

HHD CV18-6101218-S : SUPERIOR COURT FOR THE  
INTERNATIONAL ASSOCIATION OF : HARTFORD JD  
FIRE FIGHTERS LOCAL 825 :  
v. : AT HARTFORD  
UNIFORMED PROFESSIONAL :  
FIRE FIGHTERS ASSOCIATION : NOVEMBER 29, 2018  
OF CONNECTICUT

B E F O R E

THE HONORABLE THOMAS MOUKAWSHER, JUDGE

A P P E A R A N C E S

FOR THE PLAINTIFF:

FISHBEIN LAW FIRM  
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WALLINGFORD, CT

BY: CRAIG FISHBEIN, ESQ.

FOR THE PLAINTIFF:

THE FAIRNESS CENTER  
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BY: NATHAN McGRATH, PHV  
JOSHUA NONTAGNINI, PHV

FOR THE DEFENDANTS:

GESMONDE PIETROSIMONE & SGRIGNARI  
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HAMDEN, CT

BY: NANCY VALENTINO, ESQ.  
SHELIA HALL, ESQ.

JOHN McILHONEY

COURT MONITOR

1 (November 29, 2018)

2 THE COURT: In International Association of  
3 Fire Fighters Local 825 v. Union -- what is the --

4 ATTY. VALENTINO: UPPFA, your Honor.

5 THE COURT: Yeah. But what's the U stand for?  
6 Uniformed Firefighters --

7 ATTY. VALENTINO: Uniformed Professional Fire  
8 Fighters --

9 THE COURT: Professional Firefighters --

10 ATTY. VALENTINO: -- Association.

11 THE COURT: -- Association.

12 ATTY. VALENTINO: Yeah.

13 THE COURT: Okay. Thank you.

14 ATTY. VALENTINO: You're welcome.

15 THE COURT: All right. May I have the  
16 appearances, please, starting with the plaintiff?

17 ATTY. FISHBEIN: Craig Fishbein on behalf of  
18 the plaintiff, your Honor. I'm accompanied by  
19 Attorney Nathan McGrath and Attorney Josh  
20 Montagnini.

21 THE COURT: All right. Good morning.

22 ATTY. VALENTINO: Good morning. Attorney  
23 Nancy Valentino for the UPPFA. And I'm accompanied  
24 by my associate, Attorney Shelia Hall.

25 THE COURT: All right. Good morning.

26 ATTY. HALL: Good morning.

27 THE COURT: All right. So this has been set

1 down today for a prejudgment remedy hearing. In  
2 considering what we discussed before and  
3 considering where we stand today, I guess the only  
4 question in my mind is: Is there going to be any  
5 distinction between this and a hearing ultimately  
6 on the merits?

7 ATTY. FISHBEIN: I would think that the -- the  
8 main distinction, your Honor, would be the amount  
9 of evidence. Since we have not completed  
10 discovery, we haven't gotten all the documents that  
11 we've asked for. I would expect that at the full  
12 trial, we would have a lot more evidence. So other  
13 than that, there's a lot of overlap, your Honor.

14 THE COURT: Well, that's what I'm concerned  
15 about. In other words, you still, because of the  
16 way the PJR statutes have been interpreted, you  
17 have to basically prove that you're going to win.  
18 So it's always a question in these kinds of cases  
19 as to whether -- whether that standard is really  
20 more or less the standard of prevailing on the  
21 merits.

22 ATTY. FISHBEIN: I believe we have enough  
23 evidence, your Honor, to prove to you that we more  
24 than likely would prevail on the merits.

25 THE COURT: All right. But if you want to  
26 confine it purely to that, we can do so; in other  
27 words, to determine more likely than not whether

1           you'd prevail on the merits as opposed to many  
2           times parties in these cases will simply say, We'll  
3           make this the hearing on the merits.

4           But if you'd prefer to keep it limited in that  
5           way, that's fine.

6           ATTY. FISHBEIN: Yeah. I think it's  
7           impossible for us to do it the other way, your  
8           Honor.

9           THE COURT: All right. Any preliminary  
10          matters then before we begin?

11          ATTY. VALENTINO: No, your Honor.

12          THE COURT: Mr. Fishbein, anything?

13          ATTY. FISHBEIN: No, your Honor.

14          THE COURT: All right. Please proceed.

15          ATTY. McGRATH: Good morning, your Honor.

16          Plaintiff calls Frank Ricci to the stand.

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1           **F r a n k   R i c c i**, of New Haven,  
2           Connecticut, having been duly sworn by the court  
3           officer, testifies as follows:

4   DIRECT EXAMINATION BY ATTY. McGRATH:

5       Q    Good morning, Mr. Ricci.

6       A    Good morning.

7       Q    Thank you for being here today.  Could you please tell  
8   us where you are employed currently?

9       A    I'm employed by the New Haven Fire Fighters Local 825  
10   as president.  I am also employed by the City of New Haven.

11      Q    And what is your job title at the City of New Haven?

12      A    I am a battalion chief and I am -- also hold the rank  
13   of the department's drill master.

14      Q    Thank you.  In what capacity are you here today?

15      A    I'm testifying here today in my capacity as union  
16   president.

17      Q    And when were you elected president of Local 825?

18      A    I was elected president of Local 825 in December of  
19   2015.

20      Q    And when did you begin your term as president of Local  
21   825?

22      A    January 1, 2016.

23      Q    Okay.  So to the best of your knowledge, how many  
24   types of UPFFA affiliations are there?

25      A    Two.

26      Q    And could you tell me what types those are?  Can you  
27   name them, please?

1 A The two types are full membership and legislative-only  
2 membership.

3 Q And could you explain the differences between the full  
4 membership and the legislative-only membership?

5 A A full membership local union would receive help and  
6 guidance and kind of adjudicate the union's grievances,  
7 municipal prohibited practices before the state labor board,  
8 negotiate their collective bargaining agreements, pretty much  
9 the general day-to-day operations of a union.

10 Q And compare that with the legislative-only membership.

11 A Legislative-only membership is representation at the  
12 state capitol -- I'm sure there's some administration part to  
13 that, too; lobbying at the state capitol; those types of  
14 issues.

15 Q Okay. But does a legislative-only membership entitle  
16 the local to any of the collective bargaining assistance or  
17 many of the things you listed with a full membership?

18 A No, it does not. Legislative-only members have  
19 limited rights under the UPFFA's constitution and bylaws.

20 Q When you became president of Local 825 on January 1,  
21 2016, was Local 825 affiliated with UPFFA as one of those two  
22 types of members.

23 A Yes, as legislative-only members.

24 Q And what was your understanding as to how UPFFA views  
25 legislative-only member's dues?

26 A My understanding was that dues was used for lobbying  
27 up at the state capitol, educating state legislators, working

1 at the state capitol for the interests of New Haven fire  
2 fighters and fire fighters across the state.

3 Q And what was that understanding based on?

4 A The constitution and bylaws, the bills that the union  
5 receives, the fact that it doesn't just say "legislative  
6 members," it says "legislative-only members" in the  
7 constitution and bylaws, representations made at meetings,  
8 things of that nature over the last twenty years.

9 Q Do you recall when Local 825 affiliated with UPFFA as  
10 a legislative-only member?

11 A I believe it was sometime in 2006.

12 Q Were you a member of Local 825 when Local 825  
13 affiliated with UPFFA as a legislative-only member?

14 A Yes.

15 Q Do you recall Local 825's membership ever -- meaning  
16 the members of Local 825 -- ever voting to affiliate with  
17 UPFFA at that time or since?

18 A New Haven fire fighter local, the membership never  
19 took a vote to affiliate in 2006 with the UPFFA as  
20 legislative-only members.

21 Q Okay. As it pertains to the this lawsuit, was there  
22 any significant event that happened on January 4, 2016?

23 A January 4, 2016, was our first e-board meeting of the  
24 new administration. And a vote was taken to disaffiliate  
25 with the UPFFA.

26 Q And do you recall which executive board member made  
27 the motion to disaffiliate from UPFFA?

1 A I do.

2 Q And what is that?

3 A Justin McCarthy made the motion. The motion was  
4 seconded by Greg Bowvin. And then there was discussion. And  
5 then it was voted on by unanimous consent with only one  
6 member absent.

7 Q And who was the absent member?

8 A The absent member was the vice president of New Haven  
9 fire fighter Mark Vendetto. Unfortunately, his mother passed  
10 away.

11 Q So because his mother passed away, he was not there  
12 for the vote?

13 A Correct. It was an unfortunate event.

14 Q After local -- just to be clear as well, you said that  
15 the executive board voted unanimously, all the executive  
16 board members there.

17 Did you take -- did you participate in that  
18 vote?

19 A No, I did not. As president in the past three years,  
20 I've never voted on an issue.

21 Q And why is that?

22 A The union used to be run -- essentially the president  
23 just said, This is the way it was, and everybody just said  
24 yes. It was run very informally.

25 When we took office, one of our pledges was to  
26 return the power back to the e-board. So by being president,  
27 I take my direction from the e-board.



1 Q After Local 825's executive board voted to  
2 disaffiliate from UPFFA, what did you do next as it pertains  
3 to the disaffiliation vote?

4 A I sent an official notification to president Pete  
5 Carozza of the UPFFA.

6 Q And do you recall how you sent that notice?

7 A To the best of my knowledge, without reviewing the  
8 document, I sent the notice and noted that in my official  
9 capacity -- it was an official notification of the e-board's  
10 vote to Disaffiliate. And I made mention that we would  
11 re-evaluate that status in a year.

12 ATTY. McGRATH: Your Honor, may I approach the  
13 witness?

14 THE COURT: You may. If you have a premarked  
15 exhibit, you should indicate for the record --  
16 which you have to do in front of a microphone --  
17 what document you're going to approach with.

18 ATTY. McGRATH: I have a premarked exhibit,  
19 Plaintiff's No. 1.

20 THE COURT: And have the parties discussed  
21 whether to -- whether they have agreements on any  
22 of the exhibits going in?

23 ATTY. VALENTINO: Some of the exhibits, your  
24 Honor.

25 THE COURT: Is this one?

26 ATTY. McGRATH: Yes, your Honor.

27 ATTY. VALENTINO: Yes.

1 THE COURT: It is? All right. So you want  
2 to move it into evidence? In other words, you  
3 don't need to lay the foundation to move it in if  
4 there's no objection to it. You may just move it  
5 in.

6 ATTY. McGRATH: Okay. In that case, your  
7 Honor, yes, I would like to move it into  
8 evidence.

9 THE COURT: All right. You're moving into  
10 evidence Exhibit 1?

11 ATTY. McGRATH: Plaintiff's Exhibit 1.

12 THE COURT: All right. Exhibit 1 is a full  
13 exhibit.

14 THE COURT OFFICER: Thank you. I'm going to  
15 give this to the judge.

16 ATTY. McGRATH: Your Honor, we have it in a  
17 notebook.

18 THE COURT: If you have a binder of those, you  
19 should give it to Mr. Harvey.

20 ATTY. McGRATH: We have a copy for you and the  
21 binder for the witness.

22 THE COURT: That's fine. You can keep it up  
23 there.

24 THE WITNESS: Thank you.

25 BY ATTY. McGRATH:

26 Q Mr. Ricci, could you please turn to Tab 1, which is  
27 Plaintiff's Exhibit 1 that's been moved into evidence?

1 A I'm at Tab 1.

2 Q And could you please take a look at the first page and  
3 tell us, as it pertains to this lawsuit, I believe you were  
4 talking about notice earlier to Mr. Carozza.

5 Could you please read for us the notice that you  
6 sent to him?

7 A Peter, I'm sorry to hear that. I wanted to talk to  
8 you in person. New Haven fire fighters are pulling out of  
9 the UPFFA. Please forward to your board. This will serve as  
10 our official notification. Our board voted unanimously. We  
11 will re-evaluate our situation next year. We are committed  
12 with staffing on important legislative issues. I predict you  
13 will see a level of participation from New Haven that had not  
14 been witnessed in years.

15 Q Thank you, Mr. Ricci.

16 And can I ask why did you include the line, We  
17 will re-evaluate our situation next year?

18 A At that time that we wrote this, the e-board was  
19 attempting to get our fiscal house in order. We just went  
20 through arbitration where our union was done approximately  
21 \$87,000 in the red. And we were trying to bring it back up.  
22 And the discussion at the e-board meeting was we felt that we  
23 could also do an equal if not better job representing ourself  
24 and New Haven fire fighters' interests at the capitol.

25 Q And could you please note the date of that e-mail that  
26 you sent to Mr. Carozza?

27 A This e-mail was sent on January 6, 2016.

1 Q And could you please turn to the next page of that  
2 exhibit? And I believe there that there's -- well, why don't  
3 you tell me what -- what that is on the next page?

4 A The next page is correspondence from Peter Carozza  
5 dated January 26, 2016, to myself, cc'd to the vice president  
6 of the union, Mark Vendetto.

7 Q And could you please, as it relates to this lawsuit,  
8 read the pertinent part of Mr. Carozza's response to you?

9 A In the letter -- in the e-mail sent to me, it says, I  
10 am in receipt of President Ricci's e-mail notifying me of  
11 Local 825's withdrawal from affiliation with the Uniformed  
12 Professional Fire Fighters of Connecticut. I respectfully  
13 request that your local reconsider this decision.

14 Q Thank you, Mr. Ricci. After January 26 -- January 26,  
15 2016, e-mail response from Mr. Carozza confirming that he had  
16 received your notion of disaffiliation, when was the next  
17 time you discussed Local 825's disaffiliation with UPPFA?

18 A Sometime early in 2016, Peter Carozza and numerous  
19 members of his e-board attended a meeting with myself and  
20 Vice President Vendetto in the union office.

21 Q Okay. And can you tell us a bit about what happened  
22 at that meeting?

23 A At that meeting there was discussions about whether or  
24 not we disaffiliated appropriately. And the discussion was  
25 that we were charter members and there was -- we were handed,  
26 I believe, a piece of paper that had the IFF documentation on  
27 it that said we were charter members.

1           Our union's position was that we never received a  
2 charter from the UPFFA. However, if the UPFFA could provide  
3 us with a charter, a fee agreement, a membership agreement,  
4 any document that was executed, we would re-evaluate our  
5 decision. I even pointed out behind my shoulder the charter  
6 that Local 825 holds from the International Association of  
7 Fire Fighters. A charter's a tangible object.

8           Q    Okay. So to be clear, you have a charter from the  
9 International Association of Fire Fighters, which is the  
10 national union that you're associated -- your union's  
11 associated with?

12          A    Correct.

13          Q    At that time, did you have a similar charter-like  
14 document from UPFFA?

15          A    No. But in doing my due diligence, we requested any  
16 document from the UPFFA that was executed that would bind New  
17 Haven fire fighters to pay dues.

18                THE COURT: Well, you say you made that  
19 request at the meeting. Did you get a response?

20                THE WITNESS: No, your Honor.

21                THE COURT: So when you said, Give us those  
22 things --

23                THE WITNESS: They wouldn't respond --

24                THE COURT: Just --

25                THE WITNESS: They wouldn't respond to that.  
26 They would change the subject and say, You're  
27 charter members so, therefore, you have to pay dues

1 and you have to -- if you want to get out, you have  
2 to take a vote of the entire membership.

3 And I kept saying, If we're charter members,  
4 just show me a charter or a fee agreement. They --  
5 I'm still waiting to this day in good faith of  
6 getting a fee agreement or a copy of the charter.  
7 Because they never acknowledged whether it existed  
8 or didn't exist. And I didn't learn till  
9 depositions that there is no such fee agreement,  
10 membership agreement, or a charter for New Haven  
11 fire fighters from the UPFFA, your Honor.

12 THE COURT: All right. Thank you. Continue,  
13 please.

14 ATTY. McGRATH: Thank you, your Honor.

15 BY ATTY. McGRATH:

16 Q So after that meeting, as it again pertains to this  
17 case and the facts here, what happened next?

18 A The meeting ended. And I kept receiving bills, New  
19 Haven fire fighters kept receiving bills for dues. But we  
20 never received the information we requested so we could  
21 re-evaluate our decision.

22 Q Now, was there ever another meeting about the  
23 disaffiliation subject with the UPFFA?

24 A Yes.

25 Q And do you recall when that was?

26 A That meeting was, I believe, to the best of my  
27 knowledge, a little bit later towards the end of 2016.

1 Q And can you tell us who was at that meeting?

2 A Yes.

3 Q And who was that?

4 A President Pete Carozza from the UPFFA; Rob  
5 Fitzpatrick, which is a healthcare consultant that has a  
6 personal relationship with myself and the UPFFA; Vice  
7 President Mark Vendetto; and the third district vice  
8 president of the International Association of Fire Fighters,  
9 the international or national union.

10 Q And do you recall what the meeting or the purpose of  
11 that meeting was?

12 A Yes. There was several issues discussed.

13 Q And what -- what were those issues?

14 A There was some legislative issues discussed. There  
15 was also significant discussions on whether or not we  
16 disaffiliated appropriately. Again, I asked for all those  
17 documents: a membership agreement, a fee agreement, any  
18 binding executed document where a union -- something signed.  
19 Again, they wouldn't give me any answer whether it existed,  
20 whether they were going to give it to me, whether they  
21 weren't going to give it to me. It was kind of strange.

22 And then the third district vice president of the  
23 International Association of Fire Fighters, the national  
24 union, he offered no rebuke on how the e-board voted  
25 unanimously to get out. He simply kept stating that unions  
26 are stronger together and that Local 825 should reconsider  
27 and affiliate again with the UPFFA.

1 Q And just for the record, who -- can you give us the  
2 name of that individual from IAFF?

3 A I always mispronounce his last name. So that's why I  
4 was a little -- not saying -- it's -- I believe it's the  
5 French interpretation. But it's ko-BARE or ko-BERT. So I  
6 don't want to -- you know.

7 Q And what's his first name?

8 A Jay.

9 Q Okay.

10 THE COURT: Is it C-o-l-b-e-r-t?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: Okay.

13 BY ATTY. McGRATH:

14 Q Okay. And also, to be fair, did you ask for a charter  
15 at that meeting?

16 A I asked to see a copy of the charter, a copy of a fee  
17 agreement, a copy of a membership agreement, a copy of any  
18 document that was binding, that was signed that would execute  
19 a union -- we're a union. Every -- we get agreements all the  
20 time from the city. They're not meaningful unless they're  
21 executed.

22 Q And did you -- have you received any of those  
23 documents to date?

24 A No. Those documents didn't exist. But I only learned  
25 that in depositions. They wouldn't tell me that. And they  
26 wouldn't say, Hey, they're coming next week or they're not  
27 coming. They would just avoid the question. It was very



1 strange.

2 Q So were the differences on the disaffiliation between  
3 Local 825 and UPFFA resolved at that meeting in late 2016?

4 A No. In an effort to try to resolve the issue, New  
5 Haven fire fighters, the vice president and myself, agreed  
6 with the third district vice president to meet in Boston in  
7 six months to try to come to a mutual understanding.

8 The president of the UPFFA Pete Carozza said that  
9 that was too long; that he had to say something to his  
10 membership; and asked if we could meet in three months. And  
11 I said, Absolutely, but just stop sending us bills. And he  
12 said he won't stop sending us bills.

13 So, therefore, I ended the meeting abruptly and  
14 left.

15 Q So what happened after the December, 2016, meeting as  
16 it pertains to Local 825's disaffiliation?

17 A We kept receiving bills.

18 Q Okay. And then did anything significant as it  
19 relates to those bills or dues happen after that meeting?

20 A Without another meeting with the international -- I  
21 was surprised we found ourself, New Haven fire fighters, in  
22 collections.

23 Q Okay. What happened when UPFFA sent Local 825 to  
24 collections?

25 A Well, we were surprised that --

26 ATTY. VALENTINO: Objection, your Honor.

27 That -- relevancy.

1 THE COURT: Repeat the question, please.

2 ATTY. McGRATH: Your Honor, I asked: What  
3 happened once UPFFA sent Local 825 to collections?

4 ATTY. VALENTINO: And the collections are  
5 not -- they're nowhere at issue in this case.  
6 We've already objected on relevancy to request for  
7 documents in connection with the collections  
8 action.

9 THE COURT: Well, it's -- I mean, isn't this  
10 question -- isn't the question before me whether  
11 they actually did disaffiliate? And if that were  
12 the case, then there wouldn't be any basis for  
13 bills. Is that fair?

14 ATTY. VALENTINO: That's fair, your Honor.

15 THE COURT: Okay. So why isn't it simply  
16 stipulated that the state organization said, We  
17 have a right to collect bills and took collection  
18 action and --

19 ATTY. VALENTINO: It --

20 THE COURT: -- the New Haven local disagreed  
21 with it? What is -- in other words, that fact is  
22 useful for me to know. But I'm not sure how much  
23 more of that is useful.

24 ATTY. VALENTINO: And that's exactly --

25 THE COURT: You're not disputing any of what I  
26 just said. Right?

27 ATTY. VALENTINO: That's exactly correct, your

1 Honor. We've gone down this road already.

2 THE COURT: So, Mr. McGrath, other than --  
3 what other purpose is there other than the -- the  
4 purpose of this hearing is to determine whether  
5 it's likely that the local properly disaffiliated  
6 from the state? If what you want to do is show  
7 that they used persistent, annoying collection  
8 tactics, how would that matter? I mean, isn't that  
9 what I'm just supposed to decide what the legal is,  
10 whether they disaffiliated or not?

11 I mean, I can understand why if it was  
12 annoying and why you might bring this lawsuit. But  
13 here we are. And now the question is whether they  
14 have any right to claim any money, isn't it?

15 ATTY. McGRATH: Yeah, your Honor. It was  
16 just part of the time line to get to why Local 825  
17 took the occasion to file this lawsuit that they  
18 did.

19 THE COURT: All right. Well, it's -- it's  
20 stipulated, in other words, that collection efforts  
21 were brought. And there's no dispute that you  
22 brought this lawsuit, then. And you're claiming  
23 that you want them to stop it. Isn't that what  
24 it's about?

25 ATTY. McGRATH: That's essentially it, your  
26 Honor.

27 THE COURT: Okay. So I would assume that

1 we've got all that. And then the nub of this whole  
2 thing is: What is the legal status of the parties?  
3 And have -- has the local effectively disaffiliated  
4 itself or not?

5 So is there anything more from the witness on  
6 that subject? There's no -- I mean, maybe this  
7 issue isn't all that hard. I'm not trying to make  
8 it harder by suggesting that a lot of background is  
9 necessary. The question is that the parties have  
10 some form of agreement? Is there some form of  
11 controlling union authority that means that the  
12 local can't get out? I mean, isn't that -- that's  
13 what it's about. Right?

14 ATTY. McGRATH: Well, I -- it was also to show  
15 that the UPFFA chose to take action in collections  
16 instead of go through an internal process, file  
17 charges, which they did later. They just went  
18 straight to collections, your Honor.

19 THE COURT: All right.

20 ATTY. VALENTINO: I disagree.

21 THE COURT: Right. Well, it's agreed, anyway,  
22 that the state organization did give this to a  
23 collection agent. And they undertook collection  
24 efforts.

25 ATTY. VALENTINO: Correct.

26 THE COURT: Okay. Established. Let's go on  
27 to something else.

1           ATTY. McGRATH: All right. We can move past  
2           that.

3 BY ATTY. McGRATH:

4           Q Mr. Ricci, between the time of the late 2016 meeting  
5 and filing of this lawsuit, did you try to meet again with  
6 UPPFA officials?

7           A Yes.

8           Q And how did you try to go about that?

9           A Through the third district vice president of the  
10 international union national union.

11          Q And that would be Mr. Colbert?

12          A Yes.

13          Q And what did he try to do to facilitate another  
14 meeting to resolve the disaffiliation issue?

15          A He attempted to facilitate a meeting between myself  
16 and President Carozza. President Carozza refused to meet.

17          Q So that meeting never happened?

18          A Yes.

19          Q It did happen or it did not happen?

20          A I apologize. To be perfectly clear, the meeting never  
21 happened.

22          Q Okay. After this present lawsuit was filed on March  
23 5, 2018, did UPPFA take any adverse action against you and in  
24 your capacity as a leader of Local 825?

25          A Yes.

26          Q And what was that?

27          A In violation of their own bylaws, they filed charges

1 against myself and Vice President Mark Vendetto.

2 THE COURT: With?

3 THE WITNESS: With the International  
4 Association of Fire Fighters. I'm sorry, your  
5 Honor.

6 THE COURT: That's all right.

7 ATTY. McGRATH: Your Honor, I'd like to move  
8 into evidence Plaintiff's Exhibit 2.

9 THE COURT: Is there objection to 2?

10 ATTY. VALENTINO: No, your Honor.

11 THE COURT: Two is a full exhibit.

12 BY ATTY. McGRATH:

13 Q Mr. Ricci, I'd like to have you turn your attention to  
14 Plaintiff's Exhibit 2. It's Tab 2 in your binder. If you  
15 would take a moment and look at that and let me know when --  
16 when you've comprehended what it is.

17 A I'm on Tab 2; I comprehend the document.

18 Q Okay. And what is it?

19 A The document is from the UPFFA sent certified mail to  
20 myself and Vice President Vendetto, and it lists three  
21 charges.

22 Q Okay. Let's take the first charge. And just to help  
23 us out here, can you tell us what the first charge is  
24 about?

25 A The first charge is about this lawsuit. It's about  
26 whether we disaffiliated appropriately.

27 Q So it is pretty much the core issue of this lawsuit is

1 the core issue of Charge 1?

2 A Yes. It's one of the core issues of our complaint,  
3 our lawsuit against the UPFFA.

4 Q Okay. Could you please explain to us in your own  
5 words what Charge 2 is -- has to do with?

6 A Charge 2 overtly has to do directly with this case in  
7 the fact that it even mentions the case and gives the date  
8 that the action was filed in Connecticut Superior Court.

9 Q So Charge 2, do you believe that it focuses  
10 squarely -- it arises squarely out of this lawsuit?

11 A Absolutely.

12 Q And Charge 3, could you summarize Charge 3 for us?

13 A Charge 3, again, is directly related to this lawsuit.  
14 And it questions the ability for Local 825's executive board  
15 to defend itself for bringing forth an action by questioning  
16 our choice of attorneys.

17 ATTY. VALENTINO: I'm going to object, your  
18 Honor.

19 THE COURT: What's the name of the objection,  
20 please?

21 ATTY. VALENTINO: He's attempting to give  
22 somewhat of an expert testimony. And his --

23 THE COURT: So it's simply --

24 ATTY. VALENTINO: -- legal opinion --

25 THE COURT: -- the objection, in other words,  
26 has a name. Are you claiming --

27 ATTY. VALENTINO: Correct.

1 THE COURT: -- it's expert opinion, it's  
2 opinion testimony?

3 ATTY. VALENTINO: Correct. He's attempting to  
4 give a legal conclusion.

5 THE COURT: So he's interpreting the document  
6 as opposed to just simply testifying about facts is  
7 your objection?

8 ATTY. VALENTINO: Correct.

9 THE COURT: Let me -- and this is his  
10 interpretation of 3?

11 ATTY. VALENTINO: Of 1, 2, and 3, actually,  
12 your Honor. But yes.

13 THE COURT: I'll sustain the objection. The  
14 document speaks for itself. And, frankly, I'm not  
15 sure what it -- what any of the things in it other  
16 than the first part matter.

17 That's why I was going to interrupt to ask  
18 you, Attorney Valentino, is the essence of your  
19 client's argument that they couldn't get out of the  
20 state union or disaffiliate with the state union  
21 because of the failure to conduct a membership  
22 referendum? Is that -- is that one argument?  
23 Let's put it this way.

24 ATTY. VALENTINO: That is one argument --

25 THE COURT: Okay.

26 ATTY. VALENTINO: -- with respect to the  
27 charges. Not with respect to this entire case,



1           though, your Honor.

2           THE COURT:   Okay.  But is -- there are other  
3 arguments that you're going to make here that says  
4 that they could not disaffiliate?

5           ATTY. VALENTINO:  Correct.

6           THE COURT:  Is one of them that -- because I  
7 heard that there was a claim at a meeting that the  
8 New Haven local was a charter member.

9           Is that one of the claims --

10          ATTY. VALENTINO:  That testimony is  
11 inaccurate --

12          THE COURT:  -- here?

13          ATTY. VALENTINO:  -- your Honor.

14          THE COURT:  But is that one of the claims?

15          ATTY. VALENTINO:  That is --

16          THE COURT:  You can just say no.

17          ATTY. VALENTINO:  No.

18          THE COURT:  Okay.  No.

19          ATTY. VALENTINO:  Your Honor, that's not  
20 going --

21          THE COURT:  So what are the other -- just to  
22 frame this as I'm hearing it in the testimony, one  
23 of the arguments is that they should have had a  
24 membership referendum.  That's one.

25          What are the other arguments, in a nutshell?

26          ATTY. VALENTINO:  The other argument for  
27 that -- they were required under the state's

1 constitution and bylaws to provide notice by a  
2 certain day and in a certain manner, which they did  
3 not do.

4 THE COURT: Notice to?

5 ATTY. VALENTINO: Notice to the state union.

6 THE COURT: Okay.

7 ATTY. VALENTINO: That they intended to  
8 disaffiliate. And they did not do that. Our  
9 argument is that -- that invalidates --

10 THE COURT: So you have to give prior notice.  
11 So prior notice, failure to have a membership  
12 referendum. Others?

13 ATTY. VALENTINO: Just prior notice -- no,  
14 just by a certain date, your Honor.

15 THE COURT: Okay. So these are the two key  
16 claims that your clients make, just so I understand  
17 it when I'm hearing the testimony?

18 ATTY. VALENTINO: Correct, your Honor.

19 THE COURT: That they had to have a membership  
20 vote. And they had to give prior notice to the  
21 state organization.

22 ATTY. VALENTINO: Correct, your Honor. And  
23 may I -- may I offer something else up as well,  
24 please?

25 THE COURT: Well, as long as its -- I'm  
26 just -- I'm just -- on their side of the case, it's  
27 just helpful for me to understand what your claims

1 are when I hear what's being offered. So --

2 ATTY. VALENTINO: I understand.

3 THE COURT: -- something?

4 ATTY. VALENTINO: But this goes to the crux of  
5 the charges.

6 THE COURT: See, I -- and I could ask you  
7 this, Mr. McGrath. Aren't I supposed to decide the  
8 questions that I just raised? In other words, I  
9 mean, I can understand why some background that  
10 this thing was filed and it makes these other  
11 claims and that sort of stuff. But isn't the thing  
12 that I really need to focus on is the question of:  
13 Did they vote to disaffiliate? Yes, the executive  
14 committee did. I don't think there's any dispute  
15 about that. Did they notify them after the fact?  
16 Yes.

17 The questions that it seems to me that -- so  
18 far that this thing's going to turn on is: Was  
19 there some legal requirement that there be a  
20 membershipwide vote at the local? And that they  
21 give -- or I suppose -- or they give prior notice  
22 to the state organization. Aren't those the things  
23 I should really be concerned about?

24 ATTY. McGRATH: For -- for the merits, I  
25 would agree that that's certainly the general core  
26 of what's here. Why we are going through the  
27 changes, though, your Honor, as you know, our

1 motion is to enjoin the defendants from proceeding  
2 with their charges. And so what we're trying to  
3 show is the charges arose out of this lawsuit.  
4 They are closely connected with this lawsuit. And  
5 really should be informed by the outcome of this  
6 lawsuit.

7 Because, quite frankly, what happens in this  
8 lawsuit could wipe out, you know, these charges,  
9 really, or just make them, you know, moot  
10 essentially.

11 ATTY. VALENTINO: Although they're not asking  
12 the Court to make them moot. They're asking the  
13 Court to -- the Court to temporarily enjoin them  
14 from pursuing them. So arguably they could raise  
15 them again at a later date.

16 THE COURT: So two things that are key for  
17 what the plaintiffs are after: to enjoin further  
18 collection. And then you're saying to enjoin the  
19 complaint to the international?

20 ATTY. McGRATH: No. Just to enjoin the  
21 participation of the defendant you have  
22 jurisdiction over from pursuing their charges at  
23 the international.

24 THE COURT: That's what I was saying: In  
25 other words, to stop them from pursuing their  
26 claims --

27 ATTY. McGRATH: Yes, their charges at the

1 international.

2 THE COURT: -- at the international.

3 ATTY. McGRATH: Yes.

4 THE COURT: That strikes me as a tricky thing  
5 to discuss. But I understand.

6 But here's what they said -- I know that --  
7 his -- this is how we get this started: his  
8 opinion about what it means is not appropriate  
9 testimony. Any facts he has about them would be  
10 fine. So -- but I think I understand the claims a  
11 little bit better and why you brought it up,  
12 because it's connected to one of your pieces of  
13 relief. Of course, I have --

14 ATTY. McGRATH: Yes, your Honor.

15 THE COURT: -- these things in front of me.

16 ATTY. McGRATH: If your Honor -- if we could  
17 probably speed this up, the next couple exhibits  
18 we're going to offer was just kind of a progression  
19 of the charges where there was a pretrial hearing  
20 board opinion. And then a letter to the parties  
21 saying, you know, the charges are moving forward  
22 and here's the process --

23 THE COURT: Why don't we put -- why don't we  
24 put them in.

25 ATTY. McGRATH: Yeah.

26 THE COURT: They speak for themselves. Read  
27 them. You can argue from them.

1           ATTY. McGRATH: I was just going to say to  
2 speed it up --

3           THE COURT: Any objection to --

4           ATTY. McGRATH: -- I believe there's --

5           THE COURT: -- what is it? Is it going to be  
6 3 and 4?

7           ATTY. McGRATH: Yes, your Honor, 3 and 4.

8           THE COURT: Any objection to 3 and 4?

9           ATTY. VALENTINO: No objection, your Honor.

10          THE COURT: Three and four are full exhibits.

11          So the point is, in other words,  
12 characterizing what the complaints say and what  
13 happened wouldn't be appropriate. But if -- if you  
14 think, for instance, that there's something that is  
15 a fact related to these claims, that would be  
16 different. In other words, if someone says that  
17 liable or slander of the officers and he has some  
18 testimony to give on -- to refute that there's any  
19 liable or slander, I suppose, that's a fact piece.  
20 But I just don't know if you find that necessary or  
21 not.

22          But you may continue.

23 BY ATTY. McGRATH:

24          Q Mr. Ricci, if you could turn -- you may still be there  
25 actually -- to Tab 2, Plaintiff's Exhibit 2. And could you  
26 please tell us the date of -- of the charges when the charges  
27 were sent?

1           A     May 7.  The letter that was sent to me was sent May 7,  
2  2018.

3           Q     Okay.  Thank you.  Now, Mr. Ricci, we talked about  
4  these obviously.  And they're in the record.  They speak for  
5  themselves.

6                     But as to Charge 1, do you understand the -- the  
7  event or the occurrence?  Do you know what they're talking  
8  about in Charge 1?

9           A     My understanding of Charge 1, that they're talking  
10  about, as it states, they're talking about that we were  
11  charter members of UPFFA according to the IFF constitution  
12  and bylaws.  And I never received a charter.

13          Q     Well, I'm asking:  Do you -- so they -- they state it  
14  was based on failing to conduct a referendum vote of the  
15  Local 825 membership.

16                     Do you know what that applies to, what action that  
17  applies to?

18          A     Yes.  That applies to that if we were a charter  
19  member, it would require a vote of the entire membership.  
20  But without having a charter, fee agreement, or membership  
21  agreement and New Haven fire fighters never even voting to  
22  join the UPFFA, we weren't required to do that.

23          Q     Does -- does it pertain to an event in this lawsuit?  
24  You took -- your union took and action that precipitated that  
25  charge.  What would that be?

26          A     We filed this lawsuit to protect our members'  
27  interest.

1 THE COURT: Before that you notified the state  
2 organization that you -- you were disaffiliated. I  
3 think that's -- is this about the disaffiliation?  
4 Is that your understanding of it?

5 THE WITNESS: Yes, your Honor.

6 THE COURT: All right.

7 THE WITNESS: To be clear, this is exactly  
8 about the disaffiliation. And that's why I sent  
9 official notice to President Pete Carozza who  
10 acknowledged the official notice without noting  
11 that there was any problem with it.

12 THE COURT: All right. Mr. McGrath --

13 ATTY. McGRATH: And why --

14 THE COURT: -- help me out here --

15 ATTY. McGRATH: Yes.

16 THE COURT: -- for a second, which is that, to  
17 understand the claim and how it relates to the  
18 documents that I assume will come into evidence,  
19 this -- your second -- is it your claim -- do you  
20 agree, for instance, that under the state -- what?  
21 -- charter and bylaws or bylaws? I don't know  
22 which one it's -- what it's -- what it's called?  
23 There's a bylaws or a charter or constitution?  
24 What is it?

25 ATTY. VALENTINO: It's a constitution and  
26 bylaws, your Honor.

27 THE COURT: Constitution and bylaws.



1           ATTY. VALENTINO:  And there's also a policy  
2 that's incorporated by reference into the state.

3           THE COURT:  All right.  Well, we can deal with  
4 that in a moment.

5           ATTY. VALENTINO:  Uh-huh.

6           THE COURT:  But there's a citation to a  
7 constitution and bylaws here.

8           Mr. McGrath, do you agree that -- do the  
9 constitution and bylaws of the state organization  
10 say that charter members of the state organization  
11 can only disaffiliate if they have a referendum, a  
12 vote of the entire membership?

13          ATTY. McGRATH:  Our -- our client's position  
14 would say that, number one, they're not charter  
15 members --

16          THE COURT:  That's not the point.  I know  
17 that --

18          ATTY. McGRATH:  And number two --

19          THE COURT:  -- you claim, but --

20          ATTY. McGRATH:  -- that it does not require  
21 them to have a membership vote because it actually  
22 doesn't say anywhere about disaffiliation.

23          THE COURT:  All right.  I want to understand  
24 that.  Because whether your argument, in other  
25 words, turns on whether the local is a charter  
26 member or not or whether it's (a), we're not  
27 charter members, and (b), the constitution and

1 bylaws don't say anything about it.

2 And then I take it your claim is that there's  
3 something else that's referred to and incorporated  
4 by reference that does.

5 ATTY. VALENTINO: Exactly, your Honor.

6 THE COURT: Okay. That's just helping me --

7 ATTY. McGRATH: Yes.

8 THE COURT: -- get an understanding of where  
9 we're going, so... .

10 ATTY. McGRATH: Okay.

11 THE COURT: Continue, please.

12 ATTY. McGRATH: Thank you, your Honor.

13 BY ATTY. McGRATH:

14 Q So, Mr. Ricci, we were just talking about the  
15 disaffiliation vote that took place on -- well, you tell me.

16 Do you recall when the disaffiliation vote took  
17 place?

18 A Yes.

19 Q And when was that? What date?

20 A January 4, 2016.

21 Q Okay. And Charge 1 has to do with that action that  
22 you took -- right? -- the disaffiliation vote.

23 A Absolutely.

24 Q And so what is the time difference between this --  
25 that vote being taken and these charges being filed?

26 A Well, that was -- that vote was taken January 4th by  
27 the e-board, 2016. President Pete Carozza acknowledged my

1 official withdrawal, to the best of my knowledge, on January  
2 26, 2016. And these charges are May 7, 2018.

3 ATTY. McGRATH: Your Honor, I'd like to enter  
4 into evidence Plaintiff's Exhibit 5 -- I believe  
5 it's 5.

6 ATTY. VALENTINO: Correct, your Honor. We  
7 have no objection.

8 THE COURT: All right. Five is a full  
9 exhibit.

10 ATTY. McGRATH: Thank you, your Honor. Your  
11 Honor, I apologize. This copy is not stapled.

12 THE COURT: I hope it's -- it's got page  
13 numbers on it.

14 ATTY. McGRATH: Yes, sir.

15 THE COURT OFFICER: I'll give him a clip.

16 BY ATTY. McGRATH:

17 Q Mr. Ricci, could you please turn to Plaintiff's  
18 Exhibit 5, which was Tab 5 in your notebook.

19 A I'm there.

20 Q And on that page, Article 16 is titled, Charges.  
21 Sorry. It's page 49.

22 A I'm on page 49.

23 Q Okay. And it has to do with charges under Section 1.

24 Could you please tell us how many months a  
25 charging party has to file a charge after the event?

26 THE COURT: Mr. McGrath, why don't we just in  
27 terms of way -- and I know different courts do this

1 different ways, but the easy way to do things like  
2 that is if you have a document in evidence and what  
3 you're really trying to do is to get me to take  
4 notice of something that's written in it, the easy  
5 way to do it is to say, your Honor, please take  
6 note of page 49, the following language. But you  
7 don't have to torture the witness with trying to  
8 get him to think of -- and then having him read it  
9 and the rest of it.

10 ATTY. McGRATH: If you would like to expedite  
11 it that way, your Honor, I'll try with that.

12 THE COURT: I think it's easier. So you want  
13 me to take note of some language on page 49 --

14 ATTY. McGRATH: Page 49.

15 THE COURT: -- just tell me what it is.

16 ATTY. McGRATH: Section 1, your Honor, where  
17 charges must be filed within 6 months from the  
18 charging -- from when the charging party either  
19 knew or should have known of the alleged  
20 misconduct.

21 THE COURT: All right. It's noted. And  
22 that's a simple way to do it. For anything else  
23 like that that comes up, just tell me; I'll make a  
24 note in it and put a clip on the page. And  
25 we'll -- we can go from there. So that way the  
26 witness doesn't have to go through it. And it  
27 slows it down.

1           ATTY. McGRATH: I appreciate your -- your  
2           desire for efficiency, your Honor.

3           THE COURT: Well, it works.

4 BY ATTY. McGRATH:

5           Q Mr. Ricci, if we want to -- well, let's -- one last --

6           ATTY. McGRATH: Your Honor --

7 BY ATTY. McGRATH:

8           Q Mr. Ricci, in Charge 3 it talks about one of the  
9           actions is opposition to a PSTD bill.

10           And could you tell us the date when this alleged  
11           opposition occurred?

12           A It was before February, 2017. And it wasn't  
13           opposition to the bill. It was opposition to the bill in the  
14           way that the bill was formatted. I was quite clear that the  
15           bill could be revised to provide protections from fire -- for  
16           fire fighters and still help out our city.

17           Q Okay. But that was the underlying event for Charge  
18           3?

19           A Yes, it was before --

20           Q Okay.

21           A -- February, 2017.

22           Q Okay.

23           ATTY. McGRATH: I'd just like the Court to  
24           take note of that event and the date the charges  
25           were filed.

26           THE COURT: Charges were filed in May, 2018.

27           And the testimony -- the opposition is before

1 February, 2017, which I assume you want me to take  
2 notice is more than six months.

3 ATTY. McGRATH: Yes, your Honor.

4 THE COURT: Was that the point of your doing  
5 it?

6 ATTY. McGRATH: Yep.

7 THE COURT: Okay.

8 BY ATTY. McGRATH:

9 Q All right. Mr. Ricci, let's switch gears a little  
10 bit.

11 How much time would you say you devote to work on  
12 behalf of Local 825 per week?

13 A Over 30 hours approximately.

14 Q Okay. In your role as union president, what types of  
15 things are you doing?

16 A Right now we're negotiating a successor agreement to  
17 the collective bargaining agreement between New Haven fire  
18 fighters and the City of New Haven. I investigate  
19 grievances. I administer grievances. I represent our  
20 members' interests in grievances. I represent employees when  
21 they're called to the chief's office. I represent employees  
22 when they're called to the labor director's office. I  
23 represent employees when they're called to the state board of  
24 mediation.

25 I educate my members. I advocate for my members'  
26 health and safety. We negotiate pension, healthcare, and  
27 staffing. It's a very involved, day-to-day process, working

1 with the city and at times against it to advocate for New  
2 Haven fire fighters.

3 Q And how many grievances would you say you're currently  
4 working?

5 A Approximately without reviewing documents there's  
6 probably 10 to 15 grievances they are circulating at any  
7 time.

8 Q And is there a normal amount of grievances that you  
9 handle?

10 A Yes. We're a large city.

11 Q And how successful would you say that you are when it  
12 comes to grievances on behalf of your membership?

13 A I would say I'm a very effective union president.

14 Q And why is that --

15 ATTY. VALENTINO: Objection, your Honor.  
16 Relevancy.

17 THE COURT: Explain the relevance of his -- he  
18 handles lots of grievances, has a lot of success  
19 with it. So what?

20 ATTY. McGRATH: Yeah. So, your Honor, we're  
21 trying to get to the point of his expertise and his  
22 experience in the harm that it would cause if he  
23 were to be removed, which was part of what we have  
24 to show is the irreparable harm. We believe that  
25 showing how a union -- we noted in our motion  
26 there's a case that talks about when a union is  
27 injured through stature or loss of power, that that

1 can be irreparable harm. And that's what we're  
2 going for is --

3 THE COURT: When you say removed, but that's  
4 not part of the relief anywhere being sought, is  
5 it? I'm looking at the complaint.

6 ATTY. McGRATH: So on the charges, your  
7 Honor --

8 THE COURT: We have the charges. And I  
9 don't -- is it -- I don't see anything that says  
10 that they're to be removed. I'm looking at the,  
11 seeks the following remedies: acknowledge they  
12 violated, order them to comply, order them to issue  
13 a press release withdrawing and recanting their  
14 remarks.

15 ATTY. McGRATH: Under Bullet Point 5, your  
16 Honor: And whatever remedy the trial board --

17 THE COURT: -- including fines.

18 ATTY. McGRATH: -- deems appropriate,  
19 including fines, suspension, and removal from  
20 office.

21 THE COURT: I see. So it's the sweeping  
22 ending.

23 ATTY. McGRATH: Yes. So that's the relevance  
24 that we're trying to get to, your Honor.

25 THE COURT: All right.

26 ATTY. VALENTINO: I don't think his  
27 effectiveness is relevant, though.



1           THE COURT: Well, the claim is, in other  
2 words, that it would -- if -- if for injunctive  
3 relief if he has to show irreparable harm, he has  
4 so show that it would be a bad thing if he were  
5 removed.

6           I'll allow that testimony. The objection's  
7 overruled.

8           ATTY. McGRATH: Thank you, your Honor.

9 BY ATTY. McGRATH:

10        Q    So, Mr. Ricci, getting back to it, just to underlie,  
11 why do you believe you're very effective for your  
12 membership?

13        A    Being in the fire service for over twenty years; being  
14 considered a national expert on fire safety issues as it  
15 pertains to hazardous material incidents and structure fires;  
16 testifying at the state capitol; the relationships our union  
17 and myself has forged with Senator Martin Looney, the  
18 president of the Senate, with other New Haven key state  
19 representatives and legislators, Tony Walker, who's cochair  
20 of appropriations. It's our working at the capitol, but also  
21 our work in New Haven.

22           Our union's goal whenever we're at the capitol is  
23 to always advocate for proper funding for the City of New  
24 Haven, because the state doesn't properly fund pilot funds.  
25 So we work hand in hand with Senator Looney's office on that  
26 issue.

27           We also have been very successful with municipal

1 prohibited practices, winning charges and enforcing the  
2 contract. And right now I have several members on  
3 administrative leave. One member who is being recommended  
4 for termination, which is in a union is the equivalent of the  
5 dealt penalty. These cases are very serious.

6           And while you can utilize attorneys, labor  
7 attorneys -- they're very important, but it's like a  
8 computer: You've got to put good information in to get good  
9 information out. And having the experience, the knowledge,  
10 the training, and the skills and proving that I've been  
11 effective time and time again within the city, at the state,  
12 at the labor board, removing me from office would put the New  
13 Haven fire fighters in detriment, especially because were  
14 negotiating a collective bargaining agreement right now.

15       Q    You mentioned negotiating a collective bargaining  
16 agreement you're in the process of right now.

17           Can you give us a brief overview of really what  
18 goes into that process?

19       A    The process started for us three -- three years ago.  
20 It started probably January 6th of 2016. You start  
21 researching your comparable locals, which there's five; you  
22 research your continuous[sic] communities, what their  
23 contract language is. You look at decisions at the labor  
24 board. You look around the country for similar-sized  
25 departments that operate similarly to New Haven where it's  
26 not in the comparables.

27           We meet with the labor director. We negotiate

1 directly with the labor director and the decision makers to  
2 try to basically focus on pension, healthcare, and the public  
3 safety and safety of fire fighters through staffing.

4 Q And how many collective bargaining processes have you  
5 been a part of?

6 A Formally two; but informally, three or four.

7 Q And is that a lot?

8 A Yes. Because successor agreements contracts usually  
9 run in the nation from -- and in Connecticut -- three to five  
10 years. But a contract stays in effect after the contract  
11 expires. Our -- for example, our contract expired last -- in  
12 July. So it's not unusual to be able to renegotiate a deal  
13 within six months or renegotiate a deal within three years.  
14 It's a very slow process in contracts.

15 Q So to put a bit of a bow on this: How many years of  
16 collective bargaining experience would you say that you  
17 have?

18 A I would say over twenty, because even as a  
19 nonexecutive board member, I was on the department's health  
20 and safety committee and always advocated for the safety of  
21 the citizens and the safety of fire fighters. I just  
22 followed around the union president as much as I could.

23 Q And on this current collective bargaining agreement,  
24 how long do you expect that process to take that you're in  
25 the middle of?

26 A We've been the only union, to my knowledge, in New  
27 Haven to be successful and not have to negotiate against

1 outside counsel. We've got the city and the city's CEO and  
2 the labor director to agree that we would negotiate directly  
3 against the decision makers. So I'm hopeful with how we're  
4 moving along that we could have a successor agreement within  
5 six months.

6 Q Six months at the minimum. What -- what's the maximum  
7 sometimes?

8 A I'd say the maximum is three years. So if we can come  
9 to an agreement in six months, I think that's reasonable. If  
10 we move to more formal procedures, it could take anywhere up  
11 to three years.

12 Q And is there anything other -- if you or Mr. Vendetto  
13 were to be removed from office, do you believe that there  
14 would be any other negative impact, even if you weren't  
15 removed from office from these charges?

16 A Yes. It affects our standing. We work very closely  
17 with New Haven's delegation. And New Haven's delegation has  
18 a great reputation at the capitol of standing with labor. So  
19 it puts us under a cloud of suspicion when we support even  
20 our own delegation being brought up on these charges.

21 ATTY. McGRATH: Thank you, Mr. Ricci.

22 Your Honor, no further questions at this  
23 time.

24 THE COURT: Very well. Cross-examination.

25 CROSS-EXAMINATION BY ATTY. VALENTINO:

26 Q Good morning, Mr. Ricci. I think it's still morning.

27 A Good morning.

1 Q I just have a few simple questions for you because I  
2 believe it's a very simple issue.

3 First and foremost, the charges that were  
4 referenced that were filed --

5 THE COURT: Would you pull that microphone a  
6 little closer there?

7 ATTY. VALENTINO: Sure.

8 THE COURT: That thing makes an awful lot of  
9 noise. And you have to be almost as close as I  
10 am.

11 ATTY. VALENTINO: This happened last time,  
12 your Honor. And I've never been accused of being  
13 quiet.

14 BY ATTY. VALENTINO:

15 Q If you refer to Plaintiff's Exhibit 2. And we've  
16 already identified this for the Court, but it's the May 7,  
17 2018, charges that are at issue.

18 A Yes. I'm on page -- I'm on Exhibit 2.

19 Q Okay. And can you tell me who the charges are  
20 directed to? Who was the letter written to?

21 A As I previously testified, the letter was written to  
22 myself and the vice president of the union, Mark Vendetto.

23 Q Okay. So is it your understanding that the charges  
24 are against you and Mr. Vendetto?

25 A I think that's an oversimplification.

26 Q Well, the letter is written to you and Mr. Vendetto,  
27 is it not?

1           A    The letter is quite clear that the remedy is to remove  
2 the two principal officers of Local 825 --

3           Q    And you --

4           A    -- from office.

5           Q    Correct.  And you and Mr. Vendetto are the two  
6 principal officers.  Correct?

7           A    Correct.

8           Q    And I'm just going to start from the beginning here.

9                    You testified that you do not have either a  
10 membership or fee agreement with the UPFFA.  Is that  
11 correct?

12          A    That is not correct.  I testified that I didn't have  
13 an executed document from the UPFFA that I requested numerous  
14 times.  I requested in good faith --

15                   THE COURT:  Just answer the -- the question is  
16 only whether you have --

17                   THE WITNESS:  Oh, sorry.

18                   THE COURT:  -- a written -- now, if you say  
19 agreement versus written document, that's -- that's  
20 the issue.

21                   ATTY. VALENTINO:  Well, your Honor, his  
22 testimony was that there was no executed written  
23 membership agreement.

24                   THE COURT:  And that's what you're asking him  
25 about?

26                   ATTY. VALENTINO:  Correct.  Agreement.

27                   THE COURT:  Okay.  So -- and you've answered

1           it. The question is, in other words, do you have  
2           an executed agreement with the state organization  
3           concerning the New Haven local?

4           THE WITNESS: No, your Honor.

5           THE COURT: So there's your answer.

6 BY ATTY. VALENTINO:

7           Q My question -- my next question is: Do you have an  
8           executed, written membership agreement with the IAFF?

9           A Yes.

10          Q Okay. Do you consider yourself a member -- for the  
11          period of 2006 to 2016, did you consider yourself and Local  
12          825's members to be members of UPFFA?

13          A We were legislative-only members.

14          Q Right.

15          A However, they violated --

16          Q Yep. You can just answer the question for me. Thank  
17          you.

18                        So regardless of the fact that you did not have a  
19          written, signed -- excuse me -- a signed agreement for  
20          membership at the UPFFA, but that you still considered  
21          yourself a member of the UPFFA. Is that correct?

22          A I took office January 4, 2016 -- I'm sorry -- I took  
23          office -- let me correct that for the record. I took  
24          office --

25          Q That's not -- that's not my question. My question was  
26          not --

27          A You know, I can only answer the question --

1 Q -- when you took office.

2 THE COURT: Just a moment.

3 ATTY. VALENTINO: No. Because that wasn't the  
4 question.

5 THE COURT: What you can't do is talk about  
6 something else. If the question is: Did you  
7 consider yourselves between 2006 and 2016 members  
8 of state organization? frankly, the answer's  
9 already been given, but the answer is --

10 THE WITNESS: -- legislative only.

11 THE COURT: -- legislative-only --

12 THE WITNESS: Yes.

13 THE COURT: -- members even though they didn't  
14 have a signed agreement.

15 ATTY. VALENTINO: Correct.

16 THE COURT: There doesn't seem to be a dispute  
17 about that -- about that claim.

18 ATTY. McGRATH: Well, your Honor, my -- my  
19 objection to that would be that he only took office  
20 as president January 1, 2016.

21 THE COURT: Well, he could answer he doesn't  
22 know.

23 ATTY. McGRATH: He doesn't know about -- he  
24 doesn't have the capacity to speak on behalf --

25 THE COURT: Then he could say he doesn't know,  
26 then.

27 ATTY. VALENTINO: Your Honor, he was a member



1 of the union --

2 THE COURT: It's --

3 ATTY. VALENTINO: I'm asking if he was --

4 THE COURT: I thought the point was is that  
5 you've already answered that you understood that  
6 between 2006 and '16 that the New Haven local was a  
7 member of the state organization for legislative  
8 purposes only. Is that right?

9 THE WITNESS: Correct, your Honor.

10 THE COURT: All right. And they made payments  
11 to the state organization during that period to  
12 your knowledge. Is that right?

13 THE WITNESS: The union made payments --

14 THE COURT: I should say the -- the local.

15 THE WITNESS: -- till January.

16 THE COURT: Okay. And then stopped. So I  
17 understood those things previously.

18 Now, what else do you want to ask?

19 ATTY. VALENTINO: Thank you, your Honor.

20 THE COURT: But they -- your point is that  
21 they did it without a written agreement. So I get  
22 that point. But what else now?

23 ATTY. VALENTINO: Correct.

24 BY ATTY. VALENTINO:

25 Q As part of your membership of the UPFFA, did you  
26 expect certain services from the UPFFA?

27 A I expected that the UPFFA would uphold its fiduciary

1 duty to --

2 Q Again, if you -- it's a yes or no question: Did you  
3 expect that the UPFFA would provide services for you?

4 A I expected that the UPFFA would uphold its fiduciary  
5 duty --

6 ATTY. VALENTINO: Your Honor --

7 THE WITNESS: -- to represent us on  
8 legislative issues.

9 THE COURT: But you can't do that. All  
10 right.

11 THE WITNESS: Okay.

12 THE COURT: I don't want to have to tell you  
13 repeatedly.

14 THE WITNESS: I apologize.

15 THE COURT: What can happen is your lawyer  
16 will get up and ask you questions that will allow  
17 you to answer more fully. But in  
18 cross-examination, when a straight question is put  
19 to you, you've got to give a straight answer. And  
20 the straight answer must be yes. Right?

21 THE WITNESS: Yes.

22 THE COURT: That's all. So then, you know,  
23 another question will follow. But listen carefully  
24 to the question. Answer only the question put to  
25 you in the most direct way possible. Then your  
26 lawyer's going to get up. And if he thinks you --  
27 he wants you to elaborate on that, you can. All

1 right. But that's the time you do it. All  
2 right.

3 THE WITNESS: Thank you, your Honor. I  
4 apologize.

5 THE COURT: No trouble. Go ahead.

6 ATTY. VALENTINO: Thank you, your Honor.

7 THE COURT: So the answer to that question  
8 was, yes, he expected some services. Right?

9 ATTY. VALENTINO: Yes. Thank you, your Honor.

10 So I would like to offer up an exhibit at this  
11 time, your Honor. We haven't agreed to whether my  
12 exhibits come in as full or for ID only, so... .

13 THE COURT: Well, what is the exhibit? Is it  
14 letters or numbers?

15 ATTY. VALENTINO: It's -- well, it's actually  
16 neither. It hasn't been premarked.

17 THE COURT: Oh.

18 ATTY. VALENTINO: We didn't have an  
19 opportunity.

20 THE COURT: Well, what are we using? Are we  
21 using letters for the --

22 THE COURT OFFICER: Yeah. We'll use  
23 letters.

24 THE COURT: All right. So this will be A.  
25 And what is it?

26 ATTY. VALENTINO: Well, it's a collection of  
27 articles written by Mr. Ricci regarding the

1 matter.

2 THE COURT: Do the plaintiffs have a copy of  
3 it?

4 ATTY. VALENTINO: Yes. I've given them a copy  
5 of it.

6 THE COURT: All right. Is there an objection  
7 to Exhibit A?

8 ATTY. McGRATH: Your Honor, I would like to  
9 see what that articles -- because she said that  
10 they're authored by Mr. Ricci. But I did not see  
11 that they were all authored by Mr. Ricci.

12 THE COURT: Well, why don't you review them  
13 between counsel and see if there's some dispute  
14 about it, whether you object to it or not. Show  
15 him the articles that you want to be in Exhibit A,  
16 please.

17 ATTY. VALENTINO: I have two articles, your  
18 Honor, that were penned by Mr. Ricci. But I do  
19 have some additional articles where Mr. Ricci is  
20 quoted that I'd like to offer.

21 THE COURT: Well, you need to show Mr.  
22 McGrath --

23 ATTY. VALENTINO: Right.

24 THE COURT: -- the totality of the articles  
25 that you want to be part of Exhibit A. And then he  
26 needs to indicate whether he objects. So show him  
27 all the articles.

1           ATTY. VALENTINO: I just wanted to be  
2 forthright because I misspoke.

3           THE COURT: Sure. Okay. So some of them  
4 aren't authored by him?

5           ATTY. VALENTINO: Correct.

6           THE COURT: So show them to Mr. McGrath and  
7 see if he objects.

8           ATTY. McGRATH: Your Honor, we would not  
9 object to the ones that were authored by Mr. Ricci,  
10 as long as he can identify them and agreed that he  
11 authored these.

12           We would have a problem and object to the ones  
13 that are newspaper articles or other blog posts --

14           THE COURT: Do they quote Mr. Ricci or?

15           ATTY. VALENTINO: They do, your Honor. And  
16 that's what I intend to use --

17           ATTY. McGRATH: Well, they say they allege.

18           THE COURT: Okay. So she would have to lay  
19 the foundation for that by showing them to him and  
20 saying, Did you say this?

21           ATTY. McGRATH: We're not going to stipulate  
22 just to let them --

23           THE COURT: I understand that. So you're  
24 going to have to lay the foundation if you want all  
25 of the documents to come in. You have to ask him  
26 to look at each one and see if he -- the ones he --  
27 the ones you claim he wrote, you need to have him

1 see them and admit that he wrote them or not.

2 And then you need to show him the other ones  
3 to see if he made those statements. But you'll  
4 need to have this properly marked by the clerk  
5 first, by Mr. Harvey.

6 Of course, you could simply ask him -- Ms.  
7 Valentino.

8 ATTY. VALENTINO: I'm sorry, your Honor.

9 THE COURT: You could simply ask him --  
10 because maybe there are some things he wrote in the  
11 article or maybe there's some things that he's  
12 quoted as saying -- Don't you believe? Or didn't  
13 you say?

14 I mean, you might not even need the article.  
15 But it's up to you.

16 ATTY. VALENTINO: Thank you. I appreciate  
17 that.

18 BY ATTY. VALENTINO:

19 Q Mr. Ricci, did you write and distribute an article in  
20 July of 2018 regarding the UPFFA?

21 ATTY. VALENTINO: He probably needs to see it,  
22 your Honor.

23 THE WITNESS: I'm sure I did it. I'm not  
24 trying to be combative. Can I just see the  
25 document?

26 ATTY. VALENTINO: I understand.

27 THE COURT: Well, okay. So you either

1 remember or you don't.

2 THE WITNESS: I'm sure I did.

3 THE COURT: If you don't remember for certain,  
4 then you may show him the document. He can take a  
5 look at it.

6 ATTY. VALENTINO: May I approach, your Honor?

7 THE COURT: You may.

8 ATTY. VALENTINO: If these aren't full  
9 exhibits, should I --

10 THE COURT: No. You're using it to refresh  
11 his memory. If you're following what I suggested,  
12 which is to ask him what he said, show it to him  
13 just to remind him that he wrote it.

14 ATTY. VALENTINO: Okay.

15 THE COURT: The other way is to simply say,  
16 Didn't you say that the UPFFA is a group of  
17 no-goodniks or something. If that's what you  
18 wanted to say. And then when he says, No, I didn't  
19 say it, you say, Well, didn't you say it in this  
20 article?

21 See, that just might be fastest. But if  
22 that's what you're after.

23 ATTY. VALENTINO: I feel the date of the  
24 article is extremely important.

25 THE COURT: All right. That's fine. Then  
26 show it to him. You're only -- you're not marking  
27 it as an exhibit. You're simply showing it to

1 refresh his memory that he wrote it.

2 ATTY. McGRATH: Do you have a problem, your  
3 Honor, if I just stood up there just so I can keep  
4 track of what documents they are?

5 THE COURT: You need, Attorney Valentino, to  
6 be clear that -- what you're showing him. After  
7 that, there's no need for you to look over his  
8 shoulder. So just show it to him -- just show it  
9 to him.

10 ATTY. VALENTINO: Okay.

11 THE COURT: You don't need to mark it. Just  
12 show it to him.

13 ATTY. VALENTINO: Can I show him both articles  
14 at the same time?

15 ATTY. McGRATH: Please do.

16 THE COURT: Yeah. Go ahead, if you will.

17 ATTY. VALENTINO: Thank you.

18 THE COURT: So all you're doing, Mr. Ricci,  
19 is you're looking at that just to see if it reminds  
20 you that you wrote a couple of articles. And just  
21 look at them and see whether it reminds you you  
22 wrote a couple of articles. So all you have to do  
23 is really say yes or no.

24 THE WITNESS: Yes.

25 THE COURT: Okay. And they're dated what?

26 THE WITNESS: The first one is dated February  
27 27, 2017.



1 THE COURT: February, 2017. And the other  
2 one?

3 THE WITNESS: 2000 -- 7/24/2018.

4 THE COURT: All right. Now take them back,  
5 Attorney Valentino. And you can go back and ask  
6 questions.

7 ATTY. VALENTINO: May I just -- are you sure  
8 it's February, just for the record?

9 THE COURT: You can point to him -- point him  
10 to something and say, Does this remind you?

11 THE WITNESS: So it's kind of switching. My  
12 dyslexia's playing tricks on me. Is that --

13 ATTY. VALENTINO: 7/23.

14 THE WITNESS: 7/23/2018. She -- that is  
15 correct.

16 THE COURT: All right. So now you take the  
17 documents back, Ms. Valentino. And now ask him a  
18 question.

19 In other words, if your question is, Haven't  
20 you said or don't you believe -- especially if it's  
21 something like, you know, Don't you claim that?

22 ATTY. VALENTINO: Thank you, your Honor.

23 THE COURT: Something like that would be  
24 really useful.

25 ATTY. VALENTINO: I'll come back over here,  
26 because there's a microphone over here.

27 THE COURT: Right. That's the way to do

1           it.

2   BY ATTY. VALENTINO:

3           Q    So, Mr. Ricci, do you recall -- now that you've had an  
4   opportunity to review documents, do you recall penning an  
5   article in July of 2018 regarding this matter?

6           A    Yes.

7           Q    Okay. Do you recall stating, that the UPFFA is  
8   attempting to control our local union?

9           A    Without -- to the best of my recollection, yes.

10          Q    Okay. Do you recall stating, that the charges --  
11   these charges are frivolous and retaliatory with respect to  
12   the IAFF charges?

13          A    Absolutely.

14          Q    Do you recall stating, that the UPFFA is attempting to  
15   drag the case into a venue it perceives more favorable to  
16   it?

17          A    Absolutely.

18          Q    Okay. And do you recall penning an article in  
19   February of 2017? And I can show you the document again if  
20   you need to refresh.

21          A    Yes, I recall.

22          Q    Okay. Do you recall that this article was in  
23   opposition to the PTSD bill?

24          A    In its current format, yes.

25          Q    Okay.

26                    ATTY. VALENTINO: I'd like to show the witness  
27   the other articles to refresh his recollection,

1 but --

2 THE COURT: You need to see if he doesn't  
3 recall. So if, for instance, there's something in  
4 a news article where he's quoted as saying, I don't  
5 believe in PTSD and I want this bill dead, that's  
6 what you'd quote and say, Didn't you say in  
7 February of 2017? and quote what you want to ask  
8 him. Ask him that. And then he says, Oh, I don't  
9 remember saying that. You show him the document.

10 ATTY. VALENTINO: But, again, your Honor, the  
11 dates are very important. And I --

12 THE COURT: So use the date when you ask him  
13 the question.

14 ATTY. VALENTINO: Okay.

15 BY ATTY. VALENTINO:

16 Q Do you recall an article --

17 THE COURT: Well, not do you recall the  
18 article. Didn't you say on February whatever it  
19 is, 2017? And then say what it is that you want to  
20 quote and see if he denies it.

21 ATTY. VALENTINO: Okay. All right.

22 BY ATTY. VALENTINO:

23 Q Do you recall on May 7th of 2018 stating that the  
24 UPFFA betrayed the trust of Local 825's fire fighters.

25 A Absolutely.

26 THE COURT: See how easy.

27 ATTY. VALENTINO: That was easy. Thank you.

1 BY ATTY. VALENTINO:

2 Q And do you recall stating on May 7, 2018, that Local  
3 825 was first to take legal action to protect their  
4 members -- your members from the UPFFA?

5 A To the best of my recollection, yes.

6 Q Do you recall stating that the UPFFA was attempting to  
7 pick the pockets of the New Haven fire fighters?

8 A Absolutely.

9 Q And, again, that was on May 7, 2018?

10 A Without saying to the date, but I believe you are  
11 correct.

12 Q And the day of the charges, again, was what?

13 THE COURT: Well, you can just note that  
14 Exhibit --

15 ATTY. VALENTINO: I would ask your Honor to  
16 take note, then, that the charges were filed --

17 THE COURT: Exhibit 2 is dated May 7th.

18 ATTY. VALENTINO: -- in May of -- thank you,  
19 your Honor.

20 THE COURT: So would you -- were they -- since  
21 that's the same date, is this your reaction to  
22 the -- at least stating a reaction to receiving  
23 this complaint? Or was it before you knew about  
24 the complaint?

25 THE WITNESS: Without looking at the dates, if  
26 I'm mentioning the charges, it would be after I got  
27 the charges --

1           THE COURT:    After you were aware of them is  
2 the point.

3           THE WITNESS:  The other -- the other article  
4 is about --

5           THE COURT:  Yeah.  I'm purely talking about  
6 this last thing that -- attempting to pick the  
7 pockets of the union, forced to take action,  
8 betraying the local trust, that would have been  
9 your reaction to learning about these charges.  Is  
10 that what I should understand?

11          THE WITNESS:  No.  That was part of this  
12 actual lawsuit:  that they were betraying our  
13 trust.

14          THE COURT:  No.  I understand that.  But you  
15 were quoted as saying that somewhere.

16          THE WITNESS:  I've said that as when they  
17 announced the lawsuit.

18          THE COURT:  Yeah, okay.

19          THE WITNESS:  That I felt they betrayed our  
20 trust, your Honor.

21          THE COURT:  Okay.  All right.  So I've noted  
22 it's date of the complaint.  And he agrees that he  
23 said things of that nature multiple times and  
24 probably on that date.

25          ATTY. VALENTINO:  After -- on and after the  
26 charges were filed is the important part.

27          THE COURT:  Well, the lawsuit had already been

1 filed, though.

2 ATTY. VALENTINO: The argument being made by  
3 the plaintiff is that these charges happened more  
4 than six or -- excuse me -- the conduct that's  
5 alleged in the charges --

6 THE COURT: Oh, I get your point.

7 ATTY. VALENTINO: Thank you.

8 THE COURT: This is a continuing liable and  
9 slander claim.

10 ATTY. VALENTINO: Yes. Exactly.

11 THE COURT: By saying these things, it was a  
12 new violation.

13 ATTY. VALENTINO: Exactly.

14 THE COURT: I get your point. All right.

15 ATTY. VALENTINO: Thank you. And it's  
16 important to note, too, as well as that while we  
17 consider these comments liable and slander, your  
18 Honor, they don't rise to the level that the  
19 Superior Court would recognize. And that's exactly  
20 why we needed to seek -- or the UPFFA needed to  
21 seek the charges through the national.

22 THE COURT: I understand that point, yeah.

23 ATTY. VALENTINO: But there was -- okay.

24 THE COURT: That's why I was -- now I get  
25 why -- I get it.

26 ATTY. VALENTINO: Thank you.

27 THE COURT: Go ahead. Ask him something

1           else.

2   BY ATTY. VALENTINO:

3           Q   Mr. Ricci, is it your testimony that you attempted to  
4 meet with Pete Carozza and Jay Colbert in early 2018? Is  
5 that correct?

6           A   There's documented communications on -- I'm not going  
7 to -- I don't have the dates in front of me. But there was  
8 a -- there's documents that say I contacted Jay and -- the  
9 third district vice president to set up a meeting with Pete  
10 Carozza and myself.

11          Q   Okay.

12          A   And Jay responded and said that he couldn't set up the  
13 meeting.

14          Q   Okay. So, again, thank you for the information, but  
15 it's a yes or no question.

16                         So is you're testimony that you attempted to set  
17 up a meeting between Jay Colbert and Pete Carozza in early  
18 2018? Is that your testimony, yes or no?

19          A   To the best of my recollection -- with my dyslexia,  
20 the dates is what -- unless I, like, really reviewed the  
21 documents, I don't want to misspeak and put a date there. I  
22 did try to set up a meeting. I'm not trying to be evasive.

23          Q   Okay. And it was -- it was -- was it relatively --

24                         ATTY. VALENTINO: I'm trying to get around  
25 the -- the inability to -- Mr. Ricci has indicated  
26 that he suffers from dyslexia, so it's hard for him  
27 to remember the dates. But his -- my recollection

1 of his testimony a moment ago was that they tried  
2 to set up a meeting in early 2018. So I don't know  
3 if we can have it read back or --

4 THE COURT: Well, let me just check. I can  
5 check my notes, for one thing. And then I can see  
6 if anyone disagrees with them.

7 ATTY. VALENTINO: Because the word he used is  
8 "refused to meet," which may be something your  
9 Honor noted.

10 THE COURT: So there was an agreement at one  
11 point in 2016 -- toward the end of 2016, there was  
12 a meeting. They agreed to meet again in Boston  
13 after this 2016 meeting, that was toward the end of  
14 2016, in six months, which would be the middle of  
15 2017; but Carozza -- Mr. Carozza wanted it earlier.  
16 And Mr. Ricci said, Okay. Then stop sending me  
17 bills. He said he wouldn't. Richie walked out.

18 Collection attempts started. Trying to -- R  
19 has tried to meet again using the good offices of  
20 Mr. Colbert. Carozza refused to meet. It never  
21 happened. I didn't have a date with it.

22 ATTY. VALENTINO: Okay.

23 THE COURT: But do you recall when you tried  
24 to -- was it in -- what year it was in when you  
25 tried to get Mr. Colbert to put a meeting together  
26 again?

27 THE WITNESS: Your Honor, it was after we got



1 put into collections. So it would be right in the  
2 date -- around the date when we got put into  
3 collections.

4 THE COURT: All right.

5 THE WITNESS: Right before this case was  
6 filed.

7 THE COURT: Right before this case was filed  
8 you made the attempt or when this case was filed  
9 you got the collection attempts?

10 THE WITNESS: No. We got the collection  
11 attempts, and we get the letter that recommended  
12 that they were going to sue us. We tried to make a  
13 meeting with Jay Colbert and Jay Colbert couldn't  
14 put the meeting together with Pete Carozza.

15 THE COURT: Okay. So how close --

16 THE WITNESS: Jay Colbert was willing to  
17 facilitate the meeting.

18 THE COURT: How close to the filing of the  
19 lawsuit do you think it was?

20 THE WITNESS: To the best of my recollection,  
21 it was within a very close period of time.

22 THE COURT: Weeks? Months?

23 THE WITNESS: Weeks probably or --

24 THE COURT: Days?

25 THE WITNESS: -- months.

26 THE COURT: Months could be twelve months.

27 THE WITNESS: Not more than three months.

1 THE COURT: Okay.

2 THE WITNESS: It was -- it was within a  
3 relatively short period of time, your Honor.

4 THE COURT: All right. Within three months,  
5 then, of filing the complaint. And I assume we can  
6 take notice that the complaint was filed on --

7 ATTY. VALENTINO: In March of 2018, your  
8 Honor.

9 THE COURT: March, 2018. So it was probably  
10 somewhere around the beginning of 2018?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: So there's -- there's where --  
13 there's your answer.

14 ATTY. VALENTINO: Thank you, your Honor.

15 BY ATTY. VALENTINO:

16 Q So what was the reason that you were given for Mr.  
17 Carozza's inability to attend the meeting in 2000 -- in early  
18 2018?

19 ATTY. McGRATH: Objection, your Honor. It  
20 seeks hearsay.

21 BY ATTY. VALENTINO:

22 Q What is your understanding of the reason that Mr.  
23 Carozza was not able to attend the meeting in early 2018?

24 A Without reviewing a document, I don't recall.

25 Q Okay. So what is the basis for your indication that  
26 he refused to attend the meeting with you?

27 ATTY. McGRATH: Objection, your Honor. This

1 seeks a statement from Mr. Colbert.

2 THE COURT: He can explain why he said  
3 previously here that he believed Mr. Carozza  
4 refused. So I'll allow him to answer that.

5 Why do you believe -- how did you come to  
6 believe he refused. That testimony's already in.

7 THE WITNESS: To the best of my recollection,  
8 Jay Colbert said that Pete won't even meet with us.  
9 And when the third district vice president requests  
10 you to meet, you meet.

11 THE COURT: All right. Continue, please.

12 BY ATTY. VALENTINO:

13 Q Okay. So, as your Honor pointed out, it was at the  
14 very least a period of weeks or months in between when you  
15 requested a meeting and when you filed this lawsuit.

16 Correct?

17 A Correct.

18 Q And your testimony was that it was very close to when  
19 you filed this lawsuit?

20 A To the best of my recollection, without seeing a time  
21 line of the document. I don't want to -- I don't want to  
22 misspeak or say something not accurate.

23 Q Understandable. So do you feel that you gave Mr.  
24 Carozza enough of a time frame to coordinate a meeting with  
25 you?

26 A Absolutely.

27 Q And you indicated that you certainly do a lot for the

1 members of Local 825. Correct?

2 A Correct.

3 Q Okay. Are you the only person that handles any  
4 grievances, any -- or the only person that handles any  
5 grievances for Local 825?

6 A Essentially yes. And sometimes I get the help of my  
7 vice president.

8 Q Are you the only person who sits on the board that  
9 participates in contract negotiations?

10 A No. It's my -- there's myself, the vice president of  
11 the union. I'm the chief negotiator. And then there's a  
12 pension rep, and one other person, Fernando Ramirez.

13 Q And that -- Mr. Ramirez is who?

14 A A member of our local.

15 Q A member. Okay. So then you don't need to be the  
16 president of the union to participate in contract  
17 negotiations. Is that correct?

18 A If I wasn't president of the union, I wouldn't be the  
19 chief negotiator. I would be removed from the --

20 Q But you -- again, it's a yes or no question.

21 So you don't need to be the president of the union  
22 to participate in contract negotiations on behalf of the  
23 union. Correct?

24 A I don't understand the question.

25 Q Well, you indicated that Mr. Ramirez is a member of  
26 Local 825. Correct?

27 A Correct.

1 Q And you indicated that you are the president of Local  
2 825. Correct?

3 A Correct.

4 Q Both of you, you and Mr. Ramirez, sit on the contract  
5 negotiations group or what have you for Local 825.  
6 Correct?

7 A Yes.

8 Q Mr. Ramirez is not a member. And so my question is  
9 you -- I mean, excuse me. He is only a member.

10 And so my question is: You do not need to be the  
11 president of the union in order to participate in contract  
12 negotiations. Correct?

13 A You need to be recommended by the president and  
14 approved by the e-board to sit --

15 Q Yes or no?

16 A -- on the negotiating committee.

17 Q Yes or no? Yes or no? You do not need to be the  
18 president of the union in order to sit at the negotiating  
19 table with the union. Correct?

20 A Yes.

21 Q Thank you. Do you need to be the president of the  
22 union in order to act as a representative on behalf of the  
23 union during the grievance procedure?

24 A Yes, to have the ability to bind the union,  
25 absolutely.

26 Q So there's no other individual that can act as a  
27 representative from the union?

1           A    Not that can bind the union with a signature and  
2   execute a document.  It's the union president and the labor  
3   director.

4           Q    Mr. Ricci, you're currently the president, you  
5   indicated, of Local 825.

6                    Do you know how long your tenure will last as  
7   president of Local 825?

8           A    I have an election December 3rd and December 4th.

9           Q    Of?  I'm presuming 2018.  But is that correct?

10          A    In six days or five days.

11          Q    Okay.  So there is a possibility that you could be  
12   voted -- God forbid -- out of the presidency of Local 825  
13   within the next week or so.  Is that correct?

14          A    I appreciate your endorsement.  But, yes, I can be  
15   voted out of office in this next five days, or I can -- or  
16   the members could speak and say they believe in my leadership  
17   and want me to continue.

18          Q    Okay.  So arguably the charges may not affect your  
19   presidency of Local 825.  Is that correct?  You might be gone  
20   by that time.  Correct?

21          A    Possibly, yes.

22                    ATTY. VALENTINO:  I don't have any -- any  
23   further cross questions, your Honor.

24                    THE COURT:  Very well.  Any redirect?

25                    ATTY. McGRATH:  Just a few questions, your  
26   Honor.

27                    THE COURT:  You may proceed.

1                   ATTY. McGRATH:     Thank you, your Honor.

2     REDIRECT EXAMINATION BY ATTY. McGRATH:

3           Q     Mr. Ricci, back in the cross-examination opposing  
4     counsel asked you if you had an expectation of services from  
5     UPFFA. I believe your answer was yes. Is that correct?

6           A     Yes.

7           Q     Can you elaborate on what types of services you  
8     expected from UPFFA?

9           A     We expected the UPFFA to fulfill their fiduciary  
10    responsibility to be good caretakers or our dues. We  
11    expected the UPFFA to lobby effectively for New Haven fire  
12    fighters' interests and fire fighters in general at the  
13    capitol. We expected them to represent us, educate  
14    legislators, those things that legislative-only members would  
15    have reasonably expected, hence the title legislative-only  
16    members.

17          Q     And did you expect that your legislative-only dues  
18    would be used for anything else other than legislative-only  
19    services?

20          A     Absolutely not. Until Pete Carozza told me different  
21    at that dinner.

22          Q     Okay. Real quick, just for clarification purposes.  
23    There was, again, a line of questioning asking about the  
24    charges being addressed to you and Mr. Vendetto.

25                   Are those charges filed against you in your  
26    official capacity as officers -- principal officers of Local  
27    825?

1 A Yes. As a principal officer, I speak for the union.

2 Q Also just to refresh: Did you, as president of Local  
3 825, vote on the disaffiliation motion for Local 825's  
4 disaffiliation from UPFFA?

5 A No, I did not.

6 Q Did Vice President Vendetto vote on that motion.

7 A No, he did not.

8 ATTY. McGRATH: I believe that's all, your  
9 Honor.

10 THE COURT: All right. Any recross?

11 ATTY. VALENTINO: No, your Honor.

12 THE COURT: All right. I thank you for your  
13 testimony.

14 THE WITNESS: Thank you, your Honor.

15 THE COURT: You may step down.

16 (WHEREUPON THE WITNESS STEPS DOWN.)

17 THE COURT: All right. Other witnesses?

18 Before we call any other witnesses, a concern I  
19 have is I would assume there are certain things  
20 that have been established that will not need to be  
21 established again. So I assume we're going into  
22 some new ground. In other words, it doesn't seem  
23 like the basic dates, times, the votes, that he  
24 didn't vote on the motion because he doesn't vote  
25 and Mr. Vendetto was not there because of a family  
26 matter, I hope we're not going to go through that  
27 with a different witness.



1           In other words, don't offer cumulative  
2 testimony of undisputed matters. If there's  
3 something -- you know, something new to talk about,  
4 let's talk about it. But I'm certainly very  
5 concerned about getting to the discussion of the  
6 operative language and also discussing the legal  
7 questions of whether there is some procedure from  
8 the national that addresses the question of  
9 disaffiliation. I know that's been a matter that  
10 we've discussed before. That matters a lot.

11           And then what basis on which I'd have, for  
12 instance, to say that they can't pursue their  
13 complaint. Those kind of things are on my mind  
14 right now. But it doesn't seem like there's a lot  
15 of dispute about the steps that followed: Who said  
16 what and what happened.

17           So where are we going next?

18           ATTY. FISHBEIN: Our next two witnesses will  
19 also be officers of Local 825 who'll make every  
20 attempt not to -- in fact, their testimony will be  
21 truncated and shortened. I believe in our  
22 preparation, there will be very little, if any,  
23 repetition.

24           THE COURT: But is there some other new facts  
25 that they're going to offer, there are things that  
26 we don't know yet that they would testify to?  
27 Because it doesn't sound like some of these things

1 are being disputed.

2 So you put on a witness, I don't think some of  
3 the things are just -- I don't think some of the  
4 things that have been offered have -- are even  
5 disputed.

6 ATTY. FISHBEIN: Your Honor, perhaps if we can  
7 stipulate that there never was a vote by the  
8 membership to affiliate, then we can streamline a  
9 little bit more of this. Because, you know, Mr.  
10 Ricci testified as he could. So that would be one  
11 of the reasons why we would bring the next two  
12 witness. So we'll still need one of those  
13 witnesses --

14 THE COURT: Let me ask the defense, then:  
15 Does your client claim that there was a vote -- is  
16 the question the vote of the membership of the  
17 local to affiliate with the state organization.  
18 That's the question: Does your client claim that  
19 there was a membership vote by the local to  
20 affiliate with the state? Do you claim that?

21 ATTY. VALENTINO: No, your Honor.

22 THE COURT: Okay. So then we can take it as  
23 undisputed that there was never a membership vote  
24 by a local to affiliate with the state. Whatever  
25 it means, that's not going to be contested.

26 ATTY. VALENTINO: I mean, your Honor, I mean,  
27 to be clear, I don't know where they're going with

1           that.  That's the first time I'm even hearing that  
2           issue raised.

3           THE COURT:  Well, there's a different -- in  
4           other words, there's a question of whether the fact  
5           is disputed.  And then there's a question of what I  
6           should make of it.  And that's -- that's the  
7           undecided part.

8           ATTY. VALENTINO:  Right.  Correct.

9           THE COURT:  But the question is whether you  
10          deny it or you're --

11          ATTY. VALENTINO:  I don't acknowledge, I  
12          guess, is the answer:  that maybe they should put  
13          more testimony on to indicate that -- because just  
14          affiliation occurred in 2006.

15          THE COURT:  Well, is it a disputed fact  
16          that -- they're asserting it.  Are you disputing  
17          it?

18          ATTY. VALENTINO:  I -- I am going to dispute  
19          it.

20          THE COURT:  Okay.  So then it's disputed and  
21          you're going to have to establish it.  So that  
22          would be a piece of fact testimony that we need to  
23          put on the record.  So if you need to call a  
24          witness on the question that whether there was ever  
25          a vote of the membership to affiliate with the  
26          state, you've got to put something on about it.  
27          Because she won't stipulate to it.

1           ATTY. FISHBEIN: Understood, your Honor. Can  
2 I just ask by way of offer of proof: Is there  
3 evidence that's going to be presented that there  
4 ever was a vote?

5           THE COURT: I think I can answer that: No.

6           ATTY. FISHBEIN: Okay.

7           THE COURT: Right?

8           ATTY. VALENTINO: That's correct.

9           ATTY. FISHBEIN: So I -- I guess I'm put in  
10 the position of proving the negative. So we can  
11 easily do it.

12           THE COURT: So the point is you'd have to at  
13 least put on evidence as opposed to an assertion.  
14 You put on one piece of evidence, it's undisputed,  
15 and then what's going to happen is -- unless there  
16 is something in argument or in evidence to dispute  
17 it, it just will come in and be established.

18           ATTY. FISHBEIN: Let me -- can I try another  
19 one, your Honor?

20           THE COURT: Yeah. Let's see if -- no. The  
21 point is it's good to try and stipulate to things  
22 if you don't -- if you're -- save everybody the  
23 testimony.

24           ATTY. FISHBEIN: Would love to, your Honor.

25           THE COURT: So what else do you want to offer  
26 that -- there's a stipulation --

27           ATTY. FISHBEIN: -- that upon the engagement

1 of the parties in 2006, that no charter was ever  
2 issued by the UPFFA to Local 825.

3 ATTY. VALENTINO: You're asking me -- he's  
4 asking me to stipulate?

5 THE COURT: Yes. Would you stipulate to that?

6 ATTY. VALENTINO: I would stipulate to the  
7 fact that UPFFA, that they did not issue a charter  
8 to Local 825, yes.

9 THE COURT: Okay.

10 ATTY. FISHBEIN: That's --

11 THE COURT: So that's something there.

12 ATTY. FISHBEIN: That gets us -- well, your  
13 Honor, I guess the -- we would attempt to bring the  
14 stipulation further to say that Local 825 was never  
15 a charter member of the UPFFA.

16 ATTY. VALENTINO: I won't stipulate to that.

17 THE COURT: Won't?

18 ATTY. VALENTINO: I won't.

19 THE COURT: Okay.

20 ATTY. FISHBEIN: So we'll first --

21 THE COURT: Can I just understand -- because  
22 there's this piece of paper, a charter.

23 ATTY. VALENTINO: Yes.

24 THE COURT: And so I take it what you're doing  
25 is you're saying no piece of paper issued. But  
26 you're not conceding that they weren't charter  
27 members. Is that what I should take in terms of

1 your client's position?

2 ATTY. VALENTINO: Yes. That's correct, your  
3 Honor.

4 THE COURT: All right. So -- so then a  
5 stipulation takes you only so far as to say there's  
6 no piece of paper. And it has not -- they do not  
7 agree that the local was never chartered by the  
8 state, just agrees that they never gave a piece of  
9 paper called a "charter." That's what I gather  
10 that you're saying.

11 ATTY. FISHBEIN: If I can just explore the  
12 distinction, your Honor?

13 Is there a position of the UPFFA that Local  
14 825 was other than a legislative-only member?

15 THE COURT: Well, I've been wondering that  
16 myself.

17 Do you claim that they were a full member or a  
18 legislative-only member?

19 ATTY. VALENTINO: No, your Honor. We agree:  
20 They were a legislative member.

21 THE COURT: Okay. Only a legislative member.  
22 And that was -- I was curious about that, too. But  
23 I assume there would be difference in dues and that  
24 would establish that they were legislative members  
25 only. But that's stipulated: that the only  
26 membership the local had in the state was a  
27 legislative membership. Correct?

1           ATTY. VALENTINO: That is correct.

2           THE COURT: Okay. So you don't have to  
3 establish that.

4           ATTY. FISHBEIN: Thank you, your Honor.

5           THE COURT: All right.

6           ATTY. FISHBEIN: Your Honor, can I inquire as  
7 to your practice with regard to a morning break?

8           THE COURT: Well, 11:30. And, in fact, if  
9 it's easier for you to take it right now because  
10 you're trying to figure out how most efficiently in  
11 light of the stipulations to proceed, I'll take it  
12 now if you want.

13           Is that all right?

14           ATTY. FISHBEIN: That would be helpful. Thank  
15 you, your Honor.

16           THE COURT: All right. Is that okay?

17           ATTY. VALENTINO: Yes, sir. Thank you.

18           THE COURT: All right. We'll take a -- we'll  
19 take a morning recess of 15 minutes. And Court  
20 then is in recess.

21           (WHEREUPON THE COURT STANDS IN RECESS.)

22           THE COURT: All right. Good morning. Please  
23 be seated.

24           Plaintiffs ready to call additional witnesses?

25           ATTY. MONTAGNINI: Yes, your Honor. Thank  
26 you.

27           THE COURT: You may proceed.

1                   ATTY. MONTAGNINI: Local 825 calls Mark  
2                   Vendetto.  
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1           **M a r k   V e n d e t t o**, of New Haven,  
2           Connecticut, having been duly sworn by the court  
3           officer, testifies as follows:

4   DIRECT EXAMINATION BY ATTY. MONTAGNINI:

5       Q    Good morning, Mr. Vendetto. Can you please tell the  
6   Court your occupation and titles?

7       A    Yes. I'm employed by New Haven Fire Fighters Local  
8   825 as the vice president, slash, secretary and the City of  
9   New Haven fire department. I am the assistant chief of  
10   operations for New Haven Fire Department.

11      Q    All right. And do you have any connection with Local  
12   825?

13      A    Yes. I've been a member since 1997.

14      Q    And what is your current role with them?

15      A    My current role right now I'm the vice president,  
16   slash, secretary of the union.

17      Q    And in what capacity are you here today?

18      A    I'm here as the vice president of Local 825.

19      Q    Can you tell me how long you've been involved with  
20   Local 825?

21      A    I got hired in 1997; been an active participant in the  
22   union. I was place on the e-board in 2001. So over 17 years  
23   I've been on the executive board.

24      Q    In 2001 was Local 825 affiliated with the UPFFA?

25      A    No, we were not.

26      Q    Okay. When did that change?

27      A    It changed in 2006 under President Egan.

1 Q How did that change come about?

2 A President Egan came to a few of the e-board members,  
3 and at an e-board meeting, he asked if we would join the  
4 UPFFA as a legislative-only member.

5 Q And at any time since you've been involved with Local  
6 825 did you understand them to be a charter member of the  
7 UPFFA?

8 A No, we were not.

9 Q And how do you know that?

10 A In 2006 when we had to join again as a legislative  
11 member -- only member.

12 Q So your answer is because you were not a member before  
13 that?

14 A We were not a member before that, no.

15 Q And, in other words, also you were not affiliated at  
16 that time with UPFFA?

17 A Correct.

18 Q Okay.

19 THE COURT: Well, you said President -- what's  
20 the last name?

21 THE WITNESS: It was president Egan at the  
22 time, E-g-a-n.

23 THE COURT: E-g-a-n?

24 THE WITNESS: Yes, sir.

25 THE COURT: President of what?

26 THE WITNESS: He was president of Local 825.

27 THE COURT: Local.

1 THE WITNESS: Yes.

2 THE COURT: Obviously. Okay.

3 THE WITNESS: If you asked him, he may have  
4 been president of the U.S., but we won't --

5 BY ATTY. MONTAGNINI:

6 Q And have you -- did you attend a meeting with UPFFA  
7 officials about Local 825's disaffiliation in late 2016?

8 A Yes, I did.

9 Q And what was the purpose of that meeting?

10 A The purpose of that meeting was to meet with the third  
11 district vice president, Jay Colbert, Rob Fitzpatrick,  
12 President Carozza. And it was to talk about how we  
13 disassociated with the UPFFA and if we would reconsider to  
14 have a vote in a year's time to reaffiliate with them.

15 Q Okay. Did you learn anything new at that meeting?

16 A Yes. That meeting was very eye opening for me.

17 Q Why do you say that?

18 A As the treasurer of -- taking care of the funds as the  
19 vice president for Local 825, I knew what the monthly dues  
20 were and yearly dues to UPFFA. And I asked Mr. Carozza at  
21 that meeting with the five large unions what did you spend  
22 for legislative expenses. Mr. Carozza gave me an estimate of  
23 somewhere between 20, 30,000. I said, Well, that's less than  
24 what we pay alone. What did you do with all the money from  
25 all the legislative-member only? He goes, Well, we use that  
26 to fund the union and represent the other unions.

27 Q And did that answer surprise you in any way?

1 A Absolutely.

2 Q Why is that?

3 A That money was only supposed to be used only for  
4 legislative only.

5 ATTY. MONTAGNINI: I have no further  
6 questions.

7 THE COURT: Cross-examination?

8 ATTY. VALENTINO: I don't have any questions,  
9 your Honor.

10 THE COURT: Very well. Thank you for your  
11 testimony. You may step down.

12 THE WITNESS: Thank you.

13 (WHEREUPON THE WITNESS STEPS DOWN.)

14 THE COURT: All right. Do you wish to call  
15 another witness?

16 ATTY. MONTAGNINI: Yes, your Honor.

17 THE COURT: Very good. You may.

18 ATTY. MONTAGNINI: Local 825 calls Justin  
19 McCarthy.

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1           **J u s t i n   M c C a r t h y**, of New Haven,  
2           Connecticut, having been duly sworn by the Court  
3           officer testifies as follows:

4   DIRECT EXAMINATION BY ATTY. MONTAGNINI:

5       Q    Good morning, Mr. McCarthy.

6       A    Good morning.

7       Q    Can you please tell the Court your occupation and  
8   title?

9       A    Yes. I am a lieutenant with the New Haven Fire  
10   Department. And I serve currently as a member of the  
11   training division.

12      Q    Okay. And are you connected to Local 825 in any  
13   way?

14      A    I am. I'm an executive board member.

15      Q    How long have you been an e-board member of Local  
16   825?

17      A    Three years. So January of 2016 I believe I took  
18   office.

19      Q    And what are your duties concerning Local 825 in that  
20   position?

21      A    So with the executive board, we vote on serious  
22   matters concerning the union. And we are the middle ground,  
23   I guess, between the membership and the leadership of the  
24   union. And we serve in various capacities on committees.

25      Q    And did you have those same duties on January 4,  
26   2016?

27      A    Yeah. I believe that was my -- one of my -- that was

1 my first day, essentially, in office as an executive board  
2 member.

3 Q Okay. To -- sorry.

4 A As an executive board member, that was my first day.

5 Q And do you recall what happened on that date?

6 A Yes. We -- there was a very large change in  
7 membership on the executive board. So we had an extensive  
8 meeting in regards to the future of the union. And we had  
9 wanted to essentially move the union in -- the executive  
10 board into a more transparent direction. We also wanted to  
11 get the financials, I guess, in order. We were concerned  
12 about the state of the financials.

13 Q And so what did you do in order to address those  
14 concerns? What did the e-board do --

15 A So --

16 Q -- or the Local 825?

17 A Sorry. On that date, I made a motion to withdraw from  
18 the UPFFA to the executive board through our normal  
19 process.

20 Q Okay. And what exactly -- sorry. Let me withdraw  
21 that.

22 Were the reasons that you made that motion your  
23 own?

24 A Yes. So I worked in a small fire department in  
25 Connecticut prior to working for the City of New Haven, which  
26 was also members of UPFFA. There was -- I knew the value in  
27 that small department. However, in leaving that small

1 department and going to New Haven, I had questioned earlier  
2 our involvement and was informed that we were  
3 legislative-only members. From there once, we learned about  
4 the financial status of union when we took office, we looked  
5 at ways to essentially make adjustments to allow for us to  
6 have more money in the bank, essentially, and to fix some of  
7 the financial woes that we were facing. And we looked at  
8 risk versus benefit on the some different things. And we saw  
9 the need to build financial security for the members.

10 Q And was --

11 A And that was my reasoning for making the motion.

12 Q And was leaving the UPFFA one of those ways to keep  
13 your finances good?

14 A Yes. Because we -- as a fire -- as the fire service  
15 in Connecticut as a whole, we're a very tight-knit group. So  
16 our goal was to get our financial orders intact. And being  
17 legislative-only members, we knew that we were still fighting  
18 for the same causes.

19 So the way that I viewed it, we were still going  
20 to be fighting the same causes while still fixing some of our  
21 local problems financially.

22 Q Okay. Did -- so did anyone coerce or pressure you to  
23 make that motion to leave?

24 A Absolutely not.

25 Q And were any charges brought against you before the  
26 IAFF?

27 A No, sir.

1 Q And do you know why that is?

2 A No, sir.

3 ATTY. MONTAGNINI: I have no further  
4 questions.

5 THE COURT: Any cross-examination?

6 ATTY. VALENTINO: I don't have any questions,  
7 your Honor.

8 THE COURT: Very well. Thank you for your  
9 testimony. You may step down.

10 THE WITNESS: Thank you.

11 (WHEREUPON THE WITNESS STEPS DOWN.)

12 THE COURT: Other witnesses?

13 ATTY. MONTAGNINI: Your Honor, at this time I  
14 would like to move another exhibit into evidence.  
15 I believe by stipulation this has been identified  
16 as Exhibit 6.

17 THE COURT: Okay. All right. Is there any  
18 objection to Exhibit 6?

19 ATTY. VALENTINO: No, your Honor. No  
20 objection.

21 THE COURT: Exhibit 6 is a full exhibit.

22 ATTY. MONTAGNINI: And this has been  
23 identified as UPFFA of Connecticut's charter from  
24 the IAFF. And just for the record, your Honor, the  
25 date on that charter is January 7, 1946, as it  
26 appears in our list of exhibits and on the face of  
27 the document.



1 THE COURT: It's noted.

2 ATTY. MONTAGNINI: I have some additional  
3 documents to move into evidence, your Honor. I  
4 believe these will be objected to. And just so the  
5 Court is aware, all three of these that I'm going  
6 to be moving are portions of deposition transcript  
7 pursuant to practice rule 13-31.

8 And the first one is a portion of the  
9 deposition testimony of Lou Demici. And I just  
10 move that in pursuant to the rule.

11 THE COURT: Well, are you -- have you marked  
12 it as an exhibit, then?

13 ATTY. MONTAGNINI: Yes, your Honor. It's been  
14 marked as Exhibit 7, Plaintiff's Exhibit 7.

15 THE COURT: All right. Exhibit 7 is 13 to 31  
16 of the deposition of what person again? Can you  
17 spell the name.

18 ATTY. MONTAGNINI: Louis Demici, L-o-u-i-s  
19 D-e-m-i-c-i.

20 ATTY. VALENTINO: Just to be clear, your  
21 Honor, if it's been marked at all, it's been marked  
22 as ID --

23 THE COURT: Well, of course.

24 ATTY. VALENTINO: Because -- okay.

25 THE COURT: I know that. That's the point.  
26 It's an objected to thing that's been marked as 7.  
27 And so it's been moved into evidence.

1           And is there objection?

2           ATTY. VALENTINO:  There is objection, your  
3 Honor.

4           THE COURT:  And what's the name of the  
5 objection?

6           ATTY. VALENTINO:  It's not a statement against  
7 party interest.  And I don't see why --

8           THE COURT:  So is there a hearsay objection,  
9 then?

10          ATTY. VALENTINO:  It is a hearsay objection.

11          ATTY. MONTAGNINI:  Your Honor, as I understand  
12 the objection, this is a statement of a party  
13 opponent.

14          THE COURT:  All right.  So does the -- does  
15 the document itself indicate who this person is  
16 and, therefore, I would assume, you would be  
17 contending that this is a person within the state  
18 organization.  Does the document show that?

19          ATTY. MONTAGNINI:  That's correct, your Honor.  
20 In its correct form, it does not.

21          THE COURT:  Ah.  Well, you're going to have  
22 to, in other words, show that it is --

23          ATTY. MONTAGNINI:  I'm sorry.  It shows his  
24 name, it doesn't --

25          THE COURT:  Well, his name doesn't mean  
26 anything to me.  In other words, there'd have to be  
27 evidence who he is.  And then there'd be the

1 question, in other words, if he is a person  
2 affiliated with the state organization, is he  
3 speaking on a matter over which he's entitled to  
4 speak? In other words, some matter committed to  
5 him. Or is he just -- let's say he was the janitor  
6 in an organization. And he starts speaks as though  
7 he's the CEO. It's not attributable to the  
8 organization.

9 So you have to lay a foundation for it, in  
10 other words.

11 ATTY. MONTAGNINI: I understand. And to that  
12 end, I would ask counsel for UPFFA if they are --  
13 they are willing to stipulate that Louis Demici is  
14 the secretary of the UPFFA?

15 THE COURT: All right. Ms. Valentino, do you  
16 wish to --

17 ATTY. VALENTINO: I can stipulate.

18 THE COURT: Do you dispute that he's the  
19 secretary?

20 ATTY. VALENTINO: I can stipulate to that  
21 fact, your Honor.

22 THE COURT: All right. This person at the  
23 time the statement was made was the secretary of  
24 the state organization. Is that correct?

25 ATTY. VALENTINO: Correct, your Honor.

26 THE COURT: All right. So and what is the --  
27 what is the statement concerning? What does it --

1 I don't have copy of it obviously, so --

2 ATTY. MONTAGNINI: Sure.

3 THE COURT: -- just tell me what subject  
4 matter it is. And then we can --

5 ATTY. MONTAGNINI: Your Honor, this  
6 concerns -- the subject matter -- there's a couple  
7 statements. The first one is that the UPFFA does  
8 not issue charters to locals.

9 ATTY. VALENTINO: Which we've already  
10 stipulated to.

11 ATTY. MONTAGNINI: I'm not sure that's  
12 correct, your Honor.

13 THE COURT: I think it was stipulated --

14 ATTY. VALENTINO: We did stipulate to that.

15 THE COURT: -- there was not a charter issued  
16 to the New Haven organization. But it equally can  
17 be stipulated that they don't issue charters to  
18 locals.

19 So it doesn't issue charters to locals.  
20 That's actually stipulated. So what else?

21 ATTY. MONTAGNINI: The other statement, your  
22 Honor, concerns whether there's anything -- and to  
23 be specific, anything in the constitution and  
24 bylaws of the UPFFA concerning disaffiliation of a  
25 union from the UPFFA.

26 THE COURT: Charter and bylaws.

27 ATTY. MONTAGNINI: Constitution and bylaws.

1           THE COURT: Constitution. All right. So this  
2 is the secretary of the organization saying there's  
3 nothing in the constitution and bylaws that -- that  
4 governs disaffiliation.

5           And you object to that as -- what it would  
6 turn on is whether the secretary of the  
7 organization may make a statement about the  
8 constitution and bylaws and that would be  
9 attributable to the party defendant, which is the  
10 state union.

11          ATTY. VALENTINO: If -- if opposing counsel  
12 could just point to the portion of the testimony  
13 that they're referring to. And I can answer, your  
14 Honor.

15          THE COURT: Yes. You should be indicating a  
16 page and line for counsel.

17          ATTY. MONTAGNINI: Okay. I understand. Thank  
18 you, your Honor. In this instance it was -- it  
19 begins on page 112 line 24 and goes to 113 line 3.

20          ATTY. VALENTINO: I'm going to -- I am going  
21 to continue to object, your Honor.

22          THE COURT: Well, is it on the grounds of  
23 hearsay?

24          ATTY. VALENTINO: Yes. And Mr. Demici is  
25 here. And he can certainly testify to the  
26 remainder of the evidence which is not offered in  
27 this proposed exhibit, which states what I've

1 already stated.

2 THE COURT: Well, obviously you could call him  
3 as a witness if there's something else you want to  
4 ask him. But the question is: Did he make this  
5 statement that's being offered as testimony on the  
6 plaintiff's side of the case?

7 ATTY. VALENTINO: I understand.

8 THE COURT: And I think the *Practice Book*  
9 allows it. The question for hearsay purpose --  
10 purposes would be if you claim that the secretary  
11 is not --

12 ATTY. VALENTINO: -- authorized.

13 THE COURT: -- speaking for the organization  
14 when he says what the bylaws and constitution say,  
15 which --

16 ATTY. VALENTINO: I understand, your Honor.

17 THE COURT: Is that your claim, though?

18 ATTY. VALENTINO: No. That's not my claim,  
19 your Honor. He's authorized.

20 THE COURT: All right. So that document, is  
21 that part of 7 or is that --

22 ATTY. MONTAGNINI: Yes, your Honor.

23 THE COURT: All right. So and that's what  
24 you -- that's everything you want 7 for. Correct?

25 ATTY. MONTAGNINI: There is one other  
26 statement in there, yes.

27 THE COURT: Okay. Let's get that and see if

1 there's any objection to it.

2 ATTY. MONTAGNINI: And this is on page 137  
3 lines 10 through 12 concerning Local 825's status  
4 as being disaffiliated.

5 THE COURT: All right. Is there objection to  
6 that, and, if so, what's the name of the objection?

7 ATTY. VALENTINO: Can I just have a second,  
8 your Honor?

9 THE COURT: You may.

10 ATTY. VALENTINO: Because there's only pieces  
11 of the transcript. I'm missing the context. And I  
12 don't believe that that's a correct representation  
13 of what this actually says.

14 THE COURT: Well, you can do that -- you can  
15 do one of two things with that: You can object to  
16 it on the grounds of completeness or you can simply  
17 offer the other parts of the exhibit. Or if, as  
18 you say, he's here, you can call him up and ask him  
19 to testify and make clear what he was saying.  
20 So --

21 ATTY. MONTAGNINI: And even though it adds a  
22 little more text to what I'm doing, your Honor, if  
23 I could direct counsel for the UPFFA, the  
24 discussion of that portion starts on page 132 line  
25 5. And I apologize. I should have reached all the  
26 way back there. That's where it's clear the  
27 date -- the dates that we're talking about.

1           ATTY. VALENTINO: I can appreciate that. But  
2 then we're missing 134 through 136. So -- and, I  
3 mean, I have a copy of the transcript. I just -- I  
4 object on the basis of incompleteness, then, your  
5 Honor.

6           ATTY. MONTAGNINI: And under the rule, your  
7 Honor, she is permitted to enter additional exhibit  
8 testimony.

9           THE COURT: That's the normal -- I mean, the  
10 normal thing would be that you would offer other  
11 parts of it to show that they had not represented  
12 internally what the witness was saying. Or another  
13 very obviously thing is call the witness.

14          ATTY. VALENTINO: Right.

15          THE COURT: And so just give me one second

16   (PAUSE.)

17          ATTY. VALENTINO: Your Honor, if I may ask for  
18 clarification from opposing counsel whether they  
19 intend to enter as an exhibit the entire text of  
20 these pages that they've offered or if they intend  
21 to limit it just to the lines that they've  
22 identified?

23          ATTY. MONTAGNINI: We're entering the entire  
24 pages that we have here --

25          THE COURT: Exhibit 7.

26          ATTY. MONTAGNINI: -- in Exhibit 7.

27          THE COURT: Exhibit 7, the entirety of it's



1 in. But what I've asked is: What is it being  
2 offered for?

3 ATTY. VALENTINO: Right.

4 THE COURT: And it's being offered up for  
5 these three propositions. But the whole thing  
6 would be coming in. That's the proposal.

7 ATTY. VALENTINO: Okay. Thank you, your  
8 Honor.

9 THE COURT: All right. Do you still object  
10 or?

11 ATTY. VALENTINO: Your Honor, I'm not going to  
12 object.

13 THE COURT: Okay.

14 ATTY. VALENTINO: I withdraw.

15 THE COURT: Seven is a full exhibit.

16 ATTY. MONTAGNINI: Thank you, your Honor.  
17 Having admitted Exhibit 7, I would like to read  
18 into the record a few portions of this.

19 THE COURT: I would be useful if you have a  
20 copy -- a bench copy, if I could have it in front  
21 of me.

22 ATTY. MONTAGNINI: Yes, your Honor.

23 THE COURT: Because what I'll do is highlight  
24 the parts you want me to pay attention to.

25 ATTY. MONTAGNINI: We can certainly do that,  
26 your Honor. And may I approach?

27 THE COURT: You may.

1 (PAUSE.)

2 THE COURT: All right. So I have 7 in front  
3 of me. What would you like me to make particular  
4 note of?

5 ATTY. MONTAGNINI: Thank you, your Honor. If  
6 your Honor looks at page 132 starting on line 5.

7 THE COURT: All right. I'm there, yes.

8 ATTY. MONTAGNINI:

9 "Okay, Mr. Demici, I'm handing you what's been  
10 marked as Plaintiff's Exhibit O. This is the  
11 executive board meeting from -- what's the date on  
12 there?

13 And his answer is: "June 7, 2016."

14 And in the continuous pages that follow  
15 there's a discussion of this that I'm not -- that I  
16 don't believe is relevant.

17 THE COURT: All right. Well, there must be  
18 some key language --

19 ATTY. MONTAGNINI: So, yes.

20 THE COURT: -- you want me to highlight.

21 ATTY. MONTAGNINI: That is correct. And that  
22 is if we turn to page 137, your Honor, line 10.

23 THE COURT:

24 "At this time, what was the status of the  
25 membership status of Local 825?

26 "ANSWER: They were still not affiliated with  
27 us."

1           Is that what you want?

2           ATTY. MONTAGNINI: That's exactly it, your  
3 Honor.

4           THE COURT: Okay. I have it.

5           ATTY. MONTAGNINI: Okay.

6           THE COURT: Anything else in the exhibit?

7           ATTY. MONTAGNINI: And then -- and the next --  
8 yes, your Honor. The next three lines -- sorry --  
9 five lines:

10           "And they were being --

11           The question is: "And they were being  
12 provided --

13           "And were they being provided any services by  
14 UPFFA?

15           The witness asks: "At the time this was sent?

16           The answer is: "Yes.

17           The witness answers: "I don't believe so."

18           THE COURT: All right. It's noted.

19           ATTY. MONTAGNINI: And then -- I apologize,  
20 your Honor. I've got three more lines immediately  
21 following that.

22           Eighteen -- at line 18, the question is:

23           "Okay. When did UPFFA stop providing services  
24 to Local 825?

25           The answer: "When they stopped paying per  
26 capita."

27           ATTY. MONTAGNINI: I'm finished with this

1 exhibit, your Honor.

2 THE COURT: It's noted.

3 ATTY. MONTAGNINI: Thank you.

4 THE COURT: Other evidence?

5 ATTY. MONTAGNINI: Yes, your Honor. I'd like  
6 to move for the admission -- or, actually, before I  
7 make that motion, your Honor, I would ask counsel  
8 for UPFFA if they were willing to stipulate Vincent  
9 Fusco is an officer of UPFFA?

10 THE COURT: All right. So I take it his  
11 deposition was taken. What's the date of the  
12 deposition?

13 ATTY. MONTAGNINI: Your Honor, the date of the  
14 deposition was September 12, 2018.

15 THE COURT: On that date, was Mr. Fusco an  
16 officer of the state organization?

17 ATTY. VALENTINO: Yes, your Honor.

18 THE COURT: What was his position?

19 ATTY. VALENTINO: He's the district vice  
20 president.

21 THE COURT: When you say district vice  
22 president, does that mean he's the vice president  
23 of the state organization or is there some other  
24 distinction being made? Is the state a district  
25 or --

26 ATTY. VALENTINO: The state organization  
27 doesn't have a vice president. They have district

1 vice presidents. They represent different districts  
2 around the state.

3 THE COURT: Legions within the state. Okay.

4 ATTY. VALENTINO: Correct.

5 THE COURT: So he was a district vice  
6 president?

7 ATTY. VALENTINO: Yes.

8 THE COURT: Did his district cover New Haven?

9 ATTY. VALENTINO: No.

10 THE COURT: All right. So he was a district  
11 vice president. That's stipulated.

12 Now, are you trying to offer some testimony  
13 from this?

14 ATTY. MONTAGNINI: Yes, your Honor, before --  
15 I would move for the admission under rule 13-31 of  
16 Plaintiff's Exhibit 8.

17 THE COURT: Is there objection?

18 ATTY. VALENTINO: No, your Honor.

19 THE COURT: Exhibit 8 is a full exhibit.

20 ATTY. MONTAGNINI: If I may approach, your  
21 Honor?

22 THE COURT: You may.

23 (PAUSE.)

24 THE COURT: All right. Is there some part you  
25 want to bring to my attention?

26 ATTY. MONTAGNINI: Yes, your Honor. Again,  
27 there's -- there's a few. If you would look at

1 page 54 beginning at line 3.

2 If I may read, your Honor?

3 Okay.

4 The question is: "Okay. Now who else have  
5 you discussed with about the disaffiliation of  
6 Local 825?

7 The answer is: "The executive board."

8 "Just the executive board members," question  
9 mark.

10 Answer is: "Yeah. If I'm asked questions by  
11 rank and file, I'm just, like, yeah, they  
12 disaffiliated. Maybe they'll come back some day."

13 That's lines 3 through 9, your Honor.

14 THE COURT: It's noted.

15 ATTY. MONTAGNINI: And moving to page 55, your  
16 Honor, and the discussion running from Line 7 to  
17 20. The line that I would draw your attention to,  
18 your Honor, starts at --

19 THE COURT: -- sixteen.

20 ATTY. MONTAGNINI: -- On sixteen, your Honor,  
21 yes.

22 THE COURT: "Hey, they're disaffiliated."

23 ATTY. MONTAGNINI: That's correct, your  
24 Honor.

25 THE COURT: I had a feeling that's what you  
26 meant.

27 ATTY. MONTAGNINI: And then again on page 77

1 starting at line 14.

2 The question to the witness is: "Is there any  
3 information outside of -- because all those things  
4 you admit are part of the lawsuit. They're alleged  
5 in the lawsuit. Right?"

6 I'm sorry, your Honor. The discussion starts  
7 at Line 2 and goes through line 19.

8 THE COURT: "What do you find libelous or  
9 slanderous is the issue."

10 ATTY. MONTAGNINI: That's correct.

11 THE COURT: Yeah.

12 ATTY. MONTAGNINI: And the answer being, to  
13 the question on line 14 through 16: "All those  
14 things you admit are part of the lawsuit. They're  
15 alleged in the lawsuit. Right?"

16 "Uh-huh.

17 And the question is: "Right -- is that --  
18 just is that a yes?"

19 And the answer is: "Correct."

20 THE COURT: Noted.

21 ATTY. MONTAGNINI: Thank you, your Honor. I'm  
22 completed with Exhibit 8.

23 THE COURT: All right. Other evidence?

24 ATTY. MONTAGNINI: Your Honor, I would ask at  
25 this time if counsel for UPFFA stipulates that  
26 Richard Hart is an officer of the UPFFA?

27 ATTY. VALENTINO: No. I'm not going to

1 stipulate to that, your Honor.

2 ATTY. MONTAGNINI: I'll rephrase that, your  
3 Honor, if he is -- I'll ask if counsel for UPFFA  
4 will stipulate that he was an officer, director,  
5 managing agent, or employee of UPFFA, those being  
6 the grounds in Rule 13-31 for the entry of his  
7 deposition.

8 THE COURT: Well, is he one of those things?  
9 And if so, which?

10 Do you take the position, anyway?

11 ATTY. VALENTINO: Your Honor, he's a lobbyist.  
12 He's not --

13 THE COURT: Okay. So, in other words, if you  
14 don't --

15 ATTY. VALENTINO: And a manager --

16 THE COURT: If you don't -- you don't agree  
17 that he's any of those things -- an officer,  
18 director, managing agent, or employee -- is he an  
19 employee at the state organization, then? Or is he  
20 an outside consultant? What is he?

21 ATTY. MONTAGNINI: I can also rephrase to be  
22 more specific, your Honor. My request for  
23 stipulation --

24 THE COURT: All right. What is it you're  
25 asking?

26 ATTY. MONTAGNINI: I would ask the counsel for  
27 UPFFA if they would stipulate that Richard Hart is



1 the director of legislative affairs for UPPFA.

2 ATTY. VALENTINO: I stipulate to that -- well,  
3 if during his deposition testimony.

4 ATTY. MONTAGNINI: That's correct.

5 THE COURT: So you -- you agree with that?

6 ATTY. VALENTINO: I would agree with that,  
7 yeah.

8 THE COURT: All right.

9 ATTY. VALENTINO: Yes.

10 THE COURT: Is the director of legislative  
11 affairs for the state organization.

12 ATTY. MONTAGNINI: And if I could direct --  
13 oh, excuse me.

14 May I approach, your Honor?

15 THE COURT: You may. Is this marked?

16 ATTY. MONTAGNINI: I'll -- yes, this is marked  
17 as Plaintiff's Exhibit 9, which I would move into  
18 evidence at this time --

19 THE COURT: Is there objection to Exhibit 9?

20 ATTY. MONTAGNINI: -- under Rule 13-31.

21 ATTY. VALENTINO: No, your Honor.

22 THE COURT: Exhibit 9 is a full exhibit.

23 All right. Are there parts of this you wish  
24 to call to my attention?

25 ATTY. MONTAGNINI: Yes, your Honor, page 52  
26 lines 3 through 13. If I may read them?

27 THE COURT: You may.

1           ATTY. MONTAGNINI:

2           "QUESTION: Let's say there was a union that  
3           thought about resigning their membership entirely  
4           and disaffiliating. Have you been in conversations  
5           that are designed to induce them to return to the  
6           organization?

7           The answer: "The meeting we had at -- in New  
8           Haven was to try to find a solution.

9           "QUESTION: A solution to what?

10          "ANSWER: To when they disaffiliated, to have  
11          them come back in.

12          "QUESTION: And reaffiliate?

13          "ANSWER: And reaffiliate, yes."

14          THE COURT: It's noted.

15          ATTY. MONTAGNINI: Thank you, your Honor.

16          THE COURT: All right. That's everything for  
17          that document?

18          ATTY. MONTAGNINI: That's everything for that  
19          document.

20          THE COURT: All right.

21          ATTY. MONTAGNINI: And for --

22          THE COURT: Other evidence?

23          ATTY. MONTAGNINI: -- my motions for  
24          exhibits.

25          ATTY. FISHBEIN: Your Honor, I call Kimberly  
26          Taglia.

27

1           **K i m b e r l y   T a g l i a**, of Wolcott,  
2           Connecticut, having been duly sworn by the Court  
3           officer testifies as follows:

4   DIRECT EXAMINATION BY ATTY. FISHBEIN:

5       Q    Good afternoon.  Is it Ms. Taglia?

6       A    Yes.

7       Q    Or -- okay.  Good afternoon.  What is your  
8   relationship to Peter Carozza?

9       A    I'm his fiance.

10      Q    And how long have you been Mr. Carozza's fiance?

11      A    Eighteen years.

12      Q    And Mr. Carozza is -- to your knowledge, what is his  
13   involvement with the UPFFA?

14      A    He's the president of the UPFFA.

15      Q    Okay.  And you currently reside together?

16      A    Yes.

17      Q    And how long have you resided together?

18      A    Probably 17 years.

19      Q    Okay.  And in the 17 years, I would expect you've gone  
20   on trips together?

21      A    Yes.

22      Q    And has Mr. Carozza ever paid for any of your trip  
23   expenses utilizing his UPFFA credit card?

24      A    I wouldn't have that information.

25      Q    Okay.  You've certainly been on trips that he's paid  
26   for?

27      A    Yes.

1 Q Okay.

2 A Yes.

3 Q And had you ever written a check to the UPPFA to  
4 reimburse them for any moneys that Mr. Carozza may have spent  
5 on your behalf?

6 A Not that I'm aware of.

7 Q Okay. Well --

8 A It's been a long time, but not that I'm aware of.

9 Q Okay. And did you go to Honolulu, Hawaii, in 2012  
10 with Mr. Carozza?

11 A Yes, I did.

12 Q And who paid for that trip?

13 A I really -- I don't know.

14 Q Did you pay for it?

15 A I probably paid for --

16 ATTY. VALENTINO: Your Honor, objection.

17 THE COURT: Just a moment.

18 THE WITNESS: -- some -- a lot of it, but I  
19 don't know.

20 THE COURT: Just a moment. There's an  
21 objection.

22 What's the name of the objection?

23 ATTY. VALENTINO: Relevancy. I don't know how  
24 that time period's relevant. I don't know how her  
25 vacations -- we need a date for them.

26 THE COURT: What was the date? I didn't hear  
27 it. The Hawaii trip was what --

1           ATTY. FISHBEIN: 2012, your Honor.

2           THE COURT: The question was 2012. And what  
3 did you claim the relevance of this testimony is?

4           ATTY. FISHBEIN: The -- a portion of this case  
5 has to do with the breach of fiduciary duty, your  
6 Honor. And there will be evidence and we have  
7 records that indicate that Mr. Carozza paid for  
8 certain expenses for Ms. Taglia. That's  
9 utilization of the state union's money for the  
10 fiance of the president.

11           THE COURT: And what part of it -- what  
12 relief, in other words, would that support in the  
13 case you're making this claim? What portion of the  
14 relief? Because I've been assuming, in other  
15 words, that Step 1 is to say, All right. You want  
16 me to say that the disaffiliation was affected  
17 because there was no legal restraint on the local  
18 from disaffiliating from the state. That's one  
19 piece of relief.

20           Then other piece of relief is you want me to  
21 enjoin the state organization from pursuing the  
22 claims against the two officers.

23           Which one of those does this have a bearing on  
24 and why?

25           ATTY. FISHBEIN: Neither one of those two.  
26 But it is the complaint -- I believe it's Count 2,  
27 your Honor, in which we allege a breach of

1 fiduciary duty. And ultimately in our claims for  
2 relief in this case, we're looking for payment --  
3 we're looking for damages.

4 THE COURT: Well, that's what I was wondering  
5 in reviewing your complaint, the last version of  
6 the complaint. Are you looking for damages?

7 ATTY. FISHBEIN: Oh, yeah.

8 THE COURT: So let me -- let me get the last  
9 version of the complaint up. Because I thought I  
10 had reviewed that. There's a new amended complaint  
11 filed on 11/13. Right?

12 ATTY. FISHBEIN: Yes, your Honor.

13 THE COURT: Okay. So which -- you have a  
14 prayer for relief that has multiple parts of it.  
15 Which part should I focus on here?

16 ATTY. FISHBEIN: I believe it's section little  
17 "b."

18 THE COURT: Order the return of the misused  
19 dues with interest. That's your point?

20 ATTY. FISHBEIN: Yes, your Honor.

21 THE COURT: Okay. So how would you say -- in  
22 other words, if the question is whether there's a  
23 claim here that the organization, the state  
24 organization misused the dues paid by the local,  
25 why wouldn't this be relevant to that?

26 ATTY. VALENTINO: Well, to -- my objection is  
27 twofold, your Honor: because, one, we don't -- the

1 time period is we're talking about six years ago.

2 But outside of that, I mean, if he wants to  
3 ask questions about whether she has knowledge about  
4 Mr. Carozza using the UPFFA credit card to pay for  
5 trips, fine. But he's asking her questions --  
6 intimate questions about the relationship or who  
7 paid for vacations? And that's just not relevant.  
8 And it's -- it's harassment at this point.

9 I mean, I don't know if this is just to teach  
10 us a lesson, what the purpose of -- I don't even  
11 know why he had to call the witness, honestly. He  
12 has documents that he claims speak to this exact  
13 issue. And Mr. Carozza's in the courtroom. He  
14 chooses to question his -- his fiance.

15 THE COURT: Well, either -- any witness who  
16 has factual information on the question could be  
17 called. The question shouldn't -- I assume there  
18 isn't much other than basic background to ask about  
19 their relationship. But the issue is is that she  
20 traveled with him to, in this particular instance,  
21 the claim is to Hawaii. And the follow up is:  
22 Were any moneys ever paid back to the state  
23 organization for this trip?

24 Of course, it hasn't been established that the  
25 state organization paid for the trip yet.

26 ATTY. VALENTINO: Correct.

27 THE COURT: But presumably there's some

1 foundation being laid here.

2 Is that right, Mr. Fishbein?

3 ATTY. FISHBEIN: Absolutely, your Honor.

4 THE COURT: Is there something that you're  
5 going to connect this up to that will --

6 ATTY. FISHBEIN: Oh, yes. And I'll represent  
7 to your Honor they're well-aware. Because we  
8 deposed Mr. Carozza. We went through these -- all  
9 of these with Mr. Carozza. And Mr. Carozza was  
10 less than forthcoming, we'll put it that way, at  
11 his deposition.

12 ATTY. FISHBEIN: Well, we don't need to debate  
13 whether he was forthcoming or not.

14 ATTY. FISHBEIN: Yes.

15 THE COURT: But the point is is that --

16 ATTY. FISHBEIN: -- they're well-aware.

17 THE COURT: -- you're -- you're offering this  
18 evidence because you want to show other forms of  
19 evidence about this claim that money of your  
20 clients was misspent. Right?

21 ATTY. FISHBEIN: Yes, your Honor.

22 ATTY. VALENTINO: And, your Honor, I'm simply  
23 stating that questions about who paid for your  
24 vacations and your relationship and things --  
25 general things to that nature regarding their  
26 relationship --

27 THE COURT: Well, if she paid for the trip to



1           Hawaii, for instance.  If she -- if the answer was,  
2           I paid for it and here's my canceled check stubs or  
3           my credit card thing, then that would take the wind  
4           out of the argument that money was misused.  If, on  
5           the other hand, she says, No, I don't know who paid  
6           for it, and then he can say through some other  
7           evidence that the state organization paid for it,  
8           it makes it relevant.

9                    The objection's overruled.  You may  
10           continue.

11                   ATTY. FISHBEIN:  Thank you, your Honor.

12   BY ATTY. FISHBEIN:

13           Q    So, ma'am, I asked you whether or not you paid for the  
14           trip to Hawaii in 2012.

15           A    And I said no.

16           Q    Okay.  And is it fair to say that Mr. Carozza paid for  
17           that trip?

18           A    Yes.

19           Q    Okay.  And who accompanied you on that trip?

20           A    My daughter.

21           Q    Your daughter Alyssa?  And who paid for Alyssa to go  
22           to Hawaii on -- in 2012?

23           A    I'm being very honest here.  I don't remember.  I paid  
24           for a lot of things when I went on these vacations.  I paid  
25           for a lot of things.  But I really don't know, sir.

26           Q    Okay.  And Alyssa, she -- she was Miss Connecticut a  
27           couple -- was it a couple years ago?

1 A Yes, she was.

2 Q And who's Joseph Kuziak?

3 A He was a board member for Miss Connecticut.

4 Q Okay. And what's your relationship with Mr. -- do you  
5 have any personal relationship with Mr. Kuziak?

6 A No, not at all. He was a board member who ran  
7 different functions for Miss Connecticut.

8 THE COURT: Could you spell that name,  
9 please, if you know?

10 ATTY. FISHBEIN: Yes. K-u-z-i-a-k.

11 THE WITNESS: His daughter was a previous Miss  
12 Connecticut as well.

13 BY ATTY. FISHBEIN:

14 Q That's Sheri Lynn?

15 A Yes.

16 Q And would there be reason that you know for Mr.  
17 Carozza to be making payments from UPFFA funds to Mr.  
18 Kuziak?

19 A Well, as a -- to donate to scholarships. I would  
20 think there's been a lot of various locals throughout the  
21 state that have bought ads for golf tournaments and various  
22 different things.

23 Q Okay. So when you say "your understanding," have you  
24 ever made any of those contributions?

25 A Oh, tons, tons.

26 Q And --

27 A And my own checks to pay them.

1 Q Sure. And when you write out those checks, who would  
2 you write them out to?

3 A It depends. If somebody -- like, I'm a board member  
4 now, so sometimes there's things made out to me and then they  
5 get deposited into the Miss -- you know, the Miss Connecticut  
6 scholarship fund.

7 Q Okay.

8 A So it depends on who's -- if somebody's running an  
9 event and they ask that it made -- or it be made to Miss  
10 Connecticut. It all depends.

11 Q Okay. And do you recall going on a trip in August of  
12 2013 to Miami?

13 A You know, I've been to Miami a lot of times. I don't  
14 know if I was there in August of 2013.

15 Q Okay.

16 A I have no idea.

17 Q Sure. How many times have you been to Miami that Mr.  
18 Carozza has paid for in, let's say, the last six years?

19 A Last six years? I don't know. Maybe once, maybe  
20 twice. I really don't know.

21 Q Okay. And how many --

22 A I can tell you I paid for a trip to Miami.

23 Q Okay. And how many times have you been to Hawaii with  
24 Mr. Carozza in the last six years?

25 A Twice.

26 Q Okay. We talked about the 2012 time. When was the  
27 other time?

1       A    I don't know.  I don't know the years.  I can tell you  
2 I've been there a couple of times, but I don't know when --  
3 what year it was.  I really don't know.

4       Q    Okay.  And on that other trip -- I'm going to assume  
5 it was sometime between 2012 and 2018 -- did Alyssa accompany  
6 you again?

7       A    Yes.

8       Q    And did -- and Mr. Carozza paid for that trip also?

9       A    I don't know that, I said.

10      Q    Is it possible that you paid for the trip?

11      A    That could be possible.

12      Q    Okay.  And what about in January -- well, May of 2014,  
13 do you recall going to St. Croix with Mr. Carozza?

14      A    Yes, I do.

15      Q    And who paid for that trip?

16      A    I don't know.  I know I was invited as a guest to that  
17 trip.

18      Q    Okay.  You were invited as a guest.  Who invited  
19 you?

20      A    You know, I'm not quite sure who.  But there was a lot  
21 of wives and people there.  So I'm not quite sure who.  But I  
22 was there.

23      Q    Okay.  What were you going to St. Croix for?

24      A    They had a business meeting.

25      Q    Okay.  Who's they?

26      A    Peter and, you know, other people throughout the  
27 country, other fire people throughout the country.

1 Q Okay. They had a business meeting?

2 A Yes.

3 Q So someone other than Peter invited you to go on the  
4 trip?

5 A I mean, Peter essentially invited me. But I was told,  
6 you know, I was a guest.

7 Q Okay. And I don't know if I asked you this already,  
8 but did you pay for that trip?

9 A No.

10 Q Okay. And how many days were -- was that trip for?  
11 Do you recall?

12 A I don't recall. I don't know, five -- I really don't  
13 recall whether it was five days, six days. I don't know.

14 Q Okay. And when you -- you have a recollection of the  
15 trip in --

16 A I remember being in St. Croix, yes.

17 Q Sure. Did you fly directly from Hartford, let's say,  
18 to St. Croix?

19 A That I don't remember.

20 Q Okay. Do you sometimes travel with Mr. Carozza from  
21 Hartford to some home in Florida and then elsewhere?

22 A No.

23 Q No?

24 A I don't usually go to Florida when I go on a trip, no.  
25 I go to Florida, but --

26 Q Mr. Carozza has a condominium or something in  
27 Florida?

1 A Yes.

2 Q And where's that located?

3 A Naples.

4 Q And for the St. Croix trip, you didn't stop around  
5 Naples?

6 A I'm trying to -- I'm really honestly trying to  
7 remember. You know, I remember when I was in St. Croix. And  
8 I don't remember if we went to Naples after or if we didn't.  
9 I really don't remember.

10 Q Okay. And when you make these trips -- let's just  
11 say, you know, Hawaii, Miami, St. Croix -- how do you fly?  
12 Is it first class? business class?

13 A No, not first class.

14 Q Never -- never first class?

15 A I've never flown first class.

16 Q Okay. And do you -- were there any upgrades with  
17 your -- your flights, particularly those three?

18 A I mean, occasionally, you know, for the bigger, you  
19 know, leg room. Like, at the -- you know, the door, I don't  
20 know. But not really big upgrades, no.

21 Q Okay. And what about in May of 2015, did you go see  
22 Trace Atkins?

23 A No.

24 Q No?

25 ATTY. FISHBEIN: I have no further questions,  
26 your Honor.

27 THE COURT: Very well. Cross-examination?

1           ATTY. VALENTINO: I don't have any questions,  
2 your Honor.

3           THE COURT: Very well. Thank you for your  
4 testimony.

5           THE WITNESS: Thank you.

6           (WHEREUPON THE WITNESS STEPS DOWN.)

7           ATTY. FISHBEIN: Your Honor, the witness was  
8 subpoenaed and she can be excused.

9           THE COURT: Very well. You're released from  
10 your subpoena obligation. You may leave if you  
11 wish.

12          THE WITNESS: Thank you.

13          THE COURT: Do you have other witnesses or  
14 evidence to put on for the plaintiffs?

15          ATTY. FISHBEIN: Yes, your Honor, I call  
16 Robert Anthony.

17          THE COURT: Very well.

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1           **R o b e r t   A n t h o n y**, of West Hartford,  
2           Connecticut, having been duly sworn by the court  
3           officer, testifies as follows:

4           ATTY. FISHBEIN: Your Honor, I have an  
5           exhibit. My understanding there's no objection.  
6           That's Exhibit 10.

7           THE COURT: All right. Is there objection to  
8           10?

9           ATTY. VALENTINO: No objection, your Honor.

10          THE COURT: Ten is a full exhibit.

11          ATTY. FISHBEIN: Thank you, your Honor.

12          DIRECT EXAMINATION BY ATTY. FISHBEIN:

13          Q    Good afternoon, Mr. Anthony. I've just handed you  
14          a -- well, before we get to the book, what is your  
15          relationship to the UPFFA?

16          A    I am the treasurer.

17          Q    And how long have you been so been employed?

18          A    Elected? Since 2011.

19          Q    Okay. And when you say "elected" when I said  
20          "employed," are you compensated to --

21          A    Yes.

22          Q    I just ask that if I could finish the question.

23          A    Okay.

24          Q    No problem.

25          A    I thought I'd save you some time.

26          Q    If it doesn't drive the court reporter crazy.

27                        So you're compensated in your duties as the



1 treasurer of the UPFFA?

2 A Yes.

3 Q And how much are you paid on an annual basis?

4 A To the penny or round about?

5 Q Around about.

6 A 25,000.

7 Q Okay. And has that generally been the compensation  
8 for the treasurer since you've been the treasurer?

9 A Unfortunately, yes.

10 Q Okay. And as a treasurer of the UPFFA -- we know what  
11 treasurers usually do, but if you could just briefly tell the  
12 Court what you do specific to the UPFFA as a treasurer.

13 A Do the billing, send out the invoices to the locals,  
14 pay the bills, do some recommendations as far as investing in  
15 where we should put CDs. We just currently moved some CDs  
16 out of the credit union where they had been kept into a  
17 money -- sort of a money market account. We just moved --  
18 started moving stuff to earn a little bit interest.

19 Q And as the treasurer, what -- what prior skills do you  
20 bring to the table that make you a candidate to be treasurer?  
21 Were you an accountant or something or, I mean, were you a  
22 fire fighter?

23 A I'm not an accountant.

24 Q Do you have some sort of training or skill?

25 A I paid my own bills.

26 Q Okay.

27 A That's about it.

1 Q Blue collar.

2 A Yes.

3 Q No problem. So I put a book in front of you. If you  
4 could just turn to Tab No. 10. And that's an activity and  
5 expense report for the UPFFA?

6 A Yes. Not in this format, but there's -- yes.

7 Q Okay. When you say "not in this format," what does  
8 that mean?

9 A Well, the expense reports that we have now are  
10 slightly different than that.

11 Q Okay. But at the time -- and this is dated March  
12 15 -- March of 2015 this was the report that was being  
13 utilized by the officers of UPFFA?

14 A I could agree to that.

15 Q Okay. Well, in March of 2015 how would you receive a  
16 document like this, like Exhibit 10?

17 A Usually through e-mails -- excuse me. At times if the  
18 executive board officers come in, they drop them. They put  
19 them on my desk. But e-mails or -- usually e-mails.

20 Q Okay. And this particular one that we're looking at  
21 for March of 2015, that's from Mr. Carozza. Right?

22 A Okay.

23 Q On the first page right up top, it says, Peter  
24 Carozza?

25 A I see Peter Carozza, yes.

26 Q So that would be his activity and expense report for  
27 that period of time?

1 A I would believe so, yes.

2 Q Okay. And can you just explain to the Court --  
3 there's a column that says mileage.

4 A Yes.

5 Q And what is the purpose of one putting a number in the  
6 mileage column?

7 A We reimburse mileage.

8 Q Okay. And who decides whether or not to reimburse the  
9 mileage, a particular mileage entry?

10 A I'm not sure, but I would just -- myself.

11 Q Okay. Does somebody -- do you have to check with  
12 somebody?

13 A No.

14 Q Okay. So you make that decision?

15 A Yes.

16 Q And when you see a mileage number, what kind of backup  
17 do you look for to make sure, as the treasurer of the entity,  
18 that that's a legitimate mileage number?

19 A In this instance, Pete Carozza submits all his expense  
20 reports with all of his -- all of his receipts. And they're  
21 pretty extensive.

22 Q Okay.

23 A So I would look through that to document his  
24 mileage.

25 Q Okay. So what in particular receipts would show  
26 mileage that in your experience as a treasurer for years now  
27 that you have familiarity with approving?

1 A Pete's mileage is offset by the fuel costs.

2 Q Okay. I only want to ask you: How do you know --  
3 let's just say there's an entry on the report of 110.

4 A Yep.

5 Q And that looks like it's for the date of March 2nd.  
6 You would agree with me there?

7 A Yep.

8 Q Right. How is Robert Anthony to know that 110 miles  
9 are legitimately claimed in this case?

10 A I would go back through Pete Carozza's expense reports  
11 that he submitted with all of his receipts.

12 Q Okay. So what receipt would he show for mileage?

13 A His fuel bills, where he was, what he attended. It  
14 could have been a conference. It could have out of state.  
15 That would all be in his receipts.

16 Q And then what do you do with the receipt -- let's just  
17 say, hypothetically, that there's a receipt that's attached  
18 that says Boston, Logan Airport.

19 How would you utilize that receipt to ascertain  
20 whether or not 110, or whatever number mileage that is tied  
21 to that particular trip, is legitimate. What would you do?

22 A Trust him.

23 Q Oh. Okay. So there is no document that you  
24 cross-reference to make sure that 110 miles was actually  
25 expended and therefore is compensable?

26 A There are documents.

27 Q Okay. But what --

1       A    I do not go through every single document to document  
2 every single mileage.  His mileage is offset by the fuel  
3 cost.

4       Q    Okay.

5       A    Okay.  So --

6       Q    Okay.

7       A    -- I don't go through every single document.  I don't  
8 get paid enough money to do all of that.

9       Q    Okay.

10      A    There's not enough time in the week.

11      Q    So I forgot.  How long have you been the treasurer?

12      A    Since 2011.

13      Q    And in the seven years or so, have you ever contested  
14 a mileage entry on one of Peter Carozza activity and expense  
15 reports.

16      A    No, I don't believe so.

17      Q    Okay.  Now, shifting back, there's a big column in the  
18 center that has -- it says "activity."

19      A    Yes.

20      Q    What does O stand for?

21      A    I'm sorry?

22      Q    What does the O stand for?  There's an entry that  
23 says -- it's March 1, and it has an O.

24                    What does that stand for?

25      A    That would be probably officer's duties.

26      Q    Okay.  Probably?

27      A    Yes.

1 Q Okay. There's a legend somewhere that says what these  
2 codes are for?

3 A Oh, yes.

4 Q Okay.

5 A And I believe you -- you have the --

6 Q Don't say that, because I don't. But anyway, what  
7 does the C stand for in the activity column?

8 A Probably conference.

9 Q Okay. And when you say "probably conference."

10 A Conference.

11 Q Okay. So there's no other thing that C could stand  
12 for. Correct? You said you had a --

13 A I don't believe so.

14 Q -- a ledger. Okay. So that particular C on Exhibit  
15 10 in March 2nd falls within the range of the 110 miles  
16 that's claimed on this report. Correct?

17 A I'm looking at the mileage that says 110.

18 Q Yes.

19 A Across from that I see AFL-CIO.

20 Q Okay.

21 A I see LM in that column.

22 Q Okay.

23 A Which would mean legislative meeting, which would mean  
24 that he met with members from the AFL-CIO.

25 Q Okay. Where?

26 A When you said 110 miles, that's the first number I see  
27 in the mileage column.

1 Q I understand. And you directed me to the entry to the  
2 left, the AFL-CIO?

3 A Yes.

4 Q And I'm asking you where? Where did the AFL-CIO  
5 legislative meeting happen?

6 A You want me to tell you from 2015? I'd have to go  
7 back through the records. I would have to go back and look  
8 at his -- at all his receipts.

9 Q Okay.

10 A I don't know where that is off the top of my head.

11 Q Okay. But I thought you said you didn't look at  
12 receipts to calculate the mileage?

13 A I do look at the receipts, but I don't look at all the  
14 receipts. I mean, this is -- am I lax? I'm not an  
15 accountant. Yes.

16 Q Okay. And the 110, it was my understanding -- and  
17 please correct me if I'm wrong -- if the 110 is an  
18 accumulation of the travel along that day. Am I incorrect?

19 A I don't believe so.

20 Q Okay.

21 A I don't believe you're incorrect.

22 Q Okay. So once again, let's go back up to the C that I  
23 was asking you about before.

24 The C falls in the same day as the AFL-CIO.  
25 Correct?

26 A Oh, I see what you're referring to. Yes.

27 Q Okay. And you said it was conference?

1 A I -- I mistakenly thought you meant under the code.

2 Q Understood. But we're on the same page now?

3 A Yes, we are.

4 Q Okay. And how am I able to tell what -- what  
5 conference and where from the C?

6 A By checking his reports.

7 Q Okay.

8 THE COURT: If I were looking at this  
9 document, it's -- I take it these are the dates in  
10 the left hand column: 1, 2, 3, 4. Are those the  
11 days of the month? Are those the days --

12 THE WITNESS: Yes, your Honor. I believe so,  
13 yes.

14 THE COURT: So this would be the 2nd of  
15 March.

16 THE WITNESS: Yes. Yes, your Honor.

17 THE COURT: And there are multiple events: a  
18 staff meeting -- what you're telling me, I think,  
19 is a conference, fire police retirees, FPC.

20 Do you know what that is?

21 THE WITNESS: No, your Honor, not off the top  
22 of my head.

23 THE COURT: Okay. And then AFL-CIO. And  
24 then, on that last line under mileage, it says 110.

25 So is that 110 miles for all the activities on  
26 that day. Is that what you were saying?

27 THE WITNESS: Yes, your Honor.



1 THE COURT: Okay. So that's how I should  
2 understand it is --

3 THE WITNESS: Yes.

4 THE COURT: -- the last line always has the  
5 total miles for a day?

6 THE WITNESS: Yes, your Honor.

7 THE COURT: Thank you. Continue, please.

8 ATTY. FISHBEIN: Thank you, your Honor.

9 BY ATTY. FISHBEIN:

10 Q And there are rules as far as where an officer is  
11 compensated mileage where the starting point is?

12 Where does the mileage start to calculate?

13 A From our office.

14 Q Okay. So even if one is -- let's -- did you want to  
15 add to that?

16 A Yes. I have to clarify that. There is a  
17 clarification that we have gotten from our -- the  
18 accountants. As the principal officers, we have office space  
19 in our building. Our mileage is calculated from our office  
20 to the point that we're going to or from our home to the  
21 point we're going to, whichever is closer.

22 Q And when did that rule go into effect?

23 A Well, I would probably -- maybe two, maybe three years  
24 ago.

25 Q Now, some of the entries, just focusing on page 1 of  
26 Exhibit 10, specifically say what town or what event.

27 Is there a rule as to the specificity that one is

1 supposed to put on the report in order to claim  
2 compensation?

3 A The expense reports have been updated. They are more  
4 inclusive, yes.

5 Q Well, when did they get updated?

6 A Probably a few years ago --

7 Q Okay. Well --

8 A -- through the recommendations of the accountants.

9 Q Okay. When you say "a few years ago," we stand here  
10 today coming to the end of 2018. This is near March of 2015.

11 A Yes.

12 Q Is it your claim that -- I mean, this seems like a  
13 mere few years ago.

14 When was it changed?

15 A You'd have to look at the newer expense reports. I  
16 don't know the exact date.

17 Q Okay.

18 A But we constantly upgrade and constantly make  
19 improvements.

20 Q Okay. So is it fair to say that the reports were  
21 changed after the New Haven union disassociated with the  
22 state union?

23 A Since the New Haven was suspended from our  
24 association?

25 Q Well, that's not been the testimony. And I understand  
26 why you're saying that.

27 But since the breakdown in the relationship --

1 just to stay away from the other issue -- is it fair to say  
2 that the report was changed after the breakdown in the  
3 relationship between the state union and Local 825?

4 A I don't know if that's a fair statement, but I'll --  
5 I'll -- I'll concede to that.

6 Q Okay.

7 A I don't have the exact dates that we made the changes,  
8 but... .

9 Q Now, looking at the third page of that document, it's  
10 Bates stamped 29312, and focusing you on the March 7, 2015  
11 piece --

12 A Okay.

13 Q -- it appears that there was only one activity that  
14 Mr. Carozza engaged in on that day.

15 A I'm sorry. What day?

16 Q March 7th. It's right at the top of the page.

17 A Okay.

18 Q Okay. It starts with an O, which I think you said is  
19 office. And the other entry is Wolcott Town Committee.

20 Do you see that?

21 A Yes.

22 Q And then there's a claim for 20 miles.

23 Do you see that?

24 A Yes.

25 Q Okay. And based upon your prior testimony, I'm to  
26 assume that you approved --

27 A Yes.

1 Q -- that particular mileage entry?

2 A Sure.

3 Q And why would you approve Mr. Carozza being paid  
4 mileage to go to the Wolcott Town Committee. And I'll -- the  
5 Democratic Town Committee?

6 A I wouldn't know for sure.

7 Q Okay. Well --

8 A But if you want to make that assumption.

9 Q Well, you're the one who's compensating him for this.

10 A Yes.

11 Q So you don't know?

12 A I would -- I would assume it would be the Wolcott  
13 Democratic Town Committee, yes.

14 Q Okay. And why would you compensate Mr. Carozza for  
15 traveling from the office to the Wolcott Town Committee, 20  
16 miles?

17 A Well, I would look at it, 20 miles. And I believe it  
18 probably is not from the office. It might be from his house,  
19 to and from his house.

20 Q Okay. But then you wouldn't need the 0 entry.  
21 Right?

22 A You'd have to ask Peter why it's in there.

23 Q Okay. But you approved it?

24 A Yes. And I don't believe -- yes.

25 Q And do you know what town Mr. Carozza lives in?

26 A Yes.

27 Q What does he live?

1 A In Wolcott.

2 Q So it can't be 20 miles to the Wolcott Town  
3 Committee?

4 A It could be.

5 Q Sure. Okay.

6 A I live in Hamden. It's five miles --

7 THE COURT: So I think the question is from  
8 his home, in other words.

9 THE WITNESS: Yes. That's a round trip, your  
10 Honor.

11 THE COURT: No. In other words, if he lives  
12 in Wolcott and he leaves from his home --

13 THE WITNESS: Yes.

14 THE COURT: -- to the Wolcott Town Committee,  
15 that couldn't be 20 miles, could it? It's not that  
16 big a town, is it?

17 THE WITNESS: No. But it's a round trip  
18 number, your Honor.

19 THE WITNESS: Well, is it ten miles -- I mean,  
20 is Wolcott big enough that it could be ten miles  
21 from his house to the town committee meeting?

22 THE WITNESS: Your Honor, I would have to go  
23 back and look through his records.

24 THE COURT: Big town, then. I mean, the other  
25 possibility, though, is he left from your  
26 offices.

27 THE WITNESS: That could be the other

1 possibility, yes.

2 THE COURT: Okay.

3 THE WITNESS: I would have to go back and look  
4 through his -- through his receipts and his  
5 records.

6 THE COURT: Okay. That makes sense. Go  
7 ahead.

8 BY ATTY. FISHBEIN:

9 Q Let's examine that a little bit.

10 What record would you possibly see to show that he  
11 even went from the office to the Wolcott Town Committee?  
12 What record?

13 A It -- Pete Carozza instance, we pay his fuel.

14 Q No. No. No. No. We're not talking about the fuel.  
15 We'll get there.

16 A No. That's -- that's the reason -- his mileage is  
17 multiplied out by the going rate from the IRS. And I -- we  
18 subtract his fuel bills from his mileage.

19 Q Yes. But the mileage is the component of the numbers  
20 that he puts in on the report.

21 A Correct.

22 Q And if it is an illegitimate number, it shouldn't be  
23 on the report at all. So it would not be a component of the  
24 multiplier of the mileage times the fuel.

25 A You -- you're assuming it's not a legitimate number.  
26 I would not make that assumption.

27 THE COURT: Well, when you say "fuel bill,"

1           though, you don't get a fuel bill for each trip he  
2           makes.  In other words, he's not going to have a  
3           receipt from a gas station that says, Trip to  
4           Wolcott where they match each other exactly.  
5           Right?

6           THE WITNESS:  Correct, your Honor.

7           THE COURT:  So he gives you -- in what way  
8           does he provide you the fuel bills?

9           THE WITNESS:  He fills up.  He fills up with  
10          fuel when he needs to.  He saves the receipts.  And  
11          they're submitted with his reports.  I calculate  
12          out his mileage off of his expense reports and  
13          deduct the cost of the fuel that we paid for off of  
14          his mileage.

15          THE COURT:  Okay.  So you take his total  
16          monthly --

17          THE WITNESS:  -- fuel bills.

18          THE COURT:  -- fuel bills.

19          THE WITNESS:  Yes.  Yes, your Honor.

20          THE COURT:  And you use that as the base?

21          THE WITNESS:  Yes.

22          THE COURT:  Okay.  Continue, please.

23  BY ATTY. FISHBEIN:

24          Q    Okay.  So the fuel bill -- not to -- that we got  
25          there, is it your sworn testimony that Mr. Carozza always  
26          gives you receipts for the fuel that he purchases?  Is that  
27          your testimony here today?

1 A I believe so, yes.

2 Q So where is the office of the UPPFA?

3 A West Hartford.

4 Q And I'm just -- and maybe I already asked you this:

5 Why is his going to the Wolcott Town Committee meeting a

6 legitimate expense of the UPPFA of Connecticut?

7 A It's part of his job.

8 Q Okay. That's in his job description?

9 A Yes.

10 Q And he -- just tell me what portion of his job

11 description says that going to the Wolcott Town Committee is

12 a compensable mileage expense?

13 A It deals with legislative matters that could pertain

14 to the state organization and all the fire fighters that we

15 represent. That's part of his job. That's part of his job

16 description. And that's what he does. He's constantly

17 lobbying. Every day he's out on the road for fire

18 fighters.

19 Q Is it fair to say that -- well, do you recall the last

20 time that you compensated Mr. Carozza for mileage for going

21 to, let's say, the New London Democratic Town Committee

22 meeting?

23 A I would -- no. I would have to go back and look.

24 Q Well, have you ever?

25 A It's very possible I have, but I'm not --

26 Q Do you have any -- any recollection of ever

27 compensating Mr. Carozza for going to the New London



1 Democratic Town Committee?

2 A No, I do not.

3 Q And how about Stamford?

4 A How about Hamden? No, I don't.

5 Q You don't have any recollection of you -- of  
6 compensating Mr. Carozza for going to any -- any other town  
7 committee than the Wolcott Town Committee. Is that fair to  
8 say?

9 A I don't recall, but that's not fair to say.

10 Q Okay. Well --

11 A Just because I don't recall it, it doesn't mean that  
12 he -- that I have not reimbursed him for that.

13 Q Okay. Can you recall any instance in the last six  
14 years where you've compensated Mr. Carozza for going to any  
15 town committee meeting other than Wolcott?

16 A I don't recall.

17 Q Okay. If I was to tell you that Mr. Carozza is a  
18 member of the democratic town committee, would that be news  
19 to you?

20 A No. I wouldn't be shocked.

21 Q So can you please explain to me why Wolcott is so  
22 important to the UPFFA; out of the 169 different towns in  
23 this state, that it's a legitimate expense to compensate Mr.  
24 Carozza to go there if he -- if he even goes there?

25 A If he's doing legislative business, it's compensable.  
26 Whether he's a member of it or not to me is irrelevant.

27 Q Okay. And what is your criteria for determining that

1 he's doing legislative business when he goes to the Wolcott  
2 Town Committee?

3 A Just by his position; by the fact that he's president  
4 of the UPPFA Association of Connecticut.

5 Q Okay.

6 A Any time that he engages in any type of political  
7 activity, it should be compensable. He's representing us  
8 every day.

9 Q Well, is the Wolcott Fire Department a member of the  
10 UPPFA?

11 A I'd have to go look.

12 Q Isn't it true that they have a volunteer department?

13 A Very possible. But I -- it doesn't matter where they  
14 live.

15 Q And a volunteer department would not be able to be --  
16 because they're not union members, they would not be able to  
17 be part of the UPPFA?

18 A If we could unionize them, we'd be -- we'd be doing  
19 good.

20 Q I understand. But that --

21 A Correct. Correct.

22 Q Volunteers cannot do that?

23 A Correct.

24 THE COURT: All right. We're going to have to  
25 stop here to take the luncheon recess. So we'll be  
26 in recess from now until 2 p.m. Court is in  
27 recess.

1 (WHEREUPON THE COURT STANDS IN RECESS.)

2 THE COURT: All right. Good afternoon.

3 Please be seated. All right. Are you ready to

4 resume examining the witness?

5 ATTY. FISHBEIN: Yes, your Honor.

6 THE COURT: You may proceed.

7 BY ATTY. FISHBEIN:

8 Q Good afternoon, Mr. Anthony.

9 A Good afternoon.

10 Q You have the notebook still in front of you?

11 A Correct.

12 Q And you're still on Tab 10. Okay?

13 A Yes.

14 Q Looking at the next page, which is Bates stamp 29313,  
15 there's an entry on the 31st of March that says "FTC."

16 What does that stand for?

17 A I'm not sure.

18 Q Okay. And to the right of that, there's an entry in  
19 the mileage column that says 90.

20 A Correct.

21 Q Yes. And I guess, based upon your prior testimony,  
22 you -- you would have authorized that expense?

23 A They're authorized only through budget, yes.

24 Q Yes. You have no information before you that would  
25 indicate that you rejected this expense or any other mileage  
26 expense?

27 A Correct.

1 Q So why would you approve an expense when you don't  
2 know what FTC is?

3 A If I wanted to know what it was, I would -- I would  
4 talk to Pete Carozza or whoever's expense report it was.

5 Q Okay. I thought before you testified that you never  
6 questioned any of the mileage entries on Mr. Carozza's  
7 activity and expense report?

8 A Well, if I said that, I spoke incorrectly. I do on  
9 occasion question a lot of things that are submitted.

10 Q Okay.

11 A But not on -- not on a monthly basis or regular  
12 basis.

13 Q Okay. Within the last year, let's say, how many times  
14 do you think you've questioned Mr. Carozza on a mileage  
15 entry?

16 A Now I'm not sure on that.

17 Q Okay.

18 A I have had a couple -- I've had a couple questions for  
19 him and other staff members --

20 Q Okay.

21 A -- with the -- with the credit card reports. But  
22 they're all explained, so --

23 Q Okay. Just talking about the mileage entry.

24 A Yeah. I -- I don't recall.

25 Q Okay. Do you recall ever questioning Mr. Carozza  
26 about a mileage entry?

27 A Not recently, no.

1 Q Okay. When you say "not recently," you've only been  
2 the treasurer for about five years. And I don't mean to  
3 diminish it.

4 But within the five years, do you recall ever  
5 questioning a mileage entry on Mr. Carozza's reports?

6 A Not really. Maybe in the beginning I may have  
7 questioned him a couple of times.

8 Q And when you say "in the beginning," that's 2013?

9 A When I -- yeah, '11, '12, '13; yeah, in the  
10 beginning.

11 Q Okay.

12 A Everything's pretty much -- pretty much the same.

13 Q Okay. I thought you became the treasurer in 2013.  
14 Right?

15 A Eleven.

16 Q Oh, it was '11?

17 A January 1, 2011.

18 Q Okay. Looking at the next page of this particular  
19 report, it's Bates stamped 29314, there's an entry on the  
20 19th.

21 And these are out-of-pocket expenses. Correct?

22 A Yeah.

23 Q And you see the entry on the 19th for miscellaneous  
24 expense fuel.

25 What could that have possibly been for?

26 A I would have to go back and look.

27 Q Okay. And your experience as the treasurer, that you

1 were testifying about some sort of fuel multiplier with the  
2 mileage.

3 A Yes.

4 Q Why wouldn't a fuel entry up there appear with the  
5 mileage? Because you do see there's a fuel entry down  
6 below?

7 A Yes, but it could have been -- it could have been for  
8 any reason. It could have been that it was -- maybe it was a  
9 car rental. Maybe he was away, so he had to pay the -- pay  
10 for fuel for the vehicle he used, and then he would have  
11 submitted it in his credit card expense report.

12 Q Okay. But wouldn't the fuel be -- well, withdrawn.

13 Isn't it true that Mr. Carozza as a pattern uses  
14 his UPFFA American Express to pay for fuel?

15 A I would think may be -- yeah, normally, yes.

16 Q Yeah. Okay. Also on that -- that page, there's a  
17 miscellaneous experience for legislative conference where it  
18 says \$60. I'm sure you don't have any recollection of that  
19 specific out-of-pocket expense, but what is the standard that  
20 the UPFFA is supposed to use in determining whether or not  
21 something is a legislative expense and, therefore, properly  
22 on an expense report?

23 A Well, it has to come under our guidelines for using  
24 credit cards.

25 Q Okay. And what are your guidelines for using credit  
26 cards?

27 A Well, there's about a half a page on it.

1 Q Okay.

2 A It's in the end of the policy book.

3 Q And --

4 A Obviously, anything to do with the association -- the  
5 expenses of the association in doing work and duties for  
6 association are covered.

7 ATTY. FISHBEIN: Your Honor, Exhibit 16 is  
8 specifically the policy manual. And it's my  
9 understanding there's no objection to that.

10 THE COURT: Is there objection to 16?

11 ATTY. VALENTINO: There's no objection, your  
12 Honor.

13 THE COURT: All right. I gather it's being  
14 offered and it's admitted as a full exhibit.

15 BY ATTY. FISHBEIN:

16 Q Mr. Anthony, if you could turn to Tab 16, please. And  
17 I think it's the last page, actually, of that document.

18 A Duties of officers?

19 Q No. It says miscellaneous, sir. It's Bates stamp  
20 323. Are you on 16?

21 A Oh. I'm sorry. You have to bear with me. I don't  
22 have my glasses.

23 Q No problem.

24 A Yes.

25 Q Okay. And that's what you were just testifying to,  
26 this credit card policy. Correct?

27 A Correct.

1 Q Okay. And --

2 ATTY. FISHBEIN: Your Honor, perhaps -- it's a  
3 lengthy portion. And I don't know what your Honor  
4 prefers --

5 THE COURT: You want to call my attention to  
6 some piece of this or?

7 ATTY. FISHBEIN: Well, I'd like to examine the  
8 witness as to the entirety of this policy and  
9 whether or not he uses it and does it. It's in  
10 evidence. I guess I don't need to read it. Let me  
11 try foundationally to see if I can --

12 THE COURT: You can -- one way to do it is to  
13 say, if you're going to go on page 24, it says you  
14 have to have original receipts for credit cards.  
15 Do you have original receipts for all credit cards?  
16 See where it says written documentation? Do you  
17 have written document.

18 That would be one way to do it.

19 ATTY. FISHBEIN: Yes, your Honor. Thank you.

20 Absolutely.

21 BY ATTY. FISHBEIN:

22 Q Sir, any -- the criteria, the policy of the UPFFA, it  
23 requires that there be original receipts for utilization of  
24 credit cards. Do you see that?

25 A Correct. Yes.

26 Q And is that the policy that you follow with regard to  
27 authorizing credit card usage?



1 A Yes, I have to.

2 Q Well, you hesitated. Do you always ask for an  
3 invoice, a receipt, or something like that to match them  
4 up?

5 A Yes.

6 Q Okay.

7 A They're -- the expense reports are very thorough.

8 Q I'm talking about the credit cards, sir.

9 A Yes.

10 Q Okay. The credit cards are not reflected on the  
11 expense reports. You would agree with me there. Something  
12 separate and apart?

13 A Correct.

14 Q Okay. So you're just talking about usage of credit  
15 cards here. Okay.

16 A Okay.

17 Q And the policy says that you're required to submit  
18 receipts.

19 So my question is whether or not you, as the  
20 treasurer of the UPFFA, follow and require this policy to be  
21 followed --

22 A As best I --

23 Q -- with regard to receipts?

24 A Yes, as best as I can.

25 Q Okay. When you say as best as you can --

26 A Yes.

27 Q -- is it fair to say that from time to time expenses

1 are made on the credit card statements without the backup  
2 being tendered to you?

3 A It's possible.

4 Q Okay. And what do you do when that happens?

5 A Well, if I don't have the receipt, I probably wouldn't  
6 know about it.

7 Q Okay. But you've got a credit card --

8 A Yes.

9 Q -- and you don't have a receipt that matches up. What  
10 do you as the treasurer do in that --

11 A I would have to --

12 Q -- regard?

13 A I would have to request a receipt.

14 Q Okay. And can you recall the last time that you  
15 requested a receipt of Mr. Carozza with regard to any  
16 purchase on his credit card statement?

17 A Not offhand, no.

18 Q Okay. Is it possible that you never have done a  
19 follow up with Mr. Carozza and asked him for a particular  
20 receipt for an entry on his credit card statement?

21 A Is it possible? It's possible. But I don't think  
22 that would be -- I don't think that's probable.

23 Q Okay.

24 A I would think in the last seven years I've requested  
25 things from Pete Carozza.

26 Q Okay. But specifically receipts for items on credit  
27 card statements?

1 A Yeah. I don't -- I don't recall.

2 Q Okay. And what about personal expenses on credit  
3 cards, have you run into any of those in your duties as  
4 treasurer?

5 A Yes.

6 Q Okay. And what have you done in those cases with  
7 regard to Mr. Carozza?

8 A I don't recall anything with Pete Carozza.

9 Q Okay. You don't ever recall him -- or at least it  
10 being brought to your attention that there was a personal  
11 expense on Mr. Carozza's credit card statement?

12 A I don't -- I don't recall.

13 Q Okay.

14 A But with other expense reports that has happened.

15 Q Okay. And --

16 THE COURT: Just to make the record clear,  
17 we're talking about the union's own credit card.  
18 Right?

19 THE WITNESS: I believe we are, your Honor.

20 ATTY. FISHBEIN: That is correct, your  
21 Honor.

22 THE COURT: So it's a union credit card with  
23 the personal expense on it, just so we keep the  
24 record clear. I know what you're talking about.

25 ATTY. FISHBEIN: Absolutely. Thank you, your  
26 Honor.

27 THE COURT: Right.

1 BY ATTY. FISHBEIN:

2 Q And just along those lines, how many different people  
3 in the UPFFA have UPFFA credit cards?

4 A Three, four, five -- six.

5 Q Okay. And what happens when you've run into a  
6 personal expense on anyone's credit card statements, the  
7 UPFFA credit card statements? What do you do?

8 A If it's -- if they don't bring it to my attention, I  
9 contact them and they reimburse the UPFFA.

10 Q Okay. So you put the onus on the person who has the  
11 card to bring the personal expense to your attention?

12 A No. Most times it's brought to my attention.

13 Q By whom?

14 A Whoever misused the card.

15 Q Okay. Well, that's what I'm saying.

16 A Yes.

17 Q So you make the person who did the improper charge  
18 come to you and fess up, so to speak?

19 A Well, fess up. Usually they just say, Listen, I used  
20 the wrong card. This was the charge. Here's the receipt.  
21 Here's the check to cover the charge.

22 Q Okay.

23 A Yeah.

24 Q And do you review the credit card statements?

25 A Yes.

26 Q Okay. And on what period do you review the credit  
27 card statements? like, monthly? yearly?

1       A    No, monthly. I have to enter them into our -- I have  
2 to actually physically enter every line item on -- to every  
3 charge on the credit card into -- excuse me -- into the --  
4 into the QuickBooks program as an expense. That's how it  
5 gets determined where it goes. President's travel,  
6 president's lodging, secretary's treasurer -- travel,  
7 lodging. That's how we break it down. Monthly I have to  
8 enter that and it has to balance with the credit card  
9 statement.

10       Q    And what is the policy with regard to the utilization  
11 of credit cards if a personal expense is made and it's not  
12 brought to your attention but you find it afterwards?

13       A    I contact the person.

14       Q    Okay.

15       A    Say, What's this charge? Where's the receipts? And  
16 we'll straighten it out.

17       Q    Okay. Isn't there a provision of the -- the policy  
18 which says that that would be income to that individual? Are  
19 you aware of that portion of the policy?

20       A    If they reimburse the organization?

21       Q    If they did not reimburse the organization.

22       A    Yeah. Okay.

23       Q    Are you aware of that?

24       A    No, I was not aware of that.

25       Q    Okay.

26       A    If I may clarify? I was not aware that in this  
27 miscellaneous page -- paragraph. But I am aware of that

1 being considered income.

2 ATTY. FISHBEIN: Your Honor, Exhibit 11, it's  
3 my understanding there's no objection to that.

4 THE COURT: All right. Exhibit 11 is being  
5 offered. Is there objection?

6 ATTY. VALENTINO: No objection, your Honor.

7 THE COURT: All right. Exhibit 11 is a full  
8 exhibit.

9 BY ATTY. FISHBEIN:

10 Q Sir, if you would turn tabs to Exhibit 11, please?

11 A I'm sorry. I didn't hear that.

12 Q If you would turn the tab, the book, to number 11.

13 And that -- oh, sorry. You good?

14 A I believe I'm good.

15 Q Okay. And that's the -- Mr. Carozza's activity and  
16 expense form for June, 2015.

17 Do you see that up top?

18 A Yes.

19 Q Okay. Now, focusing on -- let's go to March 12th on  
20 the third page. And it's Bates stamped 30729.

21 A Yes.

22 Q You -- we were talking about mileage before. And if  
23 we look at actually the 13th in the first line there's an O,  
24 which, based upon your prior testimony, would be office. And  
25 then all the way over from that, there's an entry for --  
26 under the mileage for 120 for office.

27 And 120, what would that be?

1           A    I would have to go back and look.  I would have to go  
2 through --

3           Q    Well, what could possibly be there?  We know where the  
4 office is in West Hartford.  Right?  We know where Mr.  
5 Carozza lives in Wolcott?

6           A    Yep.  Yes.

7           Q    And so what could possibly be a mileage entry for  
8 office, 120?

9           A    He could have -- he could have went to three or four  
10 different locations in that day.  He could have went from the  
11 office to New London.

12          Q    How would you know that?

13          A    I'd have to ask him.  I'd have to go back and look.  I  
14 wouldn't know that.  I would have to go back and look.

15          Q    So I'm just trying to figure out the policy with  
16 regard to reimbursement of mileage.

17          A    Yep.

18          Q    You don't require people that are looking to get  
19 compensated mileage to put on the report from point to point  
20 to point.  Is it fair to say?

21          A    Fair to say.

22          Q    Okay.  Where is that in the policy book?

23          A    I don't know.

24          Q    Okay.  Is it in the policy book?

25          A    It's -- no.  It's not -- I don't know if it's in this  
26 policy book.

27          Q    Similarly, sir, on the 18th, which it starts at the

1 bottom of this page, there's an entry that says, Office. See  
2 the O?

3 A Yep.

4 Q And then, if we go to the next page, it says, New  
5 Haven, Bridgeport, Waterbury. And then there's a claim for  
6 110 miles.

7 A Okay.

8 Q How are you to know what -- what you're compensating  
9 Mr. Carozza for going to those towns for?

10 A Why would I care?

11 Q Well --

12 A Why would I think that he is fudging reports? I  
13 wouldn't assume that.

14 Q Okay.

15 A I would assume that his mileage is accurate. I have  
16 found no indications in the seven years I've been there, in  
17 the eight years before that on the executive board that any  
18 of his expense reports were inaccurate.

19 Q Okay. So --

20 A So --

21 Q -- let's explore that.

22 A Okay. Let's explore it. And let's get to the case.

23 Q Prior -- sure. Prior to you becoming the treasurer,  
24 how would you be able to examine Mr. Carozza's expense  
25 reports to determine whether or not they were legitimate?

26 A The expense reports, all payments made through my  
27 office, the treasurer, are attached. The check stubs are



1 attached to the expense reports. The bills, the invoices  
2 whatever's paid with the amount, the check number, and the  
3 line item that it applies to, periodically I bring all of the  
4 monthly bills and payments to the executive board who have to  
5 review them, initial, and then -- then initial them. And  
6 that's two members on each bill or payment. That's required  
7 by the department of labor.

8 Q When --

9 A Those are the rules that we follow.

10 Q When you say there's two members, is that two  
11 signatures on a check?

12 A No. Those are two initialed statements on the -- on  
13 the verification vouchers that attached to the bill and the  
14 check stub.

15 Q And when did that particular procedure go into  
16 place?

17 A Probably about five years ago, maybe longer.  
18 Actually, I'm sorry. It went into effect begrudgingly on our  
19 part pushed by the accountants to conform to their practices  
20 of accounting and to confirm with the department of labor  
21 guidelines for labor organizations.

22 Q I asked when, sir?

23 A I took over in 2011. And in the interim before I had  
24 taken over, there was a transition period where I was  
25 involved with a temporary treasurer that we had. And we had  
26 discussed this with the accountant's office. And we didn't  
27 want to do it.

1 Q Okay. I'm just trying to center on when this  
2 happened.

3 A 2011.

4 Q Is when it changed?

5 A Yes. That's when we started to implement those  
6 changes, yes.

7 Q Okay. So that change was now vouchers that are  
8 looking for reimbursement had to be countersigned, so to  
9 speak. One person would review, another person would review,  
10 they would both initial. Is it fair to say?

11 A Fair to say.

12 Q Okay. That was the policy, that's your testimony here  
13 today, went into place in 2011?

14 A Just -- well, yeah. It was probably -- I don't want  
15 to say haphazard. But it wasn't adhered to the way it should  
16 have been, yes.

17 Q Okay. Well, is there any period of time that it has  
18 been adhered to the way it should have been?

19 A Over the last few years, yes.

20 Q Okay. Whether you say "the last few years," you're  
21 talking the last two years?

22 A Probably longer than that. Probably the last four,  
23 maybe five years. I'd really have to go back and look. They  
24 were really on me to do that. So --

25 Q Okay. So still looking at -- well, now I'm on the  
26 25th, which is Bates stamp 30731. I'll just indicate to you  
27 there's only one town committee on this expense report, once

1 again Wolcott. And that was an approved expense for the  
2 mileage. Yes?

3 A Yes. I'm sure I paid it.

4 Q Now, looking at the Bates stamp 30785, appears to be  
5 an e-mail from Mr. Carozza to you?

6 A Okay.

7 Q See it, sir?

8 A Yes.

9 Q Okay. And that's June of 2015. Right?

10 A Right.

11 Q And this says, In addition to expenses submitted for  
12 May, please add \$170 for a June 10, 2015, donation.

13 Is this how -- is this your ordinary practice? I  
14 don't see any backup for this.

15 A Well, you wouldn't. You don't have his expense report  
16 with the receipts attached to it.

17 Q Okay.

18 A I mean, you wouldn't. If he sent it to me, it's  
19 e-mailed, it has to be documented.

20 Q Okay.

21 A Because if it's not documented, I'm not going to make  
22 a payment and have somebody stand there and accuse me of  
23 giving people money they don't deserve. I mean --

24 Q Okay. So can you just point me to the portion of the  
25 e-mail that says, Attached is the receipt, or something like  
26 that?

27 A No.

1 Q It doesn't say that, does it?

2 A Attorney, all receipts are on file.

3 Q Okay.

4 A So we'll go back to this date, we'll go through the  
5 box, we'll dig out the files, and the receipts will be  
6 there.

7 Q So why would Mr. Carozza being -- asking you to add to  
8 the May expense reports and expense that he claims that he  
9 made in June? Any idea? That's what the document shows.

10 A What difference does it make when he made it? As long  
11 as he got reimbursed for it.

12 Q Well, is that -- so that's your goal: to make sure  
13 that Mr. Carozza gets reimbursed?

14 A My goal is to make sure I don't go to jail for  
15 fraudulence -- being fraudulent and irresponsible with UPFFA,  
16 Uniformed Professional Fire Fighters' money. That's my  
17 job.

18 Q Okay.

19 A That comes first.

20 Q So then the next document is dated July 14, 2015. And  
21 that's Bates stamp 30735. And it's a mileage entry.

22 A Yep. Yes.

23 Q Well, I thought you said by this period of time,  
24 everybody was using these activity and expense reports?

25 A Pete text messages me or e-mailed me this. This gets  
26 multiplied out. The current rate reimbursement for mileage  
27 is .535 timed 1940 equals X-amount of dollars minus the fuel

1 receipts. That's what he gets.

2 Q Okay.

3 A And then that check stub is attached to this piece of  
4 paper, stapled with a voucher with the amounts, the dates,  
5 and the number of the check.

6 Q Okay. And this document --

7 A Yes.

8 Q -- indicates that it was sent to you via text message.  
9 Correct?

10 A Probably an e-mail.

11 Q Well, it says, Sent from my iPhone. Right?

12 A I probably received it as an e-mail.

13 Q Okay.

14 A Because that's how I print them out to the printer. I  
15 can't print it off my phone.

16 Q And once again, as far as we can tell from this  
17 document, we don't know from what point to what point you're  
18 paying mileage for. Is it fair to say?

19 A You think it's fair to say, it's fair to say.

20 Q Well, ordinarily this would be on an expense report.  
21 And it would indicate Hartford, New Haven, Wolcott, whatever.

22 A Sure.

23 Q So how are you able to tell from this document sent to  
24 you in the middle of the month that this is a legitimate  
25 expense?

26 A Because I have his expense report.

27 Q Okay. Then --

1 A I'm not --

2 THE WITNESS: I don't mean to be short, your  
3 Honor, but I'm not following this. Because I've  
4 explained this. You have the expense reports with  
5 the mileage on them. This is sent to me. Because  
6 on it he has out-of-pocket expense. I mean, it's  
7 fair to say that I'm not a CPA, but I do try to  
8 watch my Ps and Qs.

9 BY ATTY. FISHBEIN:

10 Q Okay. So let's just examine this a little bit  
11 further.

12 A Sure.

13 Q Okay. If we look at this e-mail, the subject is June,  
14 2015, expenses. You see that on there?

15 A Yes. Well, I think I see it. I don't have any  
16 glasses. But I'll -- I'll concede that.

17 Q Okay. So is it reasonable to assume that the claim  
18 here is for reimbursement for expenses made in June, 2015?

19 A Yes.

20 Q So if you go to the beginning of this document, which  
21 is the expense reports. Right? If you look at the last line  
22 of the entire expense report --

23 A Okay.

24 Q -- those numbers are similar. Isn't that fair to  
25 say?

26 A It's fair to say.

27 Q Okay. But there's a difference.

1 A Okay.

2 Q There's a \$300 difference.

3 A Perfect. Should have brought it to my attention when  
4 I paid him. It's a little late now.

5 Q Okay. So looking at the actual activity in this  
6 expense report, which the last page is Bates stamped 30732 --  
7 see there's like a --

8 A Yep.

9 Q -- very small line there?

10 A Yep.

11 Q What's the OOP, the out-of-pocket expense that's  
12 reflected there?

13 A OOP.

14 Q I know. I know it's OOP. I know it stands for  
15 out-of-pocket expenses.

16 A Yes.

17 Q What is the amount?

18 A On which page? The one that we just discussed?

19 Q Yes, the one with the small -- with the small writing.  
20 It's Bates stamped 30732.

21 A 30732, huh?

22 THE COURT: Well, its says what it says. It  
23 says \$69.38. So if you want to ask him something  
24 about it, you may. But it says what it says. That  
25 says \$61.38. Right?

26 ATTY. FISHBEIN: Yes, your Honor.

27 THE COURT: Is that what you're asking?

1           That's what it says. And then you can follow up  
2           with a question.

3                    ATTY. FISHBEIN: Yes, sir.

4 BY ATTY. FISHBEIN:

5       Q    And then, looking at the e-mail we were just  
6   discussing, Bates stamp 30735, it says that the OOP expense  
7   is \$361.38?

8       A    Okay.

9       Q    What did you do in that case?

10      A    What did I do?

11      Q    Yes.

12      A    I paid him.

13      Q    What did you pay him?

14      A    The OOP on his e-mail.

15      Q    Okay.

16      A    That's what I paid him.

17      Q    So you paid him \$300 more than what was shown on the  
18   activity and expense report?

19      A    I don't believe so.

20      Q    Well --

21      A    But if that's where you want to go, then that -- yeah,  
22   okay. I did. I paid him.

23      Q    Well, I'm just trying to figure out because --

24      A    Well, you're not listening to what I'm trying to say  
25   to you.

26      Q    -- You said -- I'm --

27      A    Okay. I'm sorry.



1 Q You said that --

2 A It's been a long day.

3 Q I understand. And I'm sorry.

4 You said that you review the activity expense  
5 report and you cross-referenced that --

6 A Yes.

7 Q -- with the receipt?

8 A Yes.

9 Q So you got the activity and expense reports because  
10 they're required to be filed at the beginning of the month.  
11 Correct?

12 A Correct.

13 Q You would have gotten that, let's say, the first week  
14 of June?

15 A Sometimes. Sometimes they come a little later.

16 Q Okay. And then you get the e-mail clearly in the  
17 middle of June -- middle of July --

18 A Okay.

19 Q -- with a -- with an entry that's \$300 more.

20 How would -- what receipted would you have matched  
21 up?

22 A If I did? I would go through his expense reports and  
23 all the receipts that I have in the drawer for him that he --  
24 that's why we have accountants.

25 Q Well, when you say "that's why we have accountants,"  
26 what accountants are you talking?

27 A I believe you met them, Moletta. Mike Moletta,

1 Stephanie Moletta.

2 Q Okay. And when you say they're your accountants,  
3 isn't it true that Moletta is merely an auditor for UPFFA?

4 A Yes. Yes.

5 Q They're not your accountants.

6 A If I have a question on the QuickBooks program, I call  
7 them up.

8 Q Okay.

9 A We pay them a retainer. I consider them our  
10 accountants.

11 Q But Mr. Moletta's job is not to cross-reference the  
12 activity reports and the receipts. You'd agree with that?

13 A Not every month, but that's what they do when they do  
14 their audit.

15 Q Well, are you sure about that: that they go through  
16 every activity report and cross-reference them with the  
17 receipts?

18 A Not -- there's certain governmental practices that  
19 they use, that they go by for accountants that they use,  
20 because they have to file the reports with the department of  
21 labor. And there's two things -- two groups that you don't  
22 want to mess with: the IRS and the department of labor.

23 Q And have you been present for when the Moletta group  
24 has actually done an audit?

25 A Yes. I've been in attendance, yeah.

26 Q Okay. During the entirety of the audit?

27 A No.

1 Q Okay. And what's the longest period of time that  
2 you've been present during the audit?

3 A They -- sometimes they come to the office. They could  
4 be there for two days in the office.

5 Q Okay.

6 A I could be there for three or four hours, not sitting  
7 with them for three or four hours, but I'm there.

8 Q Okay. You're in the building?

9 A Well, two rooms away.

10 Q Sure. But have you ever, like, sat in the room with  
11 them while they conducted their audit?

12 A Yes.

13 Q And what's the longest period of time that you sat in  
14 there and did that?

15 A Without falling asleep?

16 Q Sure.

17 A Fifteen minutes.

18 Q The expense reports that we've gone through already,  
19 when you receive them, are they in their completed form?

20 A I'm not sure I follow. It's a one -- basically one  
21 page, sometimes two pages.

22 Q Sure. Are they -- do you ever add entries to the  
23 activity and expense reports?

24 A Do I ever add? No. That wouldn't be a common  
25 practice on my part.

26 Q Okay. Well, so you don't add any information to the  
27 activity and expense reports at any time after they are

1 submitted to you by an officer of the UPFFA, any  
2 information?

3 A No. I don't believe so.

4 Q Okay. So when Mr. Carozza e-mailed you the  
5 information about fuel and that kind of stuff, you don't take  
6 that and put it on the activity report?

7 A No. I put it on that one sheet that he sends me.  
8 That's what I use. That's what I file.

9 Q The activity and expense report?

10 A No. That one e-mail page that he sends me with the  
11 mileage, the fuel and the OOP, the out of pocket, I staple --  
12 that's a separate check.

13 Q Okay. You don't add that to the expense report?

14 A No, not -- no. That's -- that's what I file. That's  
15 what I pay him.

16 Q So why would he even need to e-mail you that  
17 information if it's already on the report?

18 A Because I don't have his OOP. And I don't have all  
19 his fuel receipts. I don't go through and look at them. I  
20 don't go through every page to dig out all the fuel receipts.  
21 He has them and he sends them to me.

22 I try to be a good accountant. But sometimes I  
23 fall short, I guess.

24 ATTY. FISHBEIN: Your Honor, Exhibit 12, it's  
25 my understanding that there is no objection.

26 THE COURT: All right. Exhibit 12 is being  
27 offered. Is there objection to Exhibit 12?

1           ATTY. VALENTINO: No objection, your Honor.

2           THE COURT: Thank you.

3           ATTY. VALENTINO: I'm just hoping that  
4           opposing counsel's not going to go through every  
5           single page of it.

6           THE COURT: Well, we'll find out. Exhibit 12  
7           is a full exhibit.

8 BY ATTY. FISHBEIN:

9           Q    Sir, I see that perhaps you've turned to Exhibit 12.  
10          Is that the case?

11          A    Yes.

12          Q    Okay. Now, here this packet appears to be the  
13          activity and expense reports for Mr. Carozza for July 15 --  
14          July of 2015 with all the backup. Is that -- that fair to  
15          say?

16          A    With all the backup?

17          Q    Yes, sir.

18          A    I don't -- I'm not following you, Attorney Fishbein.  
19          All the backup.

20          Q    Yeah.

21          A    I have two pages here.

22          Q    No. Exhibit 12, sir. I hope you don't have two  
23          pages.

24          A    I believe I'm on 12, Exhibit 12. I'm on 30626. Oh,  
25          okay.

26          Q    All right, sir?

27          A    Okay.

1 Q This is the activity and expense report for July of  
2 2015 --

3 A Okay.

4 Q -- for Mr. Carozza with all the backup?

5 A Okay.

6 Q Okay. So let's just try this little exercise.

7 Looking at July 1 of 2015, there's some entries.  
8 We know that office is O. And the next one is C, which is  
9 conference. Right? So can you review the backup -- and I  
10 believe the backup is in chronological order -- and indicate  
11 to us what conference Mr. Carozza was claiming mileage for?

12 THE WITNESS: Sorry. Your Honor, it's hard to  
13 see without my glasses, but... .

14 (PAUSE.)

15 THE WITNESS: We're talking about July 1st?

16 BY ATTY. FISHBEIN:

17 Q Yes, sir. I believe the packet is chronological, sir.

18 A Not quite, but it's close.

19 Q Okay.

20 A There are a couple pages that are out of line.

21 Q Okay.

22 A But it looks like -- looks like 120 miles went to the  
23 AFL-CIO to Waterbury Peter Binolan(phonetic) and he met with  
24 John Burn from Burn Well(phonetic).

25 Q Okay. And that's -- that's the information that's  
26 reflected on the activity report. Right? On the front.

27 A Yep.

1 Q Okay. But you testified that when you check out  
2 whether or not the mileage and all of that stuff is  
3 legitimate in order to compensate Mr. Carozza, as well as any  
4 other officer, that you look at the backup. And it's fair to  
5 say that the only things in backup that has a date of July  
6 1st in this packet is a parking receipt from Waterbury. You  
7 didn't see anything else in this packet. Correct? And those  
8 numbers, actually they are Bates stamped sequential. They  
9 come right after --

10 A Okay.

11 Q -- the activity report.

12 A So?

13 Q So how are you able to ascertain whether or not Mr.  
14 Carozza went anywhere but Waterbury?

15 A I -- that -- that's the question?

16 Q Yes.

17 A I would have to assume that he's not telling me the  
18 truth? I'm not going to ride with him in the car to document  
19 every mile.

20 Q Okay.

21 A Obviously there's a level of honesty that has to take  
22 place. I mean, come on. Unless I ride in the car with  
23 him.

24 Q Is it fair to say that there's a high level of trust  
25 that you have for Mr. Carozza?

26 A There's a high level of trust because there's a  
27 pattern over the last seven years that our numbers are not

1 way out of whack, that our budgets are pretty close.

2 Q Okay.

3 A I mean, if all of a sudden we go from a thousand miles  
4 to five thousand miles in somebody's account, well, there's  
5 an issue.

6 Q Okay. When you say "things aren't out of whack," that  
7 means that finances of UPFFA are healthy and robust?

8 A No, they're not.

9 Q Okay. In fact, they're pretty bad.

10 A They're not dire.

11 Q Really?

12 A Right. They're not.

13 Q Isn't it true that --

14 ATTY. VALENTINO: I'm going to object to  
15 relevancy. I'm not sure what the state of their  
16 finances has to do with a misappropriation of funds  
17 or -- I don't understand where he's going.

18 THE COURT: All right. The objection's  
19 relevance. So on what grounds do you claim it's  
20 relevant and their current financial state?

21 ATTY. FISHBEIN: Let me -- I'll bring it to  
22 the time of dissolution or the year before, which  
23 is probably the relevant thing. I understand that  
24 plenty --

25 THE COURT: They're current financial state,  
26 yes.

27 ATTY. FISHBEIN: Yeah.



1 THE COURT: So the objection -- you're  
2 withdrawing the question?

3 ATTY. FISHBEIN: I'll withdraw that  
4 question.

5 THE COURT: The question's withdrawn.

6 ATTY. VALENTINO: I'm not sure how the  
7 relevance --

8 THE COURT: Well, he hasn't asked another  
9 question yet. So right now he's withdrawn the  
10 question.

11 ATTY. VALENTINO: Thank you, your Honor.

12 THE COURT: And you may ask another question.  
13 And you may make another objection if you want.

14 ATTY. VALENTINO: Thank you, your Honor.

15 ATTY. FISHBEIN: Thank you, your Honor.

16 BY ATTY. FISHBEIN:

17 Q Just centering on the June 4th -- I'm sorry -- January  
18 4, 2016, date when there was a "separation." We'll call it  
19 that --

20 A Okay.

21 Q -- because of where we are. Okay? Prior to that,  
22 let's say a year before that, the -- were the finances of the  
23 UPFFA healthy and robust?

24 ATTY. VALENTINO: Can I -- now I'll object,  
25 your Honor, on relevancy.

26 THE COURT: Relevance grounds. How would  
27 you -- how would you say that the finances on the

1 date of this separation, as you're calling it,  
2 would be relevant to the claims the local's making  
3 here?

4 ATTY. FISHBEIN: Count 2, your Honor, alleges  
5 breach of fiduciary duty.

6 THE COURT: Right.

7 ATTY. FISHBEIN: And if money is being spent  
8 on things that are just inappropriate --

9 THE COURT: Well, you're saying so, in other  
10 words, that it's evidence of some form of  
11 misappropriation that their finances weren't good?

12 ATTY. FISHBEIN: Well, not only -- it's -- I  
13 would take a step from that. Finances not good,  
14 thereby them requiring to do certain things:  
15 diminishing services, borrowing, in our position,  
16 from the funds that they shouldn't have that's  
17 in-house that's for a --

18 THE COURT: So your argument, in other words,  
19 is that they were using dues that should have been  
20 going for legislative purposes to cover expenses  
21 they couldn't have been covering. Is that what  
22 you're driving at?

23 ATTY. FISHBEIN: Yes, your Honor.

24 THE COURT: What would you like to say to  
25 that? In other words, the argument is is that they  
26 were spending the New Haven local's money because  
27 they weren't making money elsewhere; that it was

1 a -- and that that's part of their claim here is  
2 that they were taking their money and spending it  
3 where they shouldn't.

4 So what would you say to that?

5 ATTY. VALENTINO: I think that was an argument  
6 that -- that Mr. Fishbein just came up with -- came  
7 up with it -- just came up with that this very  
8 moment.

9 THE COURT: I noticed he was -- he was working  
10 at it. But it just happens to be consistent  
11 with -- he managed to work it out decently, anyway.  
12 That's how lawyering works sometimes.

13 ATTY. VALENTINO: Very funny. He told me I  
14 can sit back down.

15 THE COURT: Oh. All right.

16 ATTY. VALENTINO: I would withdraw the  
17 objection, then, if that's -- if that's the  
18 claim.

19 THE COURT: I think this -- yeah. This is  
20 where it's going is that --

21 ATTY. VALENTINO: I've never heard the  
22 claim.

23 THE COURT: -- the union is under -- the union  
24 is under financial pressure and it starts to take  
25 legislative member's money and uses it to cover  
26 other expenses. That's part of their argument.  
27 I'm not saying where it would go, but that's part

1 of their argument.

2 ATTY. VALENTINO: I believe the complaint says  
3 that the funds were misused in a way -- they  
4 weren't used solely on legislative -- for  
5 legislative purposes and that they were used to  
6 fund other unions and other unions' contract  
7 negotiations.

8 THE COURT: Other locals. Right?

9 ATTY. VALENTINO: Correct.

10 THE COURT: So, in other words, they would  
11 normally have taken that money from somewhere else,  
12 but because they were in financial difficulties,  
13 they decided to take it from New Haven. That's the  
14 argument, anyway.

15 ATTY. VALENTINO: That's the argument. But  
16 it's not one of the allegations in the -- in the  
17 complaint.

18 THE COURT: Well, the allegation is breach of  
19 fiduciary duty. One thing that would be a breach  
20 of fiduciary duty is to take money that someone  
21 gives you for one purpose -- this is the claim --  
22 for one purpose and you use it for another when  
23 you -- when you owe a duty to spend it on lobbying.  
24 That's the claim. I'm not deciding it. I'm just  
25 saying that it -- it makes it at least relevant.

26 So the objection's overruled.

27 ATTY. VALENTINO: Thank you, your Honor.

1                   ATTY. FISHBEIN: Thank you, your Honor.

2 BY ATTY. FISHBEIN:

3       Q     Sir, I didn't hear an answer to the question. And let  
4 me just restate it again.

5                   In the year prior to January of -- January 4,  
6 2016, were the finances of UPFFA robust and healthy?

7       A     Robust?

8       Q     Yeah.

9       A     No, they were not robust.

10       Q     Okay. There's a Uniformed Professional Fire Fighters'  
11 Association emergency fund. You're aware of that.

12 Correct?

13       A     Of course.

14       Q     Okay. And there's also a PAC that the --

15       A     Yes, there is.

16       Q     -- UPFFA has?

17       A     Yes.

18       Q     And the officers of the UPFFA, they are the same on  
19 the PAC and the emergency fund?

20       A     Yes.

21       Q     Now, you were subpoenaed to bring certain documents  
22 here today. That's how you got here today.

23       A     Yes.

24       Q     And did you bring any documents that were responsive  
25 to that subpoena?

26       A     All the documents that they were requesting in that  
27 subpoena were already provided.

1 Q Okay.

2 A At least once.

3 Q How do you know they were provided?

4 A Because I gave them to you in the boxes that I  
5 delivered.

6 Q Okay. When did you come to me and deliver boxes?

7 A Never.

8 Q Okay.

9 A I gave them to our attorneys.

10 Q Oh, okay. You gave them to your attorneys. So you  
11 don't know what I actually got. Is that fair to say?

12 A Fair to say.

13 Q Okay. And one of those items that you were subpoenaed  
14 to bring here today is the UPFFA of Connecticut emergency  
15 relief fund 990 report for 2012, 2014 and 2017.

16 And is it your claim that you already gave those  
17 to your lawyer?

18 A Actually, I think -- I don't know if I gave them to  
19 her, to Nancy. I don't know if I gave them to Nancy.

20 Q So how would I possibly have those?

21 A I have no idea.

22 Q Okay.

23 A I have no idea. You're right.

24 Q Then why wouldn't you bring those here today?

25 A I don't know.

26 Q Okay. Well, you understand they were asked for in the  
27 subpoena you were served by a marshal.

1 A Yes. Okay. I will -- I would agree to that.

2 Q Okay. Can you tell the Court what is the emergency  
3 fund with the UPFFA that they maintain? What is it used for?  
4 What is it supposed to be used for?

5 A It gives money to fire fighters -- active fire  
6 fighters that are in need of money for whatever reason:  
7 health issues, family issues, whatever reason.

8 Q And is that a nonprofit?

9 A Yes.

10 Q Okay. So it's a 501c3?

11 A Yes.

12 Q And --

13 A Yes.

14 Q -- a few years ago --

15 A Yes. We borrowed the money. Yes. That's in my  
16 deposition --

17 THE COURT: I'm sorry. You're going to have  
18 to wait until there's a question.

19 THE WITNESS: Oh. I'm sorry, your Honor.

20 THE COURT: Because I wasn't at your  
21 deposition. So we'll have to go through it a  
22 little more freshly. So ask a question. We want  
23 to make a good, clear record here. So go ahead.

24 THE WITNESS: I'm sorry .

25 ATTY. FISHBEIN: Thank you, your Honor.

26 THE WITNESS: I stand corrected.

27 BY ATTY. FISHBEIN:

1 Q And, sir, a few years ago there was money that was  
2 borrowed by the UPFFA from the emergency fund?

3 A Correct.

4 Q And do you recall when that happened?

5 A I think we went over this before. I'm -- I wasn't  
6 quite sure of the dates. I thought it was '12/'13. It could  
7 have been '15, '14 to '15. I'm not a hundred percent sure of  
8 the dates.

9 Q Okay. And that was about \$36,000?

10 A No, we borrowed about \$28,000 for the ERF, the  
11 emergency relief fund, yes.

12 Q Okay.

13 A That I do remember.

14 Q And why did that loan have to happen?

15 A We had a balance on the credit card bill.

16 Q Okay. And when you say "the credit card bill" --

17 A And we wanted to pay them all off, yes.

18 Q Sure. So we're talking about the American Express or  
19 some other credit card?

20 A The American Express, for the most part, I guess.

21 Q Okay. And are there rules or sort of bylaws with  
22 regard to the 501c3?

23 A Of course there are.

24 Q Okay.

25 A Yes. Yes.

26 Q And do they say that you can loan money to a non  
27 nonprofit?



1 A Of course they don't.

2 Q Okay. And how did that -- did you recommend that?

3 A Yes.

4 Q And why did you recommend that?

5 A Because at the time I thought we could -- we could  
6 borrow that money.

7 Q Okay. Now, the money that comes into the UPFFA, it  
8 goes into a legislative account and a full member account?

9 A No.

10 Q No. Where does it go?

11 A It goes into a general fund.

12 Q Okay. So it all goes into one pot?

13 A One pot.

14 Q And how do you keep track of the money that's spent  
15 for legislative only and the money that's spend for full  
16 members?

17 A A-ha. There -- there we go.

18 Q How do you keep track?

19 A I can't keep track of all of it. There's the  
20 building, there's the upkeep of the building, there is the  
21 overhead of the building, there's all of executive board's  
22 money, salaries. Basically everybody on the board is a  
23 legislative rep.

24 Q Okay. But it's --

25 A If we're needed to rep, if we're needed in Hartford at  
26 the state capitol, we're there. So I don't know how to break  
27 that out. So --

1 Q Okay. Some of the people on the board do collective  
2 bargaining work. Correct?

3 A Correct.

4 Q And that's their primary function. Correct?

5 A Correct.

6 Q And yet they're paid out of the big pot?

7 A Correct.

8 Q Are you aware of the rules with regard to individuals  
9 registering as lobbyists?

10 A I would have to say no.

11 Q Okay. And but you said that the members or the board  
12 of directors, I guess -- I don't want to put words in your  
13 mouth -- spend most of their time lobbying.

14 Is that what you said?

15 A Yeah. But they don't really lobby. They're not  
16 really lobbyists. You have to be registered with -- as you  
17 know, you have to be a registered lobbyist. You know that.

18 And yes, okay, I misspoke. They're legislative  
19 reps. Let's call them that.

20 Q Okay. But what's the difference between -- in your  
21 mind, at least, the difference between a legislative rep and  
22 a lobbyist? What's the difference? Other than  
23 registration?

24 A The lobbyist goes there and lobbies the  
25 representatives --

26 Q Okay.

27 A -- at the state capitol.

1 Q Okay.

2 A I go there and support them. I go there and stand in  
3 the hall. At one time, I used to stand with my uniform. Now  
4 I wear my lapel pin and I go stand there with them.

5 Q Okay. And how much -- and you never lobby. Or you do  
6 lobby? I can't understand.

7 A I don't. I don't -- I'm not sure exactly what you  
8 mean by "lobbying." Any time you talk to a politician on  
9 certain issues, you're probably lobbying them.

10 Q Okay. So when you go to the capitol, do you talk to  
11 politicians on certain issues?

12 A Not unless I have to. That's what the lobbyist is  
13 there for. That's why we have a lobbyist.

14 Q Okay.

15 A In fact, we have two lobbyists.

16 Q So when you say that the board of directors lobby or  
17 they're legislative aids, they stand around --

18 A Yes.

19 Q -- at the capitol?

20 A Yes.

21 Q Okay. And do you think that's a service that the  
22 locals are supposed to be paying for or is it -- or is it  
23 that they are paying for is for directors of the UPFFA to  
24 stand around at the capitol?

25 A I -- I can remember in this '80s getting on buses and  
26 going up to the state capitol in my uniform for issues that  
27 affected fire fighters, all of us throughout the whole state,

1 whether they were a member of the state association or not.  
2 More than once. So I would consider myself as a fire  
3 fighter, yeah, basically a -- I'll say lobbyist, but we're  
4 not really lobbyists. But I do talk on issues to people --

5 Q Okay.

6 A -- of course.

7 Q To legislators?

8 A So yeah. Yes. Legislators, yes.

9 Q Okay. And how much -- your being treasurer of the  
10 UPFFA is your sole employment?

11 A Correct.

12 Q And on an average weekly basis, how much time do you  
13 spend lobbying?

14 A At the state capitol?

15 Q Anywhere.

16 A Well, if I'm in my hometown, I probably spend quite a  
17 bit of time --

18 Q Okay.

19 A -- talking to politicians.

20 Q On issues related to fire fighting?

21 A My old local, yes.

22 Q Okay. And are you aware of the rule, the law that  
23 says that if you make in excess of \$3000 a year as a  
24 lobbyist, you're required register as a lobbyist?

25 Do you know about that?

26 A No, I don't. I'm not aware of that.

27 Q And your compensation is \$25,000 a year?

1 A Yeah. Yes.

2 Q Okay. And there are only two registered lobbyist for  
3 the UPFFA?

4 A Yes.

5 Q Well, there's one that's a director. That's  
6 Mr. Hart?

7 A Yes.

8 Q And then there's outside -- an outside lobbyist?

9 A Yes. Yes.

10 ATTY. FISHBEIN: Your Honor, Exhibit 13 is --  
11 my understanding there's no objection.

12 THE COURT: All right. Thirteen is being  
13 offered. Is there objection?

14 ATTY. VALENTINO: No objection, your Honor.

15 THE COURT: Thirteen's a full exhibit.

16 BY ATTY. FISHBEIN:

17 Q Okay, sir. I see that you've turned to Exhibit 13.

18 A Correct.

19 Q And that appears to be an expenditure voucher for the  
20 UPFFA. And do you have any idea when that is from?

21 A No.

22 Q Okay. Is that your handwriting?

23 A Yes, it is.

24 Q Okay. So it would have been at some point, I would  
25 expect, after you became treasurer?

26 A Yes.

27 Q And do you know what this was for?

1 A Yes.

2 Q Okay. What was this for?

3 A I believe that was a payment back to the money that we  
4 borrowed from the emergency relief fund. I believe that's  
5 what it was for. But I would have to go back and check  
6 the -- check the check number.

7 Q Okay. And there's a place down below where it says,  
8 Verified by, reviewed by. And they're blank?

9 A Yes. These are the older expense forms that we used  
10 to use.

11 Q Okay. And when did you stop using this form?

12 A I -- I would have to go back and look. I'm not  
13 sure.

14 Q Okay. The new one is a smaller --

15 A Smaller, yes.

16 Q It's a square?

17 A Yes.

18 Q Okay. So --

19 ATTY. FISHBEIN: Your Honor, my understanding  
20 is that there no objection to Exhibit 14.

21 THE COURT: Fourteen is being offered. Any  
22 objection?

23 ATTY. VALENTINO: No objection, your Honor.

24 THE COURT: Exhibit 14 is a full exhibit.

25 BY ATTY. FISHBEIN:

26 Q Now, sir, seeing that you've turned to number 14,  
27 that's the new expenditure voucher. Correct? It's just in a

1 larger --

2 A Yeah.

3 Q -- format?

4 A Yeah. In a larger format, yes.

5 Q But that's the new form that you're using?

6 A Yes. I believe so, yes.

7 Q And I thought you testified before that with the new  
8 policy and the new form that you have to have a signer and a  
9 countersigner. That was your testimony?

10 A No.

11 Q No? Okay. So what --

12 A There's only one signature on the check itself.

13 Q Okay.

14 A That's me.

15 Q Okay.

16 A These are verified by the executive board members.  
17 They go through the files. They examine these. And they're  
18 supposed to initial testimony. And, obviously, they didn't.  
19 What can I tell you? They're fire fighters.

20 Q Okay. So the second one -- well, they're all in  
21 excess of a thousand dollars. And it's your testimony here  
22 that the executive board members are supposed to go through  
23 the files?

24 A Yes.

25 Q Review these?

26 A Yes. Yes.

27 Q And sign off?

1 A And yes.

2 Q Okay. And whose job is it to assure that that is  
3 done?

4 A Mine.

5 Q Okay.

6 THE COURT: Can I see counsel at sidebar,  
7 please?

8 (WHEREUPON A BENCH CONFERENCE IS HELD.)

9 THE COURT: All right. So at this time, we're  
10 going to take the court's afternoon recess. We'll  
11 be in recess for twenty minutes. Court's in  
12 recess.

13 (WHEREUPON THE COURT STANDS IN RECESS.)

14 THE COURT: Good afternoon. Please be seated.  
15 Are you ready to resume with the testimony?

16 ATTY. FISHBEIN: Yes, your Honor. Thank  
17 you.

18 THE COURT: Very well. You may proceed.

19 BY ATTY. FISHBEIN:

20 Q Sir, when we left off, you were looking at Exhibit 14.

21 Do you remember that?

22 A Yes.

23 Q Okay. And that's the new expense voucher?

24 A Yes.

25 Q Put into place since you've been the treasurer?

26 A Yes.

27 Q And you indicated that at that time that a policy, a



1 strict policy was put into place with regard to verifications  
2 and that these were not verified.

3 A Right.

4 Q Okay. And do you know why?

5 A No.

6 Q And on what period are you supposed to review these  
7 expense vouchers to ascertain whether or not other members of  
8 the UPFFA are following that policy?

9 A At our executive board meetings, I bring out the  
10 folders with the past month's bills paid. I put them on the  
11 table, and they go through --

12 Q Okay.

13 A -- and they review them. Usually they split them up.  
14 Usually there's a couple different folders, and they split  
15 them up and they go through them.

16 Q Okay. When you say "they go through them," what is  
17 that purpose? Is that to review whether or not the policy  
18 has been followed or to review these vouchers in conjunction  
19 with the backup to ascertain whether or not this is a  
20 verified expense?

21 A Both.

22 Q Okay. So explain to me both -- well, let's do it this  
23 way --

24 ATTY. FISHBEIN: Your Honor, Exhibit 15 is, I  
25 believe, a nonobjected to --

26 THE COURT: So I gather 15 is being offered.  
27 Is there an objection?

1           ATTY. VALENTINO: No objection, your Honor.

2           THE COURT: Fifteen is a full exhibit.

3 BY ATTY. FISHBEIN:

4       Q    Sir, now turning to Tab No. 15 -- and that's the  
5 treasurer's information handbook for the UPFFA.

6       A    Correct.

7       Q    And what is that document? Is that a document that  
8 you utilized?

9       A    Yes. But it's a little outdated.

10      Q    Okay.

11      A    I mean, those numbers are incorrect, but --

12      Q    When you say "outdated," I believe the date on the  
13 front of it is January of 2014.

14      A    Yes.

15      Q    And that's during your time --

16      A    Yes.

17      Q    -- as the treasurer. And when's the last time that  
18 this document was updated?

19      A    January, 2014.

20      Q    Okay. So the one that we have in evidence here that's  
21 marked as Exhibit 15 is the current treasurer's handbook?

22      A    Yeah.

23      Q    Okay. Well, you said that it was outdated. And I  
24 just didn't understand that. You're saying some of the  
25 information is bad? What are you saying?

26      A    I'm saying that the dues per capita, they're the old  
27 rates.

1 Q Okay. Is there any other portion of that document  
2 that --

3 A I'd have to read the whole thing.

4 Q Okay. And when's the last time that you read the  
5 treasurer's information handbook?

6 A Probably 2014.

7 Q Okay.

8 A You know, I read it at night, but it puts me to  
9 sleep.

10 Q Sure. And this treasurer's information handbook, was  
11 this put -- was this modified before or after this new  
12 voucher system was put into place?

13 A I'm not sure.

14 Q Okay. Well, does the treasurer's handbook  
15 reference --

16 A Vouchers.

17 Q -- the voucher system?

18 A I -- I don't know. I would have to read this.

19 Q Okay.

20 A I would assume it does, but I can't say for sure --  
21 for certain.

22 Q Okay. So where do you get your information from that  
23 you claimed there was a new procedure put into place calling  
24 for verification and all of that stuff with regard to these  
25 new vouchers? Where does that -- that information come  
26 from?

27 A The accountants.

1 Q The accountants?

2 A Yes.

3 Q Okay. And that's Moletta and Company?

4 A Yes.

5 Q And they're offsite?

6 A Yes.

7 Q So the accountants, the auditors said to you that  
8 there's a new policy?

9 A They said you needed to make sure these vouchers are  
10 implemented and you need to make sure that they're -- that  
11 they're followed.

12 Q Okay.

13 A You know, so we do the best we can.

14 Q Okay. When you say "we," is that --

15 A Myself --

16 Q -- you?

17 A -- and the executive board and everybody involved with  
18 the association.

19 Q So as far as your understanding, what is your role as  
20 the treasurer with regard to the new vouchers as indicated in  
21 Exhibit 14? What's your duties, your job?

22 A Fill the check out, the check number, the amount, the  
23 line, the account line, staple it to the check stub and  
24 staple it to the form that it has to go to, whatever bill it  
25 is or whatever we paid.

26 Q Okay. And is it fair to say that you're required to  
27 review what is to be paid also, like an invoice or something

1 like that?

2 A Yes. I pay it, so it has -- I have to review it,  
3 yes.

4 Q Okay. And then your job ends. Is that -- is that  
5 true?

6 A Not really, but --

7 Q Well, with regard to that particular voucher?

8 A Yeah. Okay. Yes, it's done.

9 Q Okay. And how many signatures are required on a  
10 check -- let's say a \$25,000 check. How many -- how many  
11 signatures is it part of the UPFFA's updated policy on --

12 A One.

13 Q -- a \$25,000 check?

14 A One.

15 Q One. Okay. And where is that information come  
16 from?

17 A Heaven. I don't know.

18 Q Okay.

19 A We only have one -- we only have one signature line on  
20 the check. It's impossible to have two signature lines.  
21 People aren't in the office. I have to pay bills. I'm  
22 paying them. They get paid.

23 Q Okay.

24 A There's one signature.

25 Q And who orders the checks?

26 A I do.

27 Q So do you ever have an instance where you could order

1 checks that have two signature lines?

2 A Yep. Yes.

3 Q Okay. And why haven't you?

4 A Because we don't have two people that are authorized  
5 at the same time to sign checks.

6 Q Okay.

7 A And when I have to pay a bill, I'm paying it.

8 That's --

9 Q So if you --

10 A -- pragmatic.

11 Q Sure. If you take a look at Exhibit 15 --

12 A Okay.

13 Q -- it's page 16 of 17.

14 A Okay.

15 Q Do you want to just take a look at that?

16 A I'll -- I'll let you explain it to me. It's -- I'll  
17 concede. What does it say, two signatures?

18 Q Well, I just -- I don't want to put words in your  
19 mouth. I just want to, you know, follow along.

20 A Okay.

21 Q But you see on page 16 of 17, it says, Duties of  
22 treasurer?

23 A I have -- sorry. Yep. Okay.

24 Q Okay. And let's look at paragraph 5.

25 A Yep. Okay.

26 Q It says, It shall be the policy of the UPFFA to  
27 require all checks issued by the treasurer to have two

1 signatures.

2 A I told you we've established that. It's not  
3 pragmatic. It hasn't been the practice. My checkbooks are  
4 in the office for anybody's review at any time. I make that  
5 statement at monthly meetings and every delegates meeting:  
6 At any time, anybody is more than welcome to come in and sit  
7 with me and review the books or call me on any issue  
8 pertaining to the treasurer's duties.

9 Q Okay. And you say anybody can come in and look at  
10 checks.

11 A In good standing. I'm sorry.

12 Q What does that mean anybody "in good standing"?

13 A Well, like somebody from off the street can't come in.  
14 But it has to be a member in good standing.

15 Q Sure. So a local --

16 A Yes.

17 Q -- whether it be legislative or full member can come  
18 in and look at the checks and all of these records?

19 A Yes.

20 Q Okay. What about the treasurer's handbook, can they  
21 come in and look at that, too?

22 A Of course.

23 Q Okay. And why would you make that available to a  
24 local, whether it be charter or legislative. Why would you  
25 make the treasurer's handbook available?

26 A Well, I don't -- I'm not sure I understand that  
27 question. Why wouldn't -- why wouldn't I?

1 Q Okay. So it's -- is it fair to say that the  
2 information in the treasurer's handbook is something that the  
3 locals should rely upon?

4 A They are guidelines. I mean, they are guidelines.  
5 And guidelines are meant to be followed to the best of your  
6 capabilities; but in some instances, you cannot always follow  
7 the guidelines. I mean, they are guidelines just like a  
8 budget.

9 Q You notice up top it has duties. It doesn't say  
10 guidelines. Right?

11 A Treasurer's information guidelines.

12 Q Where's it say --

13 A Right at the top of the page.

14 Q On the top, it says, Guidelines, but the heading is  
15 duties of the treasurer.

16 You would agree with me there?

17 A Of course.

18 Q Okay. And have you ever come -- come to the board --  
19 and how often does the board meet on an annual basis, let's  
20 say?

21 A We have at least quarterly meetings, the executive  
22 board. We meet more often than that for the most part.

23 Q Okay.

24 A And we have four delegates meetings.

25 Q So over your tenure of being treasurer, you've been to  
26 well in excess of 25 board of director's meetings --

27 A Correct.



1 Q -- probably?

2 A I would say yeah, that's pretty accurate.

3 Q And have you ever come to the board and said, Listen,  
4 guys, we just -- we can't do this. I want this taken out of  
5 the treasurer's book or the policy manual.

6 Have you ever done that?

7 A Never really dwelled on it. Never really thought  
8 about it. I don't think in those terms.

9 Q But you knew it was in there?

10 A To tell you the truth, I may have at one time. But I  
11 haven't read this in quite a while. So I'm not --

12 Q Okay.

13 A I can't say for sure.

14 Q I'm going to point you to in the same document, page 5  
15 of 17. And it says under, Fundraising --

16 A Yes.

17 Q -- that must have a totally separate account where all  
18 deposits are placed into.

19 Is there a separate fund raising account?

20 A Yes.

21 Q Okay. And whose name is on the fund raising  
22 account?

23 A UPFFA.

24 Q Okay. And is it UPFFA's fund raising account or is it  
25 just that general account?

26 A No, it's separate. It's at Webster Bank.

27 Q And in the next line, it says, From there, each of us

1 get our percentage split?

2 A Yes.

3 Q What does that mean?

4 A We're rolling in dough.

5 Q Okay.

6 A 65 percent goes to national benefit, and we get 35  
7 percent. That's what that means.

8 Q Okay.

9 A We don't split up the money. I wish we did, but we  
10 don't.

11 Q Okay. I'm just reading what it says.

12 A Okay. I'm glad we're clarifying this.

13 Q Then under the PAC down below --

14 A Yes.

15 Q -- it says, Transfers from the general treasury  
16 account based upon the bylaws, slash, budget.

17 Do you see that?

18 A Yes.

19 Q Okay. And how does that work? How does -- how do  
20 those transfers from the general treasury account make it to  
21 the PAC account?

22 A They don't anymore.

23 Q Okay. Well, what does that mean "anymore"?

24 A A PAC account cannot have money -- you can't not use  
25 PAC money deposited into an interest bearing account and then  
26 use it for PAC. So what I have to do is when we need PAC  
27 money, when the legislative committee decides how they're

1 going to spend some PAC money, they tell me what they need, I  
2 take the per capita checks that come close to that amount,  
3 and deposit them directly into the PAC account.

4           And we've explained this to the delegates over the  
5 last few years. You can no longer transfer money out of the  
6 general fund into the PAC account. And we stopped that a --  
7 quite a few years ago.

8       Q    So it's your testimony here today that a local,  
9 whether they be -- let's say a legislative local, a  
10 legislative-only local sends you a per capita check. And a  
11 per capita check is the amount of fire fighters in the union  
12 times an amount. It's a per capita. Correct?

13       A    Yes. Yes.

14       Q    Okay. So a legislative-only union sends you a per  
15 capita check, and you hold that check if there is anticipated  
16 expenditures by the PAC. And then you deposit that check  
17 directly into the PAC account. Is it fair to say?

18       A    It may not be a legislative check. It could be a full  
19 service check. Yeah, either way.

20       Q    But any per capita check?

21       A    Yes.

22       Q    Okay. And how is a local to know, legislative or  
23 full, that their per capita check in its entirety is going  
24 into the PAC account in its entirety?

25       A    How can they know, huh? Could you please ask me that  
26 question again? I'm -- didn't follow that.

27       Q    Sure. Well, let's --

1           ATTY. FISHBEIN: Your Honor, I'm offering  
2           Exhibit 20, which I believe there's no objection.

3           ATTY. VALENTINO: No objection, your Honor.

4           THE COURT: Exhibit 20 is a full exhibit.

5 BY ATTY. FISHBEIN:

6           Q    Sir, turning your attention to Exhibit 20, that  
7           appears to be an invoice from the Ridgefield fire fighters.  
8           That's fair to say?

9           A    That's fair to say.

10          Q    Okay. And -- well, actually, it's a bad question.  
11          It's an invoice to the Ridgefield fire fighters from the  
12          UPFFA. Is it fair to say?

13          A    Yes.

14          Q    Okay. And the Ridgefield department, is that a full  
15          service department or a legislative department?

16          A    Full serve.

17          Q    Okay. And I would expect that you got a payment of  
18          \$527.10, a per capita check incident to this invoice?

19          A    Correct.

20          Q    Okay. And it indicates that the check was deposited  
21          to the PAC account?

22          A    Yes.

23          Q    And is that in fact what happened with this particular  
24          check? Is there any reason to believe that's not what  
25          happened?

26          A    I don't understand that question.

27          Q    Okay. Is it your handwriting on the back --

1 A No. That's not my handwriting.

2 Q Who would have known whether or not the check got  
3 deposited --

4 A I would have.

5 Q Okay. And is it fair to say that that check got  
6 deposited to the PAC account?

7 A Yes.

8 Q Okay. And how is Ridgefield to know that their per  
9 capita check is deposited into the PAC account as opposed to  
10 the pot where they're paying for services?

11 A When they get their check back, they look on the back  
12 and they'll see it's a Webster Bank statement cashed. Not  
13 Manchester Municipal Credit Union. I mean, or they could  
14 call me. But I'm not going to drive out there and hand them  
15 their canceled check. But they could call me.

16 Q Okay.

17 A I'm in the office.

18 Q I believe you testified that the officers of the UPFFA  
19 are the same as the PAC and are the same as the emergency  
20 fund. Correct?

21 A Pretty much, yes.

22 Q Okay.

23 A Yeah.

24 Q When you say "pretty much," they're exactly the  
25 same?

26 A Yes.

27 Q And I think you testified that when it determines that

1 the PAC is going to have expenses, they direct you to take  
2 checks at some level per capita and deposit them to the PAC  
3 account. Is that fair to say?

4 A Fair to say.

5 Q And there's no letter that goes out. There's no  
6 signoff by these locals as to their per capita checks going  
7 into the PAC account?

8 A That's what the budget's for. It's all stated. It's  
9 all presented in the budget.

10 Q Okay. Where in the budget does it say that we take  
11 per capita checks and put them into a political action  
12 account? Where's it say that in the budget?

13 A It doesn't.

14 Q Okay.

15 A But it says we take X-amount of money from each member  
16 and put it into the PAC account. But over the years, I've  
17 explained that at the delegate's meeting, at the budget  
18 meetings that we can't do that anymore; that the money had to  
19 go directly -- the checks have to go directly into the PAC  
20 account. And I've explained that.

21 Q And when the budget is done, when the budget is put  
22 together and presented, do you recall how much is represented  
23 to the delegates as to the percent of per capita to the  
24 general fund, so to speak, and the PAC?

25 A No. But I think the budget alludes to 25 cents per  
26 member.

27 Q Okay.

1 THE COURT: For the PAC?

2 THE WITNESS: For the PAC, yes, your Honor.

3 I'm sorry.

4 BY ATTY. FISHBEIN:

5 Q And it's 25 cents per what? week? month?

6 A No, per payment, per member. If you have ten members,  
7 it's \$2.50 --

8 Q Okay.

9 A -- when you need it.

10 Q But I thought you said that the deposit was -- was  
11 solely based upon anticipated expenses by the PAC?

12 A Yes.

13 Q Okay. It's not guided by budget, it's guided by  
14 anticipated expenses.

15 A The budget's guidelines, we have -- you know, it's a  
16 guideline, the budget. You try to stick to it, but that  
17 doesn't mean you can.

18 ATTY. FISHBEIN: Your Honor, it's my  
19 understanding -- I'm offering Exhibit 18 -- well,  
20 we'll start with 18.

21 THE COURT: Any objection to 18?

22 ATTY. VALENTINO: There is an objection.

23 THE COURT: What's the name -- all right. So  
24 if there's an objection, do you wish to lay some  
25 foundation for its admission?

26 ATTY. FISHBEIN: Absolutely.

27 THE COURT: All right. You may proceed,

1           then.

2           ATTY. FISHBEIN: May I approach, your Honor?

3           THE COURT: You may.

4 BY ATTY. FISHBEIN:

5       Q    Sir, I'm showing you a document. It's marked as  
6 Plaintiff's Exhibit 18, this one here, for identification.  
7 It's the same one you were looking at.

8       A    Okay.

9       Q    Okay. Do you recognize that document?

10      A    Yes. Yes.

11      Q    And what is that document?

12      A    That's the -- excuse me. That's the Form 20 you have  
13 to fill out for the PAC account.

14      Q    Okay. And you have to file it with the state?

15      A    Yes.

16      Q    And that's the Form 20 for the period ending June 30,  
17 2018. Correct?

18      A    Correct. And that's what it says on the bottom.

19           ATTY. FISHBEIN: Your Honor, I offer this.

20           THE COURT: Is there objection to Exhibit 18?

21           ATTY. VALENTINO: I'm just not sure why the  
22 time period is relevant, your Honor.

23           THE COURT: So it's a relevance objection?

24           ATTY. VALENTINO: It is a relevancy  
25 objection.

26           THE COURT: All right. So this seems to be a  
27 2018 document.



1           What do you claim the relevance of that is?

2           ATTY. FISHBEIN: Well, your Honor, the -- the  
3 witness is going to testify as to a large  
4 inaccuracy as to the document as presented. And I  
5 would be able to -- once I get to that point, I  
6 believe I'd be able to exam him on when that large  
7 inaccuracy started, which I believe it's within the  
8 period of time that's fully relevant to this  
9 case.

10          THE COURT: All right. Do you wish to be  
11 heard?

12          ATTY. VALENTINO: I just -- I don't understand  
13 how it gets to that point. If we're talking about  
14 a document from 2018, it's -- he just wants to talk  
15 it back to 2016, I don't understand how he'll be  
16 able to do that with this document.

17          ATTY. FISHBEIN: We are -- I am -- well, I'm  
18 able to get there. Perhaps I could offer the  
19 testimony of the witness at the deposition around  
20 this document, which comes in under the statute.

21          THE COURT: Well, the other way to do it is  
22 that I allow it in. And if he doesn't link it up,  
23 then I can give you an opportunity to move to  
24 strike it out, and we can strike it out if you  
25 want.

26          In other words, if he's telling me that it's  
27 going to be relevant and he has a way of getting to

1           that point, then I can allow it in and then strike  
2           it in the event he doesn't link it up. So that's  
3           what I'll do.

4           It's admitted, Exhibit 18, without prejudice  
5           to the motion to strike it out if it doesn't prove  
6           to be relevant.

7           ATTY. VALENTINO: Thank you, your Honor.

8           ATTY. FISHBEIN: Thank you, your Honor.

9           ATTY. FISHBEIN: Your Honor, similarly with 19  
10          so we don't have to go there.

11          THE COURT: Is it the same issue?

12          ATTY. FISHBEIN: Yes.

13          THE COURT: Ms. Valentino, is it the same  
14          issue?

15          ATTY. VALENTINO: Yes. Same objection.

16          THE COURT: Okay. So I'll make the same  
17          ruling. It comes in. And I'll give you a chance  
18          to strike if it appears never to connect to some  
19          thing that reaches toward the time period in  
20          question here.

21          So 18 and 19 are full exhibits for now.

22          ATTY. FISHBEIN: Thank you, your Honor.

23          BY ATTY. FISHBEIN:

24          Q     So, sir, showing you now Exhibit 18, as you have it in  
25          the book, that's the report -- that's the report that you're  
26          required as a treasurer of PAC to file with the State of  
27          Connecticut. Correct?

1 A Correct.

2 Q And in that report, you are supposed to swear your  
3 oath as to how much money the PAC has in the bank. Correct?

4 A Correct.

5 Q And showing you Exhibit 18. On June 30th of 2018 you  
6 represented to the state that there was \$28,223.88 in the PAC  
7 account?

8 A Correct.

9 Q Okay. And on June 30th, 2018, was that amount  
10 correct?

11 A No.

12 Q And you knew that?

13 A I found that out, yes; I knew it and I corrected it.

14 Q Okay. But when did you -- when did that first come to  
15 your attention that that number was wrong?

16 A I don't -- I don't have the actual date. I don't  
17 know. It came up in my deposition.

18 Q Deposition in this case?

19 A Yes -- in this case from your side. And I realized it  
20 and I went and corrected it.

21 Q Isn't it fair to say that you have been filing SEC  
22 forms for the PAC since you've been the treasurer?

23 A I have to, yes.

24 Q Yes, you have. And you've filed many of them?

25 A Yes.

26 Q You have to file them many times a year.

27 A Yes. Yes.

1 Q And that this number at close to \$30,000 has been in  
2 there since 2013/2014?

3 A I'm not sure of the time frames.

4 Q Okay. Is that fair to say?

5 THE COURT: I'm sorry. Been in where?

6 ATTY. FISHBEIN: In the SEC filings.

7 THE COURT: In other words, it's the same  
8 number every time. Is that what you're asking him?

9 ATTY. FISHBEIN: It's generally the same,  
10 around \$30,000.

11 THE COURT: All right. That's what I was  
12 trying to get. Okay.

13 BY ATTY. FISHBEIN:

14 Q Yes. It's been generally the same, around \$30,000,  
15 since 2013?

16 A Yeah. There's no argument there.

17 Q Sure. And you've known that it was wrong?

18 A Yes. Correct.

19 Q Okay. And you filed the subsequent report, which is  
20 Exhibit 19, also in your book. And you filed that recently.  
21 Correct?

22 A Yes.

23 Q And that reflects that there's only \$517 in the PAC  
24 account?

25 A Correct.

26 Q Okay. With no expenditures between June 30 of 2018  
27 and September 30 of 2018.

1 A I would have to go back and look, yes.

2 Q Well, you have the documents, sir.

3 A Okay. Is that what it says?

4 Q Do you want to look at it? Well, we'll give you a  
5 chance.

6 A I believe you.

7 Q Okay. Exhibit 19.

8 A Okay. I made a mistake. I corrected it.

9 Q Okay. If you look at the second page, there's no  
10 expenditures.

11 A Okay.

12 Q Okay. Well, do you have expenditures during that  
13 period of time?

14 A If they're not listed there, I guess we didn't.

15 Q Okay. So where did \$27,000 go?

16 A It was never there.

17 Q Okay.

18 A I explained that in my deposition. For some reason,  
19 when I first started, it aggregated. And I just never  
20 corrected it because I could document through all the PAC  
21 account statement -- bank statements that money never went  
22 there. We never had that money.

23 Q But you knew it was wrong.

24 A Yes.

25 Q Okay.

26 A I'm not going to lie. I knew it was wrong. But I  
27 thought it was going to take forever to correct it. So I

1 just did it. And when it came to light, I corrected it.

2 Q Okay. When it came to light in deposition --

3 A Yes.

4 Q -- in this case?

5 A Yes. I corrected it. Correct.

6 Q And the Form 18 and 19 had this language that says, I  
7 hereby certify and state under penalties of false statement  
8 that all of the information set forth in this itemized  
9 campaign finance disclosure statement for the period covered  
10 is true, accurate, and complete.

11 Do you see that language?

12 A Yes.

13 Q And you signed it?

14 A Yes.

15 Q On many, many occasions?

16 A Yes.

17 Q Knowing that it was wrong?

18 A Incorrect.

19 Q Okay.

20 A Not wrong. Incorrect.

21 Q And you have no knowledge as to how that inflated  
22 number got in there?

23 A No. None.

24 Q Sir, are you aware of the IAFF local union auditor's  
25 report? Are you aware of that?

26 A No, I'm not.

27 Q Okay. Are you aware that the IAFF, the national

1 union, requires all of its locals to file an auditor's  
2 report? No?

3 A No, I wasn't aware of that.

4 Q Okay.

5 ATTY. FISHBEIN: Your Honor, may I approach?

6 THE COURT: You may. Do you have a marked  
7 exhibit?

8 ATTY. FISHBEIN: Yes, I -- yes, I do.

9 THE COURT: All right.

10 BY ATTY. FISHBEIN:

11 Q Sir, I'm showing you what's been marked as Plaintiff's  
12 Exhibit 21 for identification.

13 Have you ever seen that document before?

14 A I -- I cannot say that I have.

15 Q Okay. Are you aware of the IAFF's policy manual, the  
16 national union policy manual?

17 A Yes.

18 Q And have you reviewed that in regard to your duties as  
19 treasurer of a local?

20 A No, I can't say as I have.

21 Q So if I was -- sir, if you would turn to Exhibit 5.  
22 And I'm just going to find the portion. I believe it's on  
23 page 39, sir.

24 A You need bigger books. I'm sorry. Now what?

25 Q Yep. Page 39, sir.

26 A Page 39?

27 Q Yes.

1 A And what index? Oh, it's Exhibit 5. 39.

2 Q Yes, sir.

3 A Okay.

4 Q Section 9 on that page.

5 A Okay.

6 Q See that first paragraph of Section 9?

7 A Yes.

8 Q Second half of it says, A financial report of this  
9 inspection -- and they're talking about the audit, annual  
10 audit.

11 A Yes.

12 Q -- on a form is provided by the general secretary  
13 treasurer's office shall be prepared, signed, and forwarded  
14 each year to the general secretary treasurer within 180 days  
15 of the close of the local's fiscal year.

16 Do you see that language?

17 A Yes.

18 Q Okay. Do you do that?

19 A No.

20 Q Okay. Why not?

21 A I had no idea it was a requirement.

22 Q Okay. So in this case, you're asking Local 825 to  
23 adhere to the rules of IAFF?

24 A You're correct.

25 Q But you yourself are not adhering to the rules of the  
26 IAFF when you're not adhering --

27 A In my -- in my job capacity, not -- not as a



1 representative of my local. In my job capacity, which is  
2 completely different.

3 Q Okay.

4 A Okay.

5 Q What is the -- what is the difference?

6 A What do you mean what is the difference?

7 Q I mean what is the --

8 A The difference is I'm not perfect and I -- you know, I  
9 make mistakes. And it's an oversight. That's the  
10 difference.

11 Q Okay.

12 A And my books are open for review at any time. Anybody  
13 can call me and make an appointment and come up here if  
14 they're a member in good standing. And I've been saying that  
15 for over seven years.

16 ATTY. FISHBEIN: Your Honor, the next exhibit  
17 is going to be lengthy. I know it's your practice  
18 to break at 4:30. I didn't know if you wanted  
19 to -- we checked with the clerk. We're available  
20 tomorrow. You evidently are, too.

21 THE COURT: Yes. As far as I know, that's  
22 fine. And what you're saying is you're about to go  
23 into a topic that will -- you would never get  
24 into --

25 ATTY. FISHBEIN: We'd never finish.

26 THE COURT: -- With any depth before 4:30.  
27 That's fine with me.

1           Are there any other issues that we need to  
2 take up today?

3           ATTY. FISHBEIN: No, your Honor. Thank you.

4           ATTY. VALENTINO: No, your Honor.

5           THE COURT: All right. So what time are we  
6 resuming, Mr. Harvey? What's the calendar?

7           THE COURT OFFICER: You have nothing.

8           THE COURT: Is ten o'clock preferred?

9           ATTY. FISHBEIN: That would be great.

10          THE COURT: Yeah. People that are traveling  
11 usually prefer to go a little later. So we can --  
12 we can --

13          THE COURT OFFICER: Ten o'clock.

14          THE COURT: -- get a ten -- ten tomorrow.

15 Court's adjourned.

16          ATTY. FISHBEIN: Thank you, your Honor.

17          ATTY. VALENTINO: Thank you, your Honor.

18          (WHEREUPON THE COURT STANDS ADJOURNED.)

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HHD CV18-6101218-S

INTERNATIONAL ASSOC. OF FIRE FIGHTERS LOCAL 825

v.

UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOC. OF CONNECTICUT

**C E R T I F I C A T I O N**

I hereby certify that the foregoing is a true and accurate transcript of the recording of the above-entitled hearing before the Honorable Thomas Moukawsher, Judge of the Superior Court for the Hartford Judicial District, at Hartford, on the 29th day of November, 2018.

Dated this 2nd day of December, 2018, in Hartford, Connecticut.

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John McIlhoney, Court Monitor