, was your position then with [REDACTED] a civil service position or was it still management confidential or something else?

A. Civil service.

Q. How long were you the executive assistant for [REDACTED] ?

A. I was there until that June of 2019.

Q. What happened in June?

A. Throughout the time that I was working at the Department of Transportation for [REDACTED] I had expressed interest to the Executive Chamber that if anything were to come



1 BRITTANY COMMISSO

2 back up that to please consider me. Due to the  
3 reasons being I missed the hustle and bustle of  
4 the second floor. I enjoyed my time there.  
5 The only reason that I left was because I also  
6 the wanted to -- I wanted to try something  
7 different and I also the salary was an increase  
8 for me. But to keep me in mind. So I had  
9 always left on good terms.

10 They told me the door was always  
11 open if I wanted to come back. So they said  
12 they would keep me in mind. I also expressed  
13 that to [REDACTED] as well. I would say that  
14 working at the Department of Transportation was  
15 a good opportunity but a little less busy. I  
16 didn't believe that I was ready for that in  
17 that part of my career yet.

18 Q. When you worked for [REDACTED]  
19 where were you physically located?

20 A. I was physically located in the  
21 executive suite in a cubicle right outside of  
22 his office.

23 Q. Where was the executive suite?

24 A. I don't remember what floor. It  
25 was the Department of Transportation building

1 BRITTANY COMMISSO

2 on Wolf Road.

3 Q. You weren't in the capitol  
4 building?

5 A. No.

6 Q. Who in the Executive Chamber were  
7 you letting know that you remained interested  
8 in retuning to the Executive Chamber?

9 A. The director of administration who  
10 is Lauren Grasso.

11 Q. And then what happened in June of  
12 2019 to change your position?

13 A. In June of 2019 Lauren had let me  
14 know that John Azzopardi, he was at the time  
15 the senior advisor to the Governor. John's  
16 assistant was going over to a new role in the  
17 Chamber and that he was looking for someone to  
18 come and preferably someone that had prior  
19 experience in the Chamber which I had. And I  
20 also had known John from when I worked there  
21 previously and thought that I would learn a lot  
22 from him. Due to I worked over at the state  
23 operations side and this was more involved.  
24 This was on the secure side. This was working  
25 for the senior advisor to the Governor and I

1 BRITTANY COMMISSO

2 felt like it was a good opportunity.

3 Q. Where did you sit when you went  
4 to work for Mr. Azzopardi?

5 A. I worked in room 229, which is, as  
6 I said, on the secure side of the floor. I would say  
7 across the hall from the Governor's office to  
8 the left.

9 Q. How long did you work for  
10 Mr. Maggiore?

11 A. I worked for Mr. Maggiore from  
12 June, 2019 until I would say the beginning of  
13 the pandemic, March of 2020.

14 Q. What were your responsibilities for  
15 Mr. Maggiore?

16 A. I was his -- my title was  
17 executive assistant to the senior advisor to  
18 the Governor. My roles and responsibilities  
19 were, I did a lot, I answered the phones for  
20 him, I would put together his briefing book, I  
21 was in charge of his traveling, his calendar,  
22 his meetings. I did it all. I mean I was  
23 doing things that I wasn't doing when I worked  
24 for [REDACTED]

25 [REDACTED]

1 BRITTANY COMMISSO

2 Q. You mentioned Miss Grasso, what  
3 was her role in Chamber?

4 A. Lauren, she was the -- she still  
5 is director of administrative -- director of  
6 admin and prior to that she was also one of the  
7 counsel to the Governor.

8 Q. What were her areas of  
9 responsibility?

10 A. As director of administration she  
11 is in charge of hiring, she is charge of  
12 keeping the data -- I apologize, I'm not sure  
13 all of her roles and responsibilities, but she  
14 is in charge of who is coming in, who is going  
15 out, compensation, she keeps all spreadsheets  
16 of the employment history. She has all the  
17 personnel files. I'm not sure what else she  
18 does.

19 Q. Is there anyone else other than  
20 her that has any sort of functions that in some  
21 organizations are called human resources?

22 A. She does have a deputy, but I  
23 wouldn't say she is involved that much into  
24 that decision-making.

25 Q. When you worked for Mr. Maggiore,

1 BRITTANY COMMISSO

2 did you ever do any work for the Governor?

3 A. When I first started working for  
4 Mr. Maggiore, no. I was directly working for  
5 John.

6 Q. At some point did you start  
7 performing work for the Governor?

8 A. Yes.

9 Q. When was that?

10 A. I would say that was November of  
11 2019.

12 Q. Prior to the time that you started  
13 doing work for the Governor, had you interacted  
14 with him at all or met him?

15 A. Yes.

16 Q. How many times had you met or  
17 interacted with the Governor prior to November  
18 of 2019?

19 A. I had -- we had something in the  
20 Chamber called Saturday coverage. That is --  
21 there is no one specific that has to do it. It  
22 just has to be one of the executive assistants  
23 on the second floor and that just means  
24 somebody has to come into the office every  
25 Saturday from 10 until 4 and we have a sign up

1 BRITTANY COMMISSO

2 sheet with every date on Saturdays. So that  
3 just means that you answer the phone and take  
4 down any messages or connect the Governor if he  
5 needs the call connected.

6 I had done that I would say it was  
7 around Easter, Easter of 2018 when I did my  
8 first Saturday in front office as they called  
9 the Governor's office and I met him. That was  
10 my first meeting of him.

11 Q. We will come back to that. In  
12 November of 2019 when you started doing some  
13 work for the Governor, how did that come about?

14 A. In November, 2019 the Governor's  
15 office which consisted of the Governor,  
16 Stephanie Benton who is his top assistant,  
17 Stephanie had reached out to John, I believe,  
18 asking if any of his people would be willing to  
19 help if they needed help. Whether it be with  
20 dictation, in the office, the Governor has  
21 assistants in his office already and they  
22 wanted to see if they could start asking other  
23 people to help if they needed help. Not to  
24 burden the assistants that were already there.  
25 Because at the time the office was very busy.

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BRITTANY COMMISSO

Q. Did Mr. Maggiore speak to you about it or you spoke to Miss Benton directly or whatever?

A. I'm not sure of their conversation, all I know is that John expressed to me there had been some kind of reach out in regards to if some of his people would be able to help if we were asked to. And he said that he didn't have a problem with it and if we had a problem with it and I said no. I've always been a team player and whatever we needed to do I would make myself available.

Q. You said we, was there anyone else on Mr. Maggiore's team that started helping out would Governor?

A. Yes.

Q. Who else?

A. There was [REDACTED], she was [REDACTED]. We also had [REDACTED] [REDACTED] that was doing [REDACTED] [REDACTED] and also [REDACTED], and [REDACTED] was the [REDACTED]. So we had a little group of us. We all the sat in room 229.

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BRITTANY COMMISSO

Q. Did all four of you start helping out in the Governor's office?

A. So I would say that [REDACTED] and I were at the first Saturday that I was officially asked to go over and work at the Governor's mansion to help him with State of the State with [REDACTED]. The two of us went over on a Saturday morning and helped.

Q. Was this in November, 2019 or later?

A. I believe it was November, 2019.

Q. We will come back to that in a minute. When Miss Benton first spoke to Mr. Maggiore about some of his staff helping out, who were the executive assistants in the Governor's Albany office.

A. So at the time it would have been -- let's see who was there at the time. Executive Assistant #3, [REDACTED], and I believe Executive Assistant #2 was there. Yes, she was there.

Q. When you started helping out in the Chamber in November, 2019 did you know Executive Assistant #3, [REDACTED] or Executive Assistant #2 at that point?



1 BRITTANY COMMISSO

2 A. Yes.

3 Q. How well did you know them at that  
4 point?

5 A. As a colleague.

6 Q. I want to walk through the rest of  
7 your positions before we start talking about  
8 some of the details.

9 You started helping out in the  
10 Governor's office in November, 2019, but you  
11 still worked for Mr. Maggiore; is that correct.

12 A. Correct.

13 Q. How long did that go on for?

14 A. That went on from that moment on.

15 Q. Did there come a time when you no  
16 longer reported to Mr. Maggiore or no longer  
17 did work for him?

18 A. No, I continued to do work for  
19 Mr. Maggiore along with helping with the front  
20 office.

21 Q. You mentioned earlier about things  
22 changing I think with the pandemic. How, if at  
23 all, did your responsibilities change when the  
24 pandemic happened?

25 A. During the beginning of the

BRITTANY COMMISSO

1  
2 pandemic in early March of 2020 I was almost  
3 doing more work for the front office than I was  
4 for Mr. Maggiore. I would check in with  
5 Mr. Maggiore and see if he needed anything  
6 done, but then would let him know that I was  
7 asked to help in the front office again. At  
8 the time [REDACTED]

9 [REDACTED]  
10 [REDACTED]  
11 And we were -- also I think she was a little  
12 concerned about the Carona Virus and [REDACTED]  
13 [REDACTED] so she would take time off. When she  
14 took time off she would bring me in whenever  
15 they needed help, which is quite often.

16 I would say in the middle of March  
17 one of my colleagues who I worked in the suite  
18 229 was diagnosed with COVID, and I immediately  
19 was told to go home and to get a COVID test and  
20 to quarantine for two weeks, which I did.

21 Q. When you came back what happened?

22 A. So I actually after the two weeks,  
23 I had e-mailed Stephanie Benton and asked her  
24 if I could come back. My quarantine was up and  
25 I didn't have COVID, and I believe she and Jill

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BRITTANY COMMISSO

DesRosiers, the chief of staff at the time, had spoke and said Brittany why don't you stay home. They were all set. I believe that is when they brought in Charlotte Bennett to help.

Q. What happened with respect to your responsibilities?

A. At the time we all were asked to go home, so our whole suite, including John. John since that moment never went back into the office. He was working from home and so he took his leave of absence and has not yet returned. I don't believe he is.

So I was home for quite a long time asking to do whatever I could do from home in regards to Mr. Maggiore. I couldn't do anything for the Governor's office because a lot of those duties required you to be in the office. So at that moment I stopped doing anything for the front office.

Q. When did Mr. Maggiore go on leave?

A. He was working from home until I believe the beginning of the summer. I don't remember the exact date. But during that time I had also reached out to Lauren Grasso and

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1  
2 said -- I'm not one to sit home and not do  
3 anything, going from how busy I was in the  
4 beginning of the pandemic to now being home  
5 with not much to do, I reached out to Lauren  
6 and I was helping out with the hotline. Where  
7 people would call in and say they could give  
8 PPE. I was doing a couple of things for John  
9 in regards to scheduling meetings and that was  
10 for a couple of months.

11 Q. After Mr. Maggiore went out on  
12 leave, did you do any work for him?

13 A. For Mr. Maggiore?

14 Q. Yes.

15 A. No.

16 Q. He was like on a real leave, he  
17 wasn't doing work on the leave?

18 A. Yes, no.

19 Q. To your knowledge is he still on  
20 leave?

21 A. Yes.

22 Q. So after helping out with the  
23 hotline, what the is next stage of how your  
24 duties changed, if at all?

25 A. Sure. I would say it was the

1 BRITTANY COMMISSO

2 beginning of the summer, I reached out to  
3 Lauren and I said, I would like to help out, I  
4 would like to get back to the office. I just  
5 felt I couldn't stay home any longer and keep  
6 collecting a paycheck without doing anything.  
7 I felt like I could do more and wanted to do  
8 more.

9 She said we had a testing room in  
10 the capitol. We had an Abbott machine and we  
11 had a nurse and we were doing in-house testing.  
12 And that there was nobody keeping track of it  
13 and she said that it hadn't been going as  
14 smoothly as they wanted it to because they were  
15 relying on Lauren and Lauren was down the hall  
16 in her office with too many things of her own  
17 to do. Therefore if I could come and sit at  
18 the desk outside of the testing room and keep a  
19 Excel spreadsheet of the employees and who was  
20 coming in and who was being tested and if I  
21 could keep track of that, and I said sure.

22 Q. What period of time did you do  
23 that for?

24 A. I believe it was for the whole  
25 summer. Late spring into the summer.

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Q. During that time did you help out at all in Governor's office?

A. No.

Q. After your time at the desk at the testing center, what was the next change, if any, in your duties?

A. So while I was in the testing center I wasn't helping at all with the front office. At the time the ladies that were working in there were EA #3 , EA #2 , Charlotte and Alyssa. And so if one of them had to go to an appointment, I would say -- they might ask me to come in and sit there until they got back. But that was the most that I had been doing.

When Charlotte was asked to go to her new position or when she went to her new position, that is when it was just EA #2 , EA #3 and Alyssa helping out in the front office. I asked them if they needed me to step in due to Charlotte moving to her new position and I was told that they were okay and if they needed anyone to cover, if someone had an appointment or they had to step out for a couple of minutes

1 BRITTANY COMMISSO

2 that they would let me know.

3 Q. When was it that Charlotte Bennett  
4 moved to her new position?

5 A. I don't recall the date.

6 Q. Was it early summer, midsummer,  
7 late summer, can you explain? Spring?

8 A. I would say late summer.

9 Q. Did anyone tell you why Miss  
10 Bennett was changing positions?

11 A. No.

12 Q. You mentioned Alyssa, who is  
13 Alyssa?

14 A. Alyssa is a colleague of mine and  
15 also a friend of mine.

16 Q. How long have you been friends  
17 with Miss McGrath?

18 A. We went to high school together.  
19 So my freshman year which was in 2002.

20 Q. Are you still friends with  
21 Miss McGrath?

22 A. Yes.

23 Q. When did she start working for the  
24 Governor's office?

25 A. She started working I believe it

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BRITTANY COMMISSO

was maybe March of 2018, March/April. It was early 2018.

Q. Was she an executive assistant to the Governor starting in March of 2018 or did they have some other role?

A. No, she had another role.

Q. What his first role?

A. She was executive assistant to [REDACTED]. I don't remember his title.

Q. Do you know how she got that role?

A. Yes, she had expressed that she wasn't happy at her job at the time and I had -- I knew that we were hiring for an executive assistant, so I told her to give me her resume and I pass it along to the office of administration.

Q. When did she move from working for [REDACTED] to working for the Governor, if you know?

A. She had been asked if she would be interested to help in the front office. I believe that [REDACTED] was the one who approached her about it. And I don't recall when she approached her, but it was a lot earlier than me.



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Q. So you said first when Miss Bennett change jobs you asked if they needed help and they said they were fine. Did that change at any point?

A. Yes.

Q. When did that change?

A. That changed when -- they expressed to me that the Governor, Stephanie and Melissa were not giving Alyssa as much as they had used to. They weren't sharing meeting invitations with her. When the Governor would call or if Stephanie would call, normally they would speak to any one of us, but they had sort of stopped utilizing Alyssa as much as they used to.

Q. Who told you that?

A. **Executive Assistant #2**.

Q. Did she tell you why they weren't using Miss McGrath as much?

A. No.

Q. So then what happened with regard to your responsibilities?

A. So as far as I can remember I was then asked if I wanted to join the front office

1 BRITTANY COMMISSO

2 staff full-time and EA #2 had said that she had  
3 talked to Lauren and that Lauren was going to  
4 talk to Stephanie Benton and see if I could --  
5 because at that time I was jumping from the  
6 testing room to the front office. And I really  
7 just wanted one home. I wanted something that  
8 I could focus on and excel in and she said  
9 would I be interested in working with us in the  
10 front office full-time, and I said sure. And  
11 she said okay, Lauren is going to talk with  
12 Stephanie about it and Lauren and Stephanie  
13 talked about it and Stephanie said yes. The  
14 Governor really likes Brittany and I like  
15 Brittany and yes, let's bring her on full-time.

16 Q. When you became full-time  
17 when was that?

18 A. I believe that was I would say the  
19 beginning of fall of 2020.

20 Q. Where did you physically sit when  
21 you came full-time with the Governor's office?

22 A. In 229. And due to the pandemic,  
23 the Governor and Stephanie and Melissa put  
24 their assistants in 229 to limit the amount of  
25 traffic in the front office.

1 BRITTANY COMMISSO

2 Q. Who was sitting in 229 when you  
3 became full-time?

4 A. It was me, Executive Assistant #2, EA #3  
5 [REDACTED] and Alyssa McGrath was still sitting in  
6 there.

7 Q. Was Alyssa working full-time for  
8 the Governor's office at that point or was she  
9 doing anything else?

10 A. She was starting to help [REDACTED]  
11 [REDACTED].

12 Q. What was [REDACTED] position?

13 A. I'm not sure of his title.

14 Q. Are you still full-time in the  
15 Governor's office

16 A. Yes.

17 Q. Who are currently the executive  
18 assistants to the Governor?

19 A. Executive Assistant #3, Executive Assistant #2 and  
20 myself.

21 Q. Are you still in room 229?

22 A. Yes.

23 Q. Is anyone else in room 229?

24 A. No.

25 Q. Where does Miss McGrath sit now?

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A. She sits over in 235. I believe that is the room number. A nonsecure side of the floor working for [REDACTED].

Q. At any point in your employment in the Executive Chamber were you told of any special privileges you got for working in the Chamber?

A. I wasn't necessarily told about the special privileges. It was something that you noticed working in the Executive Chamber. And we are given every year New York State police cards and stickers that we are told just to keep in our wallets just in case. But there was never any particular conversation as to what they could get you out of or what kind of benefit they would give to you.

Q. When is the first time that you got a card or sticker from the state police?

A. In 2018.

Q. What was your role at that point?

A. I was the Deputy Secretary for Transportation's assistant.

Q. Who gave you the first card or sticker that you got?

1 BRITTANY COMMISSO

2 A. I don't remember.

3 Q. You said this happened every year.  
4 Did you get one every year thereafter?

5 A. Yes.

6 Q. Do you recall who gave them to you  
7 on other occasions?

8 A. I can recall who gave it to me  
9 last year, that was one of the senior  
10 investigators for the Governor. He actually  
11 signed the back of it with his cell phone  
12 number, I believe it says call any time. And  
13 we were also given them for this year from I  
14 believe it was -- excuse me, I don't remember  
15 his name at the moment. Oh, yes, I do.  
16 Vincent Strafacci.

17 Q. I ask you to look at tab 2 in the  
18 binder.

19 (Exhibit 2 for identification,  
20 Blowup of a state police card.)

21 Q. So that first page -- you don't  
22 have to hold it up. The first page of this is  
23 a blowup of it looks like a card; is that  
24 correct?

25 A. Yes.

1 BRITTANY COMMISSO

2 Q. When did you get this card?

3 A. I got it in the summer of 2020.

4 Q. Was this the one that you were  
5 describing where somebody wrote call any time  
6 and a phone number?

7 A. Yes.

8 Q. Can you read what is written at  
9 the bottom?

10 A. Yes. Senior investigator [REDACTED] I  
11 don't know I think that is an [REDACTED] PSU.

12 Q. What is senior investigator  
13 [REDACTED] first name?

14 A. [REDACTED]

15 Q. Did he say anything when he gave  
16 it to you?

17 A. No.

18 Q. Did anyone else ever tell you what  
19 you can use this card for?

20 A. No.

21 Q. Was there any sort of talk in the  
22 office as to what you can do with a card like  
23 this?

24 A. It was understood that possibly if  
25 you got pulled over, if you showed the officer

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pulling you over this card it could be used as protection.

Q. When you say for protection, what do you mean by that?

A. I'm assuming the possibility of not getting a ticket or letting them know that you work for the Governor's office.

Q. Did you ever use any cards or stickers that you got from the state police?

A. No.

Q. Move to the next page in the same tab, what is this page?

A. This is the card that Major Vinny Strafacci gave to me this year, 2021.

Q. When in this year did he give it to you?

A. It was right -- it was on his last day of work. I don't remember the date.

Q. Did he say anything to you when he gave it to you?

A. No, just to sign it.

Q. He told you to sign it too?

A. Yes.

Q. Is that your signature?

1 BRITTANY COMMISSO

2 A. Yes.

3 Q. Do you know who else in Chamber  
4 got these cards from the state police?

5 A. I don't know particular names.

6 MR. KIM: Can I ask a quick  
7 question?

8 MS. CLARK: Yes, go ahead.

9 MR. KIM: Is there a reason that he  
10 gave you that card on his last day of work?

11 THE WITNESS: I'm not sure.

12 MR. KIM: It just happened to be  
13 his last day of work?

14 THE WITNESS: Yes. He told me  
15 that day he was retiring which that was the  
16 first time that I heard and on his way out  
17 he gave me that card and I guess it had  
18 been signed by him previously and told me  
19 to put my name on it.

20 MR. KIM: Thank you.

21 BY MS. CLARK:

22 Q. Do you know if the other executive  
23 assistants got these cards?

24 A. I'm under the impression that they  
25 must have, yes.



1 BRITTANY COMMISSO

2 Q. Did you ever see any of the state  
3 police giving cards to anybody else?

4 A. Yes.

5 Q. Who did you see them giving cards  
6 to?

7 A. I believe that they also gave them  
8 to EA #3 and EA #2

9 Q. Did Executive Assistant #3 or Executive Assistant #2  
10 ever tell you whether they ever had occasion to  
11 use these cards?

12 A. No.

13 Q. Do you know if Mr. McGrath got a  
14 card like that?

15 A. I don't know.

16 Q. After fall of 2019 you started  
17 doing more work for the Governor's office. Did  
18 you ever see -- have the opportunity to see how  
19 the Governor treated his staff?

20 A. Yes.

21 Q. How would you describe how the  
22 Governor treated the people that work for him?

23 A. It depend on who you were. I had  
24 seen him be tough. I had seen him raise his  
25 voice at certain people of his staff. I also

1 BRITTANY COMMISSO

2 seen him the way he treated executive  
3 assistants which was mostly kind, joking,  
4 funny, it was definitely different than the way  
5 he treated his more senior staff.

6 Q. Who were the senior staff who were  
7 treated differently?

8 A. Jill DesRosiers was his chief of  
9 staff at the time before she went on [REDACTED]  
10 leave. He would definitely -- he would yell at  
11 her. He would call her out in front of her  
12 peers on particular issues. He definitely  
13 wasn't -- he was very hard on her.

14 Q. Did he ever see her get upset  
15 when the Governor treated her that way?

16 A. No. It was none throughout the  
17 office that she would always handle herself in  
18 a very professional and calm manner and we  
19 would almost say it to ourselves, like, wow,  
20 she really handles herself better than we might  
21 have if we were in her position.

22 Q. Anyone else that you observed the  
23 Governor yelling at or treating harshly?

24 A. Yes. He would -- I personally  
25 witnessed him speak down to Richard Azzopardi

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who was also a senior advisor and worked in the press office. And I believe his words were you're lucky that I don't throw you out the window.

Q. When did he say that to Mr. Azzopardi?

A. I would say it was the beginning of this year.

Q. Was anyone else present other than you, the Governor and Mr. Azzopardi?

A. I don't recall.

Q. Do you recall what if anything led up to the Governor saying that Mr. Azzopardi was lucky that he didn't throw him out the window?

A. I'm not sure of their conversation.

Q. Any other times that you recall him being angry with Mr. Azzopardi?

A. No.

MR. KIM: Where were you when he said to that Mr. Azzopardi?

THE WITNESS: I was sitting in the main room of the office at the far left

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desk closest to the window and I heard it because he said it to him in Stephanie Benton's office which was right outside of my desk and the door was open.

MR. KIM: Did Mr. Azzopardi say anything in response?

THE WITNESS: No, he just walked out.

BY MS. CLARK:

Q. Did you ever see the Governor throw anything at Mr. Azzopardi?

A. No.

Q. Who else, if anyone, have you seen the Governor yell at or treat harshly?

A. He would go from zero to 60 in .2 seconds depending on the situation. So during his State of the State speeches this year a few of them were prerecorded and on one of the occasions he was in Melissa DeRosa's office and the audio wasn't matching up with his speech and he walked out of her office and took his fist and pounded it into the door of Melissa DeRosa's office and that was a sign that we knew, oh boy, the audio folks are in trouble.

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After that I believe he called a few of them in, I don't recall exactly who, but he wasn't happy.

Q. Was Miss DeRosa present for this?

A. Yes.

Q. Was she with the Governor or was she inside her office, where was she when he was pounding on her door?

A. She was at her desk.

Q. Where were you?

A. I was at my desk in the main area.

Q. Was anyone else present?

A. I don't recall. I don't remember who else was in that office at the time.

Q. Did you hear anything that the Governor said to the audio people?

A. No.

Q. Any other people or occasions where the Governor was angry or acting out?

A. He would -- there was an occasion this past year when he had a group at his conference table and he was definitely in a bad mood and he wanted something from me, I don't remember exactly what it was, but he called me

1 BRITTANY COMMISSO

2 in in a degrading manner. The word was honey  
3 and he said okay "honeeey", and he said it in a  
4 -- worse than that to the point where Staffer #2  
5 [REDACTED] who was on his speech writing team sent  
6 me a text message to my work phone and said  
7 something along the lines of, I'm sorry that  
8 happened. Which was -- I didn't ask him to say  
9 anything, he must have notice it himself and it  
10 must have made him uncomfortable to the point  
11 where he said something along the lines of, I'm  
12 sorry.

13 Q. Who was present in the Governor's  
14 conference table when he said this to you?

15 A. I don't remember Staffer #2 [REDACTED] being  
16 there. I believe there were a few other guys,  
17 but I don't remember exactly who. I just  
18 remember Staffer #2 [REDACTED] because he texted me shortly  
19 thereafter.

20 Q. Do you still have the text that  
21 Staffer #2 [REDACTED] sent you?

22 A. I do not.

23 Q. You said it was sent to your work  
24 phone, were you issued --

25 A. Yes.

1 BRITTANY COMMISSO

2 Q. What kind of phone were you issued  
3 by the Chamber?

4 A. An iPhone.

5 Q. And is the iPhones set to keep  
6 text for a certain period or delete them after  
7 a certain period of time?

8 A. No.

9 Q. Did you manually delete that?

10 A. I did at the time.

11 Q. Did you delete it right after  
12 seeing it or at some later point?

13 A. I think right after seeing it.

14 Q. When the Governor would say honey  
15 in the way they described, was he raising his  
16 voice?

17 A. Yes.

18 Q. Was there anyone outside of the  
19 conference room that might have heard this at  
20 the time?

21 A. I'm not sure.

22 Q. Were there any other occasions  
23 when the Governor raised his voice to you or  
24 treated you in a way that you considered to be  
25 demeaning?

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A. There was at one point this year when I don't believe that I did something the way that he wanted me to and he raised his voice at me and said next time if you don't understand something you better ask me instead of guessing. And the way that he said it was a little demeaning.

Q. When this year did that happen?

A. I believe it was possibly February.

Q. Where did this, the interaction, take place?

A. It was in the main room of the Governor's front office. There were two other women in the room.

Q. Who was present?

A. [REDACTED] and [REDACTED].

Q. What are their positions?

A. [REDACTED] is I believe taking over for the [REDACTED] who left in the beginning of this year and happened to be in that office, just they were kind of training her getting her used to the flow. And [REDACTED] [REDACTED] was hired as an executive assistant a



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2 couple of months prior to that.

3 Q. Executive assistant for the  
4 Governor or somebody else?

5 A. For the Governor, but she was  
6 doing a lot more and was issued a Blackberry.  
7 Now lately if you're issued a Blackberry, there  
8 is only a few of them, and that means that  
9 you're going to be talking to Governor via PIN.  
10 That is a form of communication that they use  
11 with their Blackberries. I don't have a  
12 Blackberry nor did EA #2 and EA #3. So she had  
13 the title, but she was definitely involved more  
14 than we were.

15 Q. Did she get a Blackberry as soon  
16 as she joined or did that happen at a later  
17 point?

18 A. I believe a couple of weeks after  
19 she joined.

20 Q. Did anyone tell you why a certain  
21 circle of people had Blackberries and communicated  
22 by PIN as opposed to using iPhones or something  
23 else?

24 A. No.

25 Q. Any other times where the Governor

1 BRITTANY COMMISSO

2 raised his voice to you or treated you in a  
3 manner that you considered like harsh?

4 A. No.

5 Q. Any other times where you saw him  
6 treating somebody else that way?

7 A. I would hear him talk down to a  
8 few of the senior staff members, particularly  
9 Jill DesRosiers. He would also at times yell  
10 at my boss on the phone, John Maggiore, if he  
11 was upset. He would at other members of staff,  
12 I just don't recall exactly who.

13 The offices in the front office  
14 are divided up by walls and doors. Most of the  
15 time the doors are open, but even though it is  
16 one suite, there are walls in between the front  
17 office, Stephanie's office, the Governor's  
18 conference room and Governor's office.

19 Q. Did you ever hear or observe the  
20 Governor getting upset or yelling at Melissa  
21 DeRosa?

22 A. No.

23 Q. Did you ever hear or observe the  
24 Governor raising his voice or yelling at  
25 Stephanie Benton?

1 BRITTANY COMMISSO

2 A. Yes.

3 Q. How often did you see or hear  
4 that?

5 A. Rarely.

6 Q. Now, amongst the executive  
7 assistants, was there any difference -- you  
8 said he was nicer generally to the executive  
9 assistants. Was there any difference how he  
10 treated the executive assistants among that  
11 group?

12 A. When all of us were together in a  
13 room, you definitely noticed that he was  
14 equally most of the time nice to all of us.  
15 There was always a basket of fruit and snacks  
16 that we would keep out in the main area. He  
17 would take an Apple and look around and say,  
18 okay, who wants to play catch and he would play  
19 catch with one of us. And he would ask us how  
20 we were or small talk. So most of the time he  
21 treated us, when we were all together, equally.

22 Q. Did you ever see how he treated  
23 any of the other executive assistants when it  
24 wasn't this sort of group setting? Did you  
25 hear anything or see anything?

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2 A. Yes, at times we would all be in  
3 the front office and we would notice that he  
4 would in front of us say, for example, EA #2  
5 you missed a word, you need to pay attention.  
6 And then he would take it from EA #2 and look  
7 over at me and say, Brittany, you do it. You  
8 never wanted him to do that because that would  
9 make you feel as if you did something wrong.  
10 And you never even wanted to make the Governor  
11 unhappy.

12 Q. Why didn't you want to make the  
13 Governor unhappy?

14 A. It was pretty much an unspoken  
15 rule. When you work in the front office you  
16 were there to serve the Governor and whatever  
17 he needed you did. Whether it was getting him  
18 a coffee or typing a letter or getting a call  
19 together. If the Governor asked you for  
20 instance how he did during a press conference  
21 or a particular meeting that might have been  
22 televised, you were to always give positive  
23 criticism. That was the --

24 Q. You said it was unspoken. Did  
25 anyone ever say that to you or say like, hey,

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2 if you want to get along here you'd better keep  
3 him happy and say nice things when he asks how  
4 he is doing or anything along those lines.

5 A. That would be generally small talk  
6 amongst us, me, EA #2 , EA #3 , ██████████ ,  
7 that was pretty much -- it was understood.

8 Q. You said he might call out EA #2 ,  
9 you got a word wrong, I'm going to give this to  
10 Brittany. Did that get spread around all the  
11 executive assistants or did some bear the brunt  
12 of it more than other?

13 A. I would say between the three of  
14 us, EA #3 was the more senior assistant, he  
15 would first call on EA #3 to do whatever  
16 dictation or get a call together, and if EA #3  
17 was busy he should have been asking EA #2 who  
18 was second senior and then I would be third,  
19 but at times he would skip over EA #2 and go to  
20 me. And that would make EA #2 feel naturally a  
21 certain type of way. She had been an actual  
22 executive assistant to the Governor longer than  
23 I had. So why would he not ask her and ask me.  
24 It was kind of a did I do something wrong.  
25 That is how it would make you feel.

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2 We would talk among ourselves  
3 whatever that would happen and say, I'm sorry,  
4 I hope you're not mad that he asked me and not  
5 you. Because once again, you never wanted to  
6 be not in good graces with the Governor.

7 Q. When that happened, did EA #2  
8 [REDACTED] know why when you were talking about it  
9 happened, did she say, oh, it must be because I  
10 did this or any other theories?

11 A. Yes, she would assume it must have  
12 been because I missed a word when we did  
13 dictation or I didn't do it fast enough. I  
14 didn't type it up fast enough for him. If that  
15 happened to me I would assume the same. I must  
16 have missed a word or forgotten to put a  
17 punctuation.

18 Q. Did she say whether the Governor  
19 told her she missed a word or was she just  
20 assuming if he is skipping over me it must be  
21 something like that?

22 A. I think there was a lot of  
23 assumptions. At times he would let you know.  
24 He would say things like, you need to pay more  
25 attention or, you know, if you have a question

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2 you need to ask. Don't just assume.

3 Q. You mentioned in terms of keeping  
4 the Governor happy, getting him coffee, did you  
5 get coffee within the office or did you have to  
6 go out and buy him coffee someplace?

7 A. We have a Dunkin Donuts located in  
8 the capitol on the first floor. Stephanie  
9 Benton would give us money to go get him a  
10 coffee or at times we would offer just to put  
11 it on our own account and pay for it ourselves.  
12 Or sometimes he would go into his own pocket  
13 and give us money and say can you get me a  
14 coffee and get yourself something too.

15 Q. When you paid, put it on our own  
16 card, was that when you offered or was that  
17 sometimes you paid for it and didn't get  
18 reimbursed, or something else.

19 A. That would happen if there was a  
20 lot going on and Stephanie would yell out or  
21 call us, can someone get of Governor coffee  
22 ASAP. She would say can someone get the  
23 Governor coffee ASAP and there just wouldn't be  
24 time to figure out who was paying for it and in  
25 that instance we would just pay for it

1 BRITTANY COMMISSO

2 ourselves and not ask for reimbursement.

3 Q. Why didn't you ask for  
4 reimbursement?

5 A. I in particular said that it was  
6 okay. I would pay for it.

7 Q. Did you ever hear anyone else in  
8 the Chamber complain about having to pay for  
9 coffee for Governor and not get reimbursed?

10 A. Not really, no.

11 Q. Have you seen any other members of  
12 senior staff yell at somebody or be harsh with  
13 them?

14 A. Yes.

15 Q. Who have you seen engage in that  
16 sort of conduct?

17 A. Melissa DeRosa.

18 Q. Anyone else?

19 A. Not really.

20 Q. How often did you see Miss DeRosa  
21 yell at or be harsh with somebody?

22 A. Quite a few times.

23 Q. Who were the targets of Melissa  
24 DeRosa's behavior?

25 A. Sometimes I would witness it being



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to reporters, newspaper reporters, or it would be to one of us, whether it be EA #3 or EA #2 or myself. For example, if we didn't get a call put together in time, she would yell out where is this call and what is taking you so long.

She would ask us to get her Starbucks which we don't have in the building, so that would mean that one of us would have to go in our cars and drive or we would ask one of the gentlemen who worked on the floor in the admin office if they could go pick it up for her. And if that was wasn't back in time she would say, where is my coffee or what is taking so long. She didn't have a lot of patience with us.

Q. How far was the Starbucks from the office?

A. The one downtown Albany closed at the beginning of pandemic, so we would either have to go to the one in Albany Med which is I would say a mile or two or the one in East Greenbush which is about 15 minutes away.

Q. Did Miss DeRosa give you or the

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other people running these errands money to pay for the Starbucks coffee?

A. Yes.

Q. Other than with the call or her coffee, any other thing that Miss DeRosa would raise her voice at you about?

A. No.

Q. Did you ever see her yell at any other senior members of staff?

A. Not that I recall at the moment.

Q. Now, you said that you were always looking to keep the Governor happy and if he asked for feedback that you would give him positive feedback. Were you aware of anyone giving him negative feedback when he asked how was that speech or event or anything along those lines?

A. One particular conversation I remember overhearing was a time right before Charlotte Bennett went to her new position that she was in the Governor's office and that I heard that he had asked her how she felt about how he was handling, I believe it was the Black Lives Matter movement and I had heard that she

1 BRITTANY COMMISSO

2 had given him some not so favorable feedback.

3 I wasn't part of that conversation between the

4 two of them, but I had heard that she had said

5 something along the lines of, well, people are

6 saying that you could be more involved. Also I

7 think she said you could be going to more of

8 these protests or events.

9 And then I heard that Stephanie

10 Benton had called her back in after she had

11 left that conversation and had questioned her

12 about what did you say. Something along the

13 lines of the Governor was upset. And that she

14 had gone back to 229 with the other ladies that

15 were in there and that she was visibly upset.

16 I believe she was even crying.

17 Q. Were you present when she came

18 back to room 229 to see her cry?

19 A. I was not.

20 Q. Who told you what you just said to

21 in terms of what the interaction was between

22 Miss Bennett and the Governor and Miss Bennett

23 and Miss Benton and her crying, who told you

24 all of that stuff?

25 A. I believe it was Alyssa or EA #2 .

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I apologize, I don't recall exactly who. But I believe the three of them were in the office when she came back from that interaction.

Q. When she came back it was Miss Bennett, Miss McGrath and Executive Assistant #2 were in the office together?

A. Yes, and I believe Executive Assistant #3.

Q. Any other times that you heard or heard about somebody describing what happened if they gave negative feedback to the Governor?

A. I do recall a conversation early in my employment with the Chamber from [REDACTED] [REDACTED]. [REDACTED] had been in the Chamber for a long time and had said that he was close with the Governor and until he said, oh, I gave him bad feedback one day that he didn't like. He must have said something that he thought the Governor did wrong or didn't do correctly, and he said from that moment on I was never ask my opinion again. I do recall that conversation with [REDACTED].

Q. What was [REDACTED] position when he told you this?

A. I believe it was [REDACTED]

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[REDACTED]

Q. Is there anyone else that ever told you that they what happened if they ever disagreed or gave negative feedback to the Governor?

A. Not that I recall, no.

Q. Were you told anything about there being any sort of dress code for when you worked in the Executive Chamber?

A. Yes. When I first started working there in December, 2017 at that time the Governor was not in Albany as much as he is now. So when he did come to Albany everyone would kind of alert the floor that, okay, the Governor is coming into town and it was expected that you either -- the men wore their suits and blazers and that the women that you wore nice work attire, dresses. It was assumed that you look professional, nice, wear a dress.

Q. Who told you that?

A. I don't remember exactly who told me that, because it was a long time ago. But I do remember that whenever the Governor was in Albany that I was to dress a certain way.

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Q. Other than dressing professionally, were you given any guidelines in items of what the expectations were for how you as a woman would dress when the Governor was going to be around?

A. No.

Q. Did anyone ever tell you whether you should or shouldn't wear high heels?

A. No.

Q. Did you observe anything in terms of how the women close to the Governor, did they dress in a certain way, or they all dressed differently or what did you observe with respect to that?

A. I observed that they dressed nice. They definitely would wear nice dresses and nice high heeled shoes. I definitely noticed that, yes.

Q. Who were the women that wore dresses and high heel shoes when the Governor was around?

A. Melissa DeRosa, Jill DesRosiers, at times Stephanie Benton, [REDACTED], and that's most of his senior staff.

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Q. What was [REDACTED] position?

A. Right now she is the [REDACTED]  
[REDACTED] and I don't recall her title  
prior.

Q. When you started doing more  
executive assistant work for the Governor, did  
anyone tell you if there were any different  
expectations now that you were right in his  
office in terms of how you dress as opposed to  
when you were over in transportation?

A. No.

Q. Did you ever hear anyone in  
Chamber use the term "mean girls"?

A. Yes.

Q. Who did you hear use this term?

A. I don't recall specifically who  
would say that. But it was understood who it  
was. I remember when I first started with the

[REDACTED]  
of 2017, [REDACTED] had told me that if  
Annabelle Walsh or Dani Lever or Jill  
DesRoviers or Stephanie Benton, if they called  
you make sure that you answer and anything they  
need you do. And that was the group.

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2 Q. Was Miss DeRosa also in the group?

3 A. Yes.

4 Q. Did you ever hear the Governor use  
5 the term mean girls?

6 A. No.

7 Q. Did you understand why -- was  
8 there any discussion in the office as to why  
9 this group of women were called the mean girls?

10 A. They were very close to each other  
11 and they were very close with the Governor.  
12 They would follow him or attend events with  
13 him. Most of them worked out of the New York  
14 City office. As he was coming up to Albany  
15 more they would come up with him. They would  
16 come up in the helicopter with him, they would  
17 go in the plane with him, they were travel with  
18 him. If they called you, you were to act like  
19 it was him calling you.

20 Q. You described some your  
21 interactions with Miss DeRosa. How did the  
22 rest of this group of women treat you?

23 A. I'm sorry, you ask how Melissa  
24 also treated me or aside from Melissa?

25 Q. You talked about Melissa DeRosa



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before.

A. Yes.

Q. Start with her, you said sometimes she would be harsh with you. Were there times that she treated you differently other than how you described?

A. Melissa for the most part when I first started, the rare occasion that I would see her in the hallway, she never said hello. She wasn't very friendly. Whether that was on purpose or not, I'm not sure. She wasn't very outgoing.

Q. What about the rest of the group of women that were referred to as the mean girls, how did they treat you?

A. Prior to me helping out with the front office they didn't really acknowledge my existence. I would see them in the hallway. They wouldn't go out of their way to say hello. I would always say Hi, but sometimes they would respond and sometimes they wouldn't. They were very standoffish, I would say clicky.

When I started helping out in the front office they were more open to talking to

BRITTANY COMMISSO

1  
2 me. Were nicer to me. It was definitely a  
3 change.

4 Q. Who were the ones that became  
5 nicer to you when you started helping out in  
6 the front office?

7 A. Annabelle Walsh definitely became  
8 nicer to me. Dani Lever definitely was nicer  
9 to me. And Jill DesRoviers was also close with  
10 them and she also became a little nicer to me.

11 Q. How often did you interact with  
12 Miss DesRosiers?

13 A. Not often. I would have to get  
14 her connected to John Maggiore if he needed to  
15 speak to her when I worked for John. When I  
16 was helping the Governor and Melissa, if one of  
17 them needed me to get her on the phone. Very  
18 limited.

19 Q. How often did you deal with Miss  
20 Walsh?

21 A. The same, very limited. It would  
22 either be Jill or Annabelle or Stephanie asking  
23 if I was available to help with the Governor.  
24 It was never the Governor himself it was one of  
25 them.

1 BRITTANY COMMISSO

2 Q. Did Miss Walsh ever speak to you  
3 about the work that you were doing for the  
4 Governor?

5 A. Anything in particular?

6 Q. Did she ever thank you for the  
7 work that you were doing?

8 A. She was appreciative. If she had  
9 sent me an e-mail that asked if I was available  
10 to come to the mansion to help him with  
11 something and I said yes and she would reply  
12 thank you so much.

13 Q. Did she ever comment on whether  
14 the Governor liked working with you?

15 A. Yes. In one occasion, I don't  
16 recall particular date, she had said thank you  
17 for going over, something along the lines. He  
18 was in a bad mood and we knew that if you went  
19 over you would make his mood better.

20 Q. Did anyone comment on how you  
21 didn't affect the Governor's mood?

22 A. No.

23 Q. Now, Stephanie Benton, how did she  
24 treat you?

25 A. Stephanie was a little

1 BRITTANY COMMISSO

2 standoffish. It was always assumed that she  
3 had a lot going on, so if you had a question  
4 for her or you needed to bother her for  
5 something, that it better be worth her wild.  
6 So she was nice to me, I guess, pleasant, but  
7 not overly nice and not overly talkative.

8 She would send me e-mails, the  
9 Governor would need help, whether it be in the  
10 office or the mansion, if I said I was  
11 available, she would say great, thank you. Her  
12 and I would communicate back and forth if I was  
13 with the Governor alone and he needed something  
14 to be relayed to her, he would say, Brittany,  
15 can you e-mail Stephanie or text Stephanie or  
16 call her and that was communication that we  
17 had.

18 Q. Did her treatment of you change  
19 at all when you started helping out in the  
20 front office?

21 A. Yes.

22 Q. In what way?

23 A. Prior to me helping in the front  
24 office if she walked in John's office sometimes  
25 she would acknowledge me sitting there and

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sometimes she wouldn't. Very standoffish,  
almost like she didn't have time really for  
anyone else.

When I started work in the front  
office that is when she would be nicer to me,  
more friendly.

MS. CLARK: We have come to the end  
of media.

THE VIDEOGRAPHER: Yes, I didn't  
want to interrupt, but three minutes

MS. CLARK: I saw you appear.  
Let's go off the record.

THE VIDEOGRAPHER: This is the end  
of media unit 1. We are not now off the  
record at 1:01 p.m.

(Lunch recess taken at 1:01 p.m.)

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A F T E R N O O N        S E S S I O N

1:34 p.m.

B R I T T A N Y        C O M M I S S O ,

resumed, having been previously duly sworn,  
was examined and testified further as  
follows:

THE VIDEOGRAPHER:    This is the  
beginning of media unit 2. We are now on  
the record at 1:34 p.m. back from break.

BY MS. CLARK:

Q.        You're still under oath from this  
morning. Were you ever invited to any office  
parties?

A.        Yes. I was invited to the  
Christmas parties that were not the ones at the  
executive mansion. I was invited to the  
Christmas parties that were held at the New  
York State Museum that were open to a lot of  
state employees.

Q.        There were other parties that were  
held at the mansion?

A.        Yes.

Q.        Were you ever invited to those?

A.        No, I was not.

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Q. Did you and the Governor ever talk about any of the parties at the mansion?

A. After the fact the Governor would say that he didn't see me at the Christmas party at the executive mansion and I would tell him it was because I wasn't invited. And the one that he had at mansion prior to COVID he said to me that I never had to wait to be added to the guess list because it was a formal invitation that would go out and I would never be on it. He said I could just come and if I wanted to come, for example, he told me to come with John Maggiore that I would be allowed.

Q. That was the one right before COVID in December of 2019?

A. Yes.

Q. How did it come about the Governor told you that? What were you guys talking about?

A. We were talking about the Christmas party, I believe, and he said to me oh, I didn't see you there and I said to him it was because I wasn't invited, and he said, oh, you don't have to get an invitation, you could

1 BRITTANY COMMISSO

2 just come.

3 Q. I assume was there a holiday party  
4 in December, 2020?

5 A. This past year, no.

6 Q. I would think not with COVID, but  
7 I wanted to check.

8 How did you react when the  
9 Governor said you didn't need an invitation,  
10 you could just show up?

11 A. I took it as I appreciated it. I  
12 do know that the Governor is not exactly aware  
13 of how the invitations go out for that  
14 particular party. He really doesn't have a say  
15 about who gets the invitation. He is just at  
16 the party and whoever the person that does the  
17 invites, most of the time it is senior staff  
18 and I would say the Governor's assistants had  
19 been invited to it as well. I believe that  
20 EA #2 and EA #3 attended. But I normally  
21 wouldn't be on the list and when he told me  
22 that of course you can come, I appreciated it  
23 and I knew though that he wasn't fully aware of  
24 how the invitations are sent out. But I  
25 appreciated it.



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2 Q. Did the Governor ever use any  
3 nicknames for you?

4 A. Yes. He would call me  
5 Britannica,, he would call me honey, whether it  
6 was use in a demeaning way or not. He would  
7 call me sweetie. Those are the ones that I can  
8 recall.

9 Q. You described earlier one occasion  
10 when he called you honey in a way that you  
11 found degrading. What other way would he call  
12 you honey or sweetie?

13 A. For example in the morning he  
14 would get breakfast dropped off from the  
15 mansion, he gets his lunch delivered from the  
16 mansion, and sometimes one of us would have to  
17 bring it back, whether it was myself or EA #2  
18 or EA #3, any time that I would bring back his  
19 coffee or his food or bring back documents, it  
20 was thanks sweetie, thanks honey, thanks Brit.

21 Q. Did you ever hear him use  
22 nicknames for anyone else?

23 A. The only other nickname that I  
24 heard for Annabelle Walsh, he would call her  
25 Anna Mae. When you heard him say Anna Mae if

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2 you knew that, if he called her that, you would  
3 say, oh, you want Annabelle on the phone. I  
4 know he called EA #2 something, I think he  
5 called her rabbit, if I recall that correctly.  
6 I'm not sure why.

7 Q. Did you ever hear him use terms of  
8 endearment or maybe it wasn't such an  
9 endearment, honey or sweetie to anyone else?

10 A. No.

11 Q. Did the Governor ever make any  
12 comments about your appearance?

13 A. Yes.

14 Q. What sort of comments did he make  
15 about your appearance?

16 A. He would make comments about my  
17 hair, my hair color. One day I had my hair up  
18 in a bun and he said that he didn't like my  
19 hair that way. He kind of looked at it and  
20 made a face and said, I don't like your hair  
21 like that. And I said, oh, okay. He said, I  
22 like your hair when it was down better.

23 He would make comments about  
24 if I wore a particular thing, how thin I looked. That I  
25 looked good for my age and being a mother. He

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2 at one point I would wear pants a lot, that  
3 when I wore a dress, he would comment about  
4 how -- it's about time that you showed some  
5 leg.

6 Q. I will go through a few of these  
7 things. The time that you wore your hair in a  
8 bun, when did he make the comment about he  
9 liked your hair better down?

10 A. I believe it was probably about a  
11 year and a half ago. When I was helping him in  
12 the front office I remember going back to his  
13 office in the capitol and I had my hair up that  
14 day, I rarely wear it up, but I wore it up and  
15 he made a comment that he didn't like it.

16 Q. Was any one else present?

17 A. No.

18 Q. You said that there was an  
19 occasion where you wore a dress and you made a  
20 comment about showing some leg, when did that  
21 happen?

22 A. I would say it was this past  
23 winter. I wore a dress and I wasn't wearing  
24 stockings, I wore a dress with a blazer and he  
25 instantly noticed that I was wearing a dress

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2 and said, oh, it's about time that you showed  
3 off some leg.

4 Q. You said it was in the winter, was  
5 it early winter, mid-winter, late winter?

6 A. Mid winter.

7 Q. Where did that happen?

8 A. In the capitol in his office.

9 Q. Was anyone else around when he  
10 said that?

11 A. No.

12 Q. You also said sometimes he would  
13 comment on you looking good for your age. How  
14 old are you?

15 A. 32.

16 Q. Other than you mentioned that he  
17 said something made you look thin or that you  
18 were showing some leg, any other times that he  
19 commented on what you were wearing?

20 A. No.

21 Q. Were you ever at the mansion and  
22 wearing a sweet shirt?

23 A. Yes. I was at the mansion working  
24 on a weekend and I was at the table in the  
25 sitting room with **Executive Assistant #3** was also there,

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1 we were working on the State of the State book  
2 and he was signing them for a list of people.  
3 And I was wearing a dress, a light tank top  
4 underneath, something that you would wear  
5 underneath a shirt and I was wearing a zip up  
6 hoody and I had said to him that I think it was  
7 warm in the room and he said, oh, you can take  
8 off your sweatshirt. And I said, no Governor,  
9 that won't be appropriate and he said no, you  
10 can. And he said it in a way that was like,  
11 no, you can take it off. And I said no.

12 Q. Does that incident remind you of  
13 any others where he commented on anything that  
14 you were wearing?  
15

16 A. Not that I recall. I mean he  
17 would definitely look me up and down. A lot of  
18 looks. He definitely made it known that  
19 whether he liked a pair of pants that I was  
20 wearing. Looking at me, definitely when I  
21 walked into the room he would look me up and  
22 down. He had this way of making feel like he  
23 was checking me out.

24 Q. Had you ever seen him look at  
25 anyone else up and down when they walked into a

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room?

A. Yes.

Q. Who else did you see him do that to?

A. To Executive Assistant #2.

Q. Anyone else?

A. There was one particular instance where I would say it was probably in January or February of this year when EA #2 and I were sitting in the front office and she was sitting to the left of me at a desk where he was walking right by and I was setting next to her and her blouse -- it was like a blouse that kind of scooped, the way she was sitting it kind of scooped a little low and the Governor walk by and clear as day he was looking down her shirt at her cleavage and to the point where I looked over at EA #2 and I think she noticed too and she quickly fixed her blouse and said was that really low. And said yes, and I said I kind of I laughed because it was -- I laugh when I'm nervous and it was so blatantly obvious that he looked down her shirt. And she must have noticed it as well to

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2 quickly do that and make a comment to me. So  
3 he definitely did it to her.

4 Q. Did he stop next to her desk to  
5 look down her shit or did he do it as he walked  
6 by?

7 A. He did it as he walked by and  
8 she also had a necklace, that was a long  
9 statement necklace and he made a comment about  
10 oh, that is a really nice neckless. And it was  
11 as though he was trying to somehow make it  
12 where, okay, it was so blatantly obvious that  
13 maybe he was looking at her necklace, but that  
14 is not what he was doing. I think he was aware  
15 that he was doing it, but he would almost make  
16 a comment to you to kind of make it seem like  
17 that is not what he was doing.

18 Q. What was the expression on his  
19 face when he was looking at **Executive Assistant #2**?

20 A. You know it was almost like a  
21 flirtatious smile, smirk. I think that he  
22 definitely knew what he was doing and it was  
23 almost as if he would do these things and know  
24 that he could get away with it because of the  
25 fear that he knew we had. It was almost as if

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2 he knew he could get away with it because if we  
3 were to say anything to anyone he wasn't the  
4 one that was going to get in trouble or go  
5 anywhere, it was going to be us.

6 Q. Was he still in the room when  
7 **Executive Assistant #2** asked you, was that too low or is  
8 that low or words to that affect?

9 A. No, he had gone back to his  
10 office.

11 Q. When you told her it was a little  
12 low, what if anything did she say?

13 A. She definitely was uncomfortable,  
14 she said oh my goodness, I hate when that  
15 happens. She made sure to hike up her blouse  
16 to make sure it doesn't fall too low. It was  
17 differently a thin blouse where you have to be  
18 conscious of keeping it up.

19 Q. Any other times where you saw the  
20 Governor look somebody up and down or stare at  
21 particular body parts or anything like that?

22 A. I mean at one point there was a  
23 reporter who came in one day. She was I would  
24 say fairly attractive and you could just tell  
25 that he would look at them a certain type of



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1 way. And at times I do remember, I forgot who  
2 it was with, but we were talking about the way  
3 he would treat [REDACTED]  
4 [REDACTED] and why he was always so hard on her and  
5 one of reasons is like she is not that good  
6 looking. So, you know, implying that he wasn't  
7 nice to her partially because she wasn't good  
8 looking.  
9

10 Q. Do you recall who said that?

11 A. I don't.

12 Q. Do you know the name of the  
13 reporter that he was noticing?

14 A. I don't. I remember she had  
15 blonde hair, like platinum blonde hair, she was  
16 younger, I would say maybe in her late 20s and  
17 it also kind of fell into the category that he  
18 has the thing for ladies with blonde hair.  
19 That is known thing in the office. If you look  
20 at a lot of the women that are hired, the  
21 majority the them have blonde hair. And it is  
22 known that he has a thing for blondes. So when  
23 she walked in the room she fit the script.

24 Q. What did he do when she walked in  
25 the room, this reporter?

1 BRITTANY COMMISSO

2 A. Super nice to her. Hello, super  
3 almost a flirtatious behavior. And she was  
4 very professional. I don't know whether she  
5 noticed it not, I can't speak for her, but the  
6 people that know him definitely knew this she  
7 fit the script.

8 Q. Who have you heard talk about the  
9 Governor's preference for blondes?

10 A. I have to say everyone. Anyone  
11 that worked on the second floor. It is almost  
12 a joke. If there is a new hire, the joke is  
13 oh, is she blonde. Yes. That's how well known  
14 it is.

15 Q. Did the Governor ever make any  
16 comments about your height?

17 A. Yes. There was a point where we  
18 were in the main office in the front of the  
19 Governor's office and EA #2 and EA #3 and I  
20 were working and he would comment about how  
21 short I was and he said, Brittany, why don't  
22 you stand up and come here and we were in the  
23 middle of front room of the office and he had  
24 me come up against him and at first I thought  
25 we were going to go back to back whereas if, I

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2 don't know -- when I was a kid that is how we  
3 use to compare heights, but he said no, turn  
4 around and he had me put my back to the front  
5 of him and kind of put his head over my head  
6 and said to everyone in the room, look how  
7 short Brittany is and I'm a whole head taller  
8 than her. It did make me uncomfortable.

9 Q. Who was present when he did that?

10 A. EA #2 was present, EA #3 was  
11 present, I'm not sure if anyone else was  
12 present at the time.

13 Q. You said he put his chin on top of  
14 your head?

15 A. Yes.

16 Q. Was he touching any other parts of  
17 your body when he did this?

18 A. He had gotten pretty close to me  
19 where when he put his chin on the top of my  
20 head, where his stomach was definitely on my  
21 back, but I on purpose I was uncomfortable and  
22 it was an uncomfortable situation already and I  
23 certainly didn't want any part of his pelvic  
24 area to be near me because on top of what was  
25 an already uncomfortable situation, I didn't

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2 want it to look even worse.

3 Q. When was that incident where he  
4 compared heights and put his chin on your head?

5 A. I'm sorry, I didn't understand the  
6 question.

7 Q. When did that happen?

8 A. That happened I would say late  
9 last year.

10 Q. So late 2020?

11 A. Yes.

12 Q. Did you ever show the Governor  
13 your Instagram account?

14 A. Yes, I did.

15 Q. When was that?

16 A. That was at the executive mansion  
17 and it was when I was helping him with one of  
18 the speeches that we were working on and we  
19 were sitting on the couch and we were talking  
20 about Alyssa McGrath and he was asking how she  
21 was doing, because she was going through a  
22 divorce. And I think he had asked -- I'm  
23 trying to think of the particular way it came  
24 up. He said, how is she, and I said, I'm  
25 trying to keep her busy by taking her out and

1 BRITTANY COMMISSO

2 doing things and I showed him a picture of us  
3 going out.

4 Q. What did he say?

5 A. He said, oh, he said, that looks  
6 like fun.

7 Q. When did that happen?

8 A. I would say, I'm trying to think  
9 of the date. Probably early 2020. Either  
10 January or February, 2020.

11 Q. Did the Governor make any comments  
12 about wanting to go out with the two of you or  
13 anything along those lines?

14 A. Yes. So when I had talked about  
15 that I had been talking Alyssa out, and one of  
16 the places that we were going to was Saratoga,  
17 he said, oh, that would be fun to go out, but  
18 being in the public eye that it would be hard  
19 for him to go out and not be seen.

20 Q. Anything else about that  
21 conversation that you recall?

22 A. Yes, that was when he had recently  
23 broke up from his then girlfriend [REDACTED]  
24 and he definitely was making it known that he  
25 was single and ready to mingle. If I knew of

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anyone that I could hook him up with. That he would talk about the age range that he would prefer and talking about how he was definitely single. He made that known.

Q. How many times did you Governor talk about being single to you?

A. I would say a handful of times. It would come up in different conversations.

Q. You said he talked about age ranges. What did he say to you about age ranges?

A. He said that it would definitely have to be maybe late 30s early 40s that, you know, going younger than that he wasn't sure how that would look to the general public. It would definitely have to be someone who understood his lifestyle and the line of work that he was in. That sort of thing.

Q. Did he tell you anything else in terms of what he was looking for in a relationship?

A. He would just tell me that he had been lonely, he would spent the holidays alone and that he -- it was hard for him to go out

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and find someone given his line of work. He would make comments about, oh, do you know of anyone that would want to date me.

Q. Did you ever tell him whether you knew anyone that would date him?

A. No, I just said, I was -- I'm sorry that he was lonely. I'm sorry that he went through his break up and I would just sit there and listen.

Q. You mentioned that he asked about Miss McGrath. Did he ask you any other questions about her relationship status?

A. No, he would just ask me how her divorce was going and I would say it's an unfortunate situation, but she is going to be okay. And that I was trying to keep her busy and get her mind off of it.

Q. Did the Governor ask you about your relationship status?

A. Yes. He would ask me questions, sometimes I would be there and he would say, I hope your husband isn't mad that you're here today or I hope your husband isn't upset with how late you may have to be here. He would

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2 make comments -- he made a comment to me, if  
3 you were single the things that I would do to  
4 you.

5 He would at one point he gave me a  
6 pair of cufflinks to give to my husband from  
7 him. He asked me how my marriage was. Yes.

8 Q. When did he make the comment that  
9 if you were single things that he would do to  
10 you? When did that happen?

11 A. It was at the mansion on one of  
12 the days that I was helping in the sitting  
13 room.

14 Q. When was it?

15 A. I don't recall the exact time.  
16 I'm assuming it was when I first started  
17 helping him. Maybe like January or December --  
18 maybe December of 2019 or January, 2020.

19 Q. The cufflinks for your husband,  
20 was there any occasion for him giving you the  
21 cufflinks to give to your husband?

22 A. No.

23 Q. Did you give the cufflinks to your  
24 husband?

25 A. I did. I said these are from the



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Governor.

Q. What did the cufflinks look like?

A. They are a pair of cufflinks and I believe they have the executive logo on them.

Q. Did the Governor ever ask you about relationships that you had with anyone other than your husband?

A. Yes. He asked me particularly when we were up in the office that he has outside of his bedroom if I ever had a boyfriend. And I would say to him, no, Governor, I'm married. And he would kind of smirk and laugh and he would keep pressing the issue. Oh, come on, you must have a boyfriend and I wasn't sure where that was coming from. And I said, Governor, I'm married. And he said oh, come on, I'm sure, like, you know, you must have someone that you, you know, that you flirt with, and I said no.

And then it would continue and he would say things, well, have you kissed anyone other than your husband. And I said no. And he said, have you fooled around with anyone other than your husband, and I said no. And it

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2 got to the point where I was hoping that me  
3 saying no would stop the conversation, but he  
4 kept pressing the issue. He would follow up  
5 with another comment about it and another  
6 comment about it. And then eventually he would  
7 go, huh, okay and then he would move on.

8 Q. Did that happen on one occasion or  
9 more than one occasion?

10 A. More than one occasion. That was  
11 the first time up in the office. He also brought it up  
12 again in his office at the New York State  
13 Capitol. We were sitting at his desk and I was  
14 helping him with dictation and he looked up at  
15 me and said again, have you ever done anything  
16 with anyone other than your husband and I said  
17 no. And I believe he actually said, have you  
18 ever had sex with anyone other than your  
19 husband and I said no. And so that was another  
20 time that he brought it up and didn't push it  
21 as much as before. But definitely it was a  
22 little -- almost like he was like obsessed with  
23 that question, because he would bring it up a  
24 lot.

25 Q. The first time that he asked at

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the mansion, when was that?

A. That was in the beginning when I really first started helping him and I was alone more. As I stated before, the first time that I was there was with someone else. And after that I was actually being called more to be alone and it would always be when we were alone whether it was alone in his office at the mansion or alone at his office in the capitol. That's when these conversations would occur.

Q. When you just described in the capitol when he asked again if you fooled around, when was that?

A. I would say that was November of 2020.

Q. Did you ever hear him ask anyone else about their relationship status?

A. No. I never heard, but I was privy to -- I knew that he had personal conversations with others.

Q. Who did you hear this from?

A. I know that **Executive Assistant #2** had shared with me there were some conversations that they had which she believed were definitely a

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2 little crossing the line.

3 Q. Did she say what the Governor said  
4 what she thought was crossing the line?

5 A. I know that he asked her about her  
6 relationships, her boyfriend. Once again,  
7 these conversations were always when he was  
8 alone with the other person.

9 Q. Did the Governor ever ask you to  
10 sing for him?

11 A. No.

12 Q. Did you ever hear the Governor ask  
13 anyone else to sing for him?

14 A. No, not I was around for.

15 Q. Did anyone ever tell that you the  
16 Governor asked them to sing or memorize song  
17 lyrics?

18 A. No. In regards to that he would  
19 sing in front of me. Before we would do  
20 dictation he would sing a song or he would do  
21 these randomly. But he never asked me  
22 personally to sing along with him or to sing a  
23 particular song, no.

24 Q. What songs did the Governor sing  
25 for you?

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2 A. Honestly, I don't remember. I  
3 believe one of them I think was an Italian  
4 song, not in Italian, but you could tell that  
5 when he sang he was in a good mood. That was  
6 his way of starting the dictation session with  
7 you on a silly note. That is how I took it. I  
8 would just sit there with my pad and paper and  
9 my recorder being ready to go and he would be  
10 singing a random song.

11 Q. Did the Governor ever give you a  
12 tour of his office?

13 A. Yes.

14 Q. When did that happen?

15 A. He actually gave me on my first  
16 time working alone in the Governor's mansion he  
17 said had you ever had a tour of the executive  
18 mansion and I said no, and he said would you  
19 like one, and I said sure. Who gets that  
20 opportunity in my mind to have a tour by the  
21 Governor himself of the mansion. I said sure.

22 Q. Anything happen during the tour?

23 A. No, he was showing me around. He  
24 showed me a couple of rooms and in the beginning  
25 I didn't think much of it. There was one point

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2 which I believe was part of the tour that we  
3 were down in the living room where there is  
4 bunch of framed photos and he was showing me a  
5 photo, a group photo and one of the woman had  
6 on a tight red dress and he said oh, yes, I her  
7 remember her, she was a real something along  
8 the lines of like a firecracker or something.  
9 I thought to myself, okay, that was an odd  
10 comment to tell me. Clearly looking at the  
11 photo she had on a tight short red dress and  
12 was attractive. I wasn't sure what he meant by  
13 it, but I didn't say anything and I just moved  
14 on. That was what stuck out from that.

15 Q. Did he touch you at all during the  
16 tour?

17 A. I do actually remember when we  
18 were looking at the photos at one point that  
19 was the first time that he had actually almost  
20 pushed his hand a long by butt. But it was so,  
21 I would say smooth as in maybe he was trying to  
22 see if I would notice or say something. So it  
23 was something like, oops, not as blatant as the  
24 other ones that I mentioned. I remember  
25 thinking to myself, okay, I definitely know

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what that was, whether he meant to do it or not at that moment, I wasn't sure.

Q. Did he ever give you a tour of his office in the capitol?

A. No.

Q. Did you ever hear the Governor make any jokes of a sexual nature?

A. Yes. He would definitely make jokes, innuendos. One of them stands out in my mind was the mingle mommas comment that he made when Alyssa and I were at the conference table and we were talking about our upcoming vacation to Florida and he said to her, something along the lines of, if Brittany were to do anything in Florida, would you say anything. And he would just like make a lot of comments that you knew what he meant. But he would do it in a way as if he was trying to be funny or in a joking manner.

At times he made you feel as if he were your friend and that he would say to me at times, Brittany, I consider you a friend. So he would do it in a way that was definitely calculated.

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Q. This incident that you described with you and Alyssa, when did that happen?

A. That is when we were working on the signatures for the State of the State book. So I believe that that was in January of 2020.

Q. Where was this?

A. That was in the conference room outside of his office at the capitol.

Q. Was this a weekday or weekend?

A. A weekend.

Q. Was anyone else around other than you, the Governor and Miss McGrath?

A. No.

Q. So you were talking about an upcoming trip, tell me more anything else that you recall about that conversation and about the use of the phrase mingle mammas?

A. He definitely knew we were both mothers and that we both had young children and I remember him making a comment to me in particular saying that I looked good for being a mother. A lot of the people at the executive offices are younger than me. So he would say, well, you look good for your age and the fact



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2 that you're a mom.

3 He would definitely look at two of  
4 us knowing that we were friends and knowing  
5 that we were both mothers and I think that's  
6 where the term came from and the comment about  
7 he is asking Alyssa would you ever say anything  
8 if Brittany were to do anything with anyone  
9 else. And I think he definitely was looking to  
10 see what she was going to say. He knew that we  
11 were very close and he knew that obviously we  
12 were friends outside of the office. But I  
13 definitely think what he was saying was  
14 definitely thought out.

15 Q. How often did the Governor refer  
16 to you or Miss McGrath as mingle mommas?

17 A. I believe it was once or twice.  
18 That was the first time when he came up with  
19 that term. He must have mentioned it maybe  
20 enough another time after that. He would only  
21 refer to us as that if he saw us together or if  
22 we were working in the office together. But he  
23 didn't use that often.

24 Q. Do you recall any other jokes of a  
25 sexual nature or innuendo that he made?

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2 A. I'm trying to think, I apologize.  
3 At the moment, no, not that I can recall at  
4 this time.

5 Q. Do you recall him using any phrase  
6 or saying about old bulls and young bulls?

7 A. Old bulls and young bulls?

8 Q. Yes?

9 A. No.

10 Q. Did you ever hear the Governor  
11 make any comments about the size of his hands?

12 A. No.

13 Q. Did you ever hear him comment on  
14 someone's tattoos?

15 A. I never heard about anyone's  
16 tattoos, no.

17 Q. Do you know someone name [REDACTED]  
18 [REDACTED]?

19 A. Yes, I did. She worked there when  
20 I first started there and she retired.

21 Q. Can you tell us about the first  
22 time that you met her?

23 A. Yes, I met her my first day that I  
24 started working at the Chamber in 2017. I was  
25 brought around by a colleague that was helping

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2 me in my office, training me a little bit. She  
3 said why don't I bring you around to introduce  
4 you to some people, and I said great.

5 One of rooms that she brought me  
6 to was the front office and [REDACTED] was  
7 one the executive assistants to the Governor  
8 and Melissa. When I walked in there and I  
9 remember meeting everyone and one of the first  
10 things that she said to me was, she looked me  
11 up and down and she said, the Governor would be  
12 stealing you. And then I didn't say anything  
13 and she followed it up with, don't worry, it  
14 will just be a matter of time the Governor will  
15 definitely be stealing you. And I continued  
16 walking around didn't say anything, but I  
17 definitely knew what she meant by that.

18 Q. What did you understand she meant  
19 by that?

20 A. What I understood was that I was a  
21 young female, how she looked at me she must  
22 have thought I was attractive and the Governor  
23 was going to see me and think that I was  
24 attractive and want to pull me in to do work  
25 for him.

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Q. You mentioned before you started doing work for the Executive Chamber you did the weekend coverage sometimes; is that correct?

A. Yes.

Q. How often did you do weekend coverage before you were doing the additional work, before November, 2019?

A. I only did it a couple of times. I remember in particular the first time that I did it was the Saturday before Easter Sunday when I was told that the Governor definitely wouldn't be coming in, that he was going to be busy at the executive mansion in doing the Easter event that he that did, where people would come to the mansion and take photos with him.

I remember I was only a couple of months into the job and he did actually did indeed come to the office unbeknownst to me and when I was sitting there he must have heard me cough and yelled out who's there. I said it is me Governor. And he said who's me. And that is what when I stood and walk back and said

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2 well, I should introduce myself, I said Hi,  
3 Governor I'm Brittany Commisso and he said, oh,  
4 Brittany I remember him looking me up and down  
5 and said nice to me.

6 He asked me if I had any relation  
7 to the political Commissos in Albany County and  
8 I said that [REDACTED] was my husband and he  
9 said oh, okay. And I remember going back to my  
10 desk and he had entered through the back door  
11 that he had that he has from where his elevator  
12 comes up, but he made sure after he left after  
13 he asked me to do a couple of things for him,  
14 he made sure to exit the other way and to make  
15 sure that he walked past my desk and say  
16 goodbye to me. When he said goodbye to me  
17 opening the door he was on his way out and he  
18 actually stopped and turned around and looked  
19 at me and kind of looked me up and down again  
20 and smiled and said, it was nice to meet me. I  
21 remember that vividly.

22 Q. Prior to November, 2019 anything  
23 occur on any occasions where you covered the  
24 weekends?

25 A. I would cover the weekends here

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and there, but he wouldn't come in.

Q. We may have gone over this already. When is the first time that you were asked to do any work at the mansion?

A. That was in November of 2019.

Q. I think you said the first time you went with [REDACTED]; is that correct?

A. Yes.

Q. Did anything happen of note the first time that you went with [REDACTED]?

A. No. I was there with [REDACTED] and we worked on the same speech. I took half and she took half. I do remember after that first initial time, I don't believe she was asked join me again. I was either asked to go alone or I was asked to go with someone else. Whether it be EA #2 or EA #3, but I do remember after that initial visit [REDACTED] never was asked to join me again.

Q. When you would go into the mansion what sort of work would you do at the mansion?

A. I would do a lot of edits on speeches, whether it be the State of the State speech or the budget speech. I would work on

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2 letters that he might do. I would work on  
3 whatever he needed dictation on or edits that  
4 involved a typewriter. It was pretty fairly  
5 easy things that I could do.

6 Q. Where in the mansion did you  
7 perform work when you went?

8 A. In the office in the executive  
9 mansion which is on the lower floor, the lower  
10 level.

11 Q. How often after November of 2019  
12 did you provide coverage at the mansion?

13 A. Whenever I was asked, which was  
14 quite a bit. There were times that an e-mail  
15 would go out and it would have maybe four or  
16 five people on it. There were sometimes that I  
17 wouldn't respond until late and other people  
18 would offer their help, but then I would  
19 respond and it was okay, Brittany, you can  
20 come.

21 Q. Who sent out the e-mails asking  
22 for coverage at the mansion?

23 A. Most of time it was Stephanie or  
24 it would be Annabelle or sometimes it would be  
25 Jill. But a lot of the times they would be on

1 BRITTANY COMMISSO

2 it together. So Stephanie would send it out  
3 and cc Annabelle or Jill or vice-versa.

4 Q. Do you still provide coverage at  
5 mansion?

6 A. I haven't been asked, no.

7 Q. When was the last time that you  
8 provided coverage at the mansion?

9 A. That would be it was during the  
10 week and I believe it was a Friday in early  
11 March. I would say maybe the first Friday in  
12 March. I will mention that we had created a  
13 more of a schedule, more of a system about  
14 weekend coverage. So what would happen we  
15 would talk amongst ourselves with EA #2 , EA #3 ,  
16 myself, [REDACTED] and  
17 [REDACTED] really wanted to do more of a organized  
18 calendar for weekend coverage verse what we had  
19 been doing before.

20 So the weekend that I said I was  
21 available I was supposed to be the lead that  
22 weekend. So that was the weekend that  
23 Stephanie called me on Saturday morning and  
24 said, oh, are you the lucky one that is on duty  
25 for this weekend and I said yes, she said to



1 BRITTANY COMMISSO

2 me, okay, I'm not sure if we going to need you,  
3 but I will get right back to you, I'm not sure  
4 what the Governor is planning, and I said okay,  
5 and I never heard anything that weekend.

6 I assumed they didn't need  
7 anything and that nobody went in. That night  
8 it was a dinner party for Alyssa's birthday and  
9 EA #2 and EA #3 were invited. That evening  
10 they came to the dinner and said that they had  
11 something to tell me. EA #2 told me that. And  
12 EA #3 was hesitant for her to tell me, but then  
13 said, okay, fine, we'll tell you.

14 Stephanie I guess after speaking  
15 to me had reached out to EA #3 and said, can  
16 you come and do some work at the mansion with  
17 the Governor and EA #3 said sure. And what I  
18 was told in that same conversation said, can  
19 you make sure not to say anything to Brittany.  
20 We don't want her to know that we asked you and  
21 not her. And I'm not sure why but EA #3 and  
22 EA #2 thought I should know.

23 Q. Any time that you worked at  
24 mansion, were you ever told not to tell any of  
25 the other executive assistants that you were

1 BRITTANY COMMISSO

2 the one asked?

3 A. Never.

4 Q. When were formal schedules set up  
5 for the mansion coverage?

6 A. I would say maybe in late February  
7 we had a more of an informal meeting, the  
8 assistants and I and we were trying to figure  
9 out a better way to do it rather than always  
10 being on call 24/7. That just didn't seem  
11 realistic and also at times I would be called  
12 more or EA #2 would be called and we were  
13 trying to figure out a better way. And I would  
14 say that we tried and that was the first week  
15 end that I was like on my specified on call and  
16 I wasn't called.

17 Q. If you worked at the mansion on a  
18 Saturday, did you get paid overtime?

19 A. Yes. As long as -- with our time  
20 system anything other 37.5 hours up to 40 hours  
21 you would come comp time and anything over 40  
22 hours is considered overtime where you would  
23 get a monetary amount.

24 Q. When you went to the mansion was  
25 there any sign-in sheet where you would sign

1 BRITTANY COMMISSO

2 in?

3 A. No, there was never any sign-in  
4 sheet. What we were told to do is just go to  
5 the mansion, you go to the front gate,  
6 sometimes the gatekeeper would know you were  
7 coming, most of the time he had no idea. You  
8 would show your badge and he would say pull in  
9 the parking lot and just wait here while I call  
10 someone up in the mansion to let them know who  
11 you are and if I was supposed to be there and  
12 somebody would give them clearance that I was  
13 allowed to go and I would just escort myself  
14 into the mansion alone.

15 Q. Did you ever see the state police  
16 make note of who was coming and going or how  
17 they handled that?

18 A. The only time I did was when the  
19 gatekeeper, which I assume works for the state  
20 police, he would just ask me my name. But I  
21 never was aware of any sign-in sheet or  
22 anything of a formal way of keeping track.

23 Q. Did the Governor ever hug you?

24 A. Yes.

25 Q. When is the first time that he

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BRITTANY COMMISSO

hugged you ever?

A. I would say the first time the Governor hugged me was when I started helping out at the mansion. He would differently make it a point to when I would leave to make sure that he stood up and gave me a hug which I had never noticed him do with anyone else. Nor did he do that to any of the assistants at the capitol during normal business hours that I had known of.

Q. The first time he did it, would he do that every time that you went to the mansion?

A. I would say almost every time, yes. He would make sure that he would somehow say goodbye to you, to me and sometimes he would sit down and say goodbye. Most of the time he would make sure to get up and give me a hug goodbye and sometimes a kiss on the cheek. And there were times towards -- when he would do it more that he would actually kiss me on the lips.

Q. How many times did he kiss you on the lips?

1 BRITTANY COMMISSO

2 A. I would say maybe once or twice.  
3 Maybe twice he would. That is what he was  
4 doing it more and the kisses on the cheek, it  
5 would be I would go in for the hug again  
6 because he would get up and come to hug me and  
7 he would normally go to kiss me on the cheek  
8 and he would quickly turn his head and catch me  
9 on the lips and then I would, okay, pull away  
10 and obviously realized that he just kissed me  
11 on the lips instead on the cheek.

12 Q. When he kissed you on the cheek,  
13 did he kiss you one cheek or the two cheek  
14 kiss? How would he do that?

15 A. Most of the time it was a one  
16 cheek.

17 Q. How did you react when he kissed  
18 you on the cheek?

19 A. I reacted in a way of that I just  
20 assumed that that just was his way of saying  
21 goodbye. I definitely thought to myself, okay,  
22 I did notice he wouldn't do it when we were  
23 around other people. And that he would never  
24 hug me goodbye when we were in the office and  
25 when Stephanie and Melissa were around. There

1 BRITTANY COMMISSO

2 was definitely more of when he was alone with  
3 me and he knew that there was an opportunity  
4 that no one would be around or walk in. And  
5 that he would hug me goodbye and kiss me on the  
6 cheek and I thought to myself maybe he is just  
7 being friendly.

8 Q. When is the first time when he  
9 went to kiss you on the cheek he swung his face  
10 and caught you on the lips?

11 A. This is I would say in the  
12 beginning of 2020. The beginning of 2020.

13 Q. You said that happened a couple of  
14 times?

15 A. I would say once or twice, yes.

16 Q. I think you said you pulled away  
17 when he kissed you on the lips.

18 A. I definitely noticed that when he  
19 would kiss me on the cheek, I took it as okay,  
20 he is being friendly. Then obviously when he  
21 would turn his head and get me on the lips, it  
22 startled me. It obviously wasn't normal, and I  
23 remember just kind of like, okay, pulling away  
24 and going about -- going away.

25 Q. How did he react when you pulled

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away?

A. He never said anything.

Q. The hugs, when he hugged you, can you describe how much of your bodies were touching or what the hugs were like?

A. After a few times of him hugging me as a friendly hug, the hugs definitely got closer and tighter to the point where I knew I could feel him pushing my body against his and definitely making sure that he could feel my breasts up against his body. And was doing it in a way that I felt was obviously uncomfortable for me and he was maybe trying to get some sort of personal satisfaction from it.

I mean it wasn't just like for a second by accident, it was definitely -- it was definitely he knew what he was doing.

Q. When he hugged you more aggressively, how did you react?

A. I was in shock. I would think to myself when it happened, okay, I was aware of what was going on, but I would always think to myself, if you were to do the typical what I guess what most would say, if anyone one to do

1 BRITTANY COMMISSO

2 that you would slap them or say hey get off of  
3 me, but I remember thinking that I was in his  
4 house, not only was it the executive mansion,  
5 but it was also his home, if I were to do  
6 anything as in say something or slap him across  
7 the face, I was going to be escorted out by  
8 state police and definitely probably fired. I  
9 knew that I was going to get into trouble and  
10 not him. So I took it.

11 Q. When he hugged you, did he ever  
12 press his pelvis area toward your pelvis area?

13 A. I definitely remember making sure  
14 that that didn't happen. That's when he pulled  
15 himself close -- would bring me close to him, I  
16 for sure didn't want any -- I didn't want to  
17 touch -- I didn't want any part of my body near  
18 his pelvic area. I didn't want to know. I  
19 didn't want anything to do with whatever he was  
20 trying to do at that moment.

21 Q. So how did you avoid having your  
22 pelvises touch?

23 A. I would lean my lower back away  
24 from it. I would definitely make myself in a -- when  
25 he was hugging me I just remember thinking to



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BRITTANY COMMISSO

myself, okay, if you're going to have to tolerate this hug and however many seconds it was, I just didn't want to -- any of that area to touch. I didn't want to know and I didn't want anything -- yes, I didn't want any of it.

Q. When he hugged you, where did he put his hands?

A. Well, when he would hug my he would definitely put his hands on my back. When he was pushing up my breast area towards him. That gave him more of a firmer grip to kind of like and he would run his hands up and down my back and to try to have -- feel my body up against his.

Q. When he rubbed his hands up and down your back did he ever make any comments as he was hugging you?

A. No.

Q. Did he ever touch your butt when he hugged you?

A. No. I mean he would definitely put his hand on my lower back, but the major time when he definitely was like grabbing my butt was that particular moment at the mansion

1 BRITTANY COMMISSO

2 on New Year's Eve of 2019 when he asked to take  
3 that selfie picture with me.

4 Q. We will come to that one in a  
5 minute.

6 A. Okay.

7 Q. Did he ever massage your back when  
8 he was hugging you?

9 A. There was one point when he hugged  
10 me and kind of like rubbed his hands on my  
11 lower back and he would say like, you know, oh,  
12 I forgot what he said. He would say -- I don't  
13 know if he said, does that feel good or he  
14 definitely was trying to, like -- was  
15 definitely trying to touch me and I remember  
16 standing there, like, okay, I kind of froze and  
17 I didn't really know what to do say. I knew  
18 what he was doing. I knew that he was trying  
19 to touch me in a way and rubbing his fingers on  
20 my lower back and I remember freezing.

21 Q. How did you feel when he would hug  
22 you in this manner?

23 A. I felt that he was definitely  
24 taking advantage of me. He was taking  
25 advantage. The fact that he could tell that I

1 BRITTANY COMMISSO

2 was nervous. He could tell that I wasn't  
3 saying anything because he had gotten away with  
4 it before.

5 I do remember the point when I  
6 would leave sometimes and I would be visibly  
7 nervous where my hives would crawl up my neck  
8 and there were times when I purposely would  
9 wear a turtle neck so when I was nervous it  
10 wasn't so visible. He definitely knew what he  
11 was doing. That I wasn't saying anything that  
12 he could get away with it.

13 Q. Did anyone else ever see you when  
14 you were upset from the Governor hugging you in  
15 that fashion?

16 A. I remember at one point coming  
17 down from being upstairs in the office when he  
18 had hugged me tight and I remember my hives  
19 being out and I remember coming down and [REDACTED]  
20 who worked at mansion and she turned the corner  
21 and she had bumped into me and I felt like I  
22 looked like a deer in headlines. I remember  
23 being warm and my hives being out and my eyes  
24 feeling wider than usual. And whether or not  
25 she knew that something was wrong and she did

1 BRITTANY COMMISSO

2 like at me and say like, are you okay. And I  
3 remember saying, yes, I'm okay. But I don't  
4 know if she was asking that to be polite or --  
5 but I felt like okay, I definitely know that  
6 I'm nervous and my hives are out. I remember  
7 having to walk downstairs to go back into the  
8 office and act as though that just didn't just  
9 happen.

10 Q. Were there any other times where  
11 [REDACTED] asked you if you were upset?

12 A. No.

13 Q. Did you ever tell her that you  
14 were upset about anything else or anything else  
15 that was going on?

16 A. No.

17 Q. Did you ever tell her that you  
18 were upset about your divorce?

19 A. I did. The last time that I was  
20 there I did tell her that I was going through a  
21 divorce and she said that they was sorry to  
22 hear that and because she had been so kind to  
23 me and she had over the holidays given [REDACTED]

24 [REDACTED] a stuffed animal. So I would tell her  
25 about [REDACTED] and so she just offered her

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BRITTANY COMMISSO

condolences.

Q. Did you ever bring [REDACTED] to the mansion?

A. The only time that [REDACTED] was ever brought to the mansion was that Easter that I was -- the Saturday coverage that I was working at, she attended that event at the mansion with my husband and he got a photo with the Governor, [REDACTED] and [REDACTED].

MR. KIM: Can I ask a follow-up question?

MS. CLARK: Yes.

MR. KIM: The day that you mentioned being upset about the divorce to [REDACTED], did you have with you like a letter or something that you had just gotten from your husband's lawyer or anything like that, if you remember?

THE WITNESS: No, not that I remember. I believe that that was actually the day that I moved out. I believe.

MR. KIM: The day that you moved out from the home and separated?

THE WITNESS: Yes.

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BRITTANY COMMISSO

MR. KIM: What month would that have been?

THE WITNESS: I got the apartment on December 31st, 2020 and I moved in or December 30th, 2020 and I move in on January 1st of this year.

MR. KIM: After that do you remember any other conversations with [REDACTED] about the divorce?

THE WITNESS: I'm trying to think about the Friday that I was there prior to never being asked to come back. Not that I remember. I might have shared that I was having a bad day, but I don't remember a particular conversation, no.

MR. KIM: Did you ever tell [REDACTED] about some of the things that the Governor was doing that was making you uncomfortable?

THE WITNESS: No. I didn't tell anybody.

BY MS. CLARK:

Q. The time that she saw you when you were flustered and upset, do you recall when

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BRITTANY COMMISSO

that was?

A. I don't recall.

Q. So you started to tell me about the time that you took the selfie with the Governor. When was that?

A. That was on December 31st, 2019 and the Governor had said let's take a selfie and I said okay. And I had my phone and we were standing up and I remember holding the phone up and right as I was starting to take the photo, all I remember is feeling his hand on my butt and he was rubbing it for more than a couple of seconds as I was taking the photo to the point where I remember a couple of photos that were taken to be extremely blurry and an I said, I can't get a good photo and he said okay. And then I remember, he didn't say anything while doing that and I just remember, I didn't say anything because I was like, okay, what is going on.

So then he said why don't we sit down and we could try to take a better photo. We sat down and took a photo and I remember thinking, okay, if we sit down there is no

BRITTANY COMMISSO

1 possible way that he could grab my butt and we  
2 got a photo that wasn't blurry and he said to  
3 you me why don't you send that to Alyssa and I  
4 said okay. I text messaged it to Alyssa and  
5 she wrote back something along the lines, I'm  
6 jealous. I wish I could put myself in that  
7 photo. And he said to me, what did she say.  
8 And I said she said she was jealous. And then  
9 I remember him saying to me okay, you can't  
10 show anyone else that photo. And I remember  
11 thinking to myself, why would he -- I just  
12 didn't understand why he would say that.  
13 Normally if someone takes a selfie with someone  
14 you don't care who sees it. People post  
15 selfies on social media. He specifically said  
16 to me you cannot show anyone else that photo  
17 and I said okay.

19 Q. Let me ask you a few questions.  
20 First of all where did that take place?

21 A. This took place up in his office  
22 at the executive mansion, the office right  
23 outside of his bedroom.

24 Q. When you were standing and taking  
25 the selfie which side of you was he on?



1 BRITTANY COMMISSO

2 A. He was on my left.

3 Q. Before he put his hand on your  
4 butt, did he put his arm around you, or your  
5 shoulder or your waist, someplace else or did he  
6 go straight to your butt?

7 A. I remember him going straight to  
8 my butt.

9 Q. Did you have your arm around him  
10 at all?

11 A. Not that I remember. I remember  
12 holding the phone up with my right hand and  
13 then I just remember him instantly going down  
14 and it happened so quickly and I just remember  
15 my hand starting to shake.

16 Q. You said he was rubbing your butt?

17 A. Yes. Like rubbing it hard not  
18 just lightly, clearly rubbing my butt for more  
19 than a couple of seconds.

20 Q. Was his hand flat or did he grab?  
21 I'm sorry about all of this detail about your  
22 butt.

23 A. He was rubbing it. Grabbing it.

24 Q. You just made a grabbing motion  
25 with your hand, was it the underside of your

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butt?

A. It was the cheek. I don't know how else to say it.

Q. You said that lasted more than a few seconds?

A. Yes.

Q. How many photos did you try to take while you were standing?

A. I believe it was two or three. I remember I kept taking a couple because I could feel my hand shaking so much and so it was definitely for at least I would say five seconds. Possibly more than that.

Q. When you sat on the couch, which side was he on you, your left or right?

A. He was on my left.

Q. Did either of you put you arms around each other when you sat on the couch?

A. Yes, I had my arm around his shoulder and I had my hand up with the phone in my right hand.

Q. Did he have any arms around you?

A. I believe that if I recall correctly his arm was maybe just around like my

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waist.

Q. The blurry photos that you took?

A. Yes.

Q. What happened to them?

A. I remember I deleted them off of my phone. I remember being so embarrassed that they were so blurry that when he said let me see them, I didn't want him to see how nervous I was and I deleted them.

Q. When he told you to send it to Miss McGrath --

MR. KIM: Can I ask a question there? Sorry. Did you delete it right then and there while you were there?

THE WITNESS: Yes.

MR. KIM: So it was in that moment.

THE WITNESS: Yes.

BY MS. CLARK:

Q. When he asked you to send the photo to Miss McGrath, did you have any idea why he was asking you to send a photo to her?

A. I don't. All I can think of is that maybe he wanted to make her jealous. Maybe he wanted to see what her reaction was.

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If she were to say she was jealous that would make them him feel good about himself. I'm not sure. All I know at one point I think I did say, oh, can I show John Maggiore this picture and he specifically said no, you can never show John. I say okay. Clearly he was making feel like you can't show anyone that photo.

Q. Other than sending it to Miss McGrath and sort of recent events, did you show the photo to anyone else?

A. No, never.

Q. I'm going to ask you to get the binder out again and turn to tab 3.

(Exhibit 3 for identification, Photograph on the couch.)

A. Okay.

Q. Is that the photo that you took on the couch?

A. Yes.

Q. Did you take just one picture when you were sitting on the couch?

A. Yes.

Q. I can't tell if it is just the angle of the photo, was he like leaning into

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you?

A. I think what was happening was we were -- when I had my hand up taking the photo and I believe he is leaning into me, I'm not sure what his personal reasons were, but I know that I was just trying to get the photo over and done with.

Q. If you can turn to tab 4.

(Exhibit 4 for identification, Text message exchange with Alyssa on December 31st of 2018.)

Q. What is this?

A. That was the text message exchange with Alyssa on December 31st of 2018 when I sent her the photo.

Q. You sent her the photo, did you write anything when you sent the photo or just sent the photo?

A. No, I just sent the photo.

Q. The heart on that, was she the one that liked that photo?

A. Yes.

Q. And then all the text below the photo, those are all things that Miss McGrath

1 BRITTANY COMMISSO

2 wrote?

3 A. Yes.

4 Q. After taking the selfie of the  
5 conversation that you just described, then what  
6 happened that day?

7 A. After that and after he asked me  
8 what she said and I told him then I believe  
9 that was when I left and I believe we were done  
10 for the day. And I remember saying to him that  
11 it was New Year's Eve and that I wanted to get  
12 home at a reasonable time and he asked me if I  
13 had plans and I said no, we were just going to  
14 stay at the house, my husband and [REDACTED] and  
15 I. And I said oh, how about you, he said no,  
16 I'm alone, and I'm just going to be working.  
17 And I believe that was it.

18 Q. Did you ever talk about the photo  
19 or the text exchange with Miss McGrath  
20 afterwards?

21 A. No, no. Just that exchange.

22 MS. CLARK: Marco, are we getting  
23 close to the end of a media unit?

24 THE VIDEOGRAPHER: We are now at  
25 1:14 about 16 more minutes.

1 BRITTANY COMMISSO

2 A. Now that I think about it, I  
3 actually do believe that when I left I had  
4 called her, if I recall correctly, I believe I  
5 called her and I remember -- now it is coming  
6 back to me.

7 I knew that what had gone out,  
8 what made me uncomfortable and I wanted to tell  
9 her so bad what happened, but I knew I  
10 couldn't. And I also remember her and I talked  
11 about the selfie and I think I said to her what  
12 he said to me and he said that I could only  
13 send to her. And I believe we had a  
14 conversation after I left the mansion about it.

15 Q. Do you recall anything else either  
16 of you said in that conversation?

17 A. No, I think I just remember saying  
18 to her like, oh, he was wild today. I think I  
19 made a comment like, oh, that was my way -- I  
20 remember wanting to so bad to share what was  
21 going on but being terrified to do so. And I  
22 think I would try to make comments to her and  
23 say oh, he was wild to today, I remember saying  
24 that to her. That is as far as I would go with  
25 it because I was afraid to say anything more.

1 BRITTANY COMMISSO

2 That was my way of wanting so bad to tell her  
3 about what had happened, but I knew that I  
4 couldn't.

5 Q. You and Alyssa are very good  
6 friends, why were you afraid to tell her about  
7 it?

8 A. Because he had this way about,  
9 with the picture, about you can never show  
10 anyone else. You can never -- he also made it  
11 seem like I couldn't say anything. And the way  
12 he was so firm with that I couldn't show anyone  
13 else that photo, I was just terrified that if I  
14 shared what was going on that it would somehow  
15 get around. And if Stephanie Benton or Melissa  
16 heard that, I was going to lose my job.  
17 Because I knew that I certainly was going to be  
18 the one to go.

19 Q. Did you hear anything around the  
20 office or anyone tell you about anyone trying  
21 to make any sort of complaints about the  
22 Governor acting inappropriately?

23 A. No. At that moment I did not. I  
24 later on when Lindsey Boylan had come out and  
25 said that he had made advances to her, I would



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1  
2 be in the room when they were actively trying  
3 to discredit her. They were actively trying to  
4 portray a different story of it. Trying to  
5 make her seem like she was crazy and wanting to  
6 get her personnel file out. That was the first  
7 time that I had seen someone publicly come out  
8 and saying something against him and sexually  
9 harassing them and them going behind the scenes  
10 and trying to discredit her. I personally  
11 witnessed that.

12 Q. Who did you witness doing that?

13 A. A lot of it was done by Melissa  
14 DeRosa and Rich Azzopardi would be in the room  
15 and at times Linda Lacewell would be in the  
16 room and there was a lot of chatter about she  
17 is so crazy. And she has her own political  
18 agenda. And we need to shut this down and we  
19 need to do it quickly. So I witnessed that.

20 Q. Where did these conversations take  
21 place?

22 A. They took place, the ones that I  
23 was a witness to, at the New York State Capitol  
24 and I would be sitting at my desk and they were  
25 in Melissa's office and there was at one point

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2 when he was asked to go get a box from Beth  
3 Garvey and that Beth would know what was in it.  
4 And that was the day they were talking about  
5 her personnel file. So my understanding was  
6 the box was her personnel file with her papers  
7 in it.

8 Q. How big was the box?

9 A. It was about, I guess a standard  
10 like a file box. Something that you could  
11 carry, I remember it being heavy, but I carried  
12 it from down the hall from counsels' office to  
13 the front office and gave it to Melissa and  
14 then Rich Azzopardi asked me to find some  
15 Whiteout and I looked all over for Whiteout. I  
16 gave him a couple and he said, no, this isn't  
17 going to work. Go find me some better  
18 Whiteout. All I could assume is they were  
19 working on Lindsey's personnel file.

20 Q. What did you hear them saying  
21 about her personnel file?

22 A. I heard them that they wanted to  
23 get out there about her, maybe some complaints  
24 that had been made against her when she worked  
25 for the Governor. I believe she worked for

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2 economic development and that I knew they were  
3 trying to get it out there that she had like a  
4 record, a not so good record at the office.

5 Q. Do you recall anything  
6 specifically that Miss DeRosa or Mr. Azzopardi  
7 or Miss Lacewell said in these conversations?

8 A. I don't. Because they at one  
9 point I think didn't wanted me in the room  
10 anymore because they were I think nervous of  
11 how much I was hearing. At one point Melissa  
12 said to me, Brittany, you can go home. It was  
13 on a weekend and I was working on something for  
14 the Governor in the office, and she said you  
15 can leave. And I said oh, I wasn't asked to  
16 leave by Stephanie and she said no, no, it's  
17 okay, you can go home. Making is seem like she  
18 was being polite, but I knew they were talking  
19 about the situation with Lindsay and didn't  
20 want me to hear it.

21 Q. When was this, what month?

22 A. I believe this was probably I  
23 would say January. I remember she disclosed in  
24 mid-December and it was a pretty hot topic in  
25 the office for a couple of weeks after.

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2 Q. You said you were there working on  
3 something for the Governor. Where was the  
4 Governor when Miss , Mr. Azzopardi and Miss  
5 Lacewell was having this conversation?

6 A. The Governor was at the mansion.

7 Q. So you were at the capitol and he  
8 was at the mansion?

9 A. Yes, Stephanie had asked if he  
10 sent over a document to me if I could do some  
11 edits on it at the capitol on the computer and  
12 I said sure. I sat in the main office and work  
13 on it at that computer. And during that time I  
14 didn't realize that Melissa was at the capitol  
15 with Rich Azzopardi and Linda Lacewell and so I  
16 went there to necessarily help her, but she  
17 noticed that I was there, and she said oh,  
18 Brittany, can you grab that folder, I think she  
19 asked me to get a call together for her.

20 Eventually someone must have said  
21 something to her about in her office about me  
22 being in there and probably to ask me to go  
23 home. And that is when she said to me, you can  
24 leave now, but made it seem like she was being  
25 polite.

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2 Q. Did you hear them calling anyone  
3 else when they were in office together?

4 A. I believe they were also calling  
5 Judy Mogul who I believe is the ethics attorney  
6 for the Governor and they were also calling  
7 Steve Cohen a lot. A lot of that conversation  
8 involved Steve Cohen, Judy Mogul, Linda  
9 Lacewell and Jim Azzopardi and they were  
10 working on that Lindsay Boylan issue.

11 Q. Did they make any calls or receive  
12 any calls from the Governor on that afternoon?

13 A. Not that I recall. That doesn't  
14 mean that he wasn't calling her cell phone or  
15 vice versa.

16 MR. KIM: Have you ever spoken to or  
17 did you ever hear the Governor talk about  
18 Lindsay Boylan?

19 THE WITNESS: Prior to her saying  
20 that the Governor sexually harassed her?

21 MR. KIM: Start with after her  
22 allegations.

23 THE WITNESS: He had asked me one  
24 day after Lindsay and Charlotte had come  
25 out and he said how do you -- he called the

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2 main number when I was at the main office  
3 in the capitol and he called the main  
4 number, I answered because I was there  
5 alone and it was early in the morning and  
6 he said, who is this, I said it is Brittany  
7 and he said to me how I felt he was being  
8 treated throughout all of these allegations  
9 that had come to light at that time.

10 And with my knowledge of never  
11 disagreeing him or saying something that  
12 was going to upset him, I said, Governor,  
13 I'm sorry you're going through this. I  
14 think he said to me, do you think I am  
15 being treat fairly, and I said Governor, I  
16 know, I mean, I'm sure it is hard,  
17 something on the lines of, I'm sure it is  
18 hard to deal with, but continue to be  
19 strong. And then he said thank you. And  
20 that he appreciated it and that he asked  
21 for me to get someone on the phone.

22 That was the only time that he  
23 really felt -- asking me how I felt about  
24 it. He did actually say when Lindsay first  
25 came out in mid-December we were in his

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1 office at the capitol doing dictation and  
2 that was the first time that I felt like he  
3 was kind of feeling me out about what I  
4 might say or what I might not say. And he  
5 said to me, after we were done, he looked  
6 up at me and he said, Brittany, you don't  
7 talk about anything with anyone else,  
8 right. And I said, no Governor. And he  
9 said well, you know, people talk around  
10 here. So anything that you say people are  
11 going to talk. I said I understand. He  
12 said, I could get in a lot of trouble, you  
13 know that, right, and I looked at him and  
14 said I understand. And I also didn't want  
15 to get to trouble. And so I said to him, I  
16 don't say anything. I don't say a word.  
17 And he said okay, good.

18 That was the first time that I said  
19 to myself, okay, he is looking at me and  
20 trying to see if I'm going to come forward.  
21 That is, you know, how I took it as. And  
22 the comment when he said, you know, I could  
23 get into a lot of trouble. And that was  
24 when I -- he said that verbatim to me and  
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that was my way of knowing that he knew what he did to me was wrong and inappropriate. And that he knew that if I told people or anyone, that he could get in trouble.

BY MS. CLARK:

Q. When in December was that?

A. I would say it was -- if Lindsay came out in mid-December, it was definitely toward the end of December.

Q. Did he ever say Lindsay was lying or she was crazy or anything along those lines?

A. No.

Q. Other than asking you about how you felt, did he ever say anything to you about Charlotte's allegations?

A. No, he never talked to me about Charlotte's allegations. I would say that when the allegations were made first by Lindsay, he definitely changed, his whole way about him at the office changed. He was definitely more aware of how he was acting and noticeably for me at least.

MS. CLARK: Marco are we about to



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get at the end of the media unit?

THE VIDEOGRAPHER: Yes.

MS. CLARK: We are going to go off the record and take a break and pick up again.

THE VIDEOGRAPHER: This is the end of media unit 2, we are now off the record at 3:02 p.m.

(Recess taken)

THE VIDEOGRAPHER: This is the beginning of media unit 3. We are now on the record at 3:11 p.m. back from break.

BY MS. CLARK:

Q. Before we took our break you said that after Lindsay Boylan, you noticed a change in the Governor. What change did you notice?

A. I definitely noticed him definitely not engaging as much with any of us. Not even really asking any kind of personal questions as in regards to like how was your weekend or what did you do. He definitely was very standoffish to the point where it was very noticeable.

Q. You talked already about the

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2 Governor hugging and kissing you and touching  
3 your butt, are there any other occasions that  
4 he touched you in a way that you felt was  
5 inappropriate?

6 A. I mean any time he touched me I  
7 felt like it was inappropriate. He was my  
8 boss, let alone the Governor of the State of  
9 New York, so I definitely felt he abused his  
10 power and definitely knew that he had this  
11 presence about him, very intimidating, no one  
12 ever told him that he was wrong nor were you  
13 told to do so. He definitely knew what he was  
14 doing was inappropriate.

15 So any time that he would do  
16 something to me he knew that at the end of the  
17 day if I told anyone, nothing was going to  
18 happen to him. If anyone, it was going to  
19 happen to me. And especially when he said that  
20 to me in his capitol office, I took it as a  
21 threat. Him saying the words that I could get  
22 into a lot of trouble, you understand that.  
23 And so that alone --

24 Q. Are there incidents where he  
25 touched you that you haven't talked about

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2 already?

3 A. No.

4 Q. Are there any times that he groped  
5 you other than what you described with your  
6 butt?

7 A. No, the incident with my butt and  
8 the incident at mansion when he reached his  
9 hand and was on my breast.

10 Q. We haven't talk about that one  
11 today.

12 A. Sorry.

13 Q. So you talked about there was a  
14 incident where he touched your breast, when was  
15 that.

16 A. That was in November, 2020 and I  
17 don't recall the exact date. But I'm assuming  
18 it was around November 16th, around that time.

19 Q. What makes you say it was around  
20 the 16th?

21 A. Because on my work iPhone I  
22 remember that day I had on November 16th  
23 Stephanie asking me to take a picture of  
24 Governor's license, New York driver's license  
25 that was on her desk and to it send to her. I

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2 did that and I walked into her office and found  
3 his license that was on her desk and took a  
4 picture. And I remember her calling the office  
5 that day, I remember thinking to myself, wow,  
6 I'm doing a lot of not ordinary things today,  
7 taking a picture the Governor's license wasn't  
8 something that I normally did.

9 A lot of those personal things  
10 Stephanie would do. That makes me believe that  
11 it was that day, but I don't remember exactly  
12 what date.

13 So I remember her calling the  
14 office and saying, Brittany, can you come over  
15 really quick and help the Governor send  
16 something from his iPhone in the notes app to  
17 my phone. And I said, sure, I will be right  
18 over.

19 Q. Where was Miss Benton when she  
20 called you?

21 A. I'm not sure. I don't know where  
22 her location was.

23 Q. Where was the Governor at the  
24 time?

25 A. He was at the executive mansion.

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2 Q. Did you then go to the mansion?

3 A. I did. I got into my car and  
4 drove myself to the mansion, let myself in and  
5 was told to go upstairs and that is where he  
6 was in the office.

7 Q. Describe to us what happened when  
8 you went up to his office?

9 A. I remember going up to his office.  
10 I remember having my coat on, it was November,  
11 it was cold. I remember just being told to go  
12 in there and literally take whatever he had on  
13 his notes app and to put it into his text  
14 messages and send it to Stephanie. So I wasn't  
15 expecting to stay there long. I walked in and  
16 he was sitting at his desk and he said, Hi  
17 Brittany, how are you, fine, how are you.  
18 Small talk.

19 I said I heard that you had  
20 something for me to put into a text message.  
21 Here is my phone, he slid it across the table  
22 to me where I copied and it seems like a simple  
23 task, you just copy and paste the words from  
24 noted app and you paste it into a text message.  
25 It seemed fairly simple to me, but, you know, I

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2 was asked to do it, so I did. And I sent it to  
3 Stephanie and I said okay, all set. He said  
4 did she get it and I said yes.

5 I gave him his phone back and I  
6 think he said why don't you take you coat off  
7 or something, and I said well, I'm okay, I have  
8 to go back to the office. I think I asked him  
9 are you all set. Do you need anything. Maybe  
10 he had a letter or dictation that he wanted to  
11 do, and he said no, that's it. And I said okay  
12 I'm going back to the office. I think he said  
13 well, how is it going at the office. Are you  
14 happy. I said, you know, yes, the office is  
15 fine.

16 So I remember him getting up  
17 and going around his desk and I remember  
18 thinking to myself, okay, he is going to give  
19 me a hug, like he had done previously. And it  
20 was -- the door was open to his office. So I  
21 remember being there that sometimes the  
22 employees would come in and just unannounced,  
23 they would come in and bring him coffee or they  
24 would bring him his lunch and I remember the  
25 door being wide open because we were in the

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2 office by the door. There is two offices.  
3 There is the newer one outside of his bedroom  
4 and the smaller older one that has the door out  
5 to the main upstairs floor and he was there.

6 I remember him coming around  
7 and it was instantly, like I could tell that  
8 when he had come around that, okay, it wasn't  
9 just going to be a casual hug, he really pulled  
10 me and I remember his hand just sliding right  
11 up my blouse. And I remember looking down and  
12 I remember seeing his hand which is, I would  
13 say a large hand and over my bra and I remember  
14 looking down and being like, excuse my  
15 language, holy shit, this just like went from  
16 zero to 60 in .2 seconds. It was so fast. I  
17 just remember stepping back and saying like,  
18 Governor, the door -- I just remember, you're  
19 going to get us in trouble.

20 That probably wasn't the best  
21 thing to say, because it could be misconstrued  
22 that we are going to get in trouble. But I  
23 didn't want to get in trouble because that is  
24 not what I was here for and that is not what I  
25 do.

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2 I just remember pushing back and  
3 saying that and he said, I don't care and he  
4 went over and slammed the door to the point I  
5 remember thinking there is employees downstairs  
6 and they are going to hear it being so loud  
7 that they are going to, I think, wonder what is  
8 going on up there. I remember him shutting the  
9 door and coming back and saying, I don't care.  
10 And it wasn't like ha ha, it was like I don't  
11 care. It was like in this -- at that moment he  
12 was sexually driven. I could tell and the way  
13 he said it, I could tell.

14 And that is when he like pulled me  
15 back in and I just remember like completely  
16 being at this point like what the, excuse me,  
17 what the hell is going on, and pulling him off.  
18 I think I must have said, you're crazy.  
19 Because at that moment you're in the Governor's  
20 mansion and there are state police in the other  
21 building next to you. If I push him or if I  
22 try like -- people say after the fact now that  
23 has been said in the paper, people that know  
24 that, why didn't you slap him. I'm going to  
25 assault the governor. I would be taken away by



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2 the state police officers and I would be the  
3 one that would get in trouble and I would be  
4 the one to lose my job, not him.

5 At that moment it was so quick  
6 and he didn't say anything and I just remember  
7 thinking to myself, oh my God, and I remember  
8 stopping and him not saying anything and I  
9 remember I walked out and he didn't say  
10 anything and I didn't say anything. I remember  
11 walking down the stairs, escorting myself out  
12 the front door, going back to my car, taking a  
13 deep breath and saying to myself, okay, every  
14 thing that just happened I have to now pretend  
15 like it didn't just happen. Go back to the  
16 capitol and sit at my desk and continue with my  
17 afternoon.

18 And I remember thinking to myself  
19 who -- I knew what just went on, I knew and he  
20 knew too that that was wrong. And that I in no  
21 way, shape or form invited that nor did I ask  
22 for it. I didn't want it. I feel like I was  
23 being taken advantage of and at that moment  
24 that's when I thought to myself okay, I can't  
25 tell anyone. Who am I going to tell. My

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2 supervisor was Stephanie Benton, Stephanie  
3 Benton was the Governor's right-hand person and  
4 if I told her I was going to be asked to go  
5 somewhere else or transferred to agency.

6 And the sad part of this whole  
7 thing, I actually like my job. I was proud to  
8 work, especially during this pandemic. I  
9 generally enjoy working with my colleagues  
10 EA #2 , EA #3 and so I really -- that was an  
11 opportunity of a lifetime for me. And so here  
12 I was and I didn't know who to turn to and I  
13 didn't feel like I could say anything, but I  
14 knew that that just -- I didn't know what to do  
15 at that moment.

16 Q. Let me ask you a few questions  
17 about that. You said when you went in, you had  
18 your coat on. What did your coat look like?

19 A. It was a black coat, a black long  
20 winter coat.

21 Q. Did it have a zipper or wrap or  
22 buttons, how was it fastened?

23 A. I believe it was my black coat  
24 that has a zipper on it and I think it has a  
25 belt with it too.

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2 Q. When you went in, were you zipped  
3 and belted up?

4 A. I believe that I think what I had  
5 done was I had taken it off when I sat down,  
6 when he said -- I think I did take off my coat,  
7 he was like no, take your coat off, I did take  
8 off my coat. I remember that is when I put it  
9 back on but I didn't zipper it back up. I just  
10 put it back on.

11 Q. At what point did you put it back  
12 you on?

13 A. I believe when I stood up to  
14 leave.

15 Q. I want to make sure that I got  
16 this straight. He said take your coat off.

17 A. Yes.

18 Q. You took your coat off?

19 A. I remember at first no, I'm okay  
20 and he said no, you can take your coat off and  
21 I said okay. And I took my coat off. I remember  
22 now I that if I recall correctly when I went to  
23 leave and stood back up I just put my coat back  
24 on, but I don't believe I zippered it.

25 Q. You put it back up before he came

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2 around and groped you; is that right?

3 A. Yes, I definitely had my coat on  
4 me.

5 Q. You said you were wearing a  
6 blouse, what did your blouse look like?

7 A. I remember my blouse, I don't  
8 remember exactly which color it was though. I  
9 definitely remember wearing a blouse that when  
10 you looked down you could see the top of my  
11 bra. I remember seeing -- I was wearing a  
12 black bra and I could see my black bra cup. It  
13 was definitely a blouse that it wasn't low cut,  
14 but I could definitely see his hand underneath  
15 it.

16 Q. You keep gesturing like this was  
17 your left breast?

18 A. Yes, I remember it specifically.

19 Q. So this blouse that you could see  
20 down, so you could see not just that his hand  
21 was under your breast, the actual hand

22 A. I remember looking down like  
23 specifically looking down like what is going on  
24 and seeing his hand, yes.

25 Q. Was that a blouse that you were

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2 wearing on top? Was it buttoned up? I'm  
3 trying to get a better picture of it.

4 A. It was untucked.

5 Q. Was it a blouse that had buttons  
6 up the front or just no buttons and he came up  
7 from underneath?

8 A. Yes, there was no buttons. I  
9 apologize, I don't remember the actual  
10 specifics of the material.

11 Q. That's fine. How long did he have  
12 his hand on your breast.

13 A. I would say, gosh, maybe like a  
14 second.

15 Q. Was he groping or did he just  
16 place it? Sorry I have to ask all of these  
17 details. Was he squeezing? What was his hand  
18 doing?

19 A. I mean it was -- he was like  
20 cupping my breast. He cupped my breast. I  
21 have to tell you it was -- at the moment I was  
22 in such shock that I could just tell you that I  
23 just remember looking down seeing his hand,  
24 seeing the top of my bra and I remember it was  
25 like a little even the cup -- the kind of bra

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that I had to the point I could tell you doesn't really fit me properly, it was a little loose, I just remember seeing exactly that. I think he might have grabbed it.

Q. When you walked out that day, did anyone see you leaving his office and going down the stairs?

A. No, not that I know of. I exited pretty quickly.

Q. You went out to your car, did you sit in your car for awhile or did you get in and take right off, what happened?

A. No, I sat in my car I remember for a few minutes. I had to kind of gather myself. I definitely remember thinking, okay, I remember taking a couple of deep breathes and saying I have to go back into the capitol and go back to my desk and continue doing my job.

MR. KIM: When you were inside, when he groped you and put his hand under your blouse, did his hand go under your bra as well?

THE WITNESS: No, over the bra.

MR. KIM: He was touching your left

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breast over the bra?

THE WITNESS: Yes.

MR. KIM: What kind of door, the door that was slammed, what kind of door was it?

THE WITNESS: What kind of door?

MR. KIM: Is it a sliding door or swinging door or pocket door? What kind of door was it?

THE WITNESS: It was a door with like a doorknob.

MR. KIM: Because I know there are parts in the mansion where there are sliding doors that cover like the family room or that is what I understand. Some of the doors are sliding and some of the doors swing and shut with a knob.

THE WITNESS: This was not one of those doors. This was just a door with a knob.

MR. KIM: Like a normal door?

THE WITNESS: Yes.

MR. KIM: Did he slam the door before or after he groped you in the

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breast?

THE WITNESS: That was I believe it was after.

MR. KIM: He slammed the door after, so that's when he said --

THE WITNESS: I'm sorry, I'm trying to think. He came around and he pulled me close and he put his hand up my shirt and then -- up my blouse and I pulled away and he said I don't care and he slammed the door and said I don't care and then he came back, I think that's when I said you're crazy and I pushed him away.

MR. KIM: Okay.

BY MS. CLARK:

Q. When you were sitting in your car, where was your car parked?

A. My car was parked in executive mansion parking lot.

Q. I have been told before but I can't remember. Where is that in relation to where the troopers are stationed?

A. The troopers are stationed in a building next to the mansion. There is a



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building next to the mansion it's called the command center and then the executive mansion is in its own -- it was on the same property, but a separate building.

Q. You said you went to gather yourself because you had to go back to the capitol. Did you go back to the office that day?

A. Yes.

Q. Do you recall seeing anyone when you went back to the office?

A. I believe that EA #2 was in the office. EA #3 was I think she was sick or something, so she had been away a lot that week and that is when I think it was just EA #2 and I in the office.

Q. Did EA #2 notice that you seemed out of sorts at all or say anything?

A. Not that I know of.

MR. KIM: Can I ask one more follow-up question. On your way out of the mansion, did you run into anyone?

THE WITNESS: No.

MR. KIM: You just made your way

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BRITTANY COMMISSO

out and you don't remember seeing anyone.

THE WITNESS: No, I let myself out  
the front door.

MR. KIM: Okay.

BY MS. CLARK:

Q. At the time you didn't -- did you  
tell anyone about it around the time that it  
happened?

A. No, I didn't tell anyone.

Q. I'm going switch gears slightly.  
Did you have attend any -- you  
mentioned going to some Christmas parties.  
What years did you go to the Christmas parties  
connected with the Executive Chamber?

A. I went to the Christmas party in  
2018 and then the 2019 Christmas party.

Q. Did you ever have your picture  
taken with the Governor at any Christmas  
parties?

A. Yes, both of them.

Q. How did that come about?

A. So, at those Christmas parties the  
Governor walked around at some point during the  
party and has a photographer and they take as

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many photos as they can with people that are attending the party.

Q. Do you have any of the pictures that were taken of you and the Governor at any of the holiday parties?

A. I so, yes.

Q. I'm going to show a few photos. Turn to tab 5 in the binder.

(Exhibit 5 for identification, Photograph taken at the Christmas party of December, 2018.)

Q. Where was that picture taken?

A. That was taken at the Christmas party of December, 2018.

Q. That is Miss McGrath with you?

A. Yes.

Q. Do you recall anything that occurred leading up to this photograph.

A. No, I just remember we were at the party and Alyssa was helping him out at the time. I wasn't. And I remember him seeing us from across the room and then I remember him seeing Alyssa and he said to her -- he said something along the lines of, oh, like they let

1 BRITTANY COMMISSO

2 you out of the office or something and she said  
3 yes. And then we took the photo and I'm not --  
4 I don't recall what else was said at that  
5 moment.

6 Q. It looks like the Governor's hand  
7 is around you with his hand sort of high up on  
8 your ribcage; is that right?

9 A. Yes.

10 Q. If you can look at tab 6.

11 (Exhibit 6 for identification,  
12 Photograph taken at the Christmas party of  
13 December, 2018.)

14 Q. Is this the same holiday party?

15 A. Yes.

16 Q. Do you recall what was going on  
17 when this photo taken?

18 A. I think we were talking about  
19 Alyssa working for him and then he had said  
20 something along the lines of maybe if I want to  
21 work for him. I don't really -- it was a  
22 couple of years ago, so I don't recall the  
23 exact conversation. But I know that Alyssa  
24 made a comment at that moment saying that it  
25 was like a two for one. I guess like that the

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two of us were friends and that we could both work for him. But I don't recall the specifics of the actual conversation due to how long ago it was.

Q. If you could turn to the next tab, tab 7.

(Exhibit 7 for identification, Photograph taken at the Christmas party of December, 2019.)

Q. Do you know where this photo was taken?

A. Yes, that was at the Christmas party of December, 2019.

Q. This looks like this was taken on a phone. Do you know to took this photo?

A. I believe it was maybe one of our friends, [REDACTED]

Q. Do you recall what was happening when this photo was taken?

A. Yes, that is when the actual photographer was taking other photo and he was greeting us before the photo was taken.

Q. The Governor's is pursed was he -- had he kissed or was he about to kiss Alyssa or

1 BRITTANY COMMISSO

2 was he talking, or what was going on?

3 A. I believe he was going to kiss her  
4 on the head.

5 Q. Had he ever kissed you on the  
6 head?

7 A. I mean he had greeted me and I  
8 believe that when he kissed her on the head  
9 maybe he also kiss me on the head as well.

10 Q. You're not sure?

11 A. I'm not sure. Just to let you  
12 know, at these Christmas parties there is lot  
13 going on and these photos are taken fairly  
14 quickly because they want to move on to the  
15 next person. So there was a -- there were  
16 thousands of people at the Christmas party.

17 Q. Turn to tab 8. It looks like it  
18 was taken around the same time.

19 (Exhibit 8 for identification,  
20 Photograph taken at the Christmas party of  
21 December, 2019.)

22 Q. Do you know what was happening in  
23 this photo?

24 A. I believe that was when he was  
25 talking to us. I don't believe that that's

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when -- I don't believe he was going in for a kiss. I just believe he was talking to me and I think that I was, I think leaning away a little bit.

Q. Tab 9 that is another photo from the same party.

(Exhibit 9 for identification, Photograph taken at the Christmas party of December, 2019.)

A. Yes.

Q. Tell me, was this taken by a friend or the official photographer? Do you know who took this one?

A. I believe maybe someone that took it on their iPhone it looks like. Because I could tell in the upper left corner there is like a little symbol that shows up on an iPhone photo which makes me believe it was taken on an iPhone. I believe this was after the picture was taken.

It looks like Alyssa is walking away and like I said, there was a lot going on. It was very loud and I'm sure he is just saying goodbye and moving on to the next person.

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(Exhibit 10 for identification,

Photograph taken at the Christmas party of  
December, 2019.)

Q. Tab 10 is from the same party and  
looks like it was taken on an iPhone?

A. Yes.

(Exhibit 11 for identification,

Photograph taken at the Christmas party of  
December, 2019.)

Q. If you look at tab 11, is that one  
taken by the official photographer?

A. Yes, that was taken by the  
official photographer.

Q. The Governor's hand looks like it  
is on your rib cage. How did you feel when he  
was holding you like that?

A. At the time, I mean I just  
remember taking the photo and I just remember  
him kind of pulling me close. And when we took  
the photo I can't remember what was going  
through my mind at the moment, I know there was  
a lot of people and I did notice that he was  
definitely gripping my waist side.

Actually now that I'm thinking



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about it, I do recall him saying that photo -- I had that photo on my desk in the office and I remember him seeing that photo and saying to me that that was a nice photo and how he wished that I didn't have my name tag on me. And I don't know what he meant by that.

Q. How did you get a copy this photo? How did you get it to put on your desk?

A. The Chamber, they give it to people. So if anyone has their photo -- a lot of people ask for their photo with the Governor. It not out the ordinary.

Q. On your desk did you have any other photos of you and Governor?

A. No.

Q. Have you ever posted photos of you and Governor on social media?

A. Yes, on my Instagram and on my Facebook.

Q. What photos did you post on your Instagram?

A. The ones from the Christmas party I had posted on my Instagram and my Facebook. And then I also have had a photo of when ████

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██████████ was at the mansion and there is a picture of ██████████ ██████████ and the Governor that I also posted on my social media.

Q. When you posted the photo of you and Governor from the holiday party, did you say anything or did you just post the photo without text?

A. I would put a caption and I believe the caption was holiday party 2019 and I think I believe I put the holiday party 2018. But it was just stating where it was.

Q. Did the Governor ever give you any gifts?

A. No. Other than the cufflinks to give to my husband.

Q. Were you aware of the birthday party for John Maggiore in summer of 2019?

A. Yes. I attended that birthday party.

Q. Did the Governor attend that party?

A. Yes.

Q. Where was that party?

A. That was at one of the drive-in

BRITTANY COMMISSO

1  
2 movie theaters. I don't remember the  
3 particular one.

4 Q. Did anything of note happen at  
5 that party?

6 A. No. The Governor showed up. I  
7 had gone there I was invited because I was  
8 John's assistant and I was invited through John  
9 and he said that, oh, the Governor might come.  
10 He was really excited about that. John had a  
11 very close relationship with the Governor and  
12 said that he considered him almost like a  
13 brother. And that John was looking forward in  
14 hopes that he was going to attend.

15 He did indeed come with Melissa  
16 and Stephanie Benton and he said a speech and  
17 then he left.

18 Q. Were you or the Governor saying  
19 anything about you being Mr. Maggiore's  
20 assistant?

21 A. He said that -- I think he said  
22 how do you like working for John or something  
23 like that and then said, oh, I think he made a  
24 comment about that I should -- oh, yes, he made  
25 a comment and I said I work for John and he

1 BRITTANY COMMISSO

2 said no, you ultimately work for me. He said  
3 John works for me and if you work for John, you  
4 actually work for me. He did make that  
5 comment.

6 Q. Getting back to photos that you  
7 posted on Instagram and Facebook.

8 Did you ever use any photos of you  
9 and the Governor as a profile picture on any  
10 social media?

11 A. Yes, during the height of the  
12 pandemic, a lot of the employees that had  
13 photos with the Governor, a lot of them put the  
14 pictures of them with him as their profile  
15 picture and it was assign that we were proud to  
16 work for the administration and so I as well  
17 put up a photo.

18 Q. Which photo did you use for the  
19 profile?

20 A. The photo of me and Alyssa and the  
21 Governor from the holiday party.

22 Q. Did you make it your profile  
23 picture for both Instagram or Facebook?

24 A. No, just Facebook and I put a  
25 border that Facebook had had at the time.

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2 Q. Did you ever engage in conduct  
3 toward the Governor that you would categorize  
4 as flirtatious?

5 A. I would definitely say that my  
6 personality in nature is I would say flirty.  
7 So when the Governor would flirt with any of  
8 us, I could say from myself, that yes, I would  
9 engage in maybe flirtatious behavior back. But  
10 that is pretty much my nature.

11 Q. Describe what that was like? What  
12 sort of things that you would do or say to  
13 flirt back?

14 A. I would definitely say that I'm  
15 always -- I'm a people pleaser by nature. I  
16 definitely don't like conflict. So I'm very  
17 friendly. I'm outgoing. I would say that  
18 anyone that knows me would say that I'm very  
19 outgoing. I also would tell people that I also  
20 thought that is one of reasons why the Governor  
21 would like me working for him. Because I  
22 wasn't so stoic and stiff. That I would laugh.  
23 I would joke back. He would tell a joke and I  
24 would say, I have a joke too. That I wasn't  
25 afraid to be myself. That sort of thing.

1 BRITTANY COMMISSO

2 Q. Did you ever make any comments  
3 to the Governor that had any sexual connotation  
4 or sexual innuendo?

5 A. No, not that I thought, no.

6 Q. Do you recall a time where you  
7 were in the office with Alyssa where you guys  
8 were doing stretches?

9 A. Yes, so there was a point when  
10 Alyssa and I were there on a Saturday I believe  
11 it was and my -- I have scoliosis in my lower  
12 back and we were working on a project on the  
13 floor and I was doing a stretch, and as I was  
14 doing a stretch, the Governor came out from the  
15 back of his office because at the time it was  
16 Alyssa and I in the front and he walked out he  
17 kind of went, oh, what's going on here.

18 I said, I'm sorry, we were  
19 laughing because we were -- it probably looked  
20 a certain way, but we were -- I was doing a  
21 stretch. So I mean we just laughed.

22 Q. What sort of stretch were you  
23 doing?

24 A. I honestly don't remember. I do  
25 remember laughing because, I could tell you, I

BRITTANY COMMISSO

1  
2 have an issue with [REDACTED] and so the  
3 joke was that I actually felt like I pulled a  
4 muscle [REDACTED].

5 When we were stretching it was because I was  
6 trying to work out whatever I was feeling in my  
7 abdomen.

8 When he laughed and said what are  
9 you doing, I was laughing because it was really  
10 embarrassing, the reason why I was doing that.

11 No one wants to tell anyone that you were

12 [REDACTED] and yes, so that's why we were  
13 laughing, because I shared that with Alyssa.

14 Q. Did the Governor make any  
15 comments, any suggestive comments about how  
16 you might have injured yourself?

17 A. I think he might have made a  
18 comment, like, how did you do that, something  
19 like that. I think we started laughing because  
20 I wasn't about to tell the Governor that I was

21 [REDACTED]  
22 [REDACTED]. So I think between Alyssa and  
23 I, that is what we were laughing about at that  
24 moment.

25 Q. Did you ever have a romantic or

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sexual relationship with the Governor?

A. No, never.

Q. Did you ever tell anyone that you had a romantic or sexual relationship with the Governor?

A. No, never.

Q. Did you ever tell anyone that you were one of reasons that the Governor broke up with [REDACTED]?

A. No.

Q. Did you ever tell anyone that when the Governor groped you he was trying to restart a prior relationship with you?

A. No.

Q. Did Alyssa tell you anything about her interaction with the Governor prior to all the recent press stories?

A. She had share with me the time that she was doing dictation and that he made a comment about her necklace, about the -- I think she had on like a little whatever, whether it was a cross or the pepper, I'm not sure which one, but she had said that she noticed he looked down her shirt and made the



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comment to her about her necklace.

MR. KIM: Anne, were you going to move on to another topic? I have a couple of follow-up question.

MS. CLARK: You can jump it.

MR. KIM: Anne asked you about whether you had a relationship with the Governor. Have you heard anyone else say anything like that, that in fact you had a consensual relationship with the Governor or have you heard anything like that from anyone?

THE WITNESS: So the only time that I can think of ever, ever having any inkling of that was one night I would say maybe when I first left my husband I was out to dinner about with a colleague of mine, [REDACTED], and I remember we were at dinner and she said to me, did you ever -- was there anything ever between the two of you or something along those lines. And I remember popping my head up and saying what. I remember saying to her, absolutely not.

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That was the first time that anyone ever said anything to me like that. And I said no. And people that I work with and I said no, not at all, and said do people think that, and she said no. No, I always just wondered because he seems to call on you a lot.

I said oh, well, is that the reason why you thought that, and she said yes, just he always seems to call on you a lot and always wants you to do things for him.

And I was taken back by it and I said, absolutely not, and I really hope people don't think that because it is not true. And she said no no, I didn't mean anything by it. I didn't me to startle you. I was asking for my open curiosity. I said okay.

I also remember during my marriage my husband would always say, I don't like you going down there. And I know what goes on. And he would say things to me like I'm sure the Governor is trying to touch you.

I remember getting so upset because

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while he was saying that I knew what was going on. And I didn't want anyone to think that I wanted that -- I wanted everyone to know that I did a good job and worked hard and I liked my job.

At the same time I knew what he was doing to me and I felt like I couldn't even share it with my own husband because his words were so harsh. He would call me horrible names.

This just wasn't about the Governor's office, might I add. He thought that everyone that knew me was flirting with me. He thought every conversation that I had with people I was flirting with them.

When I worked at the county attorney's office for Albany County anytime an attorney talked to me he thought that they wanted to sleep with me. [REDACTED]

[REDACTED]

[REDACTED] So

I felt like I -- he was always being judgmental of me.

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So only person to actually was saying to me, I don't like you going down there and I'm sure the Governor is trying to touch you was my husband. But he also thought that everyone was trying to do that. And that, you know, that my, maybe my flirtations personality, he didn't like that about me.

MR. KIM: The conversation with [REDACTED] when was that about?

THE WITNESS: I believe that was in January. We went to dinner at a restaurant, City Line, the two of us and that was the first time that I had -- anyone had ever said anything to me like that.

MR. KIM: January of this year?

THE WITNESS: Yes.

MR. KIM: The things that your husband would say or did say to you, I don't like you going to the mansion, was it that, just throughout?

THE WITNESS: That was throughout my relationship with him. I just he would say I don't like you going to the mansion.

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I don't like you being around the governor. I know what he does. And I know what goes on down there. I'm sure you're just another hot young girl and he also said that the only reason why I was there was because of my looks. And that without my looks I wouldn't have gotten that job opportunity. He was always putting it in my head I wasn't smart.

MR. KIM: Do you know, do you have any personal knowledge or did you hear of the Governor having [REDACTED] with any staff members?

THE WITNESS: I remember hearing that I heard that he had actual -- he had [REDACTED] Senior Staffer #3. No it was a rumor going around. I didn't know personally whether that is was true or not. I also heard a rumor that he was [REDACTED] Senior Staffer #2. Once again I don't know if that was true or not. And I also heard that maybe him and Senior Staffer #1 had something. And that the reason why they were as close as they were because they had

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some kind of a [REDACTED]

MR. KIM: Who did you hear about  
Senior Staffer #3 [REDACTED] from.

THE WITNESS: It was -- I don't  
remember specifically who, but it was  
pretty much people that were on the secure  
side that were close to the inner circle,  
that is where it would come out of.

MR. KIM: And just people would  
speculate or say that they thought that  
there was a [REDACTED]?

THE WITNESS: Yes.

MR. KIM: Anyone who said they had  
seen anything or had sort of proof so to  
speak, beyond speculating or being  
suspicious?

THE WITNESS: No, I would say no  
one had any proof. There were talks that  
he would have these movie nights when he  
would invite some of the inner, I would say  
part of the mean girls group over to watch  
a movie. And that some people thought that  
was a little odd. I don't know, but that's  
as far as I knew what people were saying.

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BRITTANY COMMISSO

MR. KIM: How about Senior Staffer #2

anyone in particular that you remember saying anything about the two of them?

THE WITNESS: No, I just hear that she got divorced and that maybe her and the Governor . But I never thought nor I don't think anyone had any proof to my knowledge.

MR. KIM: How about Senior Staffer #1 ?

THE WITNESS: Once again, I didn't have any proof. I don't know if anyone else did

But I definitely noticed being in the office their behavior toward one another. I thought it was a little flirtatious in nature.

[REDACTED]

[REDACTED] that I felt as if anyone else had done that, they would be screamed at, fired and I was in the office

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during that whole time and he never once showed that he was mad at all.

Actually quite the contrary he was like checking in on her, how are you, are you okay. Definitely opposite of what I had seen prior for people that have done something to embarrass him. But definitely treated her differently.

MR. KIM: Okay.

BY MS. CLARK:

Q. Your dinner with [REDACTED] was the first time that someone other than your husband said anything about wondering if there was something going on between you and the Governor.

A. Yes.

Q. Other than your husband, who we will come back to in a bit, anyone else say anything to you that you had a relationship with the Governor or anything along those lines?

A. No, never. Actually, quite the contrary. I had been told -- we had a small get together, I would say maybe early January



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1 or maybe it was in December, I apologize, [REDACTED]  
2 [REDACTED] had just joined and so EA #2, EA #3,  
3 [REDACTED] and I had a little get together at  
4 EA #3's house, and it was even said, I think  
5 EA #2 was the one that said it, that each one  
6 of us has their own professional connection  
7 with the Governor and that it was known that if  
8 anyone ever sensed, especially Stephanie, that  
9 you were getting too close to the Governor to  
10 where she thought it might be inappropriate or  
11 uncomfortable, you were immediately like not  
12 going to be asked to work with him.

13 I never thought that anything  
14 that -- any interactions that we had or  
15 anything was nothing other than professional on  
16 my end. And to the point where if Stephanie or  
17 Melissa thought that, you were immediately  
18 axed. You were not to be asked again.

19 That was the first time that at  
20 the dinner that I thought that anyone ever said  
21 to me was there anything going on. And even  
22 [REDACTED] said no, not that anything that you were  
23 doing. It was just clearly he was asking you  
24 to a lot of things. Quite the contrary it  
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wasn't anything that I was doing, especially too from that conversation.

Q. Did anyone tell you, anyone specific that had gotten too close to the Governor, that either Stephanie Benton or Melissa DeRosa had pulled them back to make sure they weren't spending time with the Governor?

A. I actually asked that question and the ladies said they prefer not to say. And I said well who, and they said that they preferred not to say.

I actually now that I think about it, I didn't know if they were referring to Charlotte, that's the only person that I could think. But they said to me they preferred not to say.

Q. Prior to the incidents in March which we are going to get to, did you tell anyone about the Governor hugging or kissing you or groping you?

A. No.

Q. Did you consider at all reporting it to anyone in the Executive Chamber?

1 BRITTANY COMMISSO

2 A. I knew that I wanted to. The  
3 Governor had made a comment to me prior to  
4 anything coming out like months prior saying  
5 that, you know, you don't tell Alyssa anything,  
6 right. Anything that I do. And said, no. And  
7 he said okay, because you know I don't trust  
8 her. And I said, oh, I didn't know if something  
9 had happened. Like where -- I don't know why  
10 he would say that he didn't trust her. That  
11 was news to me. But he made it clear to me  
12 that was like the first time that he kind of  
13 said to me, pretty much keep your mouth shut.

14 Q. When did he make that comment  
15 about not telling Alyssa anything?

16 A. I believe it was definitely maybe  
17 February of 2020. It was before the pandemic,  
18 yes.

19 Q. Did you have any knowledge of what  
20 the procedure would be in you wanted to report  
21 it to the Executive Chamber?

22 A. I mean I wasn't -- I didn't really  
23 know what would happen if I reported it. I  
24 just knew if I reported it that I was probably  
25 going to -- they were going to try to get me

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2 out of there as fast as they could. And I  
3 wasn't aware of the actual procedure and if I  
4 did report it what would happen.

5 Q. Did you receive any training or  
6 where anyone told you what the procedure was?

7 A. We definitely do sexual harassment  
8 training. And we also do an ethics training,  
9 like an ethics training that I had taken when I  
10 first started, yes.

11 Q. The harassment training, did it  
12 cover how to report sexual harassment or what  
13 the procedure would be once you did so?

14 A. I believe it did. It was  
15 definitely a very informal thing. Where it was  
16 like okay, just sign here. Read that or sign  
17 here or watch this and sign here.

18 Q. It was video training?

19 A. For the the sexual harassment I  
20 believe it was a paper, reading through  
21 something.

22 Q. Did you ever see any sexual  
23 harassment policies?

24 A. I know that we have a policy on  
25 our intranet that we have access to.

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2 Q. Did you ever get any handbooks?

3 A. I believe when I first start in  
4 the Chamber you're given a bunch of paperwork.  
5 But it is not necessarily told to you that you  
6 know you must read through it.

7 Q. Did you ever read through it?

8 A. Not -- no, not to my knowledge. I  
9 definitely glimpsed through my paperwork that I  
10 received. But did I, you know, in-depth  
11 thoroughly remember what was part of it, I  
12 don't recall.

13 Q. After the Governor started  
14 touching and doing other things that made you  
15 uncomfortable, did you go back and check on any  
16 of the policies to see what was there?

17 A. I did not. What it comes down to  
18 is that this opportunity for me was something  
19 that working for the Governor of the State of  
20 New York and being one his assistants, it meant  
21 a lot to me.

22 I remember being a young girl  
23 standing at the bus stop with my grandmother  
24 and looking at the capitol and saying one day  
25 grandma I'm going to work in there. That she

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2 would be proud of me.

3 For me this was definitely an  
4 opportunity of a lifetime. And I really do  
5 enjoy my work. I do enjoy my job. I did and I  
6 have and what's happened to me is unfortunate  
7 and I don't think fair to me. And I definitely  
8 knew that not only did he tell me not to say  
9 anything or share anything with anyone and it  
10 was definitely also known that if you say  
11 something odds are you're going to be the one  
12 to go and I liked my job.

13 Q. When was the first time that you  
14 actually did say anything to anyone about the  
15 Governor doing anything inappropriate?

16 A. It was definitely when the  
17 announcement -- he made the press conference  
18 that day, I forget the date, he made a press  
19 conference down the hall in the red room and I  
20 was sitting in my desk and I was watching and  
21 he said in front of the camera I never  
22 inappropriately touched anyone.

23 I had told myself I was going to  
24 take this to the grave. There were conversations  
25 about Charlotte, that could people believe her,

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2 did she have any ulterior motive, and I  
3 couldn't be part of those conversations  
4 anymore, because what she was saying was the  
5 truth. Those things actually did happen to me  
6 as well. And so it was finally -- watching him  
7 I just said, I think my facial expression and I  
8 think I got emotional and EA #2 said, are you  
9 okay and that is when I shared the information.  
10 I have to be honest --

11 Q. Sorry, let me stop right there.  
12 Prior to the press conference when there was a  
13 conversation about Charlotte, did you say  
14 anything to Executive Assistant #2 or did you talk about  
15 any conduct of the Governor?

16 A. I definitely had said that I had  
17 known that she had mentioned something  
18 happening to her in a different situation that --  
19 I didn't really engage, I more listened because  
20 they were like is she doing this for other  
21 reasons, but, no. And I also shared with her  
22 that day what had happened to me almost in a  
23 way that I thought she was going to share  
24 something similar. That maybe she was also  
25 going to say Brittany, something similar has

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2 happened to me. When she didn't I just  
3 thought, oh, okay, it is just me. And so I  
4 have to share that as well.

5 Q. The day of the press conference  
6 you were in your office, the Governor was down  
7 the hall in the red room?

8 A. Yes.

9 Q. Was there anyone else in your  
10 office with you?

11 A. It was EA #2 , EA #3 , and no, it  
12 was just the three of us.

13 Q. You were you watching the press  
14 conference?

15 A. I was at my desk.

16 Q. And so walk us through what  
17 happened next.

18 A. I watched the press conference, he  
19 said what he said, and I think I visibly had  
20 emotion come over my face. EA #2 had said, are  
21 you okay, and I had then stated to her some of  
22 the things that happened to me. Not all of  
23 them, but some of the things that he had  
24 touched me before and I kind of almost took  
25 comfort in thinking she was going to say that



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similar things had happened to her.

Q. Did you have that conversation in your office?

A. Yes.

Q. Was Executive Assistant #3 present?

A. She was, yes.

Q. Was she part of the conversation or was she away from you? Where was she when were you were talking to EA #2 ?

A. I believe that EA #2 was doing most of the talking and she was sitting there listening.

Q. What incidents did you tell them about that first time?

A. I believe I had shared that he had, I believe I shared that he touched my butt and that the groping incidence at the mansion.

Q. Did you tell them about the groping incident the first time on the day of the press conference?

A. As far as I remember, yes.

Q. What else did you tell them about that first day?

A. I believe I just shared that he

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2 did indeed touch me inappropriately. And that  
3 Charlotte was telling the truth. That I  
4 couldn't sit here and listen to that anymore  
5 and it had been weighing heavily on me and that  
6 these things happened to me.

7 Q. What if anything did they say when  
8 you told them about what happened to you?

9 A. At first they were in shock and  
10 they said, I'm so sorry. They were just being  
11 not only colleagues but also friends and asked  
12 if I was okay. And I think they weren't really  
13 sure how to respond. I definitely know that  
14 they definitely didn't know how to respond.

15 Q. How long was the conversation that  
16 you had with the two of them?

17 A. How long?

18 Q. Yes, how long was this  
19 conversation?

20 A. I would say maybe a couple of  
21 minutes. Definitely it obviously changed the  
22 tone in the room. It was definitely shocking I  
23 think to them that they had no idea. That they  
24 were sorry.

25 Q. After this discussion what did you

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2 do next?

3 A. Then I remember I sat back down  
4 and the next day I was on duty to do weekend  
5 coverage and they said to me, are you going to  
6 do the weekend coverage and I said, you know,  
7 I'm going to have to be. This is my job. This  
8 is my job, and they said okay. And then I  
9 remember that night at the dinner I think I  
10 expressed to them more about how much it  
11 bothered me and how much this is going on and  
12 it was that I was going to take it to my grave  
13 with me and that they were so sorry. And then  
14 the next day was when they said to me,  
15 Brittany, I think you should get an attorney.  
16 I think you need to protect yourself. And I  
17 said, okay, okay.

18 Q. I'm going to stop you and break it  
19 down a little. The press conference, what day  
20 of the week was that?

21 A. I believe it was on a Wednesday.

22 Q. The dinner was on a Saturday?

23 A. Yes.

24 Q. Thursday and Friday you just go to  
25 work and do your usual work?

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2 A. Yes, I went to work. Definitely a  
3 different tone in the room.

4 Q. Did you have any discussion with  
5 them about any of the incidents on Thursday or  
6 Friday?

7 A. Not that I recall. I do remember  
8 though at that point that I was starting to  
9 open up about what happened to me. That I was  
10 taking comfort in knowing they were listening  
11 to me. And I had asked EA #2 or EA #3 if  
12 anything similar happened to them. We were  
13 almost confiding in one first. EA #2 said  
14 there were differently conversations that the  
15 Governor and I would have that crossed line of  
16 professionalism. And I said well, did he ever  
17 touch you and she said no. And I said, oh,  
18 okay, and I said oh, and then that was it. I  
19 asked EA #3 did anything happen like this to  
20 you and she told me no.

21 Q. At the dinner, this is for Alyssa  
22 McGrath's birthday?

23 A. Yes.

24 Q. Whose was present for the dinner?

25 A. It was Alyssa, myself, a couple of

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her other friends and EA #2 and EA #3 came a little later.

Q. When they came is that when you were told that EA #3 had worked at the mansion that day instead of you?

A. Yes, that is when they told me.

Q. Did EA #3 tell you what she worked on that day?

A. She said we worked on some confidential things and I didn't really ask what they were.

Q. You said at the dinner you opened a bit more. Was that at the table with everybody or did you step away or where did you have that conversation?

A. I was at the end of the table sitting next to EA #2 and EA #3 was on the other side of the table, and it was very loud in the restaurant so the three of us we were just talking. No one else could hear us.

Q. Did you ever step outside to talk with them, continue the conversation?

A. No, at one point EA #2 and I had gone to the bathroom and we were talking in the

1 BRITTANY COMMISSO

2 bathroom and she was saying how sorry she was  
3 and that -- that she -- just sharing that she  
4 was there for me.

5 Q. On Saturday at the dinner did they  
6 talk to you at that point about seeing a lawyer  
7 or did that happen later?

8 A. EA #2 said why don't you come over  
9 tomorrow for breakfast and I said okay. I went  
10 over there with my boyfriend, [REDACTED] and EA #2  
11 and EA #3 were there and EA #2's boyfriend,  
12 [REDACTED] and that is when they said, Brittany you  
13 should get an attorney. And because the  
14 Governor definitely doesn't know what you're  
15 going to do. And you're a liability to him and  
16 he could fire you.

17 And in that moment here I am  
18 going through a divorce and I'm single and  
19 paying my bills and not getting any child  
20 support or anything and the word fired, I was  
21 like me fired, for what. And they, said  
22 Brittany, you know, you're a liability to him.  
23 You need to protect yourself. So I said, okay.  
24 And it was very quick and they got Brian on the  
25 phone and I met with him that afternoon.

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2 Q. Up until the time that you met  
3 with Mr. Premo, had anyone from the Executive  
4 Chamber spoken to you or to your knowledge the  
5 other executive assistants to find out if they  
6 had any experiences with the Governor that were  
7 similar to Charlotte Bennett's or Lindsay  
8 Boylan?

9 A. Not that I'm aware of, no. I do  
10 know that prior after our conversation on  
11 Sunday EA #2 and EA #3 and [REDACTED] and [REDACTED] came  
12 with me to Brian's office, I think they must  
13 have -- they were under the assumption that if,  
14 you know, if anything that you should report  
15 it. And I think that they had said to me that  
16 we are going to -- I think they said we are  
17 going to report it to the AG's office tomorrow.  
18 And I said, okay. And so I was under the  
19 assumption that that is what they were going to  
20 do.

21 And then the next day when I went  
22 into work they actually informed me that they  
23 reported it to the internal Chamber counsel, I  
24 believe it was Beth Garvey and Judy. I didn't  
25 know that. I said okay, if that is what they

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2 needed to do, if that is what it said to do, I  
3 understood. And then the next thing you know I  
4 was -- they said, no, we told them that he  
5 slammed you up against the wall and I said no  
6 no no, I never said that. And that never  
7 happened. He didn't slam me up against the  
8 wall, please that is not what happened. And  
9 they said oh, well we must have misunderstood  
10 you. I said oh, well that is not what happened.  
11 The things that you know the article comes out  
12 in the Times Union.

13 Q. Did EA #3 or EA #2 tell you what,  
14 if anything, Beth Garvey or Judy Mogul said to  
15 them when they reported what the Governor had  
16 done to you?

17 A. They told me that they had  
18 disclosed to them what they knew and that Beth  
19 and Judy were understanding and said that  
20 nothing was going to happen to them and to let  
21 me know that nothing was going to happen to me.  
22 That I was protected.

23 Q. Did either Miss Garvey or  
24 Miss Mogul come and speak to you?

25 A. Never, no.



1 BRITTANY COMMISSO

2 Q. Did anyone else from the Executive  
3 Chamber reach out to you to ask you directly  
4 what happened?

5 A. No.

6 Q. Are you familiar with an entity  
7 named GOER?

8 A. I'm familiar with it, yes.

9 Q. Did anyone from GOER reach out to  
10 you to ask you what happened?

11 A. No.

12 Q. After the First Times Union  
13 article came out, did you speak to anyone else  
14 about what happened to you?

15 A. After the article had come out,  
16 obviously people that knew me, I think Alyssa  
17 had asked me, Brittany did this happen. And I  
18 said that it did, yes. That happened and I  
19 think she asked me why didn't you tell me or  
20 why didn't you say anything and I had told her  
21 why I didn't say anything to anyone. But I  
22 would say that at the time I just was a little  
23 shocked that it had gone out so quickly. I  
24 don't know where it came from. It didn't come  
25 from me. It kind of smacked me in the face a

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little bit.

Q. When Alyssa asked if that was true, did they tell you anything more about anything that happened between her and the Governor?

A. No.

Q. Did anyone else reach out to you and say, hey, was that you that was in that article or anything like that?

A. I do remember I would say some people might have assumed it was me and just had sent me a text message maybe showing, I don't know whether it was a few days later, I'm sure people talk amongst themselves. And in the beginning I actually didn't respond to any of them. And one of those people was Charlotte Bennett a couple of days after she had reached out to me. I never responded.

Q. Did you ever speak to Charlotte?

A. No.

Q. Turn to tab 13 of the binder.

(Exhibit 13 for identification, Text message from Charlotte Bennett.)

Q. What is this document?

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2 A. That's the text message from  
3 Charlotte.

4 Q. Did you ever hear from Lindsay  
5 Boylan?

6 A. No.

7 Q. Did you ever hear from anyone else  
8 who's name you seen in the press who made  
9 allegations about the Governor?

10 A. No.

11 Q. Have you spoken to any other  
12 friends or family about what happened since the  
13 story first came out?

14 A. I mean definitely my boyfriend had  
15 questions when the article came out. I know  
16 that we had given my ex-husband a courtesy call  
17 letting him know. And when that was disclosed  
18 my husband -- I mean my ex-husband, soon to be  
19 ex-husband was supportive. Said that he had  
20 never been more proud of me than he was at that  
21 moment. Anything that I need he was there for  
22 me. I mean at the time he showed me nothing  
23 but support.

24 Q. Did you talk to any another  
25 friends or family about it?

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2 A. I obviously disclosed to my  
3 boyfriend that obviously close to me and I  
4 didn't share anything with anyone at that  
5 moment, no.

6 Q. Has anyone else at work made  
7 any comments to you or asked you any questions  
8 about it?

9 A. No, not really. They definitely --  
10 we tried to not talk about it outside of  
11 obviously EA #2 and EA #3 because they were in  
12 the rooms, but really no one else other than  
13 some of the folks reach out to me via text  
14 message saying they support me or they are here  
15 for me.

16 Q. Do you still have those text  
17 message of people that reached out to say they  
18 support to you?

19 A. Yes.

20 Q. I know you guys are in the process  
21 gathering documents for us, I was just curious  
22 about that.

23 A. Yes.

24 Q. Since all of this came out, what's  
25 work been like for you?

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2 A. Work has definitely been  
3 interesting. I have my good days and my bad  
4 days. I have continued to report to work as I  
5 always have. The Governor has not been in the  
6 office at all. I go and sit at my desk with  
7 EA #2 and EA #3 most of the time. No one  
8 really comes in and out of there. I haven't  
9 really been doing much. I haven't been asked  
10 to do anything. Any dictation. I haven't been  
11 asked to put together any meetings. If  
12 anything I'm just copied on meeting invitations  
13 as a notice or courtesy. I definitely -- I'm  
14 not doing much. My work is a lot different for  
15 me.

16 Q. Had Stephanie Benton given you  
17 any assignments since this all became public?

18 A. Not really, no. Maybe EA #3 and  
19 EA #2 and I e-mailed here and there to gather  
20 some people for a conference call with the  
21 Governor, but other than that, no.

22 Q. Have you had any conversations  
23 with the Albany police department?

24 A. I have not, no.

25 Q. Since the allegations came out,

1 BRITTANY COMMISSO

2 has anyone from the Executive Chamber directly  
3 or asked indirectly about your relationship  
4 status?

5 A. Yes. I was made aware that Beth  
6 Garvey had asked Lauren Grasso at a time what  
7 my status was with my ex-husband. If I was  
8 going to get back together with him and my  
9 understanding from the conversation was that  
10 Lauren said, no, absolutely not. Definitely  
11 not that she was aware of. And she is also a  
12 friend of mine and so she -- I think she said I  
13 would know and Beth said okay.

14 Q. Lauren told you about this  
15 conversation?

16 A. Yes.

17 Q. When was it that Beth Garvey was  
18 asking if you going to get back to your  
19 husband?

20 A. I wouldn't I don't know the exact  
21 time or date. I think that is something that  
22 Lauren would know. But definitely in the  
23 beginning when all of this came out.

24 Q. As things were coming forward and  
25 Beth Garvey heard about it, around that time?

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2 A. Yes.

3 Q. Did you hear of anyone else from  
4 Executive Chamber asking about your  
5 relationship status?

6 A. The only person that I'm aware of  
7 is Beth Garvey.

8 Q. So you said that when you first  
9 gave your husband a heads up he was supportive.

10 A. Yes.

11 Q. Have you had -- I don't want to  
12 get too much into your relationship. Have you  
13 had any conversation with your soon to be  
14 ex-husband where he has had further discussions  
15 with you about you and the Governor?

16 A. Ever since we gave him the heads  
17 up as a courtesy, he has shown me nothing but  
18 support even at the point of randomly showing  
19 up at my apartment one day to come in and give  
20 me a hug. Which I said can you please leave.  
21 I didn't invite him over. Anything that I  
22 needed. I have text messages from him saying  
23 anything that I need let him know. That he is  
24 there for me.

25 It wasn't until I think he found

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1 out that I moved on was when he changed his  
2 tune.  
3

4 Q. When you say that you moved on,  
5 that he found out that you had a boyfriend?

6 A. Correct.

7 Q. Sine then, what sort things, if  
8 anything, has your soon to be ex-husband said  
9 about you and Governor?

10 A. It has horrible. He has said  
11 that -- I actually have him on the recording  
12 saying that I told them everyone knows about  
13 the two of you and just implying that oh, he  
14 knows that we had an affair and that he says on  
15 the recording and I told them I wasn't going to  
16 do that scumbag Cuomo's dirty work. He had  
17 multiple attorneys telling him that he should  
18 have filed in the Supreme Court based on  
19 adultery and he didn't. He wasn't going to do  
20 that scumbag Cuomo's dirty work. And he said  
21 twice I told them and they know. I told them.  
22 Where I said, are you saying that you're been  
23 speaking with the Cuomo people and I think he  
24 catches himself and immediately says, I never  
25 said that. I never said that.



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2 You can tell from his whole tone  
3 in certain words that he uses are not what he  
4 has used before. He has asked if I wanted him  
5 to sign a nondisclosure agreement and that was  
6 going to, quote unquote, cost me in our marital  
7 situation. Because he refused to pay me child  
8 support. Where this nondisclosure agreement  
9 comes from, that is not a wording that he would  
10 use. It is also a not a wording that his  
11 matrimonial attorney ever said to mine. I  
12 could only assume that is coming from Cuomo's  
13 attorneys or his people.

14 I definitely feel like in the  
15 beginning I was hearing rumors that he was  
16 saying we were having an affair and that was  
17 going to be his defense. Obviously that is not  
18 true and I feel as though that Beth Garvey was  
19 asking about my relationship status to see if  
20 that was a route they could take to try to  
21 meddle in my divorce to try to get [REDACTED] to,  
22 quote unquote, do his dirty work. And if he  
23 filed in Supreme Court a false based adultery,  
24 that that would help the Governor and I think  
25 that is absolutely disgusting.

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Q. You heard a rumor that he was going to say there was relationship and you said the "he," that was the Governor?

A. Yes, I had heard the Governor was going to say that we had an affair and I also heard from someone that there was a rumor saying that when I asked to move to the Governor's mansion and he said no, this was me some kind of retribution for him saying that. And I have no idea where that would come from. I never once said that nor would I ever. I'm afraid to use the restroom in the office on the first floor let alone let ever ask to move to the mansion.

While this is all going on these rumor are going around and being told to me and now I'm learning that they were possibly trying to work with my ex-husband to try to get him to, like he said, do his dirty work.

Q. Who told you about the rumors that the Governor was going to say that he had a relationship with you?

A. [REDACTED], she had worked in the communications department. She had said

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2 that some folks in the communications  
3 department -- you know, Brittany, let me give  
4 you a heads up, these are the things, like, the  
5 rumors that are going around. That the  
6 Governor is saying this or he is going to say  
7 that and here I am, I feel like I'm in a corner  
8 fighting a professional fighter. That like  
9 here I am and these things are possibly being  
10 said about me that are not true.

11 Q. Did she say who in the  
12 communications department was talking about  
13 these things?

14 A. She did not.

15 Q. Who told you that there was a  
16 rumor that you asked to move into the executive  
17 mansion?

18 A. [REDACTED] said someone in  
19 the communications department had mentioned  
20 that. And that was the first time that I heard  
21 that and I said what. And here the Governor's  
22 people are saying on camera Brittany -- not my  
23 name, but the people are being protected and  
24 the ones that are working there is no -- there  
25 is nothing being done to them and here I am

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2 these rumors are being told to me and that is  
3 form of retribution. I mean --

4 Q. Who does [REDACTED] work with in the  
5 communication department?

6 A. She's actually since left because  
7 she had shared with me that she couldn't take  
8 it anymore. She no longer works there.

9 Q. Does she work someplace else now?

10 A. Yes. I believe she is working  
11 somewhere else in the state. I'm not sure  
12 where though.

13 Q. Do you have contact information  
14 for her?

15 A. I actual I don't have her cell  
16 phone number or anything. I apologize.

17 Q. When she was still in the  
18 communications department, who did she work  
19 with?

20 A. I don't really know any of their  
21 names. I don't know a lot of people in the  
22 communication department. I apologize. That's  
23 why I'm a little confused because I don't  
24 really work closely with them.

25 Q. The conversation with your husband

1 BRITTANY COMMISSO

2 that you were just talking about that you say  
3 you recorded, when did that conversation take  
4 place?

5 A. It took place not this past  
6 Saturday, but the Saturday before. I only did  
7 that because my marital attorney had said to  
8 start tape recording any kind of conversations  
9 with him, because two weekends prior while  
10 exchanging something for [REDACTED] in a Price  
11 Chopper parking lot, he had started to say  
12 hurtful things in front of [REDACTED] and one  
13 of them was I can't wait for you to be taken  
14 away in an orange jumpsuit. And I said for  
15 what and he said for perjury and I said what  
16 are you talking about and he said I know you  
17 had an affair with the Governor and I said,  
18 [REDACTED] that is not true and I would appreciate  
19 it if you would stop.

20 Q. He said that in front of [REDACTED]  
21 [REDACTED] ?

22 A. Yes.

23 Q. The conversation that you  
24 recorded, you have that taped?

25 A. I do.

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Q. How long is that conversation?

A. The whole thing is ten minutes.

The part that he satisfies at the end is about 2 minutes when he talks about I'm not going to do that scumbag Cuomo's dirty work.

MS. CLARK: I see Marco appearing on the screen I suspect that we are nearing the end of a media unit.

MR. KIM: Can I ask one follow-up question? The [REDACTED] conversation, when was that about?

THE WITNESS: That was about, I would say a month ago. Right before she left. She had run into me in the hallway after I had gone to the restroom and she said how are you doing. Brittany, I'm here for you. I support you. A lot of people support you, you have no idea. And I said well thank you for sharing because at times I feel alone. I haven't really talked to many people.

And she said I have to tell you, like, this is rumor that they are trying to say. And I just stood in the hallway and

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my face was just complete shock, like, what do you mean. I said who said that, where did they get it from. I was trying to get information and she it was just -- she didn't tell me exactly who, but that was the rumor.

MR. KIM: That is the only conversation that you had with [REDACTED] [REDACTED] on that?

THE WITNESS: Correct.

MR. KIM: Can I ask one last question before we go to the break.

Your husband mentioned a nondisclosure agreement. Is there any discussion about nondisclosure agreements between you and your husband in the divorce proceeding?

THE WITNESS: No, I actually have that conversation on recording as well. And that was a conversation that we had in person. When I turned on my recorder and he said wouldn't you want me to do nondisclosure, correct, and I said no, why would I. And he said, well, you don't want

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me talking to the media right. I said if you're going to talk to the media you could at any moment, I have nothing that I wouldn't want you to disclose and he said

[REDACTED]

And he said, I think he was a little taken back by me saying that I don't need you to. And I have it on recording as well.

MR. KIM: So there is actually no signing of an NDA or anything like that?

THE WITNESS: No. There is never -- never have I brought it up, never have I asked him to, no.

MS. CLARK: Let's take a break. Marco take us off.

THE VIDEOGRAPHER: This is the end media unit 3 we are now off the record at 4:41 p.m.



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(Recess taken.)

THE VIDEOGRAPHER: This is the beginning of media unit 4 we are now on the record at 4:51 p.m. back from break.

BY MS. CLARK:

Q. Before we get to the recording of your husband. Were you able to make arrangements to get [REDACTED] picked up?

A. Yes.

Q. Did anyone else, either [REDACTED] or any one else ever tell you any other thing they heard what Governor was planning or might say in response to what's come out about what happened to you?

A. All know is that some of the media outlets had either given my attorney a, quote unquote, heads up that this might come out from their camp in defense. That they were having an affair or to try to say it was somewhat consensual.

Q. Have you heard any other theories as to what defense the Governor might try?

A. No, other than that that was the main one.

1 BRITTANY COMMISSO

2 Q. Were you able to queue up the  
3 recording with your husband?

4 A. Yes.

5 Q. Can you play that for us?

6 A. Sure.

7 (Audio recording being played).

8 BY MS. CLARK:

9 Q. Does your soon to be ex-husband  
10 have any connections with anyone of the Cuomo  
11 administration? I know he comes from a  
12 political family.

13 A. He actually went to Albany Academy  
14 two years behind Melissa DeRosa and I believe  
15 the same year as her brother [REDACTED]

16 Q. When you guys were together did he  
17 have any contact with Melissa DeRosa or her  
18 brother?

19 A. He would have lunch occasionally  
20 with [REDACTED]

21 Q. Is there anyone else in the  
22 administration that he has any connections  
23 with?

24 A. No.

25 Q. Did he ever tell you who he might

1 BRITTANY COMMISSO

2 be speaking to these days in the Cuomo  
3 administration?

4 A. No, not that I'm aware of.

5 Q. I don't want to get too much into  
6 your divorce, what stage is your divorce in?

7 A. I found out that he has filed in  
8 Supreme Court. I believe the filing is some  
9 point in February, I did not know that. My --  
10 I hired my attorney to do a separation  
11 agreement first. It was not until after the  
12 fact that my attorney let me know that there  
13 had indeed been something filed in Supreme  
14 Court and I had not been served yet. I was  
15 actually served last Wednesday.

16 Q. Was this a no-fault proceeding or  
17 it is something alleging any allegations about  
18 you?

19 A. No it was no-fault. Just break  
20 down of the marriage. I believe it was over a  
21 period of time of six months. And this past  
22 Friday I was forwarded a letter from [REDACTED]  
23 attorney in regards to the topic of introducing  
24 a significant other to our [REDACTED]. And if I  
25 was in agreement that I wouldn't introduce [REDACTED]

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[REDACTED].

We have nothing in writing at the moment and in paragraph 3 his attorney states that [REDACTED] believes there was a consensual relationship with Andrew Cuomo and that in the letter that I had tried to introduce [REDACTED] to the Governor several times which is absolutely false. The only time that [REDACTED] has ever met the Governor was actually the one time with [REDACTED] at that Easter event and there is a photo to prove it. And that was the letter that was forwarded to me on Friday, that past Friday.

Q. Forgive me, I don't do matrimonial. Is there some period of discovery that will be taking place or do you know what the schedule is supposed to be?

A. I'm not sure. I know my attorney has a certain time period to respond in which she is going to respond this week. She also said that she wants to respond that not only

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

Q. I know you pulling together documents for us, we don't want to get into the best of divorce but anything where your husband is talking about these allegations involving the Governor, if you could include that.

A. Sure.

Q. This letter, recordings for the discussions making allegations against you and the Governor --

MR. KIM: Is that letter or something that the other side's lawyers have filed or is it just a letter that the lawyer sent to your lawyer?

THE WITNESS: It was just a letter sent Friday from my husband's marital attorney to mine with a topic of -- the topic was pretty much [REDACTED]

[REDACTED]  
[REDACTED] and why the Governor is brought in on paragraph 3 is beyond me.

Also it has been relayed to me that

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2 his attorney has tried to get my attorney  
3 to talk about what is going on at work and  
4 my marital attorney will not. That has  
5 nothing to do with that situation. They  
6 are separate things and she has made it a  
7 point how much they keep talking about it.  
8 I'm not sure if that is for [REDACTED] gain,  
9 personal gain [REDACTED]

10 [REDACTED] and  
11 whether or not there is some communication  
12 with him and the Governor's office for the  
13 Governor's personal gains. I'm not sure.

14 BY MS. CLARK:

15 Q. What is the name of his attorney?

16 A. I believe I could pull it up on my  
17 phone.

18 Q. Sure. If you can do that that  
19 would be great.

20 A. [REDACTED]  
21 [REDACTED]

22 MR. KIM: In terms of court  
23 filings, to date it is just a no-fault  
24 divorce filing that his lawyer has made,  
25 since then though his lawyer has sent your

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lawyer letters making allegations relating to the Governor presumably as a threat to amend or something or make it public. Is that a fair understanding of what is going on?

THE WITNESS: Yes. That is my understanding. That I mean this was never brought into it before, nor should it. And all of sudden it is being brought in in every which way, shape or form.

BY MS. CLARK:

Q. Where does [REDACTED] work?

A. He works for Albany County. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. CLARK: Joon, do you have anything else?

MR. KIM: I think that covers it for me.

A. I do want to say one thing on record. I do want to clarify, I have been talking about this as you know for the past couple of months in regards to the incident at

1 BRITTANY COMMISSO

2 the mansion, I do want to clarify that it is  
3 correctly stated what happened when he came  
4 around from the desk and he came up to me and  
5 that is when he pulled me close to him and I  
6 said that you're going to get us in trouble and  
7 that is when he slammed the door and when he  
8 came back and said I don't care and that is  
9 when he put his hand up my shirt and I want to  
10 get that clear.

11 Q. Is there anything that you want to  
12 share to make clear? Any concerns whether we  
13 got it accurately?

14 A. I mean in the beginning when he  
15 said to me you can never tell anyone the things  
16 that have gone on, I could get into big  
17 trouble, I took that as a threat.

18 Q. Is there anything else including  
19 things that we didn't necessarily cover today  
20 that you want to say on the record while you  
21 have this opportunity.

22 A. I mean on the record I just want  
23 to say that I believe that I was taken advantage of.

24 MS. CLARK: Thank you for taking  
25 the time today and before. It is nice to



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have seen your face this time while we are talking and you can see who you're talking to. I know you're lawyer is working on documents, but we really appreciate this and might have some follow questions, but I hope we won't take up another big chunk of your time.

THE WITNESS: Thank you very much.

MR. KIM: If you hear anything else like either through your husband or divorce lawyers or things that you think are relevant or issues that the Governor raised, again, if you can tell your lawyer and they can communicate to us or if anyone else tries to reach out to you, please get in touch with us.

THE WITNESS: Okay, will do, thank you.

THE VIDEOGRAPHER: We are off the record at 5:07 p.m. this is the end of the recorded interview of Witness May 17th, 2021. The total media units used was 4 and will be retained by Veritext New York.

(TIME NOTED: 5:07 P.M.)

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C E R T I F I C A T E

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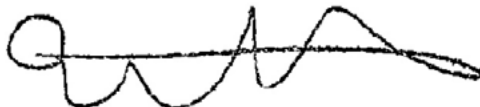
COUNTY OF NEW YORK )

I, WILLIAM VISCONTI, a Certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing proceedings were taken before me on May 17, 2021;

That the within transcript is a true record of said proceedings;

That I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of May, 2021.



---

WILLIAM VISCONTI