

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 30, 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
100 SOUTH MAIN ST
WALLINGFORD, CT

BY: CRAIG FISHBEIN, ESQ.

FOR THE PLAINTIFF:

THE FAIRNESS CENTER
500 NORTH THIRD ST
HARRISBURG, PA

BY: NATHAN McGRATH, PHV
JOSHUA NONTAGNINI, PHV

FOR THE DEFENDANTS:

GESMONDE PIETROSIMONE & SGRIGNARI
3127 WHITNEY AVE
HAMDEN, CT

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

JOHN McILHONEY

COURT MONITOR

1 (November 30, 2018.)

2 THE COURT: Good morning. Please be seated.

3 All right. Are there any issues we need to
4 take up before resuming evidence?

5 ATTY. FISHBEIN: No, your Honor.

6 ATTY. VALENTINO: I don't believe so, no.

7 THE COURT: Very well. You may continue with
8 the witness then.

9 ATTY. FISHBEIN: Thank you, your Honor.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1 **R o b e r t A n t h o n y**, of West Hartford,
2 Connecticut, having been previously sworn by the
3 court officer, testifies as follows:

4 CONTINUED DIRECT EXAMINATION BY ATTY. FISHBEIN:

5 Q Good morning, Mr. Anthony.

6 A Morning.

7 Q Just to go back to your subpoena that we talked about
8 a little bit yesterday. One of the things also that you were
9 asked to bring to these proceedings was any and all documents
10 evidencing personal reimbursements to the UPFFA CT by Peter
11 Carozza, including but not necessarily limited to
12 correspondences, checks, and deposit slips for the period of
13 January 1, 2011, to the present.

14 Did you bring any documents that would be
15 responsive to that request?

16 A Not with me, no.

17 Q Okay. Well, do they exist?

18 A If they do, they'd be in those boxes that you had
19 requested --

20 Q Okay.

21 A -- in the beginning of this session.

22 Q Okay. Can you tell me when we asked for any boxes?

23 A You asked for all the records from 2011 through 2018,
24 the last seven years. That's what we had. All the boxes
25 contained all of our receipts, all of the bank statements.
26 That's what I give the auditors. That's what they use.
27 That's what they go through to do the actual audit.

1 And that's everything I submitted to you. And if
2 there was any reimbursements from Pete Carozza back to us, it
3 would have been in that box, and they would have been listed
4 under reimbursements.

5 Q Okay.

6 A Off the top of my head, I don't recall.

7 Q Okay. And when you say that you gave those boxes to
8 us, it's fair to say that you didn't give anything to us; you
9 gave that to Attorney Valentino.

10 A Correct. Correct.

11 Q And is it fair to say also that when we took your
12 deposition, you didn't bring any documents to the deposition.

13 A I'm not sure. I thought I had. I thought I had
14 brought some documents that you had requested. I know one
15 other request was the -- a list of what the codes meant. I
16 believe I brought that. And I believe I had brought the copy
17 of the auditors reports.

18 For some reason, they weren't in the boxes.

19 Q Okay. Is it your recollection that those are the only
20 two things that you brought to your deposition?

21 A That's my recollection, yes.

22 Q Okay. And can you tell me when is the last time that
23 Mr. Carozza reimbursed the UPFFA for any personal expenses
24 that he may have incurred improperly?

25 A I don't recall. I don't recall him having to
26 reimburse us for any improper use of anything, so... .

27 Q Is it fair to say that he's never, at least in your

1 tenure as the treasurer, that he's never done that?

2 A I don't recall if he has. It's very possible that he
3 may have, but I don't recall that.

4 Q If that had happened, that would have been something
5 that would have been drawn to your attention? You would have
6 known about it.

7 A Yes.

8 Q Okay.

9 ATTY. FISHBEIN: Your Honor, my Exhibit 17 I'm
10 offering. My understanding is there's no
11 objection.

12 THE COURT: All right. Exhibit 17 is being
13 offered into evidence. Is there objection?

14 ATTY. VALENTINO: No objection, your Honor.

15 THE COURT: Exhibit 17 is a full exhibit.

16 ATTY. FISHBEIN: Thank you, your Honor.

17 BY ATTY. FISHBEIN:

18 Q Sir, I see that you've perhaps turned to Tab 17 in the
19 book?

20 A Yes.

21 Q Okay. Those are credit card statements for
22 Mr. Carozza for the American Express, the UPFFA American
23 Express.

24 A Yes. The statements -- excuse me. The statements
25 should include all the expenses of all the charge cards.

26 Q Okay.

27 A I don't know if you just took out Pete Carozza's

1 expenses.

2 Q Yes, sir.

3 A Okay.

4 Q Okay. And just so that you know, because we're going
5 to go through a lot of these, there's the cover sheet for
6 almost all, with the exception of the first one for the
7 particular statement. And then there will be the following
8 documents. The first one is not tied to anything. Okay? So
9 it merely indicates that they're UPFFA statements.

10 So if I could turn you to the next page, sir.
11 It's Bates stamp 922.

12 A Yes.

13 Q And before we get into the actual statement itself,
14 you get the American Express statements on a monthly basis.
15 Right?

16 A Correct.

17 Q And what is your practice -- well, let's say, what was
18 your practice in the period of 2014 through 2016 with regard
19 to the minimum balance on the American Express? Would you
20 pay the minimum balance? Try and pay more? What was your
21 practice?

22 A I always try to pay more than the minimum balance. As
23 you can tell from these statements, we had a rollover of, you
24 know, quite a bit of money that we couldn't -- you know, we
25 needed to catch up on.

26 Q Okay. And when you get this statement through -- and
27 it goes to the UPFFA office in West Hartford. Is that

1 correct?

2 A Yes.

3 Q Okay.

4 A Unfortunately, lately online I've had to go online to
5 retrieve them. And I have to find out why. Sometimes
6 they're mailed, sometimes they're not, so... .

7 Q Sure. We're just talking about the period of time in
8 2014 through 2016.

9 A Okay.

10 Q Okay. And at that time you were getting them by
11 mail?

12 A Yes. I would say yes.

13 Q And what would you do? What would be your ordinary
14 practice when you'd get the American Express statement in the
15 mail? What would you do? What would be the first thing you
16 would do with it?

17 A I enter it in as a bill --

18 Q Okay.

19 A -- in the QuickBooks program.

20 Q Okay. So you'd look at the statement, you'd see
21 what's the minimum balance, and then you'd just go pay it?

22 A No.

23 Q Okay.

24 A I would go through every line charge and enter it into
25 the QuickBooks program under the American Express bill. So
26 it would say American Express.

27 I click on it, it would come up with -- it asks

1 you if you would like to continue where the -- it's already
2 filled out. You hit yes, and then you go in and you make the
3 appropriate changes to the line items. And you -- if it's
4 fuel, if it's a fuel charge, you put it in the fuel line,
5 mileage line for officer or whoever it is, and so on, so
6 forth. Lodging, travel, food, meals.

7 Q And that's the -- the QuickBooks is an internal
8 program that UPFFA maintains?

9 A Yes.

10 Q Okay. And you're the only one that inputs the
11 information into the QuickBooks?

12 A No.

13 Q Okay. Who else inputs information into the
14 QuickBooks?

15 A Obviously the accountant, Stephanie Moletta, she
16 oversees it. She has basic control. She can make changes in
17 there, journal changes to comply with whatever we need to
18 comply with.

19 Q And Stephanie Moletta works for Moletta & Company?

20 A Yes.

21 Q And she can do that remotely through a password
22 process?

23 A Yes.

24 Q Okay

25 A Yes.

26 Q And who else in addition to you and Stephanie can
27 input stuff into the QuickBooks program?

1 A Right now it's Jane McCarthy, our executive secretary.
2 She actually does the --

3 Q If I could just frame it?

4 A Yep.

5 Q We're talking the period of time 2014 through 2016.
6 Okay? I know about right now. We're going to get to right
7 now.

8 A Yep.

9 Q But at that -- in that period of time, who had access
10 to inputting in the QuickBooks?

11 A That's a good question. I'm not -- I can't remember
12 when we went to the QuickBooks on line. Prior to that, it
13 was a program loaded into my computer. But we went to the
14 online QuickBooks program. That allowed Stephanie Moletta
15 external access to get in there if she needed to if I was
16 having a problem or something.

17 And it allows -- it allowed Jane a limited access
18 so she could do the invoicing and she could keep track of
19 convention, seminar, you know, registrations and things of
20 that nature.

21 Q And Jane -- Jane -- there's a last name. What's
22 Jane's last name?

23 A McCarthy.

24 Q And Jane McCarthy is the executive secretary for the
25 UPFFA?

26 A Yes.

27 Q Okay. And she worked there full time?

1 A Monday through Thursday. Technically it's not full
2 time. It's, like, 25 hours a week. But yes.

3 Q But is it fair to say in the period of time, 2014
4 generally to 2016, it may have been that the only inputting
5 into QuickBooks was done on your computer?

6 A Yes.

7 Q Okay. And at that time, you were doing almost all of
8 the inputting yourself?

9 A I would say that's pretty accurate, yes.

10 Q Okay. So after you get the statement and you'd input
11 it into -- the information into QuickBooks, what would you do
12 next?

13 A Go to the next bill and just file it under bills to be
14 paid. And when it was due, depending on how much we had in
15 the account --

16 Q Okay.

17 A -- I would either pay off the whole statement balance
18 or I'd pay -- try to pay more than, you know, the minimum
19 due.

20 Q Okay. And in conjunction with inputting the
21 information into QuickBooks, would you look at any other
22 information to assisting in putting that information into
23 QuickBooks or would you just go off the statement?

24 A Pretty much off the statement.

25 Q Okay.

26 A On occasion I may have gone in and checked if I had a
27 question as to what something was. If I didn't find it, I

1 would highlight it and I would question the charge, you know,
2 to the person that made it.

3 Q Okay. And in the period of time from 2014 to 2016,
4 just to give you a period of reference, do you recall ever
5 inquiring of Mr. Carozza as to any particular expenses on the
6 American Express account?

7 A I may have. I -- I can't say for sure. I wouldn't
8 say that I didn't, but I wouldn't say positively definitely I
9 did.

10 Q Okay. But is it more than likely that you did during
11 that period of time?

12 A Yeah. During that period, it's probably more than
13 likely not.

14 Q Okay. And do you recall any specific incident during
15 your tenure as treasurer of the UPFFA in which you inquired
16 of Mr. Carozza with regard to any expense on his American
17 Express statement?

18 A No. I don't think so.

19 Q Okay. So bringing you back to the document, Exhibit
20 17, the Bates stamp 922, there's an entry on Mr. Carozza's
21 statement it indicates -- and that's April 5, 2011 --
22 Johnston and Murphy for \$175 and -- \$174.90.

23 Do you see that?

24 A Yes.

25 Q Do you happen to know what that is?

26 A Believe it or not.

27 Q Well, first of all --

1 A I think I do.

2 Q Okay. Can you please tell us what you think it is?

3 THE COURT: I'm sorry. Which Bates stamp page
4 are you on?

5 ATTY. FISHBEIN: It's 922. It's the second
6 page in this exhibit, your Honor.

7 THE COURT: All right. I see the Bates stamp
8 page. Okay. Thank you.

9 ATTY. FISHBEIN: Thank you.

10 BY ATTY. FISHBEIN:

11 Q Sir, what do you think that is?

12 A I'm not so sure that that's -- should be charged to
13 Pete Carozza. I believe that 174.90 was for Secretary
14 Demici. It was either -- I think it had to do with the --
15 what do you call it? -- the carrier for the laptop, his
16 briefcase. I believe it had ripped.

17 Q Okay.

18 A And that stands out because that was brought to my
19 attention.

20 Q Well, who brought it to your attention?

21 A I believe -- I believe it was Lou Demici.

22 Q Okay.

23 A I believe that was his charge.

24 Q Back in 2011?

25 A 2011? I believe -- I believe so.

26 Q Okay.

27 A I could be mistaken, but I believe so.

1 Q So you have some sort of memory of an exchange with
2 Mr. Demici with regard to that particular entry?

3 A The number kind of rings a bell. That's why.

4 Q Okay. Well, I'm glad that you brought that to our
5 attention.

6 What is the UPFFA's policy or practice with regard
7 to Mr. Carozza's travel? Is he allowed to get upgrades on
8 his flights and things like that? What is the policy?

9 A Yeah. I -- the policy is whatever -- whatever he
10 needs to do to travel is -- is okay. I mean, he doesn't
11 really fly first class. So, I mean, that's not a problem.
12 Everything's coach.

13 A lot of times there's a carryover, there's a
14 layover. He -- Pete Carozza usually knows when his
15 conferences are coming up. He -- he will book flights and
16 hotel rooms way in advance; if there's some type of special
17 going on and there's a reduced cost, he will do that.

18 And I'll explain that. There's -- you'll see a --
19 there's a charge in here, Bobby, for his hotel room and a
20 charge for the airline service. But that's for the
21 convention in April. They ran a good special.

22 Q We're going to talk about those.

23 A Okay.

24 Q Okay. And you mentioned that Mr. Carozza knows when
25 the conventions are coming up.

26 Do you know when the conventions are coming up?

27 A I'm supposed to, but no.

1 Q Okay.

2 A I don't pay attention.

3 Q Okay. When you say you're "supposed to," why are you
4 supposed to?

5 A Because it's part of our -- it's part of our agenda.
6 It's part of our stuff for the year.

7 Q It's part of your policy book. Right?

8 A It's part of the policy book. Yeah.

9 Q Yeah. So -- and, in fact, the policy book says that
10 when the budget is adopted, that Mr. Carozza and the entity
11 is supposed to disclose to the delegates what conventions the
12 president is going to be attending. Right?

13 A We do that.

14 Q Okay.

15 A In our budget we -- we contact Pete Carozza and we ask
16 him the conventions that he's going to be attending. And
17 they're put in the budget.

18 Q Okay.

19 A But that doesn't mean that something didn't come up
20 with the interim and -- I mean --

21 Q So it's policy of the UPFFA that even if a convention
22 isn't on the budget, during the year Mr. Carozza can attend
23 other -- other conventions? Is that the policy? I'm just
24 trying to figure --

25 A Yes. I mean -- well, yeah. In there we have an -- we
26 have an emergency travel provision under -- under his line
27 items. And, I mean, that has more to do with him being

1 president and having to go to a state if there's some kind of
2 disaster. But there's things that come up. I mean,
3 nothing's cast in stone.

4 Q And what is the requirement by the UPFFA as to Mr.
5 Carozza just suddenly deciding that he wants to go to a
6 convention that was never approved by the delegates? What's
7 the criteria?

8 A I believe he would check with the executive board --

9 Q Okay.

10 A -- and say, This is coming up. It doesn't happen
11 often. But, I mean, he would check. He just doesn't go out
12 and do something.

13 Q Okay. So it's your position that he doesn't make
14 those decisions by himself, that he goes to the executive
15 board and they may those decisions?

16 A The executive board oversees everything. And yes --

17 Q Okay.

18 A -- makes the final decisions on a lot of issues.

19 Q So I would expect that there's a list somewhere that
20 you make sure that you would check off, you know, Peter's
21 going to Houston. There's a convention there. Yes, it's on
22 the list or it was approved by the executive board.

23 You have that list somewhere?

24 A I believe it's on my bulletin board in my office --

25 Q Okay.

26 A -- the list of conventions.

27 Q Is there a reason why we didn't get any of these

1 alleged lists when we asked for documents from you?

2 A Our agenda?

3 Q These -- these lists that you claim exist.

4 A All's they are is a list of our board meetings,
5 delegate's meetings, and conventions and seminars that are
6 coming up through the year that are --

7 Q Okay. I'm talking about the list that is approved by
8 the delegates for Mr. Carozza to attend.

9 A It's in the budget.

10 Q Okay.

11 A If you look in the budget under travel --

12 Q So other than the --

13 A -- under conventions.

14 Q -- other than the budget, it's not anywhere else?

15 A No, I don't believe so.

16 Q Okay. And I think you testified that Mr. Carozza
17 doesn't fly first class. That's your testimony?

18 A For the most part, yes.

19 Q Well, what do you mean "for the most part"? Has he
20 ever flown first class?

21 A I don't know. I don't fly with him.

22 Q Okay.

23 A I don't go with him. I don't know. I mean, if he
24 gets an upgrade, I mean, I'm sure over the years of travel he
25 probably has flown first class.

26 Q Okay.

27 A I mean, if they come to you -- and the airlines comes

1 to me and says, Do you want to sit in cramped coach or we
2 could boost you up here for \$10 or whatever, I think I'll go
3 first class.

4 Q Okay.

5 A But that's only me.

6 Q Who makes those decisions for Mr. Carozza whether or
7 not he's going to fly first class?

8 A I guess he would on that day.

9 Q Okay. And that's not approved by the delegates: that
10 the president of the UPFFA is flying around the country with
11 upgrades to first class?

12 A That's -- I mean, counsel, that's a little --

13 Q Well, is it approved by the delegates?

14 A All of Pete's travel is approved by the delegates.

15 Q Well, how is it approved by the delegates?

16 A When you vote on the budget, when we say, All in favor
17 say aye. All those opposed say nay. Any abstentions?

18 Q Okay. So to the best of your recollection, in the
19 period of 2014 to 2016, what was that -- that number in this
20 budget that would be attributable to Mr. Carozza's travel?

21 A I would have to go back and look at the budgets for
22 those years. I don't know off the top of me head.

23 Q And do you recall in the budget when it's put up on
24 the wall some sort of PowerPoint presentation, is it broken
25 down in "budget" or just it does say "president"?

26 A Oh, no. The whole -- every line item that we have is
27 listed and PowerPointed on the wall.

1 Q And does it say "president travel"?

2 A Yes.

3 Q Or does it just say "general travel"?

4 A No, it says president's travel.

5 Q Okay.

6 A It's very specific --

7 Q Sure.

8 A -- our budget.

9 Q Turning you to the next page in Exhibit No. 17, which
10 is Bates stamped 11664, there's an entry on 10/10/12. It's a
11 \$25 entry. It's an upgrade charge.

12 Do you happen to know what that was for?

13 A No.

14 Q Okay. And is it fair to say that you look at these
15 American Express statements when you get them on a monthly
16 basis when you're inputting the information? How would you
17 put an upgrade charge into the QuickBooks that ultimately
18 becomes part of the budget for the following year. How would
19 you --

20 A I put it under travel, president's travel.

21 Q Oh, okay. So it just goes into that pot of travel?

22 A It's a line item that says, president's travel, yes.

23 Q Okay. But it isn't indicated as upgrade charges?

24 A No.

25 Q Okay. And then, looking at the next page, there are
26 three entries in the center of the page that say, Special
27 service ticket. It's 8 -- there's 799, a \$44, a \$49.

1 Do you happen to know what those special service
2 ticket entries are?

3 A I might have an idea.

4 Q Okay.

5 A I'm not a hundred percent sure, so I'll say no.

6 Q Okay.

7 A I have to go back and look. But I think I know what
8 it pertains to.

9 Q And then -- and then the entry at the bottom of the
10 page for \$49, it says, Extra leg room.

11 A Okay.

12 Q You characterize that as an upgrade?

13 A Probably was an overcharge.

14 Q What do you mean by "an overcharge"?

15 A Well, they charged us twice.

16 Q Okay. Well, how do you know --

17 A It's also -- I don't know, but I would -- I don't
18 know.

19 Q Okay. Well, when you say they "charged us twice,"
20 that could be that the airlines overcharged. Correct?

21 A It's possible.

22 Q Okay. And when you reviewed this statement, it would
23 have been brought to your attention?

24 A Yes, American Airlines would -- I mean, American
25 Express would send me a notice via e-mail that there's a
26 charge pending and they're looking into it because Peter
27 would have picked up on it when he went through his

1 charges --

2 Q Oh.

3 A -- and highlighted it.

4 Q So Pete goes through the charges?

5 A He reviews all of his charges. Sure he does.

6 Q Okay. And do you recall him bringing this double
7 charge to your attention?

8 A No. I mean, 2012? Six years ago.

9 Q Okay. Do you recall Mr. Carozza ever bringing an
10 overcharge by an airline to your attention in your tenure as
11 the treasurer?

12 A Oh, yeah.

13 Q Okay. When was that?

14 A I don't know. I mean, but I have received e-mails
15 from him. And he'll say, Bobby, there's a charge that I'm --
16 I'm contesting. Blah, blah, blah, blah, blah. I've received
17 notice from American Express that there's a charge pending.
18 And it's been reversed or it's -- you know, it's been
19 suspended until it's rectified. I mean, that happens quite
20 often. And --

21 Q Okay.

22 A -- I'm pretty sure I know what the special service
23 ticket is for also, but --

24 Q Okay. Those are things that Mr. Carozza allegedly
25 finds and brings to your attention as the treasurer of the
26 UPFFA?

27 A Oh, yeah.

1 Q Okay.

2 A Yes.

3 Q So going on a few pages, we have the one that's Bates
4 stamped 11652.

5 A Okay.

6 Q Do you see that one?

7 A Yes.

8 Q The entry up top, for the \$10 charge --

9 A Yes.

10 Q -- it says, Kimberly Taglia.

11 A Okay.

12 Q Do you see that there?

13 A Yes.

14 Q Do you know who Kimberly Taglia is?

15 A Yes.

16 Q And who is she?

17 A That's Peter's fiance.

18 Q Okay. So is it fair to say that that's a charge on
19 the UPFFA credit card for Peter's fiance?

20 A It looks like it.

21 Q Okay. And when did you approve that charge?

22 A 11/24/12.

23 Q Okay. And when did the delegates that are members of
24 the state union approve expenses for the president's
25 fiance --

26 A When they say --

27 Q -- utilizing their dollars?

1 A When we say, All those in favor of approving the
2 budget, yea, any nays, any abstention?

3 Q So you're telling me that there's a line on the
4 budget --

5 A No.

6 Q -- put up on the PowerPoint wall that says Kimberly
7 Taglia?

8 A No.

9 Q No?

10 A No.

11 Q Okay. So --

12 A But what I am saying is we're not going to tell one of
13 our -- I mean, she may have been a guest. So for \$10, I'm
14 going to insult somebody? I don't think so. We don't act --
15 we don't -- we don't go that way.

16 Q When you say assault somebody --

17 A Insult. I mean, I'm not going to say \$10 for your
18 wife, fiance, friend, guest, to travel to a convention or
19 whatever with you. I mean -- I mean, we just don't do that,
20 counselor.

21 Q And when did you inform the members of the various
22 locals of the State of Connecticut that charges for the
23 president's fiance are being made with their well-earned --

24 A Hard-earned money.

25 Q Yes.

26 A Like we're doing today?

27 Q When do you tell the delegates?

1 A Every budget treasurer's summary report that I give
2 them, all of the books, all the statements are in our office
3 for a review. Please feel free to call me. And I will meet
4 with you at any time to go over any questions that you might
5 have. And I encourage it.

6 Q Okay.

7 A Because two eyes are better than one.

8 Q So you don't think that charges for the president's
9 fiance using UPFFA money should be paid back to the union.

10 Is that your position?

11 A I don't know that he didn't pay it back from back
12 then.

13 Q Well, I thought you testified earlier on that during
14 your tenure as treasurer --

15 A Yep.

16 Q -- that you've never got any reimbursements from Mr.
17 Carozza?

18 A I believe --

19 Q Yeah.

20 A Correct me if I'm wrong, that I don't remember
21 receiving any --

22 Q Sure.

23 A -- reimbursements from Pete Carozza.

24 Q So let's go on a little bit.

25 A But I had breakfast this morning. And I don't
26 remember when I had. I mean --

27 Q Well, you're the treasurer --

1 A You're right.

2 Q -- of the state union --

3 A You're a hundred percent right.

4 Q -- of fire fighters?

5 A Yes.

6 Q And -- okay. So let's go two pages more to Bates
7 stamp 14878. There's an entry that's in the middle of the
8 page, 3/22/13 for \$55.98.

9 Do you see that?

10 A Yes.

11 Q Doesn't that say Kimberly Taglia again? It does,
12 doesn't it?

13 A Yes, it does. Yeah. Okay.

14 Q So I'm to believe that here's another charge for
15 utilizing funds of the state fire fighters union for the
16 fiance of the president of the union. That's what this says.

17 A Yes, it does, counselor.

18 Q Okay. And then, down the bottom of that page, there's
19 an entry, 3/22/13 for \$319.80.

20 Do you see that one?

21 A Yes.

22 Q Yes. And that's another charge for Kimberly Taglia?

23 A Yes, I see that.

24 Q Okay.

25 A I think we should have had -- this should have all
26 been audited. You probably could have saved a lot of time
27 and money if we did that, brought in an auditor instead.

1 Q Well, maybe you'd have more members of the state
2 union. That is correct.

3 A Well, I don't think so.

4 THE COURT: All right. Let's not have any
5 argument back and forth, please.

6 ATTY. FISHBEIN: Thank you, your Honor.

7 THE WITNESS: Sorry, your Honor.

8 THE COURT: Continue.

9 BY ATTY. FISHBEIN:

10 Q Moving on, sir, there's a couple pages after that
11 Bates stamp 15482, there's an entry \$116.02.

12 Do you see that?

13 A Yes.

14 Q Now, what is a miscellaneous tax or fee on a airline
15 ticket.

16 Do you happen to know?

17 A No, I don't.

18 Q Okay. And the underlying ticket, we would agree, is
19 the one above for \$481.80?

20 A Okay.

21 Q Okay. Do you happen to know whether or not that's a
22 first class upgrade?

23 A Counsel, that was five years ago. I'd have to go back
24 through the boxes and look.

25 Q Okay.

26 A I can't answer that.

27 Q You would agree with me that's some sort of upgrade?

1 A I don't know for sure that it is an upgrade.

2 Q Okay. Do you ever recall inquiring as to why that
3 special --

4 A No, I don't.

5 Q Okay. Moving on to the next page for one that's Bates
6 stamped 15483, there's three entries that indicate special
7 service ticket, one for \$59, one for \$139, one for \$24?

8 Do you see those?

9 A Yes.

10 Q Okay. Let's center on the one in the middle for \$139.

11 Do you see that one?

12 A Yes.

13 Q Okay. That says, First class upgrade. It says "up."
14 We can assume that it's upgrade.

15 Do you see that?

16 A Yes.

17 Q Okay. What is that?

18 A Counselor, I don't know. I mean, we could go through
19 this all day long. I don't know. I think we've established
20 that.

21 Q What?

22 A That I don't know.

23 Q Okay. Is it fair to say that's a first class
24 upgrade?

25 A That's what it says.

26 Q For Mr. Carozza to fly first class from Hartford to
27 Cleveland to Houston?

1 A Maybe it was the only seat available. I don't know.
2 I'd have to go back and look.

3 Q Okay. When you say you "have to go back and look,"
4 what would you look at?

5 A I would go through the box, and I'd have to go pull
6 out Mr. Carozza's expense reports and all of his receipts and
7 go through them and find what this pertains to and ask him
8 what it was for.

9 Q Okay. And what would you particularly see in -- in
10 your alleged box that would give you more information than is
11 presently here.

12 We know where the trip was to.

13 A Okay.

14 Q We know there's a first class upgrade. What would
15 potentially be in that box?

16 A I don't know, to tell you the truth.

17 Q There probably isn't anything. Correct?

18 A Well, I'm sure --

19 Q In the box?

20 A Oh, there's stuff in the box.

21 Q No.

22 A There's receipts, there's -- counselor.

23 Q No, I'm -- perhaps you didn't understand my question.

24 A No, I didn't.

25 Q More than likely there's nothing in the box that gives
26 you any more information than you have here that -- where the
27 trip was to and it's a first class trip.

1 You would tend to agree with me on that, there's
2 nothing else that can potentially be in the box. Correct?

3 A Well, there's -- that's a possibility.

4 Q Okay.

5 A There's usually notes in there for the charges.

6 Q Okay. What kind of notes?

7 A There's be a note from Pete, first class only
8 available or whatever. I mean, there may be a note. It may
9 be highlighted.

10 Q Okay. And, once again, when did the delegates approve
11 first class upgrades for the president?

12 A When they say, yea, nay, or absentia.

13 Q Okay. Does the word "first class" appear anywhere on
14 the budget?

15 A Nobody ever asked.

16 Q Okay.

17 A Nobody ever asked, counselor, nobody.

18 Q So let's go to the couple pages after that. There's
19 an entry that's Bates stamped 15074.

20 A Okay.

21 Q There's an entry at the very bottom of the page, June
22 22, 2013.

23 Do you see that one?

24 A Yes.

25 Q It's for \$822.40. Right? Yes?

26 A Yes, I see that.

27 Q And it's for a place called Tony D's in New London.

1 Are you familiar with Tony D's?

2 A No, I'm not.

3 Q Okay. Do you happen to know whether it's a restaurant
4 or some sort of club?

5 A I may have even been in there, but I don't recall it.
6 I don't recall the name.

7 Q Okay. And it indicates that food or beverage was
8 consumed. Correct?

9 A Yes.

10 Q Okay. And then there's a tip?

11 A Yes.

12 Q So you, being a numbers guy, being the treasurer, can
13 you off the top of your head figure out the percentage on
14 that tip?

15 A It's close to 30 percent.

16 Q Isn't it over 30 percent?

17 A Could be over. I mean, you asked me to -- off the top
18 of my head.

19 Q So do you ever recall authorizing tips that were in
20 excess of 30 percent?

21 A We don't know what it was for. May have been a
22 fundraiser. May have been some type of fundraiser, some type
23 of burn camp dinner. I'm not saying it was a burn camp, but
24 it could have been some type of fundraiser --

25 Q Okay.

26 A -- where you have dinner and you leave a tip. But I
27 don't know. I -- I don't have -- don't have that information

1 in front of me.

2 Q Okay. And so your position that on the budget that is
3 approved by the delegates on an annual basis, that this tip
4 would end up under fund raising?

5 A No. I don't know what it was for. I said it's a
6 possibility.

7 Q Okay.

8 A Counselor. I'm not sure where -- where it went or
9 what it was for.

10 Q Okay. Do you ever recall inquiring about this
11 particular entry in 2013?

12 A No, I don't.

13 Q Okay. It's possible that you didn't?

14 A Possible I did, possible I didn't.

15 Q Okay. And but assuming that you didn't, because
16 there's no evidence that you did, when you get the American
17 Express statement and you've opened QuickBooks, you're the
18 only one putting information into your computer.

19 What would you do with this number?

20 A That probably would go under 9100, association
21 expenses. Because it looks like it was a group of people.
22 Could have been presidents. Could have been district vice
23 presidents. It could have been anybody. At this time I
24 don't know. But I would have put it under association
25 expenses.

26 Q Okay. And what is association -- in your mind, what
27 is association expenses?

1 A Just that: expenses attributed to the association. I
2 mean, like I said, he could have been meeting with three -- I
3 don't know. He could have been meeting with presidents from
4 other states. It could have been a fundraiser. It could
5 have been a convention that we had out there. And we have
6 conventions in June. It could have been DC delegates. Could
7 have been anything.

8 Q So the conventions you have, do you particularly
9 remember the one in 2013?

10 A No.

11 Q Okay.

12 A No, sir.

13 Q Well, over the last five years, where have the
14 conventions been held? They've been at the casino?

15 A Yeah. Foxwoods, yes.

16 Q Correct? And particularly at Foxwoods?

17 A Yes.

18 Q And Foxwoods has eating establishments there?

19 A Yes.

20 Q And would there be a reason that you would know about
21 as the convention's going on there that a bunch of people
22 would go to New London?

23 A Yeah, counselor. I mean, New London's not that far
24 away. And who wants to eat in the casino restaurants every
25 night?

26 Q Okay. Now I'm looking for 16267. So we're going to
27 go to -- while we're looking for that particular one, we're

1 going to go to 18495, which is about seven pages back from
2 where we were?

3 A Yes.

4 Q Do you see that, sir?

5 A Yes.

6 Q And there's an entry on December 4, 2013 -- do you see
7 that? -- that for \$79?

8 A Yes.

9 Q And it says, First class up, again for Mr. Carozza.
10 Do you see that?

11 A Yes.

12 Q If I was to ask you do you have any knowledge as to
13 authorizing that first class upgrade?

14 A No.

15 Q No?

16 ATTY. VALENTINO: Your Honor, I just don't
17 know how many more, how much more cumulative
18 evidence he's going to be able to put in. I mean,
19 he's keeps pointing out the things that the
20 documents say. The document speaks for itself.
21 This is about the fifth time he's pointed out
22 something to do with airline tickets. And he's
23 asking if he recalls from five years ago. And he
24 doesn't recall. I think it's been established at
25 this point.

26 THE COURT: Well, I suppose if he recalled
27 one, that would make it different. But, I mean,

1 there's two ways to do this: one, see if he
2 recalls -- if seeing it reminds him that he talked
3 to somebody about it or did something about it.
4 The other way would be just ask me to highlight the
5 document in any place that that's said. Maybe that
6 would be more efficient, given that the witness
7 doesn't have any memory.

8 But I suppose if you -- Mr. Fishbein wants to
9 ask him about each one in case it reminds him or
10 something, I guess he can. Because each one's a
11 difference charge. It's not, for instance,
12 testimony from five witnesses to confirm that one
13 charge was made. That would be truly cumulative.

14 So, Mr. Fishbein, there's more than one way to
15 do this. And if you want to inquire of the witness
16 on each one in case lightning strikes and he
17 remembers a particular entry, you can try that.
18 Otherwise, if you want me to simply -- if you're
19 really what you're aiming at is you want me to
20 notice each charge that you think I should take
21 account of, then we could just walk through the
22 document and I can highlight them. But it's within
23 your discretion to do it.

24 ATTY. FISHBEIN: Thank you, your Honor. And I
25 will take that under advisement.

26 The only -- Mr. Anthony did surprise me and
27 recalled a few things that I was unaware of. And

1 in all good faith, I don't want to assume that he
2 doesn't know this stuff.

3 So I also don't want to belabor the Court. So
4 I will try --

5 THE COURT: Right. So use judgment about it.
6 But a cumulative piece of testimony would be one
7 where it was five people confirming the same one
8 fact.

9 ATTY. VALENTINO: I understand, your Honor.

10 THE COURT: But there may be a smoother way to
11 do this.

12 ATTY. VALENTINO: Right.

13 THE COURT: And so I've suggested it.

14 ATTY. VALENTINO: Thank you.

15 THE COURT: All right.

16 ATTY. FISHBEIN: Thank you, your Honor.

17 THE COURT: You may proceed.

18 THE WITNESS: Thank you, your Honor.

19 THE COURT: Of course, another way, Mr.
20 Fishbein, is you could go through all of them and
21 ask him at the end if any of them ring a bell.
22 That's another way you could do it. But it's up to
23 you. I don't want to keep you from asking --

24 ATTY. FISHBEIN: Thank you, your Honor.

25 THE COURT: -- something in more detail.

26 ATTY. FISHBEIN: Your Honor, we premarked a
27 exhibit last night which I'd like to tender to the

1 clerk for ID only at this time, which would be No.
2 22, so that we can mark another document here today
3 as 23. And I can continue with the witness and
4 we'll come back to 22 in the future. But I'd like
5 to give 22 so the clerk has a sequential order of
6 exhibits.

7 THE COURT: You may do so.

8 ATTY. FISHBEIN: And it's my understanding is
9 there's no objection to 23.

10 THE COURT: To 22 there is? But 23 you want
11 to come in?

12 ATTY. FISHBEIN: We haven't addressed 22
13 before.

14 THE COURT: You haven't addressed it. Okay.
15 All right. But 23 is agreed. Is that the point?

16 ATTY. VALENTINO: Correct.

17 THE COURT: All right. So 23 is a full
18 exhibit.

19 THE COURT OFFICER: I also don't have 21. You
20 discussed it, but you never actually gave it to me
21 yesterday. Okay. It's also not full either, just
22 so you know. Thank you. Do you need this for the
23 witness?

24 BY ATTY. FISHBEIN:

25 Q Sir, I'm showing you --

26 ATTY. FISHBEIN: And, your Honor, this is the
27 only copy that we have of 23. There was a problem

1 in copying. If I may just stand with the witness
2 for a moment while I --

3 THE COURT: Just make sure you have the
4 microphone. I don't -- I can't -- you can use that
5 one. When you speak use the microphone.

6 ATTY. FISHBEIN: I shall do that.

7 THE COURT: There's one right here.

8 ATTY. FISHBEIN: Thank you.

9 BY ATTY. FISHBEIN:

10 Q Sir, I'm showing you what's marked and is Exhibit 23,
11 a full exhibit in this matter.

12 Do you see the entry in June 25, 2013, for it's
13 about \$249.

14 Do you see that on the document?

15 A Yes.

16 Q Okay. And that, once again, is a plane ticket for
17 Kimberly Taglia?

18 A Yes.

19 Q And do you have any recollection as to that particular
20 entry?

21 A No. And I'm not trying to be evasive. I don't
22 recall. And I don't want to make a statement that is
23 incorrect.

24 Q Okay. Thank you, sir. Understood. And, sir,
25 bringing you I think it's three pages after that of -- it's
26 Bates stamp 18506.

27 Do you see that?

1 A Yes.

2 Q Down the bottom of the page, it says there's a flight
3 to Vancouver International to Chicago.

4 Do you see that one for 200 --

5 A Yes.

6 Q And down the bottom of that, it says, Premium cabin.

7 Do you see that?

8 A Yes. I see that now.

9 Q Okay. And do you have --

10 THE COURT: What is that charge? Because I
11 don't have a copy of that -- this one. So what was
12 the dollar amount? I didn't hear the dollar
13 amount.

14 ATTY. FISHBEIN: Judge, I'm sorry. We're back
15 to the prior.

16 THE COURT: I'm sorry. I didn't even know you
17 were doing that. Because I thought maybe 23 had a
18 Bates stamp on it.

19 ATTY. FISHBEIN: No.

20 THE COURT: So we're back on what's it, 17,
21 then?

22 ATTY. FISHBEIN: Yes, your Honor.

23 THE COURT: And what's the Bates stamp page
24 you're on?

25 ATTY. FISHBEIN: 18506.

26 THE COURT: 18506?

27 ATTY. FISHBEIN: And just so you know, it's --

1 Exhibit 23 was only a one page with one entry.

2 THE COURT: I didn't know that.

3 ATTY. FISHBEIN: No problem at all.

4 THE COURT: All right. Let's resume. Your --
5 the charge was 257? No. That's something else.
6 What is that one?

7 ATTY. FISHBEIN: 219, all the way --

8 THE COURT: 219, I see it.

9 ATTY. FISHBEIN: Yes, sir.

10 THE COURT: Thank you.

11 ATTY. FISHBEIN: It says, Premium cab again.

12 THE COURT: Thank you.

13 BY ATTY. FISHBEIN:

14 Q And, sir, I believe I asked you -- I think you were in
15 the middle of answering that you have no recollection of
16 that.

17 A No, sir.

18 Q Okay. And moving on to the next page, there's another
19 premium cabin charge -- do you see that? -- for 219. That's
20 the flight from Chicago to Seattle.

21 A Yes.

22 Q Okay. And is it fair to say, looking at the entry
23 above that, which is for \$715.99, that the \$219 entry was an
24 upgrade to the original flight.

25 Do you see in the first -- I'll bring you through
26 it. Okay. In the first entry, there appears to be a few
27 flights. And one of those flights is from Chicago to

1 Seattle. Do you see that?

2 A Yes.

3 Q And then, if we look at the next entry, particularly
4 that entry only has to do with the Chicago to Seattle flight.

5 Do you see that?

6 A Yes.

7 Q So is it fair to say that the upgrade is merely for
8 the portion of the flight from Chicago to Seattle?

9 A It's possible.

10 Q Okay. Well, when you say "it's possible," do you have
11 any other reason to believe what that showed?

12 A No.

13 Q Okay. Moving on a few pages, sir, to 18523, do you
14 have that page?

15 A Yes.

16 Q Okay. There's a couple of entries there, one for \$9,
17 the first one, and then one for \$25?

18 A Yes.

19 Q Those both have Kimberly Taglia's name on them?

20 A Yes.

21 Q And once again, do you recall ever inquiring about any
22 of those expenses?

23 A No.

24 Q No. Okay. So then moving on to 18537, what is the --
25 what is the policy of the UPFFA with regard to Mr. Carozza
26 buying tickets for events with UPFFA money? What's the
27 policy?

1 A If it pertains to the UPFFA, he can use -- he can use
2 the credit card.

3 Q Okay. So if Mr. Carozza is at a convention in
4 Cincinnati and Kimberly is with him because the UPFFA flew
5 her there and they want to go out to see a show, is that an
6 appropriate UPFFA expense?

7 A I guess it would pertain to the circumstances, but I
8 wouldn't expect him to go by himself.

9 Q Okay. So -- so long as he's accompanied by anyone,
10 any guest, it's okay in your mind as the treasurer of the
11 UPFFA for Mr. Carozza to expend state union funds?

12 A Well, I mean, look, if he's -- he's away on business
13 and he takes a guest from another state, we're still paying
14 for it.

15 Q Okay.

16 A And technically, under your questioning, you know, it
17 wouldn't be covered. But we don't expect him to go by
18 himself. He is the president of the state association. He
19 represents all of us.

20 Q Okay.

21 A Well, not all of us anymore. But most of us. And if
22 he takes his wife as a guest, I'm not going to begrudge him
23 that.

24 Q Well, you were here yesterday. You heard the
25 testimony he's not married.

26 A His fiancee.

27 Q Okay.

1 A I stand corrected.

2 Q So that's an okay expense from your perspective for
3 state dollars to be spent?

4 A Well, sure. I mean, it's not happening every week. I
5 mean, periodically. I mean, I'm not a heartless person.

6 Q Okay.

7 A Why shouldn't he take his fiance with him so he can
8 suffer through the night?

9 Q Okay. Well, why should he --

10 THE WITNESS: Sorry, your Honor.

11 BY ATTY. FISHBEIN:

12 Q Mr. Carozza, in addition to his utilization of the
13 UPFFA credit card, he also gets paid. Correct?

14 A Correct.

15 Q He gets an annual salary?

16 A Correct.

17 Q And do you recall how much that is?

18 A Yes.

19 Q How much is that?

20 A \$48,000.

21 Q Okay. So the particular scenario that I gave you, why
22 do you think it's appropriate that the UPFFA pay for those
23 show tickets as oppose to Mr. Carozza paying for his fiance's
24 ticket out of his own money? Why in your mind is -- is the
25 charge on the credit card an authorized, unharmlless charge?

26 A My opinion, counselor?

27 Q Sure.

1 A My opinion, strictly my opinion.

2 Q Yes, sir.

3 A Since 2011 through 2018, in the seven, eight budgets,
4 nine budgets that I -- I was involved in more than that, but
5 over the last eight years or so, the office of the president
6 has received one increase. One increase. It was a flat \$500
7 increase in almost eight years. Now, that's -- to me is
8 unheard of. And I know that there isn't another fire fighter
9 in the State of Connecticut that has gone eight years with
10 one flat pay increase of \$500.

11 Q Okay.

12 A So if we need to offset it a little bit, as long as
13 it's not out of bounds, it's not abused -- I don't believe
14 it's abused -- I don't really have a problem with it.

15 Q So if there was to be increase in the compensation for
16 the president, that annual payment, who would approve that
17 increase?

18 A The delegates.

19 Q The delegates. So instead of the delegates approving
20 an increase, Mr. Carozza is allowed to use the credit card
21 however he chooses. Is it fair to say?

22 A No, that's not fair to say, counselor.

23 Q Okay. So I'm just trying to --

24 A That's very misleading.

25 Q Well, you feel, in your opinion --

26 A My opinion.

27 Q -- is that the president should have gotten a raise

1 over the last seven or eight years?

2 A He's not the only one.

3 Q Okay. But just centering on the president. Okay.

4 It's your opinion that he should have gotten a
5 raise?

6 A Sure.

7 Q Okay. And because the president hasn't gotten a
8 raise, you let some things go on the American Express
9 charges?

10 A I don't let them go.

11 Q Okay. You don't look at it?

12 A I don't look at it.

13 Q Okay.

14 A I mean -- no, I mean --

15 Q I want to be fair.

16 A Well, I want to be fair also. I mean --

17 Q Okay.

18 A But it's -- I find it strange that the --

19 Q Well, let's bring it back to questions.

20 A You're representing -- okay. Let's bring it back to
21 questioning.

22 Q So looking at 18537 at the bottom of the page, there's
23 an entry February 15, 2014, for \$360?

24 A Yes.

25 Q And it says *Motown: The Musical*?

26 A Okay.

27 Q Do you happen to know what that entry is?

1 A No.

2 Q Okay. Do you happen to know who went to *Motown: The*
3 *Musical*?

4 A No.

5 Q Do you happen to know whether even Mr. Carozza went to
6 *Motown: The Musical*?

7 A No, I don't.

8 THE COURT: Mr. Anthony, let me just ask you
9 something I'm not sure about that the way this
10 thing works. And it may vary, but it may be the
11 same everywhere. But Mr. Carozza gets \$48,000 for
12 his position with the union. Is he also being paid
13 by the city as a fire fighter? Is that how that
14 works or the --

15 THE WITNESS: No, sir. He is retired.

16 THE COURT: So he's retired?

17 THE WITNESS: Yes.

18 THE COURT: He's getting -- he's drawing a
19 pension?

20 THE WITNESS: Yes.

21 THE COURT: But he's not actively employed and
22 getting a salary from the city at the same time.

23 THE WITNESS: Correct, your Honor.

24 THE COURT: All right. Thank you.

25 BY ATTY. FISHBEIN:

26 Q Sir, bringing you to what's Bates stamped 18577, just
27 a few pages on, do you see that, sir?

1 A Yes.

2 Q Getting a little closer in time. We're now at May 11,
3 2014.

4 Do you see the entry in the center of the page?

5 A Yes.

6 Q The \$40 for Kimberly Taglia once again?

7 A Yes.

8 Q And I asked --

9 THE COURT: I missed that Bates stamp page.

10 ATTY. FISHBEIN: Oh. I'm sorry. 18577.

11 THE COURT: 577. All right. Go ahead,
12 please.

13 BY ATTY. FISHBEIN:

14 Q Do you see the entry \$40 for Kimberly Taglia once
15 again?

16 A Yes.

17 Q And do you have any recollection of questioning that
18 entry?

19 A No.

20 Q Okay.

21 A No, sir.

22 Q Is it fair to say that you've never questioned Mr.
23 Carozza on any travel expenses that he has made for his
24 fiance using UPFFA funds through the American Express card?

25 ATTY. VALENTINO: Your Honor, objection. He's
26 asked that before. And Mr. Anthony has answered
27 it.

1 THE COURT: Well, I think you have an answer
2 saying you don't recall.

3 THE WITNESS: I don't recall, your Honor.

4 THE COURT: So that's his answer.

5 ATTY. FISHBEIN: Actually, your Honor, in good
6 faith, I was trying to cull this down by just
7 getting a whole and just say he's never done it
8 and, you know, without going --

9 THE COURT: But the answer is he has
10 already -- well, with respect to her, your answer
11 is that you have never asked him about any expenses
12 on the credit card --

13 THE WITNESS: Yeah.

14 THE COURT: -- for Kimberly Taglia. Correct?

15 THE WITNESS: Yes. Correct, your Honor. I
16 don't recall having asked him.

17 ATTY. VALENTINO: He doesn't -- he doesn't
18 recall, your Honor. Okay.

19 THE COURT: He doesn't recall ever doing that.
20 All right. So it was asked. It's answered. And
21 that's -- we can move on.

22 ATTY. FISHBEIN: Thank you, your Honor.

23 ATTY. VALENTINO: Thank you.

24 BY ATTY. FISHBEIN:

25 Q Sir, taking you to Bates stamp 18582, sir, there's
26 a -- do you happen to know who Joseph Kuziak is?

27 A I don't recall, no.

1 Q Okay. And do you see there's a charge at the top of
2 the page for \$500 for Joseph Kuziak?

3 A Yes.

4 Q And you were here yesterday for Ms. Taglia's testimony
5 when she testified yesterday.

6 A Yes.

7 Q Okay. Do you remember I asked her who Mr. Kuziak was.
8 And she indicated that he had something to do with the Miss
9 Connecticut pageant?

10 A Yes. I think I remember that now, yes.

11 Q Okay. And you have -- do you have any idea what this
12 \$500 charge is for?

13 A I would assume it would be a donation to the
14 pageant.

15 Q Well, if I was to -- well, what is that assumption
16 based upon?

17 A It's \$500 to Joseph Kuziak.

18 Q Okay. It doesn't say "pageant" on it, does it?

19 A Well, I don't think it would say that on the American
20 Express, but it would -- I'm sure it would say it in his
21 records somewhere what it was for.

22 Q Whose records, sir?

23 A Pete Carozza's.

24 Q Pete Carozza's. Okay. Well, sir, if I was to tell
25 you that Mr. Carozza testified that he had no idea who Mr.
26 Carozza was -- or Mr. Kuziak was, would that be of news to
27 you?

1 A It would be news to me, I guess.

2 ATTY. FISHBEIN: Your Honor, I just -- I have
3 a question and answer from Mr. Carozza's deposition
4 I believe comes in under 13-31a3 that I'd like to
5 offer.

6 THE COURT: All right. Well, you should
7 indicate that date and page and lines you're going
8 to read from so that counsel has time to get to
9 it.

10 ATTY. FISHBEIN: I just wanted to show --
11 October 11, page 173, your Honor, I'd like to
12 publish the deposition of October 11, 2018, of
13 Mr. Peter Carozza page 173 beginning on line 12 and
14 ending on line 18.

15 It begins: "Okay. And the entry prior to
16 that, who's Joseph Kuziak of Southington?"

17 "I'm not sure.

18 "Well, why would you be charging \$500 to
19 Joseph Kuziak of Southington?"

20 "I'm not sure. I'd have to go and check. I'm
21 not sure."

22 BY ATTY. FISHBEIN:

23 Q Sir, do you happen to know who Ms. Taglia's daughter
24 is?

25 A Yes.

26 Q And whose that?

27 A You should have asked me her name, counselor. I don't

1 know her name.

2 Q Okay. It's Alyssa?

3 A Yes.

4 Q Okay.

5 A I believe that's correct.

6 Q Taglia?

7 A Yes.

8 Q Okay. And do you happen to recall Alyssa was Miss
9 Connecticut?

10 A Yes. That I remember.

11 Q And when did she become Miss Connecticut. Do you
12 recall that?

13 A I have no idea.

14 Q How about 2015. Is it fair to say?

15 A I have no idea, counselor.

16 Q Okay.

17 A That I can be honest with. I have no idea.

18 Q Currently she's the traffic reporter on Channel 8?

19 A I believe so.

20 Q Okay. It's your testimony here today that you have no
21 idea why in 2014 UPFFA's dollars are being sent to Mr. Kuziak
22 individually, \$500. You have no idea?

23 A Well, now that you put the name with -- I would think
24 that it was a donation to the pageant. I'd have to go back
25 and look and check with Peter.

26 Q And when would the delegates have approved a donation
27 to the -- well, to Mr. Kuziak --

1 A Counselor, we don't --

2 Q -- just before Alyssa Taglia becomes Miss Connecticut?
3 When would the delegates have approved that?

4 A Counselor, we don't go to the delegates for approval
5 of every bill, every payment we make. The executive board
6 okays everything.

7 Q Okay. So let's talk about procedure here. If there
8 was a bill, there was a -- you know, we're having a
9 fundraiser, we're looking for money, where would that
10 correspondence be received by the state union?

11 A Could be -- could be a conference call.

12 Q Okay.

13 A Could be a --

14 Q No. I'm talking a physical bill or a pamphlet, give
15 us money, a fundraiser.

16 A Okay.

17 Q You get those -- those things in --

18 A Constantly.

19 Q -- the West Hartford office. Right?

20 A Yes.

21 Q And when you get those inquiries, if there's going to
22 be a payment, you write a check?

23 A Sometimes.

24 Q Okay.

25 A Sometimes they're put on the credit card.

26 Q Okay. And who makes that determination whether they
27 go on the credit card?

1 THE COURT: To your knowledge, does the union
2 get any sort of deduction --

3 THE WITNESS: No, sir.

4 THE COURT: -- or other treatment for a
5 charitable contribution?

6 THE WITNESS: No, sir.

7 THE COURT: So you don't track them separately
8 for that --

9 THE WITNESS: I have a separate line item for
10 contributions.

11 THE COURT: So you have a record that shows --

12 THE WITNESS: Yes.

13 THE COURT: -- in QuickBooks?

14 THE WITNESS: Yes.

15 THE COURT: Where -- that these are charitable
16 contributions.

17 THE WITNESS: Yes.

18 THE COURT: Okay. Continue, please.

19 ATTY. FISHBEIN: Thank you.

20 BY ATTY. FISHBEIN:

21 Q And do you have a recollection, sir, as to how you
22 inputted an entry like Joseph Kuziak into QuickBooks?

23 A No, counselor. I would have to go back and look. I'd
24 have to bring it up and see exactly what it was for.

25 Q Okay. And what would you bring up, the QuickBooks?

26 A I'd start with QuickBooks, yes.

27 Q Okay. But at the time that you get the statement,

1 sir, and you see an entry like that, how do you know whether
2 to put it in -- how do you know where to put it?

3 A Well, I usually inquire or look at the paperwork
4 that's submitted. I mean, I can't just -- what would I put
5 it under? It's probably a contribution.

6 Q Okay. When you say "probably a contribution," do you
7 have any knowledge as to Mr. Kuziak's involvement with the
8 Miss Connecticut pageant?

9 A No.

10 Q No?

11 A No.

12 Q That his daughter was a prior --

13 A No. I -- counselor.

14 Q -- Miss Connecticut?

15 A No. I don't -- I don't -- I don't pay attention to
16 that stuff, counselor.

17 Q Okay. And when did you first find out that Mr. Kuziak
18 was involved with the Miss Connecticut pageant at all?

19 A Yesterday.

20 Q Okay.

21 A Today. Or maybe in 2014 when it was brought to my
22 attention, we made -- we made a contribution. I don't -- but
23 as of yesterday, yeah.

24 But there had to be some type of -- of
25 correspondence --

26 ATTY. FISHBEIN: Hold on.

27 THE WITNESS: Oh, okay.

1 ATTY. FISHBEIN: No question pending.

2 THE WITNESS: All right. All right.

3 ATTY. FISHBEIN: Your Honor, I'm going to
4 shift for expedience purposes and just an attempt
5 to publish to you or point your attention to other
6 entries in the document. If we go --

7 THE COURT: I would think a Bates stamp page,
8 date, and amount and its purpose would be the best
9 way to do it.

10 ATTY. FISHBEIN: Yes, your Honor. We're going
11 to go -- if we could go back four -- four pages.
12 The Bates stamp is 18577.

13 THE COURT: All right. I'm there.

14 ATTY. FISHBEIN: And there's an entry May 11,
15 2014, for Kimberly Taglia in the amount of \$40.

16 THE COURT: All right. I'm going to have to
17 take these slowly because I'm writing them down.
18 All right.

19 You can go to the next one, then.

20 ATTY. FISHBEIN: The next page, 18578.

21 THE COURT: All right. I see a 5/11 charge.

22 ATTY. FISHBEIN: Yes, your Honor.

23 THE COURT: Kimberly Taglia, is that what you
24 want me to note?

25 ATTY. FISHBEIN: Yes, your Honor. And then
26 down the middle of the page, the same date, \$550.78
27 charge for Kimberly Taglia.

1 THE COURT: Two charges on that date, then.

2 ATTY. FISHBEIN: Yes, your Honor.

3 THE COURT: All right. Those are noted.

4 ATTY. FISHBEIN: On 18608 there's an entry on
5 July 17, 2014. It says Duke Energy, Cincinnati,
6 Ohio, Sports Consess for \$674.25.

7 THE COURT: All right. It's noted. 26
8 cents.

9 ATTY. FISHBEIN: Yes. Yes, your Honor. And
10 Bates stamp 18650, I believe it's three pages after
11 that.

12 THE COURT: All right.

13 ATTY. FISHBEIN: On September 24, 2014,
14 there's a there's a premium cabin entry for Mr.
15 Carozza, \$209.

16 THE COURT: Yes. I see it. Thank you.

17 ATTY. FISHBEIN: On 32041.

18 THE COURT: 240?

19 ATTY. FISHBEIN: 32041 --

20 THE COURT: 32041.

21 ATTY. FISHBEIN: -- is the Bates stamp.

22 THE COURT: All right. I'm on that page.

23 ATTY. FISHBEIN: At the bottom of the page,
24 your Honor, there's a Kimberly Taglia excess
25 baggage charge on December 15, 2014.

26 THE COURT: It's noted.

27 ATTY. FISHBEIN: On the next page, your Honor,

1 there's a \$15 upgrade charge for on 12/15/14 Mr.
2 Carozza.

3 THE COURT: It's noted.

4 ATTY. FISHBEIN: On 3 -- on Bates stamp 32066,
5 which I believe is four pages thereafter --

6 THE COURT: All right. I'm there.

7 ATTY. FISHBEIN: -- we have what appears to be
8 another upgrade charge on February 12, 2015, for
9 \$135.66.

10 THE COURT: Miscellaneous tax fees. Is that
11 what you're saying?

12 ATTY. FISHBEIN: Yes, your Honor. I believe
13 the witness testified previously he didn't know
14 what it was and more than likely it was some sort
15 of upgrade fee.

16 THE COURT: It's noted.

17 ATTY. FISHBEIN: And then, your Honor, 3 --
18 Bates stamp 32126, which is the last page --

19 THE COURT: All right. I'm there.

20 ATTY. FISHBEIN: -- of -- at the top, July 26,
21 2015, there's an entry of \$57.87 with the same
22 entry assumed to be an upgrade charge.

23 THE COURT: It's noted.

24 ATTY. FISHBEIN: July 30, 2015, another
25 apparently upgrade charge, \$67.83.

26 THE COURT: It's noted.

27 ATTY. FISHBEIN: Your Honor, we have no

1 further questions at this time of this witness.

2 THE COURT: Very well. Cross-examination.

3 CROSS-EXAMINATION BY ATTY. VALENTINO:

4 Q Good morning, Mr. Anthony.

5 A Good morning.

6 Q Thank you for coming back. I know you had a long day
7 yesterday.

8 First and foremost, I want to just clarify: You
9 testified yesterday that there was a discrepancy on the SEEC
10 form that's been marked as Exhibit 18.

11 A Yes.

12 Q Okay. And I just want to again clarify that that was
13 a mistake. Correct?

14 A Correct. That was a mistake on my part. It was
15 corrected.

16 Q Okay. And that was my next question: So when you
17 became aware that there was a mistake, you corrected the
18 mistake. Correct?

19 A Yes, ma'am -- counselor. Sorry.

20 Q You can call me ma'am. That's fine. Was there ever
21 any intention with respect to that form to deceive any
22 members --

23 A No.

24 Q -- of the UPFFA?

25 A No. No.

26 Q And we talked about the emergency relief funds of the
27 UPFFA yesterday. Is that correct?

1 A Yes.

2 Q And Mr. -- Attorney Fishbein had pointed out that
3 there had been some funds borrowed out of that account?

4 A Yes.

5 Q Is that correct?

6 A Yes. Yes.

7 Q Okay. And my understanding -- my recollection of your
8 testimony yesterday is that that money was paid back to the
9 emergency relief fund. Is that correct?

10 A Yes, with interest.

11 Q And the interest was paid back because why?

12 A It was a recommendation by the accountants. We
13 previously thought that we had the authority to use that.

14 Q Okay. So you didn't -- you did not realize that you
15 were not allowed to borrow money from the --

16 A Correct.

17 Q -- UPFFA relief fund?

18 A Correct.

19 Q And once you learned that that was something that you
20 shouldn't do, you not only paid it back, but you paid it back
21 with interest. Is that correct?

22 A Yes.

23 Q Okay. Let's talk about the expense sheets for a
24 moment --

25 A Yes.

26 Q -- that are submitted by the UPFFA by Mr. Carozza
27 specifically.

1 So when you are -- to clarify: When you are given
2 the expense sheets, you are also given backups for those
3 expense sheets. Correct?

4 A Yes.

5 Q And that backup would include receipts. Correct?

6 A Correct.

7 Q And other forms of proof of the what the expenses are.
8 Correct?

9 A Correct.

10 Q So at the time you would have received the expense
11 sheets for items, say, in 2014, 2015, items that you did not
12 recall, you would have received backups for those expenses.
13 Correct?

14 A Yes.

15 Q So just because you do not recall today as you sit
16 here, four years later, what those expenses were for does not
17 necessarily mean that you weren't provided a copy of the
18 backup for those expenses. Is that correct?

19 A That is correct.

20 Q Okay. Mr. Anthony, if you can turn to Exhibit 11 for
21 me, please. And I'll give you a minute.

22 If you can turn to page 30732 for me?

23 A Yes.

24 Q Okay. And if you look at the OOPs, as you called it,
25 what is the amount there?

26 A \$61.38.

27 Q Okay. If you can turn to I believe the next page,

1 which is 30735.

2 A Yes.

3 Q Okay. Can you tell me what the OOPs is listed on that
4 page? 30735?

5 A Oh, I'm sorry. 35.

6 Q 30735?

7 A 35? I have 85, 30785. 35?

8 Q 35.

9 A I have 30731, 30732, then I go to 730785.

10 Q It --

11 A I'm sorry. Here it is.

12 Q Can you find it?

13 A Yes.

14 Q Okay. And what is the OOPs reflected on that page?

15 A \$361.38.

16 Q Okay. So it appears -- would you -- would you agree
17 that it appears that the 3 in front of 61.38 on the OOPs on
18 30732 it appears as if the 3 was left off?

19 A Yes.

20 Q And the other numbers behind the 3 are still -- are
21 correct on that --

22 A Yes.

23 Q -- e-mail. Okay. So it appears -- would you agree
24 that it would appear that Mr. Carozza maybe made a typo on
25 the expense sheet?

26 A It would appear that way.

27 Q Okay. Because all the other numbers are exactly the

1 same. Is that correct?

2 A They are. Correct.

3 Q Okay. Okay. Can you please in the same exhibit, can
4 you please turn to 31202?

5 A 31 --

6 Q Excuse me. I'm sorry. I apologize. Different
7 number. This will be 30785.

8 A 30785?

9 Q Correct.

10 A Yes.

11 Q Okay. Can you tell me what the subject line of that
12 e-mail is, if you can read it. It's very tiny.

13 A Yes. In addition to expenses submitted for May,
14 please add --

15 Q Just the -- the subject line in the very top where it
16 says, to, from.

17 A I'm sorry.

18 Q That's okay.

19 A Expenses, May and June, 2015.

20 Q Okay. So -- all right. Now you can look below that
21 and you can read the e-mail for me. It's the first two
22 lines, please, where it says, In addition.

23 A In addition to expenses submitted for May please add
24 \$170 June 10, 2015 --

25 Q And that's --

26 A -- donation.

27 Q Okay. And yesterday Attorney Fishbein asked you if it

1 was your belief or understanding that -- well, I believe he
2 asked you why Mr. Carozza would be attempting to add June,
3 2015, expenses to the May, 2015, expense sheet, something
4 along those lines. Is that correct?

5 A Yes.

6 ATTY. VALENTINO: Is that inaccurate?

7 BY ATTY. VALENTINO:

8 Q Okay. Well, let me ask again.

9 So the e-mail, again, the subject line is May,
10 slash, June -- excuse me -- expenses May, slash, June, 2015.
11 Correct?

12 A Yes.

13 Q And the date of the e-mail, if you can see it --

14 A Yes.

15 Q -- is what?

16 A June 21st.

17 Q Okay. So is it possible that Mr. Carozza rather than
18 attempting to add expenses to his May expense report is
19 actually telling you that this is an expense that should go
20 in his June, 2015, expense report?

21 A Yes.

22 Q Okay.

23 THE COURT: I'll interrupt you here because
24 we're going to take the morning recess. We're
25 going to take a 15-minute recess. Court is in
26 recess.

27 (WHEREUPON THE COURT STANDS IN RECESS.)

1 THE COURT: Are we ready to resume
2 cross-examination?

3 ATTY. VALENTINO: Yes, your Honor.

4 THE COURT: You may proceed.

5 BY ATTY. VALENTINO:

6 Q And just to sort of pick up where we left off, Mr.
7 Anthony, with respect to charges on Mr. Carozza's credit card
8 at the time you received the statement for the credit card,
9 you would have also received backup for those changes, or if
10 you did not receive them, you would have requested backup for
11 those credit card charges. Is that correct?

12 A Correct.

13 Q So at the time, for example -- well, let me have you
14 turn to an exhibit. If you could turn back to Tab 17 for me,
15 please.

16 A Yes.

17 Q So a little more than halfway through, again, is
18 18582?

19 A 18512.

20 Q 18582.

21 A I have 18517.

22 Q You've got it in there. We already talked about it.
23 18582.

24 A Oh, I'm sorry.

25 Q That's okay.

26 A Yes.

27 Q This is the very top entry, which we already talked

1 about, the \$500 charge to Mr. Joseph Kuziak.

2 A Yes.

3 Q See that on there? So at the time you received this
4 credit card -- either at the time you received this -- this
5 credit card charge or when this charge was made, you would
6 have received some type of backup, some type of support from
7 Mr. Carozza?

8 ATTY. FISHBEIN: Objection, your Honor.

9 THE COURT: What's the name of the objection,
10 please?

11 ATTY. FISHBEIN: Mischaracterizes the
12 testimony of the witness.

13 THE COURT: Well --

14 ATTY. VALENTINO: Could I say, Is that
15 correct? next, so that he can confirm.

16 ATTY. FISHBEIN: I believe I --

17 THE COURT: Let's not waste time about this.

18 Do you have any recollection of what you did
19 with that entry?

20 THE WITNESS: Not off the top of my head from
21 my previous statement, your Honor.

22 THE COURT: All right. I mean, you indicated
23 you don't -- you didn't -- you don't know what you
24 did with this.

25 So what you're being asked about now is what
26 you -- what your practice was, I assume. That's
27 what you're actually aiming at?

1 ATTY. VALENTINO: Correct, your Honor. And I
2 asked --

3 THE COURT: And I understand the distinction
4 between the two. He's saying he doesn't remember
5 what he did about it. But what would have -- you
6 know, if you followed your practice, what would you
7 have done with the Kuziak charge?

8 So there's my question to you, Mr. Anthony:
9 If you followed your practice your ordinary
10 practice, what would you have done with the Kuziak
11 charge when you saw it?

12 THE WITNESS: I would have requested what the
13 charge was for from the person making that
14 charge.

15 THE COURT: There's the answer.

16 ATTY. VALENTINO: Thank you, your Honor.

17 THE COURT: And I understand the distinction.
18 He doesn't remember what he did.

19 ATTY. VALENTINO: Thank you, your Honor.

20 BY ATTY. VALENTINO:

21 Q And just to clarify with respect to mileage
22 reimbursement to any of the -- any of the officers of the
23 UPFFA, would you have requested some type of backup to show
24 how many miles that they put on that vehicle that day that
25 they were expecting to be reimbursed for?

26 ATTY. VALENTINO: That was -- let me ask that
27 again. Withdrawn, your Honor.

1 BY ATTY. VALENTINO:

2 Q Well, let me ask this: Are you aware of a rule that
3 requires you to obtain backup in order to reimburse someone
4 for mileage?

5 A It has to be related to these -- work under the
6 association.

7 Q But are you aware of any rule that requires you to get
8 a receipt for something that -- that shows that this person
9 was in that vicinity at the time he's claiming the mileage?

10 A That would be hard to obtain.

11 Q Okay. Yesterday Attorney Fishbein asked you if you
12 were aware that individuals that lobby and are paid over
13 \$3000 for lobbying are required to register with the State of
14 Connecticut. Is that correct?

15 A Yes, I believe so.

16 Q Are you paid by the UPFFA for lobbying?

17 A No.

18 Q What are you paid for by the UPFFA?

19 A Duties of the treasurer.

20 Q And with respect to reimbursement made by Mr. Carozza
21 to the UPFFA, if you found his expenses to be legitimate,
22 there'd be no reason for him to reimburse the UPFFA. Is that
23 correct?

24 A Correct.

25 THE COURT: And you believe that, having seen
26 them now, that all the expenses related to his
27 fiance are legitimate? Is that what your -- what

1 you want me to understand from what you said?

2 THE WITNESS: Yes, your Honor.

3 THE COURT: Okay. That's fine. Continue.

4 ATTY. VALENTINO: And that sort of relates to
5 my next question, your Honor. Thank you.

6 BY ATTY. VALENTINO:

7 Q So let me ask you this: Do any other outside
8 organizations ever reimburse the UPFFA for Mr. Carozza's
9 travel expenses?

10 A Yes.

11 Q Do you know off the top of your head what some of
12 those organizations would be?

13 A Yes.

14 Q What would those organizations be?

15 A The Federation of State and Provincial Fire
16 Fighters.

17 Q Is that one of them or all of them or?

18 A That's one of them.

19 Q Okay. What would be an example of what type of
20 expense they would reimburse the UPFFA for?

21 A It could be travel, it could be lodging, it could be
22 rentals, car rentals, depending on the scope of his duties
23 when he's there.

24 Q Okay. So it is possible that the UPFFA was reimbursed
25 by one of these organizations for Mr. Carozza or Ms. Taglia's
26 travel expenses?

27 A It's very possible.

1 THE COURT: What makes you say "very" as
2 opposed to just "possible"? Those expenses for the
3 question included Ms. Taglia, for instance.

4 THE WITNESS: Well, only because, your Honor,
5 some of the time frame I believe correlate with
6 past conventions or state meetings. So --

7 THE COURT: That's why you say very possible?

8 THE WITNESS: It's very possible.

9 THE COURT: Okay. Continue, please.

10 BY ATTY. VALENTINO:

11 Q And so my next question, just to add to that point,
12 your Honor, is: Are you aware -- I believe you testified to
13 this fact yesterday, but are you aware of any instances where
14 Ms. Taglia has been invited by one of those organizations to
15 attend a convention?

16 ATTY. FISHBEIN: Objection, your Honor.

17 THE COURT: What's the name of the objection,
18 please?

19 ATTY. FISHBEIN: Hearsay.

20 THE COURT: Are you aware of an occasion? You
21 can answer yes or no whether you are or not aware
22 of an occasion. As to why or who told you, that
23 might get us into hearsay. But we'll see.

24 Are you aware of an occasion as you sit here
25 today?

26 THE WITNESS: No.

27 THE COURT: The answer's no. The problem's

1 moot, I take it.

2 BY ATTY. VALENTINO:

3 Q And you had indicated that all records are available
4 for any member in good standing. All records of the UPFFA
5 are available for any member in good standing. Is that
6 correct?

7 A Correct.

8 Q Does that include expense records?

9 A Yes.

10 Q Does that include credit card statements?

11 A Yes.

12 Q Does that include budget?

13 A Yes.

14 Q Does that include any other financial documents that a
15 member in good standing wanted to see?

16 A Yes. Anything in my possession is available to any
17 member of the UPFFA who is in good standing is available.

18 Q And how would a member go about referring the
19 documents?

20 A If it's a local member, he'd have to go through his
21 president through a phone call or an e-mail. We would set up
22 a meeting.

23 Q And so they would simply request to see the
24 documents?

25 A Yes.

26 Q Okay. Thank you. We talked a little bit about the
27 budget.

1 Who -- who approves the budget for the UPFFA?

2 A The delegates. The overall budget is approved by the
3 delegates.

4 Q Who is the -- is --

5 THE COURT: What do you mean by that? The
6 thing is is there a state convention at which
7 delegates vote on an annual budget for the state
8 organization? Is that what you mean?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: Okay. So it's not, in other
11 words, the overall membership doesn't vote.
12 Delegates from the locals come together and vote.

13 THE WITNESS: Yes. Yes, your Honor.

14 Exactly.

15 THE COURT: Okay. Continue, please.

16 BY ATTY. VALENTINO:

17 Q Is there a step prior to that where the budget is
18 approved by another group?

19 A Yes.

20 Q And what would that group be?

21 A There's a whole process.

22 Q Okay. What -- what's the process? You can go through
23 it for us.

24 A I draft up a budget with the finance committee. We go
25 through the budget. We make a recommendation to the
26 executive board. We go through the budget. The executive
27 board approves it. And then we bring it to the delegates.

1 Q And you indicated that Mr. Carozza's expenses, travel
2 expenses would be a line item on the budget. Is that
3 correct?

4 A Correct.

5 Q And once the -- how is the budget presented to the
6 delegates at the delegate meeting?

7 A It's a PowerPoint presentation. I have my laptop,
8 usually hook it up to a projector, put it on a screen. And
9 we go through the line items.

10 Q Okay. And then how do you determine whether the
11 delegates are in approval of the budgets?

12 A They -- Pete Carozza -- excuse me -- calls for a vote
13 on the budget.

14 Q And then what do the delegates do in order to indicate
15 that they approve?

16 A Either yea, nay, or absentia.

17 Q Okay. Can you tell me who James Cottage is?

18 A James Cottage.

19 Q Or Jimmy Cottage?

20 A Yes. He's a past executive board member, district
21 vice president, vice president of Local 825.

22 Q Okay. So he was the past president of Local 825 and
23 an e-board member of UPFFA. Is that correct?

24 A Correct.

25 Q So as part of the process of approving the budget,
26 it's voted on by the e-board. Correct?

27 A Yes.

1 Q So Mr. Cottage would have had an opportunity to either
2 approve or disapprove or the budget during the e-board
3 meeting. Correct?

4 A Correct.

5 Q And did Mr. Cottage ever attend the delegate's
6 meetings?

7 A Yes.

8 Q And did he attend the delegates -- any of the
9 delegate's meetings where the budget was presented once
10 again?

11 A Yes.

12 Q And did he, as a delegate -- did you observe him
13 voting once again in approval of any of the budgets?

14 A Yes.

15 Q Were there any other representatives from local union
16 825 that you can recall that you've seen at the delegate's
17 meetings?

18 A Yes. And I remember specific delegate's meetings.

19 Q Who would that individual be?

20 A I'm sorry?

21 Q Who would that individual be or individuals be?

22 A Frank Ricci.

23 Q So Mr. Ricci was in attendance at the delegate's
24 meetings -- at the delegate's meetings where the budgets were
25 voted on. Is that correct?

26 A Correct.

27 Q Because, as I understand it, there are delegate's

1 meetings and there are also delegates meetings where the --
2 separately there's delegate meetings. It's not -- the budget
3 is not voted on every time there's a delegate's meeting.

4 Correct?

5 A Correct.

6 Q Okay. Just want to make that clear. So did you
7 personally observe Mr. Ricci raising his hand in approval of
8 the budget at any of these meetings?

9 A No, I did not.

10 Q You did not. Okay.

11 But he was present for the budgets -- the
12 presentation of the budgets at the delegate's meetings?

13 A It was unanimous.

14 Q Okay. Perfect. Okay. Thank you.

15 THE COURT: It was unanimous? What -- are we
16 talking about a specific year here?

17 ATTY. VALENTINO: I would -- let's -- that's a
18 good question.

19 THE WITNESS: Yes, your Honor.

20 THE COURT: What year are you talking about?

21 THE WITNESS: The year that -- December, 2015.
22 I remember that because we had a delegate's meeting
23 in New Haven. And then January 1st, Frank Ricci
24 took over as president. Because we had a big
25 presentation at the fire -- the fire training
26 center in New Haven. That's how I remember all of
27 that.

1 BY ATTY. VALENTINO:

2 Q Is it --

3 ATTY. VALENTINO: Sorry, your Honor. Did
4 you -- I don't know --

5 THE COURT: No. No. Go ahead.

6 BY ATTY. VALENTINO:

7 Q Do you require an unanimous approval of every budget
8 every year?

9 A No.

10 Q Okay. You just happen to -- you remember that that
11 year in particular it was unanimous?

12 A Yes. There was no questions on the -- on the budget.
13 There was no assenters on the budget.

14 Q Do you recall a time where either Mr. Cottage or Mr.
15 Ricci ever brought to your attention an issue with the budget
16 prior to December of 2015?

17 A Not Mr. Ricci. James Cottage may have brought
18 something up in our executive board meetings in the process
19 of doing the budget. But I don't recall that.

20 Q And if he had raised an issue during the executive
21 board meeting, what would have been the result? What actions
22 would you have taken?

23 ATTY. FISHBEIN: Your Honor, objection.

24 THE COURT: What's the name of the objection?

25 ATTY. FISHBEIN: Calls for speculation.

26 Unless there's a pattern of conduct.

27 THE COURT: Yes. You're going to have to ask

1 something a little more specific than that.

2 ATTY. FISHBEIN: Thank you.

3 THE COURT: What would have happened might
4 depend on who was there and what they were
5 thinking.

6 Now, on the other hand if Rule No. 16.3 says
7 that you then would refer to Subcommittee X or
8 something. You see the point?

9 ATTY. VALENTINO: Yes.

10 THE COURT: Otherwise, asking it in that broad
11 way makes it speculative.

12 BY ATTY. VALENTINO:

13 Q Well, let me ask this: If the budget is not
14 unanimously approved by the e-board, what would be your next
15 step?

16 A It would be -- it would be a majority vote. We'd move
17 forward. But usually we work out issues at the table.

18 Q And those would be worked out prior to your presenting
19 the budget to the delegates?

20 A Yes.

21 Q Okay. You mentioned yesterday that UPFFA retains an
22 accountant Mr. Moletta. Is that correct?

23 A I'm sorry.

24 Q Does the UPFFA retain Michael Moletta as its -- as its
25 accountant?

26 A Yes.

27 Q And does Mr. Moletta or someone from his company

1 conduct a yearly audit of the UPFFA's financial documents?

2 A Yes.

3 Q And Mr. Moletta is not a member of the UPFFA. Is that
4 correct?

5 A Correct.

6 Q Can you turn to Tab 21, please? And what's the title
7 of this document?

8 A IAFF local union auditor's report.

9 Q Thank you.

10 Did Mr. Fishbein ask you yesterday whether you
11 file this form with the IAFF?

12 A Yes.

13 Q And you indicated that you did not. Is that
14 correct?

15 A Correct.

16 Q And what is your understanding as to who is required
17 to file the form?

18 A Local unions.

19 Q And is UPFFA a local union?

20 A I believe we're considered a state organization.

21 Q Thank you.

22 ATTY. FISHBEIN: Your Honor, we're in a
23 procedural sort of weird place right now. Because
24 I did tender the --

25 THE COURT: I was looking for 21. Is it in --

26 ATTY. VALENTINO: It's not marked as 21.

27 THE COURT: No. It has not been moved in.

1 ATTY. FISHBEIN: But given where we are now,
2 your Honor, I will offer the --

3 THE COURT: All right. Is there any
4 objection?

5 ATTY. VALENTINO: No, your Honor.

6 THE COURT: Twenty-one is a full exhibit.

7 ATTY. FISHBEIN: Thank you, your Honor.

8 ATTY. VALENTINO: No further questions, your
9 Honor.

10 THE COURT: Very well. Any redirect?

11 ATTY. FISHBEIN: Yes, your Honor. Thank you.

12 REDIRECT EXAMINATION BY ATTY. FISHBEIN:

13 Q Sir, the emergency relief fund, how does money get to
14 the emergency relief fund?

15 A The major contributor right now is called the United
16 Ride. The emergency relief fund is the trustee for the
17 United Ride.

18 Q Okay. So the United Ride is a motorcycle ride?

19 A Yes. Correct.

20 Q And it's in effect a fundraiser?

21 A Yes.

22 Q And what is the -- what do they do other than riding
23 motorcycles, what does the United Ride do?

24 A It's a -- it's a ride in memoriam of September 11th.

25 Q Okay. And that happens on a particular day of the
26 year?

27 A Yes. They try to run it as close to the date as

1 possible. Usually it's a Saturday or a Sunday. It depends
2 on the cities. There's a lot that has to go into it. Craig
3 Garrity does a heck of a job with that.

4 Q Okay. And does it go from a particular city to a
5 particular city?

6 A Yes.

7 Q Where does it go to and from?

8 A Basically it goes from Norwalk to Stratford. There's,
9 like, seven, eight towns, cities that it goes through.

10 Q And riders pay money to participate in this?

11 A Yes.

12 Q And then do individuals sponsor those riders and are
13 there sponsorship of the event itself?

14 A There are some sponsorships, yes.

15 Q Okay. And on an annual basis, how much is raised to
16 the United Ride to go to the emergency fund?

17 A Roughly, off the top of my head, around 70, \$75,000.

18 Q And if I was going to make a contribution to the
19 United Ride, if I wanted to get my Harley out and ride in
20 this event, how much would it cost me?

21 A I believe it's \$25.

22 Q Okay. And about how many riders do you have?

23 A I believe this year there was about 12 to 1300
24 riders.

25 Q Okay. And when they make that payment, they get some
26 sort of a receipt because it's a charitable contribution?

27 A I believe so. I don't --

1 Q Who would handle that?

2 A Craig Garrity.

3 Q Okay. And who is Craig Garrity? Is he a member of
4 the UPFFA?

5 A No, he is not.

6 Q Okay. He's a fundraiser?

7 A No.

8 Q What's his relationship?

9 A He is a -- he's a friend of the organization's. And
10 he started the ride right after the incident. We got
11 involved because he wanted participation. And the state
12 association was a good way to start it. It's the united -- I
13 just drew a blank.

14 Q It's okay.

15 A But there's like -- there's, like, four or five top
16 sponsors, UPFFA being one.

17 Q No problem. And then the money goes into the
18 emergency fund. And I think we talked about this loan
19 yesterday. And you were just asked on cross about paying it
20 back.

21 But who ultimately makes the decision on whether
22 or not to take nonprofit funds and authorize the writing of
23 the check to the UPFFA to pay the credit card? Who makes
24 that determination?

25 A That was brought up to the executive board.

26 Q Okay. To the executive board of what?

27 A The UPFFA, which is, for all intense and purposes, the

1 executive board for the emergency relief fund also.

2 Q Okay. And you're a member of both entities.

3 Correct?

4 A I am.

5 Q And when you accept -- in fact, withdrawn.

6 You're the treasurer of both entities. Correct?

7 A Correct.

8 Q So when you accept the role as the treasurer of the
9 UPFFA, a for-profit entity, the emergency relief fund, a
10 nonprofit entity, and the PAC also, because you're the
11 treasurer of that, too. Right?

12 A Correct.

13 Q Where is your allegiance in your mind?

14 A I don't see a differentiation between the three of
15 them.

16 Q No matter where the money is, it's all one big pot in
17 your mind?

18 A Well, technically, no.

19 Q Well, I'm just trying to get to your role as the
20 treasurer.

21 A I'm the treasurer. They all come under our
22 jurisdiction, my responsibility. But they are three separate
23 entities. You're right. You're correct.

24 Q And is there a reason why the UPFFA, a for-profit
25 entity, wanted to pay off their \$28,000 American Express
26 card, it didn't just get a loan, go out and get a loan from a
27 bank.

1 Is there a reason why that didn't happen?

2 A Yes.

3 Q And what is that reason?

4 A Financial.

5 Q Because it didn't have credit or -- or what does that
6 mean?

7 A It was just -- it was just easier. To take out a
8 loan, there's fees involved. There's higher interest rates.
9 You know, it was just easier to do it that way. It needed to
10 be done in a timely fashion, we did it, you know.

11 Q The UPFFA owns a building. Correct?

12 A Correct.

13 Q And where is that? It's the headquarters in West
14 Hartford. Right?

15 A Yes.

16 Q Okay. And is there a mortgage on that property?

17 A No, there is not.

18 ATTY. VALENTINO: Your Honor, I'm going to
19 object. That's outside the scope of my cross. I
20 didn't mention anything about a mortgage.

21 THE COURT: Well, the building isn't the
22 question. The question is the expenditure of the
23 money. The objection's overruled.

24 ATTY. FISHBEIN: Thank you, your Honor.

25 BY ATTY. FISHBEIN:

26 Q Is there a mortgage on that property in West
27 Hartford?

1 A No, there is not.

2 Q Okay. So what prevented the UPFFA from attempting to
3 get a loan secured by the property in West Hartford?

4 A Well, it's a business; therefore, it's -- there's a
5 higher rate of interest paid back on the loan. And it was
6 just expedient to do it the way we did it.

7 Q Okay. And when you -- you mentioned that when you
8 paid the loan back --

9 A Yes.

10 Q -- to the emergency fund, you mentioned that you paid
11 interest.

12 What was that rate of interest?

13 A Two percent.

14 Q Okay. And when you authorized the loan from the
15 emergency relief fund to the UPFFA --

16 A Yes.

17 Q -- who did the closing for the mortgage to secure the
18 interest of the emergency relief fund?

19 A I'm not following you, counselor.

20 Q Was there a closing -- was there a mortgage?

21 A No.

22 Q No?

23 A We just -- I just transferred the money.

24 Q Oh.

25 A I took the money out of the emergency relief fund
26 checking account.

27 Q Okay. Now, how are dues determined?

1 THE COURT: Before we get to that, may I just
2 ask a question?

3 THE WITNESS: Yes, your Honor.

4 THE COURT: About this loan, was there a loan
5 document, a promise to be paid --

6 THE WITNESS: Just our --

7 THE COURT: -- by the union.

8 THE WITNESS: Just our word from ourselves to
9 ourselves.

10 THE COURT: Okay. So there's no
11 documentation --

12 THE WITNESS: No, sir.

13 THE COURT: -- about the loan. All right.
14 Continue, please.

15 BY ATTY. FISHBEIN:

16 Q Sir, how are dues determined?

17 ATTY. VALENTINO: I am -- I'm going to object
18 to that.

19 THE COURT: How are dues determined?

20 ATTY. VALENTINO: That's outside the scope of
21 cross as well.

22 THE COURT: Well, how does it relate to the
23 cross, the -- see, the problem is that the subject
24 matters are so broad and they're talking about
25 whether moneys were accounted for, were there
26 moneys spent on particular subject matters.

27 How would you connect this to the cross?

1 ATTY. FISHBEIN: There was plenty of
2 discussions about the budget, approval of the
3 budget, what's on the board's income which should
4 be shown on the budget?

5 THE COURT: Yes. It's usually pretty hard to
6 parse, then, to say it's not within the scope of
7 some broad sorts of questions. So I'll have to
8 allow it, I think.

9 ATTY. VALENTINO: Okay. Thank you, your
10 Honor.

11 ATTY. FISHBEIN: Thank you, your Honor.

12 BY ATTY. FISHBEIN:

13 Q Sir, how are dues determined?

14 A Through the budget process.

15 Q Okay. So explain. So let's bring me through that.

16 So when you enter into a potential calendar year,
17 you potentially know how many fire fighters are going to come
18 under the auspices of the UPFFA. Is it fair to say?

19 A Bingo, counselor. Bingo.

20 Q Okay.

21 A That's why there's a provision --

22 Q Let's --

23 A -- to do it properly.

24 Q So you agree with me?

25 A Yes.

26 Q We'll get to proper doing it.

27 A Okay.

1 Q Okay. And as part of the budget process, you need to
2 ascertain how much money you need during the year?

3 A Correct.

4 Q And that -- okay. And you would then take the number,
5 multiply it by another number, to come up with what we need
6 for the year.

7 A Correct.

8 Q Okay. So you would agree with me that an issue of
9 disaffiliation in this case impacts upon the finances of all
10 of the currently affiliated locals across the state?

11 A Yes.

12 Q Because if someone was to find that there was not
13 disaffiliation, then perhaps back dues would be owed by New
14 Haven. Correct? And that would lower the need for dues of
15 the other locals in this future. Is it fair to say?

16 ATTY. VALENTINO: Your Honor, calls for
17 speculation.

18 THE COURT: Well, I mean, this is something
19 that is common sense; that maybe it's more along
20 line of argument in the sense that the more money
21 they have, the less weight is going to be put on
22 any of their locals. So I can take that as simply
23 an inference from what we already know. And when
24 you have a year where the money goes down, the --
25 the income goes down, you have to spread it over
26 the remaining people if someone's gone. Right?

27 THE WITNESS: Correct.

1 THE COURT: That makes their burden a little
2 heavier.

3 THE WITNESS: Yes. Yes, your Honor.

4 THE COURT: So this is common sense. But I'll
5 take that much. But let's go on to something
6 else.

7 ATTY. FISHBEIN: Thank you, your Honor.

8 BY ATTY. FISHBEIN:

9 Q And then, once you're able to establish as to how much
10 money is needed, what is the formula to determine the per
11 capita for the legislative as opposed to the full members?

12 A Total number of members divided into the difference
13 between the income and the expenses. And there's your per
14 capita increase.

15 Q Okay. But are you saying that the amount that is
16 required in dues for a full member is the same as a
17 legislative member?

18 A Correct.

19 Q Okay.

20 A None of the legislative members have questioned that
21 or brought that to our attention or argued that at any budget
22 approval meeting that we've had in the past. Therefore, the
23 burden --

24 Q Okay. So just please --

25 A Yeah.

26 Q Because I was of a different understanding. So let me
27 just bring it back a little bit. It was my understanding --

1 and please correct me if I'm wrong -- that legislative-only
2 members paid less per capita than a full member union -- the
3 full service.

4 A Correct.

5 Q Okay. So I just want to make sure that I was okay
6 there. Okay. So you would agree that when the state union
7 says to a local that is a full service member local, This is
8 how much your dues are, it's a higher number than the
9 legislative member union?

10 A Correct.

11 Q Okay. So let's go back to where we were a little bit
12 ago.

13 How is it determined the difference between the
14 fee for full and legislative-only unions; that difference,
15 the higher lower, how is that calculated?

16 A The increase?

17 Q The difference. So let's just say that full members,
18 full service members are charged \$10 per capita. That's the
19 rate.

20 A Okay.

21 Q Okay. And the legislative-only unions are charged \$7
22 per capita.

23 A Okay.

24 Q What determines the difference of \$3 in those annual
25 fees? Is there a formula, calculation, something -- some
26 guidelines that you go by?

27 A That stuff was determined a long time ago when we went

1 to the two-tiered system.

2 Q Whether you say "a long time ago" --

3 A Years ago. I don't have the exact dates. But, yeah,
4 when they went to a two-tiered system.

5 Q When you say a long time ago, are we talking the
6 1970s?

7 A No.

8 Q Okay.

9 A Probably in the '90s.

10 Q Okay. In the '90s?

11 A I believe. Maybe in the early 2000s.

12 Q Okay.

13 A Probably around the 2000s.

14 Q And ultimately because every year there's an approval
15 of what those dues are going to be. Right?

16 A Correct.

17 Q Through the budget process?

18 A Correct.

19 Q What those particular rates are going to be?

20 A Correct.

21 Q Who ascertains that those rates that are charged are
22 in conformance with whatever guidelines were created long
23 before you were treasurer? Who does that?

24 A Counsel, the delegates that vote on it.

25 Q Okay. So --

26 A The only distinction between full service and
27 legislative, counselor, is that full service gets their staff

1 reps for -- for grievances, whatever the issue might be.

2 Q I know that.

3 A Everything else is the same.

4 Q Let's just say that next year UPFFA puts out a budget
5 that says that full service is \$25 and legislative only is
6 \$2. Big difference.

7 Where would one go to to ascertain whether or not
8 that calculation is in line with what they've always been
9 doing on some guidelines?

10 A The budget.

11 THE COURT: So I'm understanding from what
12 you're suggesting here is is that you prepare a
13 draft budget. The e-board votes on a draft budget.
14 And then that's submitted to the delegates and they
15 vote. That's the process. Right?

16 THE WITNESS: Yes, your Honor.

17 THE COURT: And when the e-board adopts a
18 budget, it adopts a rate one for the full and one
19 for the legislative members. Is that right?

20 THE WITNESS: It's the same rate, your
21 Honor.

22 THE COURT: The per capita amount, I mean.
23 The per capita dollar amount, you've made clear, is
24 different.

25 THE WITNESS: Yes.

26 THE COURT: Each year for the legislative and
27 full. Right?

1 THE WITNESS: Yes.

2 THE COURT: So every year they adopt a
3 specific per capita dollar amount for the
4 legislative members and certainly for the full
5 members. Is that right?

6 THE WITNESS: Yes.

7 THE COURT: Okay. So but is that done year by
8 year? Is that what I should understand?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: And that there is no formula
11 somewhere that you apply every year, is there?

12 THE WITNESS: You're correct, your Honor, in
13 your statement.

14 THE COURT: So it's done on a yearly basis.
15 I won't call it *ad hoc*, but it's done without
16 reference to a formula is the point.

17 ATTY. FISHBEIN: Thank you, your Honor. Thank
18 you for getting me there.

19 BY ATTY. FISHBEIN:

20 Q Sir, isn't it true that full service members are
21 allowed to vote on certain things that legislative-only
22 members are not?

23 ATTY. VALENTINO: Your Honor, I'm going to
24 object. It's outside the scope of cross what they
25 can vote on.

26 THE COURT: Overruled. It's just -- it's --
27 it's in bounds.

1 THE WITNESS: Yes.

2 BY ATTY. FISHBEIN:

3 Q Okay. In fact, legislative-only members are not
4 allowed to vote with regard to executive board decisions?

5 A Counsel, they were on the executive board.

6 Q Okay. I wish I was on the executive board, because
7 maybe it would be straightened out, but I am not.

8 A They were on the executive board. They had a seat on
9 the executive board, counselor.

10 Q Okay. Well, you said I was on the executive board.

11 A I said they are on the executive board. I'm sorry.

12 Q I think that's what you meant to say, but okay.

13 A I said you were on the executive board?

14 Q Yes, sir.

15 THE COURT: It doesn't matter.

16 ATTY. FISHBEIN: Yes.

17 THE WITNESS: Okay. I'm sorry.

18 THE COURT: Are there multiple legislative
19 members on the e-board?

20 THE WITNESS: There's -- no. No, your Honor.
21 There's -- there's one legislative
22 representative.

23 THE COURT: Is that the norm? That's what's
24 been followed for years.

25 THE WITNESS: Yes.

26 THE COURT: One member? Okay.

27 ATTY. FISHBEIN: When your Honor said, Are

1 there legislative members, there are no members of
2 the legislature on the board.

3 THE COURT: No. No. No legislative as in
4 legislative-only member representatives --

5 ATTY. FISHBEIN: Okay.

6 THE COURT: -- on the e-board. There's one
7 and there always has been one, as far as you know?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: And are there restrictions on that
10 person's right to vote?

11 THE WITNESS: No, sir.

12 BY ATTY. FISHBEIN:

13 Q Okay. Now, sir, you were asked by Attorney Valentino
14 about charges and the backup that you would look at.

15 Can you just flip to Exhibit 12, please?

16 A Okay. I believe I'm there.

17 Q Okay. And before we actually examine the document,
18 you already testified as to who Mr. Cottage was. You
19 testified during cross.

20 Now, Mr. Cottage was the president of Local 825
21 prior to Mr. Ricci taking over. Correct?

22 A Correct.

23 Q And he was also a UPPFA officer. Is that fair to
24 say?

25 A Fair to say.

26 Q He held both offices?

27 A Yes.

1 Q And who are the -- who's Ferguson?

2 A James Ferguson?

3 Q Yes.

4 A James Ferguson is an attorney that -- that the state
5 association retained --

6 Q Okay.

7 A -- has on a retainer.

8 Q Okay. For what purpose?

9 A To assist our locals in items that they may need an
10 attorney for.

11 Q Okay. And I would -- well, what kind of things would
12 a legislative-only union need Mr. Ferguson's services for or
13 would you allow those services to occur? What kind of a
14 legislative-only union be provided by Mr. Ferguson through
15 that retainer through the state union?

16 A The retainer gives the full service locals the reduced
17 rate. The legislative members usually don't use an attorney.
18 And if they do use Attorney Jim Ferguson, they're given --
19 they're given the same rate, actually.

20 Q I thought you said there's a reduced rate?

21 A Yeah, but I believe it's the same rate, to tell you
22 the truth.

23 Q Okay.

24 A I misspoke. I'm not exactly sure what Jim Ferguson --
25 but he has represented legislative locals in this past, yes.

26 Q So he's an attorney that does, what, collective
27 bargaining? What does he do?

1 A The normal routine of assisting a local in whatever --
2 whatever state of mind they're in.

3 Q Okay. And how about an individual named Wallace?

4 A I'm not sure who that is.

5 Q Okay. I'm looking at Exhibit 12. I believe it's the
6 last page of the -- well, the next-to-the-last page of the
7 activity report. It's Bates stamp 30630. No. It's not the
8 last page of the exhibit, the last page of the activity
9 report.

10 The activity report is at the beginning of Exhibit
11 12.

12 A 30630.

13 Q Yep. You see the activity report right at the
14 beginning of the exhibit?

15 A Yes.

16 Q It's, like, the fourth page in, the one, two, three,
17 four -- it's the fifth page in.

18 A 30630. Okay.

19 Q Okay. Then you see an entry towards the bottom, it
20 says \$397.65 OOP. Right?

21 A Yes.

22 Q Okay. And then to the left of it, it says,
23 Miscellaneous expense, Ferguson, Wallace, Cottage.

24 A Okay.

25 Q Okay. Does that ring a bell as you to who Wallace
26 might be?

27 A I can't say as I recall, no.

1 Q Okay. And what is the state union's policy with
2 regard to Mr. Carozza playing golf utilizing state union
3 funds?

4 A If it's in the line -- if it's in the line of helping
5 the association and its members move forward, it's approved.
6 I'm not sure I --

7 Q Okay.

8 A -- am catching your --

9 Q How do you -- how do you ascertain from -- whether or
10 not it is in line with helping the state union and,
11 therefore, it's an appropriate expense with regard to golf?

12 A Was it a fund -- was it a fundraiser for Ronald
13 McDonald -- the Ronald McDonald House? I mean, it could have
14 been a couple dozen different fundraisers.

15 Q It could have been --

16 A I don't know. I'd have to look.

17 Q It could have been a lot of things.

18 A Yes.

19 Q But what is the policy? Is it the policy that it must
20 be for an approved fundraising entity? Is that the policy?

21 A The policy is, as long as it's association-related
22 business, it's approved.

23 Q Okay. I'm trying to ascertain what is the policy as
24 to determining whether or not it's an -- association-related
25 business?

26 A Well, counsel, I'm not following you here. If it has
27 nothing to do with the association --

1 Q Okay.

2 A -- that's not approved.

3 Q Okay. So how do you ascertain whether or not it has
4 to do with the association?

5 A Well, I don't know what the expense was for. What was
6 it?

7 Q Okay. Well, let's look at towards the end of Exhibit
8 12. It's one, two, three, four -- four pages from the end.

9 A Four pages from the end.

10 Q It's Bates stamped 30645.

11 A Okay.

12 Q Do you see that, sir?

13 A Yes, I do.

14 Q Well, this document indicates that it's a entry, The
15 Country Club of Waterbury.

16 A Okay.

17 Q Okay. Does that ring a bell as to what this event was
18 for?

19 A In July? No.

20 Q No. This is -- well, actually it appears that the
21 event happened June 25, 2015. You would agree with me
22 there?

23 A Apparently, yes.

24 Q But for some reason, the charge on the statement is
25 July 23, 2015. See that?

26 A Yes.

27 Q Okay. So is it a fundraiser?

1 A I don't know, counselor. I would have to go back and
2 look. I don't know.

3 Q So I've given you the opportunity, sir. This is the
4 backup. So what -- what did you look at here?

5 A This is the backup?

6 Q Yes, sir. These are your documents from the boxes.

7 A Okay. Where's the receipt? Where's the receipt?

8 Q I don't know, sir.

9 A Well, it had to be in the box.

10 Q Okay. Well, the receipt appears to be -- this is a
11 paid statement, sir. It's on the activity report as an
12 OOP?

13 A Okay.

14 Q Okay? So it's on the activity report. And now you've
15 got the receipt?

16 A Okay.

17 Q Okay? So what fundraiser was this entry for? It
18 doesn't appear to be a fundraiser, does it?

19 A I wouldn't say that.

20 Q Okay. Well, what indicates here that this was a
21 fundraiser.

22 A My question is: What indicates it isn't? And I can't
23 make that determination looking at the form.

24 Q Okay. Similarly, sir, on this same page there's an
25 entry for \$214.85.

26 Do you see that up there?

27 A Yes.

1 Q July 2, 2015. Right? Do you have any recollection as
2 to what that was for?

3 A No.

4 Q I just want to be -- clarify it's July 2, 2015. I
5 might have said '14.

6 But you don't have a recollection as to what
7 that's for?

8 A Counselor, this is -- this statement that I have
9 here --

10 Q Yes.

11 A -- I believe is -- this is from the country club.

12 Q Yes, sir.

13 A Okay.

14 Q Well, that's what it says up top, sir.

15 A Yes.

16 Q Do you have any reason to believe it's something
17 different?

18 A I -- I would have something a little different on an
19 expense report.

20 Q Well, on the expense report, it says, OOP. And it
21 says Wallace, Cottage, Ferguson.

22 You saw that before.

23 A Yes.

24 Q Yes?

25 A Okay. So Jim Cottage was a member of the executive
26 board.

27 Q Okay.

1 A Jim Ferguson is involved as a retained attorney.

2 Q Sure.

3 A So -- I mean, and Wallace, I have no idea who that
4 is.

5 Q Okay. So Jim Ferguson, this Wallace person, and
6 Cottage said one day, Hey, let's go play golf. Who's going
7 to pay for it? We'll have the state union pay for it.

8 How are you able to tell that it's anything other
9 than that when you authorize that expense?

10 A Well, I would look at the two names, Ferguson and
11 Cottage, and ascertain that that's what it was.

12 Q Okay.

13 A As a past union president from my local, my fire
14 fighters, it was more than once that I went out and did
15 that --

16 Q Okay.

17 A -- to settle some kind of issue.

18 Q Okay.

19 A Not unheard of.

20 Q Sure.

21 A In the world of business that we live in, it's not
22 uncommon to do things to lighten the load and come to some
23 type of agreement.

24 Q Okay.

25 A I don't find any of this out of the ordinary.

26 Q And what is the UPFFA's policy with regard to paying
27 for alcohol consumed by let's say Mr. Carozza and his guests

1 utilizing union dues received by the state union?

2 A Counselor, counselor, counselor, we're fire fighters.
3 We're not teetotalers. I wouldn't begrudge anybody having a
4 drink in the afternoon, giving up their day to go out and
5 pursue the interests of the association and its members.

6 Q Okay. So there is no policy. We can have -- we can
7 drink?

8 A If it pertains to the union business, association
9 business, I mean, what -- what are we getting at here? We're
10 nitpicking at things that are really irrelevant here.

11 Q Okay. In the treasurer's handbook --

12 A I'm sorry, your Honor.

13 Q In the treasurer's handbook that we talked about
14 yesterday, is there a provision saying that it's appropriate
15 for alcohol to be consumed utilizing state funds?

16 A I don't know.

17 Q Okay. If we look at the two pages prior to the one we
18 were just looking at, Bates stamp 30647 and 30648?

19 A 30647 and 48?

20 Q Yes. They're just before the one we were just talking
21 about that had the 397 entry on it.

22 A I had 397 on 30645.

23 Q Yep. The two pages just before that.

24 A There's one page. There's two pages. I have 30645.

25 Q No. You're back were you should -- you were before.

26 THE COURT: Two copies of that in here.

27 ATTY. FISHBEIN: Oh.

1 THE COURT: The exhibit I have, there are two
2 pages 30645. And I don't see the -- you're saying
3 30647?

4 ATTY. FISHBEIN: Yes, your Honor.

5 THE COURT: All right. It's earlier than
6 that, perhaps. Yeah. It's earlier than that.
7 There's a duplicate in there.

8 ATTY. FISHBEIN: Okay.

9 THE COURT: Then you -- you keep heading back
10 and you'll find 30647 and 8 is what your question
11 is about?

12 ATTY. FISHBEIN: Yes, your Honor.

13 THE WITNESS: I found it.

14 ATTY. FISHBEIN: Okay. Sorry about that.

15 BY ATTY. FISHBEIN:

16 Q Sir, I was just asking you about that \$214.85 entry.
17 What I've just shown you is the receipt for that \$214.85 that
18 you've provided in the boxes.

19 How are you able to ascertain from this document
20 that it was actually a UPFFA event as opposed to let's say
21 Mr. Carozza taking Kimberly Taglia to dinner?

22 A I don't know. This is Country Club of Waterbury.

23 Q And do you happen to know if Mr. Carozza's a member of
24 the Waterbury Country Club?

25 A Yes.

26 Q Okay.

27 A Well, let me correct that. I'm not sure it's the

1 Country Club of Waterbury. I could be mistaken.

2 Q Okay. And you testified that you had no way to
3 ascertain mileage that was being charged on the activity
4 reports. Correct?

5 ATTY. VALENTINO: I don't believe that was his
6 testimony, your Honor. That's a
7 mischaracterization of his testimony.

8 THE COURT: Ask the question again, please.

9 BY ATTY. FISHBEIN:

10 Q That he had no way of ascertaining -- well, I'll ask
11 the question.

12 THE COURT: All right. The question's
13 withdrawn.

14 BY ATTY. FISHBEIN:

15 Q So you testified that you had no way of actually
16 ascertaining that somebody was going from one place to
17 another and therefore charging the mileage. Correct?

18 ATTY. VALENTINO: That's the same question,
19 your Honor.

20 THE COURT: Well, it's close to the same
21 question.

22 As I understood the testimony, you get a
23 statement from someone saying, I went from West
24 Hartford to Waterbury or something. And they tell
25 you that they did that. What you've told me, I
26 think, is that you don't ride along with him in the
27 car to make sure they go.

1 THE WITNESS: Correct, your Honor.

2 THE COURT: The only -- the only thing you
3 get, really, as I understood what you were saying,
4 is their statement that I drove to -- from West
5 Hartford to Waterbury. And you'd rely on that. Is
6 that fair?

7 THE WITNESS: Yes. Correct, your Honor.

8 THE COURT: So that's -- that's how -- that's
9 what I understood from his testimony. Do you want
10 to follow up on the that?

11 ATTY. FISHBEIN: Yes.

12 THE COURT: All right. Go ahead.

13 ATTY. FISHBEIN: Yes, your Honor.

14 BY ATTY. FISHBEIN:

15 Q So as far as backup, it is possible that you could ask
16 a member to perhaps put their odometer reading on the
17 document or to take a snapshot of their odometer reading when
18 they start their day and they end their day.

19 That is possible, is it not?

20 A Why would I do that?

21 Q Well, maybe to protect the utilization of state union
22 dues?

23 A Protect utilization?

24 Q Yes.

25 A I think that's an overstep, counselor.

26 Q Okay. So you --

27 A My -- in that instance, in my capacity as the

1 treasurer, I would have to assume everybody was a crook. I
2 don't make that assumption. I don't come from that
3 caliber.

4 Q Okay.

5 A I don't believe anybody is a crook until I determine
6 that they are a crook. And so far, I have not come across
7 anything that would lead me to believe that they're a
8 crook.

9 Q Well, as the treasurer of the UPFFA, where is your
10 allegiance, so to speak. Is it to protect the other members
11 of the e-board or to protect the local?

12 A It's to protect myself.

13 Q Okay.

14 A I have to do what's correct.

15 Q Right.

16 A Get to close -- as close to correct as possible. I'm
17 not infallible. I'm sure I -- I know I've made some
18 mistakes.

19 Q Okay. And you testified, I thought, yesterday about
20 the amount of time that you spend lobbying. Right?

21 A I believe I misspoke, as you brought it to my
22 attention.

23 Q Okay.

24 A I don't.

25 Q And, similarly, we were talking about being able to
26 track the members of the e-board and the amount of lobbying
27 activities that they engage in. And you said that was

1 untrackable basically. Is it fair to say?

2 A Yeah. I mean, they're there all day. Sometimes
3 they're there -- sometimes they have to sleep there.

4 Q Okay.

5 A Counsel, you know that when you're in session.

6 Q And who's Sean Connell or Sean Lennon? Who's Sean
7 Lennon?

8 A John Lennon's son.

9 Q I know. He does have -- yes.

10 But is there a member of the UPFFA, a staff
11 representative by the name of Sean Lennon?

12 A Yes.

13 Q And how long has Mr. Lennon been in that capacity?

14 A Couple -- two years.

15 Q Okay. And what is his title?

16 A Executive board -- well, he's a staff rep, actually.

17 Q Okay. And is he a registered lobbyist?

18 A I don't -- I don't know.

19 Q Okay. Well, isn't it true that you only have
20 Mr. Paeolino, who's an outside lobbyist, and you have Mr.
21 Hart, who's an inside lobbyist. And those are the only two
22 registered lobbyists on behalf of UPFFA?

23 A Correct.

24 Q Okay. So Mr. Lennon is not registered as a
25 lobbyist?

26 A I don't know if he is or he isn't.

27 Q Okay.

1 A We don't --

2 Q You have no reason to believe that he is?

3 A Right.

4 Q Okay. And isn't it true that Mr. Lennon from time to
5 time will submit a report indicating his lobbying activities
6 to you?

7 A That he's -- yes, that he's going to -- yes, that he's
8 been up at the legislature.

9 Q And he'll have a number of hours?

10 A Yes.

11 Q Right?

12 A Yes.

13 Q In fact, I saw some entries where it said that, like,
14 Pete told him to go there and what he was supposed to get
15 paid for lobbying.

16 A Well, his staff rate is set. So it's based on per
17 diem, so --

18 Q Sure. And what is the per diem?

19 A Eight hours is \$240.

20 Q Okay.

21 A It used to be 250, but we had to reduce it. We had a
22 suspension.

23 Q Okay. So there is a mechanism in place to ascertain
24 how much time members of the e-board spend lobbying or
25 standing around the capitol?

26 A That's depends on legislators.

27 Q Okay. But what is the policy and standard of the

1 UPFFA with regard to keeping track of those hours?

2 A The person that submits them. This is a --

3 Q Well, is there a policy that says if you go to the
4 capitol and you stand around for hours, you have to submit a
5 report. Does it say that?

6 A If you want to get paid.

7 Q Okay. So only if you're getting paid?

8 A Yes.

9 Q Okay.

10 A I mean, if you're up there with your local --

11 Q So only --

12 A Excuse me. But if you're up there with your local, I
13 wouldn't think that you would submit a per diem to the UPFFA
14 for going up there and assisting.

15 Q Now, you also talked about that Mr. Carozza at some
16 point was reimbursed or the UPFFA was reimbursed from the
17 Federal and State Provincial Fire Fighters Association for
18 travel expenses?

19 A Yes.

20 Q Okay. And when did the delegates authorize the
21 loaning, in effect, of state funds to the Provincial for
22 reimbursement?

23 Why doesn't Mr. Carozza deal directly with them
24 and how they get paid when he travels?

25 A What would be -- what would -- I don't understand.
26 What would be the difference? Why wouldn't we as an
27 association -- because there are a lot of -- I'm -- won't use

1 that word. But there's a lot of "come-ons" from credit card
2 companies where you get credits. Some credit card companies,
3 now they say they'll give you back a dollar for every credit
4 you get or whatever.

5 So why won't we utilize that and have a cache of
6 credits on our credit card.

7 Q Okay. So --

8 A We're being reimbursed for it, so --

9 Q Are we talking the American Express?

10 A We could talk that.

11 Q What credits does the American Express give you other
12 than points? They don't give you any dollars back.

13 A No.

14 Q The only one that gives dollars back is Discover.
15 Correct?

16 A Correct.

17 Q And the UPFFA has never had a Discover card?

18 A That I can't say for sure.

19 Q At least within the time that you've been the
20 treasurer they haven't had a Discover card?

21 A No. Points.

22 Q Points.

23 A Points. I stand corrected.

24 Q So from your -- from your position, your opinion, it's
25 good to use the credit card to make expenditures for other
26 individuals so that the UPFFA gets the points.

27 Is that what you're saying?

1 A What I'm really saying, counselor, is I don't know
2 what the difference is. I don't see the value in the other
3 way of doing it. I just don't see that.

4 Q Okay.

5 A It's easier for us, I believe, to do it the way we do
6 it.

7 Q And with regard to the utilization of the points that
8 you get from the Amex, what's the policy as to who can use
9 those points?

10 A They're on our credit card.

11 Q Okay. They're on an entity's. Correct?

12 A Yes.

13 Q So it's the UPFFA credit card?

14 A Yes.

15 Q So nobody can go to a hotel and say, I am the UPFFA;
16 therefore, redeem my points.

17 A Oh, no. If you did it on -- you could through -- if
18 you were doing association business, you could.

19 Q Okay. So are you saying that when Mr. Carozza makes
20 charges on his American Express that is issued to him by the
21 UPFFA, paid for by the UPFFA, that he gets to keep the
22 points?

23 A The association gets the point.

24 Q Okay. Well, that's what I was trying to say.

25 A Yes.

26 Q That what is the policy with regard to utilization of
27 the points?

1 A I -- counselor, what policy? Policy for what? I
2 mean, what points? The points are -- the points are on a
3 credit card. I mean, I guess I could go in and use them to
4 pay down the bill. I may do that. I know that in some cases
5 there's some -- I guess you can do that.

6 Q You testified today, we went through a lot of charges
7 for Kimberly Taglia on the documents.

8 When did those charges first come to your
9 attention?

10 A For all intents and purposes, today you showed it to
11 me.

12 Q And you also testified that these alleged
13 reimbursements from the Provincial may very possible have
14 been for Kimberly Taglia's travel. Correct?

15 A Well, I don't know what they -- I don't know where
16 they would have been. They probably would have been for
17 Pete. But yeah, I'm not a hundred percent sure.

18 Q I think you were specifically asked about the Kimberly
19 Taglia charges.

20 A Yes. Yeah.

21 Q So it's impossible. It's not --

22 A It's not --

23 Q -- it's so far from very possible. It's impossible.
24 Because then you would have known about the Kimberly Taglia
25 charges way back when when the reimbursement allegedly
26 occurred.

27 A No. That's not accurate. I should have known about

1 them when I got the statement.

2 Q Absolutely.

3 A We all know that. Absolutely. You're a hundred
4 percent right, counselor.

5 Q And at the delegate's meeting, sir, when the roll call
6 is taken on the budget, when every -- you know, James Adams,
7 yea.

8 Is that how it goes?

9 A No.

10 Q No. They just have people raise their hand?

11 A Say, yea, nay, all those in favor?

12 Q They raise hands or is this --

13 A Raise your hand, yell yea or nay.

14 Q Okay. Well, what is their common practice? Do we
15 raise our hands or do we do yea or nay?

16 A I don't know. Whatever you feel like that day,
17 counselor. I mean, say yea.

18 I mean, what's the difference?

19 Q Well --

20 A What's the difference how we approved our budget?
21 It's either yea or nay; you're either for it or against it.

22 Q Well, which is it?

23 A And counselor --

24 Q Which is it? It is the oral acceptance --

25 A We're talking semantics here, counselor.

26 Q Please just listen to the question.

27 A Okay.

1 Q Are we talking an oral yea or nay or raising of the
2 hands? Which is it normally?

3 A I don't know. I can't tell you for sure.

4 Q Okay. Well, what was it in 2015? You testified that
5 you had specific recollection.

6 A Yes.

7 Q Okay.

8 A I had specific recollection.

9 Q And what happened that time?

10 A Raise your hand.

11 Q Okay. And you testified that you saw Mr. Cottage
12 raise his hand?

13 A No. I said -- I said I didn't see Mr. Ricci raise his
14 hand, I believe. Because I wasn't looking at everybody. But
15 when the nays came out, all those in favor, yea. All those
16 against, nay. There were no nays, and there were no
17 absentias. That I remember.

18 Q Okay. So, sir, when a legislative-only union is a
19 delegate to the state convention of the UPFFA, how many
20 individuals are they allowed to send on behalf of their local
21 to vote?

22 A Depends on how many members they have.

23 Q Okay. Do you happen to know particularly with regard
24 to New Haven how many they would be allowed to send?

25 A Well, it depends on what time frame you're talking.

26 Q Let's talk about 2001.

27 A They probably had 238 members back then. I do

1 remember that number, too, because.

2 Q Okay. So based upon 238, how many would they be able
3 to send?

4 A I believe they would have had five members. Lou
5 Demici can correct me if I'm wrong.

6 Q Okay.

7 A You're allowed one member per -- I'd have to go back
8 and look.

9 Q Okay.

10 A I believe it would have been five, at least five
11 members.

12 Q Okay. And are you -- are you aware -- have you had an
13 opportunity to read Mr. Ricci's deposition in this case?

14 A No, I did not read it.

15 Q Okay. So if I was to tell you that Mr. Ricci
16 testified that he never voted on any budget, that he never
17 raised a hand, would you have any information to the
18 contrary?

19 A To -- counselor, it's either yes, no, or I abstain.

20 Q Okay.

21 A If you do none of the three above, you in essence have
22 agreed to it.

23 Q Okay.

24 A I believe that's the way it goes.

25 THE COURT: All right. Mr. Fishbein, I'm
26 going to have to interrupt now, we're going to have
27 to take the luncheon recess. So we'll be in recess

1 until 2 p.m. Court's in recess.

2 (WHEREUPON THE COURT STANDS IN RECESS.)

3 THE COURT: All right. Good afternoon.

4 Please be seated. All right.

5 Ready to resume with the witness?

6 ATTY. FISHBEIN: Yes, your Honor. Thank
7 you.

8 THE COURT: You may proceed.

9 BY ATTY. FISHBEIN:

10 Q Good afternoon, Mr. Anthony.

11 A Good afternoon.

12 Q What is -- to your knowledge, what is the reason that
13 the state union offers two-tiered system for potential locals
14 to join them?

15 A Some of the locals do a lot of their own
16 representation. They have more than enough people on the job
17 that are qualified to do the duties of their officers.

18 Q Okay. So why not -- at one point you would agree with
19 me the only service that the state union offered locals,
20 sublocals, was full-service membership. Is it fair to say?

21 A Fair to say.

22 Q Okay. And at some point a decision was made to offer
23 this other low-level service. Is it fair to say?

24 A I would say it's -- it's not a -- not technically a
25 lower-level service. Everybody gets legislative service.

26 Q Sure.

27 A And then, yes, but we can -- all intents and purposes

1 we can say lower level.

2 Q Okay. And that legislative-only service coming into
3 being, do you know why that was offered by the state union?

4 A Yes. I believe I was involved in that when we went to
5 do this, yes.

6 Q Okay. And what was the reasoning for offering that
7 lower-level service?

8 A To bring some of the locals back into the state
9 association.

10 Q Okay. It's fair to say that some of the larger unions
11 around the town -- around the state had not been part of the
12 UPPFA, and this was a way to get them to reaffiliate. Is it
13 fair to say?

14 A To reaffiliate, yes. There wasn't -- eventually I
15 don't think there was more than one at that time, possibly.

16 Q Okay. So when you say you "don't think there was more
17 than one at that time," which one particularly did you -- you
18 remember?

19 A Well, Hartford was out, I believe, at that time.

20 Q Okay.

21 A And then I believe back then, I believe Stamford
22 was -- was in. So everybody --

23 Q Stamford was what?

24 A In.

25 Q Okay.

26 A So I believe it was Hartford and possibly New Haven
27 were -- were unaffiliated at the time.

1 Q Okay. And it's your understanding that the UPFFA
2 created this lower-level service to bring in or make it more
3 desirable for Hartford and New Haven perhaps to reaffiliate.

4 Is it fair to say?

5 A Yeah.

6 Q Okay. And let me just, just so that we're clear: A
7 legislative-only member of the UPFFA, the -- well, withdrawn.

8 All members of the UPFFA, whether they be full
9 members or legislative members, they get legislative
10 advocacy, lobbying, the benefit of identifying needs of fire
11 fighters in developing legislative remedies.

12 You would agree with those things?

13 A Yes.

14 Q The endorsement of candidates for political office.
15 That's something that's given to both classes?

16 A Yes.

17 Q Legislative tracking?

18 A All of that.

19 Q All members, legislative research and position papers.
20 All members get that?

21 A Yes.

22 Q Right? PAC fund development and administration is a
23 benefit to all members. Correct?

24 A I -- I would believe so, yes.

25 Q Now, if we put a wall there, is there anything else
26 that legislative-only members are entitled to receive, based
27 upon that lower-level service?

1 A All legislative members get everything. They get --

2 Q Okay. So let me just -- let me just ask the question
3 again. Okay?

4 A Okay.

5 Q Because it's sort of like was a yes or no question.
6 Okay.

7 I read to you a list of things.

8 A Yep.

9 Q Do legislative-only members get anything in addition
10 to what I listed there?

11 A Yes.

12 Q Okay. What particularly do they get? Do they get,
13 like, collective bargaining assistance?

14 A If they -- if they --

15 Q That's a yes or no question.

16 Do they get collective bargaining assistance?

17 A No.

18 Q Okay. So can you just give me one classification
19 other than what I already listed that -- that
20 legislative-only members get separate and apart from
21 full-service members?

22 A General liability insurance for the local.

23 Q Okay. They get the ability to purchase general
24 liability --

25 A It's included.

26 Q Okay. So legislative and full-service members are
27 given general liability insurance as a result of being

1 legislative-only members?

2 A Yes. Everybody gets that.

3 Q And that's part of them paying their per capita?

4 A Correct.

5 Q Okay. Is there anything else in particular?

6 A Yes. Earlier we had talked about the attorneys that
7 we have on retainer. They get the reduced rate.

8 Q Okay.

9 A Yes. If they need -- if they have a case, an
10 arbitration case, and they -- they need an arbitrator, they
11 can request one of our staff reps, who they will get at a per
12 diem and a half per day.

13 Q Okay.

14 A Which was billed directly to the local, which is a
15 great reduction over having to go out and hire a regular
16 arbitrator to sit on a panel.

17 Q Okay. And those are still things they have to pay for
18 separate and apart of their per capita?

19 A Yes.

20 Q Okay. And is there anything else that a
21 legislative-only member union would receive separate and
22 apart from what we've already just discussed?

23 A No, nothing comes to mind.

24 Q Okay. So let's turn -- let's put that wall up and
25 let's go to the full service membership, just to talk about
26 the distinction.

27 A Okay.

1 Q Full-service members get collective bargaining
2 support?

3 A Correct.

4 Q And within that they get the preparation and
5 presentation of the collective bargaining process from start
6 to finish. Is that correct? Yes?

7 A Yes. Yes. I -- failed to mention that as a -- all
8 members -- legislative members would get a lot of help if
9 they requested it. Aside from having the staff rep
10 physically be present at their hearing, they would get all
11 the background information that we have, yes.

12 Q Okay. Well, I thought we were done with legislative
13 members --

14 A And I'm sorry. I left that out.

15 Q But in the collective bargaining realm, a full-service
16 membership gets you a staff representative from the state
17 union to do the collective bargaining from start to finish.

18 A We can say that's correct.

19 Q Okay. And that's something the legislative members
20 don't get. They don't get a staff rep?

21 A No.

22 Q Okay. You agree we me. I just want to make sure.
23 Yes?

24 A Yeah.

25 Q Okay. And also as part of the full service, you get a
26 staff negotiator to provide for contract pension impact.
27 Bargaining or other bargaining including interest

1 arbitration. That's something else that a full-service
2 member would get separate and apart from a legislative?

3 A Correct.

4 Q Okay. And they would get a labor advocate for the
5 arbitration panel also provided at no additional cost to
6 them?

7 A Correct.

8 Q Okay. And also a full-service member separate and
9 apart from a legislative member would get consultation,
10 evaluation, and representation with regard to complaints,
11 labor complaints?

12 A Yes.

13 Q And assistance in defense with grievance and grievance
14 arbitration?

15 A From a staff rep, yes.

16 Q Yes. A staff rep compensated by the state union?

17 A Yes.

18 Q That would deal with or get somebody -- a staff rep to
19 defend a member of their local from a prohibitive practice
20 complaint?

21 A Correct.

22 Q They would get assistance and advice to the -- in
23 preparation and follow up of worker's compensation cases and
24 other labor employment subject areas?

25 A To a point on the workmen's comp cases, yes.

26 Q Okay. Also as a full-service member, there would be
27 somebody assigned -- a director in particular to provide the

1 affiliate with research and professional studies on
2 contracts, pensions, benefit comparisons, municipality
3 comparisons. And they would prepare briefs and position
4 papers along those lines.

5 That's something else a full-service member would
6 get separate and apart from a legislative-service member. Is
7 that fair to say?

8 A Some of that is fair to say.

9 Q Okay. Well, what particular portion is not fair to
10 say?

11 A A lot of research would be -- would be offered to the
12 legislative-associated member also.

13 Q Okay. Because that's an accumulated data base
14 available --

15 A Exactly. We pay to have that and -- yes.

16 Q But if a legislative-service member --
17 legislative-only member came to the state union with a
18 particular new issue regarding workers' compensation, that
19 service would not be available to them as opposed to it would
20 be available to the full-service member as far as analysis of
21 that?

22 A No. They would be -- they would be entitled to that.
23 They would never be turned away.

24 Q Okay.

25 THE COURT: Do you mean that they would be
26 given the data that the organization has
27 accumulated?

1 THE WITNESS: Yes, your Honor.

2 THE COURT: When you -- does that mean,
3 though, that they would get personal assistance and
4 advice as well?

5 THE WITNESS: If they -- if they so choose to,
6 yes, your Honor. Our staff reps are available to
7 assist them, yes.

8 THE COURT: For the legislative only?

9 THE WITNESS: No. In any issue that -- if
10 they requested information on an issue and they
11 came and met at our office, we would supply them
12 with a staff rep to help them with what they needed
13 for that. We wouldn't go physically to the
14 hearing. But to help them with the data, we would
15 give them all the data that we had.

16 THE COURT: All right. Please continue.

17 BY ATTY. FISHBEIN:

18 Q And, sir, does the legislative-only member who perhaps
19 is desirous of those services, do they have to pay for that
20 staff rep to render that service?

21 A If they came to the office, no.

22 Q Okay. Well, what's the distinction? If the staff rep
23 met down the street from the office?

24 A No. Probably not. No.

25 Q Okay. Do you recall in I believe it was February of
26 2012 there was a discussion at a UPFFA board meeting about
27 whether or not staff reps should be given to legislative-only

1 unions for any purpose.

2 Do you recall this discussion?

3 A I can't say that I do. But I -- I mean, I wouldn't
4 rule it out --

5 Q Okay.

6 A -- we had a discussion on it.

7 Q Do you recall having a discussion -- there was some
8 complaints about staff reps being utilized by
9 legislative-only members and it was improper.

10 Do you remember that?

11 A 2012?

12 Q Yes, sir.

13 A I -- I -- counsel, I can't deny it, but I don't recall
14 it. I don't recall the incident. I don't recall the --

15 Q Okay. No problem. I don't want you to --

16 A Yeah.

17 Q -- testify to something you don't know about.

18 Now, sir, you were asked about Exhibit 21. If
19 you'd turn in the book, please, to Tab 21.

20 A Okay. Yes.

21 Q And I didn't get the opportunity yesterday to ask you
22 about this document. But it's in evidence now. And I think
23 you were asked on cross about whether or not you would be
24 required to file this document with the IAFF.

25 A Yes.

26 Q Do you remember that?

27 A Yes.

1 Q And I think your answer via that particular question
2 was you would not be required to. Is that --

3 A Yes.

4 Q Okay. And what is your -- why is that your
5 position?

6 A I believe a phone call was made. And --

7 Q Well, I don't want to talk about what somebody else
8 said. But I believe your prior testimony had nothing to do
9 with a phone call.

10 A Okay.

11 Q Okay.

12 A Because I haven't -- I have not received anything from
13 the international requesting this report.

14 Q Okay. Because someone hasn't asked for it, then that
15 means you're not required to file it, even though there's an
16 entry in the national bylaws that says that locals are
17 supposed to file this document.

18 Is that your position?

19 A My position is that this pertains -- this says IAFF
20 local unions.

21 Q Okay.

22 A Local, not a -- state associations. So I have not
23 filed it. As I stated earlier -- and I wasn't even really
24 aware of it. And I have not received anything from the
25 international saying that they have not received it.

26 Q Okay.

27 A And if it was required, again, under the guise of --

1 assuming -- I would assume that they would notify me or the
2 association that it needed to be filed because it was not.

3 Q Okay. So you would assume that their treasurer would
4 actually be reviewing the documents and see whether or not
5 the documents were being filed appropriately --

6 A Correct.

7 Q -- and would follow up and that kind of thing.

8 Can I turn you to Exhibit 6, please. And you've
9 seen Exhibit 6 before. Correct? That's the -- I think this
10 hangs on the wall at the UPFFA --

11 A Yes.

12 Q -- headquarters.

13 A Yes.

14 Q Right?

15 A Yes.

16 Q And this is the certificate of affiliation that the
17 IAFF gave to the UPFFA January 7, 1946. Hangs on the wall?

18 A Yes.

19 Q Correct?

20 A Yes.

21 ATTY. FISHBEIN: Your Honor, do you have a
22 color copy of this?

23 THE COURT: No, I don't.

24 ATTY. FISHBEIN: I believe if you had the
25 color copy, it would be easier to read the
26 language.

27 THE COURT: Well, if you want me just to

1 notice that it says, The institution of a local
2 fire fighters union, I already have.

3 ATTY. FISHBEIN: Okay.

4 THE COURT: So there you go. I assume that's
5 your point.

6 ATTY. FISHBEIN: Yes, your Honor. Okay. That
7 is my point.

8 I have no further questions of this witness.

9 THE COURT: Very well. Any recross?

10 ATTY. VALENTINO: No, your Honor.

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

13 THE WITNESS: Oh.

14 THE COURT: You're finished at last.

15 THE WITNESS: I am done, your Honor?

16 THE COURT: You're free to go.

17 THE WITNESS: Thank you.

18 THE COURT: I'd move quickly to the exit, if I
19 were you.

20 THE WITNESS: Thank you very much, your Honor.

21 (WHEREUPON THE WITNESS STEPS DOWN.)

22 THE COURT: All right. Other evidence?

23 ATTY. FISHBEIN: Your Honor, I just wanted to
24 inquire about your concerns about notice here.

25 THE COURT: Yes. I had meant to ask
26 previously. What I had ordered was that a notice
27 be sent to the international.

1 ATTY. FISHBEIN: No. I was talking about
2 different notice.

3 THE COURT: Oh.

4 ATTY. FISHBEIN: That --

5 THE COURT: That was -- that one's on my
6 mind.

7 ATTY. FISHBEIN: That's been complied with.

8 THE COURT: And I wanted -- I never got an
9 answer as to -- because I didn't ask.

10 That was done, I'm assuming.

11 ATTY. FISHBEIN: Yes, your Honor. The
12 electronic filing will reflect I think it was the
13 next day.

14 THE COURT: All right. That's fine. You have
15 a return receipt?

16 ATTY. FISHBEIN: I did not actually get the
17 green, although I've been -- not been in the office
18 for a few days now. I did get, however, via e-mail
19 a notice from the postal system that my mail was
20 delivered.

21 THE COURT: Delivered.

22 ATTY. FISHBEIN: Yes, sir.

23 THE COURT: All right. So there's a different
24 notice issue, though, that you wanted to raise?

25 ATTY. FISHBEIN: Yes, your Honor. It is the
26 underlying notice, the claim that Mr. Ricci's
27 e-mail to the local was not via certified mail,

1 that that's not -- because there's a rule that
2 they're relying upon that says that notice has to
3 be by certified mail.

4 We don't think that that's at issue here or an
5 issue before the Court. Because, clearly, the
6 e-mail was sent. There was acknowledgment of the
7 e-mail.

8 THE COURT: Well, given that there was -- I
9 mean, in other words, what you want to say is there
10 was actual notice.

11 And, Ms. Valentino, does the state union claim
12 that failure to comply with the requirement of
13 certified mail invalidates the -- the attempt to
14 disaffiliate?

15 ATTY. VALENTINO: That is the claim, your
16 Honor.

17 THE COURT: All right. So knowing that that's
18 a claim, it would seem to me that it's really a
19 question of -- to me it's a question of law as
20 of -- on the surface of it at least to me it's a
21 question of law as to whether I should take that as
22 to be a provision that would invalidate the
23 disaffiliation.

24 Otherwise, Mr. Fishbein, the issue is putting
25 evidence on that they don't always follow the rules
26 or something? I think the last witness conceded
27 that sometimes they don't. But then the question

1 is is: How important is this one?

2 So I -- I think this will be a subject -- a
3 good subject for argument and then if there's any
4 case law on point. But that's -- that's my
5 reaction to it, if that's what you're wondering.
6 I -- on the surface of it, it would seem to me that
7 actual notice is the important thing. But if there
8 is some reason why this particular provision is
9 arguably something that has to be enforced in the
10 most literal sense for some contractual reason or
11 something else, then I'd hear the argument.

12 ATTY. VALENTINO: Your Honor, can I just --
13 I'm not really sure why that has anything to do
14 with the injunction matter. I understand that they
15 have to prove on some level that they -- there's a
16 possibility that they might be successful on the
17 underlying action. But, I mean, we haven't even
18 answered the complaint yet.

19 So technically that's not even something
20 that's on the table here right now.

21 THE COURT: Well, are you going to offer
22 evidence -- are you going to argue that the one
23 reason that the temporary relief should be denied
24 is because they didn't send it a certified mail
25 notice?

26 ATTY. VALENTINO: Am I going -- I'm sorry. I
27 didn't --

1 THE COURT: In other words, are -- are you
2 going to make an argument here that one reason that
3 I should deny the relief they're after is because
4 they didn't send a certify mail notice of
5 disaffiliation?

6 ATTY. VALENTINO: No.

7 THE COURT: Oh. Well, Mr. Fishbein, does that
8 satisfy you on the point? It's not -- it's not --
9 it's not going to be an issue that's raised here by
10 the defense.

11 So do we need to go into it?

12 ATTY. FISHBEIN: Your Honor, if -- if for the
13 purposes of where we are, that issue does not
14 pierce or defeat our ability to prove to you
15 likeliness of success on the merits, I think, for
16 the purposes of where we are right now, I would not
17 need that additional testimony.

18 THE COURT: I think that makes sense because
19 it's not being raised as a bar to your getting the
20 relief. So why -- why address it at all? I'm not
21 going to address it if nobody's claiming it's a
22 bar.

23 ATTY. FISHBEIN: Okay. All right. So then
24 plaintiff rests.

25 THE COURT: All right. Rests. All right.
26 Does the defense wish to put on evidence?

27 ATTY. VALENTINO: Yes, your Honor.

1 THE COURT: All right. You may begin.

2 ATTY. VALENTINO: We'd like to call Peter

3 Carozza to the stand, please.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1 **P e t e r C a r o z z a**, of West Hartford,
2 Connecticut, having been duly sworn by the court
3 officer, testifies as follows:

4 DIRECT EXAMINATION BY ATTY. VALENTINO:

5 Q Good afternoon, Mr. Carozza.

6 A Good afternoon.

7 Q What is your current position with the UPFFA?

8 A I serve as president of the Uniformed Professional
9 Fire Fighters of Connecticut.

10 Q And how long have you been president?

11 A Since 1994.

12 Q Mr. Carozza, does the UPFFA have a constitution and
13 bylaws?

14 A Yes, we do.

15 Q Did they have constitution and bylaws in effect during
16 the time, let's say, in January of 2016?

17 A Yes.

18 Q Did the UPFFA also have a policy manual?

19 A Yes.

20 Q And did it have a policy manual in effect during
21 January of 2016?

22 A Yes.

23 Q Do you know if that policy manual contained procedures
24 regarding disaffiliation?

25 A It does.

26 Q Okay. Are you aware what that procedure for
27 disaffiliation would be?

1 A Yes.

2 Q Is that the same procedure for locals to follow if
3 they choose to change their disaffiliation status, say, from
4 full to legislative or from legislative to full?

5 A Yes.

6 ATTY. FISHBEIN: Objection, your Honor. I
7 believe the witness is now testifying about a
8 document that is not in evidence.

9 THE COURT: Well, I was going to ask if the
10 document is in evidence. Is it?

11 ATTY. VALENTINO: It's actually --

12 THE COURT: The -- the book -- the
13 constitution and bylaws were in. But is this
14 policy manual, what exhibit is it if it's in? I
15 don't recall seeing a policy manual.

16 ATTY. VALENTINO: I may be incorrect, your
17 Honor.

18 THE COURT: I have an international
19 constitutional and bylaws. Is the state --

20 ATTY. VALENTINO: I believe it's --

21 THE COURT OFFICER: We have a 16.

22 ATTY. VALENTINO: -- Exhibit 16.

23 THE COURT OFFICER: Yes, 16.

24 THE COURT: Pardon?

25 ATTY. VALENTINO: I believe it's Exhibit 16.

26 THE COURT OFFICER: Yeah.

27 THE COURT: Sixteen is which?

1 ATTY. VALENTINO: It's UPFFA's CT policy
2 manual 1/6/2015.

3 THE COURT: Okay. I see it.

4 ATTY. VALENTINO: Okay.

5 THE COURT: Sixteen that's labeled as a full
6 exhibit. So are the constitution and bylaws here,
7 too? I saw the international, but --

8 ATTY. VALENTINO: I -- I do have a copy of the
9 constitution and bylaws, your Honor, but I haven't
10 offered that up yet. I can question Mr. Carozza --

11 THE COURT: So that is not -- it's agreed
12 that's not in evidence -- right? -- yet. Right?

13 ATTY. VALENTINO: Correct, your Honor.

14 THE COURT: All right. So that certainly, if
15 you're going to rely on any provision in it, it'll
16 have to be -- it ought to be put into evidence. So
17 if you want to take care of that first --

18 ATTY. VALENTINO: Right.

19 THE COURT: -- that would be fine.

20 I assume, Mr. Fishbein, is there -- is there
21 an objection to putting the constitution and bylaws
22 of the state organization in?

23 ATTY. FISHBEIN: More than likely not. I just
24 need a date.

25 THE COURT: You'd like to see the copy, I
26 would think, so --

27 ATTY. FISHBEIN: Yes, your Honor.

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

2 THE COURT: You may.

3 THE COURT OFFICER: Thank you. All right. Is
4 this A or B?

5 ATTY. VALENTINO: This would be A.

6 THE COURT: Okay.

7 THE COURT OFFICER: We talked about A --

8 ATTY. VALENTINO: We talked about A.

9 THE COURT OFFICER: -- but didn't actually get
10 it. Thank you.

11 THE COURT: So, Ms. Valentino, are you now
12 offering Exhibit A, the constitution and bylaws?

13 ATTY. VALENTINO: Correct, your Honor. And I
14 do believe there's no objection.

15 THE COURT: All right. Any objection to -- to
16 Exhibit A?

17 ATTY. FISHBEIN: No, there's not. Thank you,
18 your Honor.

19 THE COURT: A is a full exhibit. All right.

20 So now we have the policy manual in front of
21 us. If you have a question about that, you may
22 continue.

23 ATTY. VALENTINO: Thank you, your Honor.

24 BY ATTY. VALENTINO:

25 Q If you could turn to Tab 16 for me, please.

26 A Attorney Valentino, can you move a little? I'm having
27 difficulty hearing you.

1 ATTY. VALENTINO: Oh, I'm sorry.

2 THE COURT: You can pull that closer to you.

3 So you see it how close I am to it? You really
4 kind of have to be almost on top of it.

5 ATTY. VALENTINO: I'm going to bring my kids
6 in here so they can hear people tell me that I'm
7 quiet.

8 BY ATTY. VALENTINO:

9 Q Can you turn to Tab 16, please?

10 A Yes.

11 Q Let me ask you: Are locals provided with a copy of
12 the constitution and bylaws and the policies -- policy book
13 of the UPFFA, policy manual?

14 A Yes.

15 Q And when are they provided with a copy?

16 A Either join -- when they're joining or if there have
17 been any changes in this constitution and bylaws or policies,
18 they're distributed by the secretary's office.

19 Q And do you know whether Local 825 was provided with a
20 copy of the constitution and bylaws?

21 A Yes. Yes, they were.

22 Q What is the process for providing locals with a copy
23 of the constitution and bylaws and the policy manual?

24 A Either hand delivered or mailed or referred to our
25 website in the members resources.

26 Q I'm going to ask you to turn in the policy manual --
27 I'm going to ask you to turn to page 15, which has a Bates

1 number, too, in case you need that.

2 A Okay.

3 Q First I'm going to ask you what your understanding of
4 this provision is? How do the local union members -- local
5 unions go about disaffiliating?

6 ATTY. FISHBEIN: Your Honor, I'm going to
7 object to the question.

8 THE COURT: Well --

9 ATTY. FISHBEIN: The document speaks for
10 itself.

11 THE COURT: Let me -- see, I -- you said
12 something about whether you were giving page
13 numbers in Bates stamp or on the manual. Are you
14 on page 15 of the manual?

15 ATTY. VALENTINO: Correct, your Honor.

16 ATTY. FISHBEIN: The word "disaffiliate" is
17 not on this page.

18 THE COURT: Well, I'm looking for, in other
19 words, if you want to ask a question about the
20 provision of the policy manual, you can read it and
21 then ask him a question. If you want to ask him
22 about something else, you may. But are you asking
23 about the document or are you asking about
24 something else?

25 ATTY. VALENTINO: I'm asking him his
26 understanding of how a local disaffiliates from --

27 THE COURT: Well, you could ask him his

1 understanding, yes.

2 ATTY. VALENTINO: Yes. So --

3 THE COURT: Which is not the same as reading
4 from the manual. You want to know what his -- his
5 understanding. And I'll allow that.

6 BY ATTY. VALENTINO:

7 Q What is your understanding of how a local would go
8 about disaffiliating from the state union?

9 A My understanding is that a local must notify the
10 treasurer of the organization by certified mail by September
11 1st, I believe it is -- I'm not looking at the document but I
12 believe it's September 1st -- to their -- their notice of
13 withdrawal from the organization.

14 Q And what is your understanding as to why September 1st
15 is an important date?

16 A We established this policy in order for us to -- when
17 I say "us," the organization -- to establish our yearly
18 budget. So next year's budget, we would like the information
19 available on which local is in, what type of affiliation they
20 choose. This helps the finance committee, the treasurer and
21 the executive board, to get a better handle on a proposed
22 budget to the membership.

23 Q And that budget is prepared in what month? I'm sorry.

24 A It's allegedly prepared by the treasurer in --

25 ATTY. FISHBEIN: Objection. Seemed to be
26 nonresponsive.

27 THE COURT: All right. Continue. You may

1 continue your answer.

2 THE WITNESS: It appears that the September
3 1st date was put in the policy to give the
4 opportunity to the treasurer and the finance
5 committee to develop a budget to be proposed to the
6 executive board in the month of November, followed
7 by approval of the delegates in December.

8 BY ATTY. VALENTINO:

9 Q I'm going to ask you to look at Section 4 Subsection C
10 in the policy manual in the same page you're on right now,
11 4C.

12 A Okay.

13 Q Are you sure that the executive board meets in
14 November?

15 A Yes. The executive board meets -- well, it's kind of
16 a work in process. They start in October, continue on to the
17 executive board meeting, where they propose. So they may
18 very well start in September, work through the month of
19 October on the budget proposals, yes.

20 Q Okay. But in either case, the number of members the
21 union had would be important for the e-board to have --

22 A Yes.

23 Q -- in preparing the budget for the upcoming fiscal
24 year?

25 A Yes. Yes.

26 ATTY. FISHBEIN: Objection. Leading.

27 THE COURT: Sustained.

1 ATTY. VALENTINO: Okay.

2 BY ATTY. VALENTINO:

3 Q Would the information pertaining to the number of
4 members the UPFFA has be important in preparing the budget
5 for the upcoming fiscal year?

6 ATTY. FISHBEIN: Objection. Leading.

7 THE COURT: I'm sorry. You'll have to stand
8 and use the microphone so that your --

9 ATTY. FISHBEIN: Objection. Leading.

10 THE COURT: -- objection's on -- overruled.

11 That one's overruled.

12 ATTY. VALENTINO: Thank you, your Honor.

13 BY ATTY. VALENTINO:

14 Q And so you can answer the question.

15 A Can you repeat, please?

16 Q Sure. I'll try to get the correct one on the record
17 this time. Is the information regarding -- withdrawn.

18 Is the number of members the UPFFA has important
19 information for the e-board to have in preparing its budget
20 for the upcoming fiscal year?

21 A Yes.

22 Q And why would that be important information for the
23 e-board to have in preparing the budget?

24 A Well, it's assists the e-board in making their
25 recommendation on the budget that they're going to propose to
26 the delegates.

27 Q Mr. Carozza, have you ever had a local union

1 disaffiliate from the UPFFA successfully?

2 A Yes.

3 Q And what union would that be?

4 A That would be the Stamford Fire Fighters Local 786, I
5 believe.

6 Q And did they provide any type of notice to you of
7 their intent to disaffiliate?

8 A They did.

9 Q And when was that notice received about?

10 A They complied with this provision in the policy
11 book.

12 Q So would they have -- so did they provide the notice
13 by September 1st?

14 A Yes.

15 Q And were they subsequently released from their
16 affiliation with UPFFA as a result?

17 A Yes, the following year.

18 Q Is the UPFFA's -- a member of the International
19 Association of Fire Fighters or the IAFF?

20 A Yes.

21 Q Did you sit on any committees for the IAFF?

22 A I've participated in a convention committee, but not
23 formal committees of the organization, no.

24 Q And what was the convention committee entitled, if
25 there was one?

26 A The 2014 convention of the International Association
27 of Fire Fighters, I served as a member of the constitution

1 and bylaws committee.

2 Q What was your role as a member of the committee for
3 the constitution and bylaws committee?

4 ATTY. FISHBEIN: Objection, your Honor.
5 Relevance.

6 ATTY. VALENTINO: I was getting there.

7 THE COURT: Are you -- you're going to tell
8 me -- if you're going to tell me you're going to
9 lay the foundation -- you're laying the foundation
10 for its relevance, you may continue.

11 ATTY. VALENTINO: Absolutely, your Honor.

12 THE COURT: We'll see where it takes us. In
13 other words, it may connect up with something such
14 as to explain expenses or something of that
15 nature.

16 ATTY. FISHBEIN: Thank you, your Honor.

17 THE COURT: So we'll see where it goes.

18 BY ATTY. VALENTINO:

19 Q And so what was the role as a member of the committee
20 for constitution and bylaws?

21 A Each committee of the international convention --
22 international convention has a number of committees. Each
23 district -- there's 16 districts in the IAFF, the
24 International Association of Fire Fighters. Each district
25 has a seat on each committee.

26 As the third district, which is comprised of
27 Connecticut, Rhode Island, Massachusetts, New Hampshire,

1 Maine and Vermont, that's the third district, and that's who
2 I represented on the committee.

3 Q Okay. But what would you be doing while you were on
4 the committee?

5 A Reviewing any resolutions that were submitted to the
6 convention go before the committee.

7 Q So the name of the committee is the constitution and
8 bylaws committee. Correct?

9 A Yes.

10 ATTY. FISHBEIN: Objection. Leading.
11 Mischaracterizes prior evidence.

12 ATTY. VALENTINO: He just said that.

13 THE COURT: Don't -- don't -- never never
14 argue back and forth.

15 ATTY. VALENTINO: Sorry.

16 THE COURT: The way to make an objection is
17 you stand up and state the name of the objection.
18 And then, if I need to hear argument, I'll ask.

19 ATTY. VALENTINO: I apologize, your Honor.

20 THE COURT: But the -- the objection is
21 mischaracterizes his prior testimony and is
22 leading.

23 He did just say that the job was the
24 constitution and bylaws and to consider any
25 resolutions that someone may put forward. Now,
26 what question would you like to ask after that?
27 That's what he said.

1 ATTY. VALENTINO: Sure.

2 THE COURT: So what else?

3 BY ATTY. VALENTINO:

4 Q So resolutions --

5 THE COURT: About what?

6 ATTY. VALENTINO: About what.

7 THE COURT: That's the question?

8 ATTY. VALENTINO: Thank you, your Honor.

9 THE COURT: All right.

10 ATTY. FISHBEIN: I believe the question has to
11 do with the title of the committee.

12 THE COURT: No. No. Both were covered.
13 Because he said, Well, what -- the question was:
14 What did you do there? He said, Well, we reviewed
15 any resolutions that might be put before the
16 convention. And then the next question followed.

17 And so the question pending, then -- now is:
18 What kind of resolutions?

19 THE WITNESS: That's the question?

20 BY ATTY. VALENTINO:

21 Q That's the question.

22 A Could be a very -- a wide variety of resolutions that
23 are submitted from locals from across the United States and
24 Canada. Those resolutions are submitted to the general
25 president of the international, and he designates what
26 committee they're assigned to.

27 Q Okay. In 2014 was there a conversation among

1 committee members about, say, any provisions of the
2 constitution and bylaws?

3 A Yes.

4 Q I'm going to have you turn to Exhibit 5, please.

5 A Okay.

6 Q Okay. And that is the constitution and bylaws of the
7 IAFF. Is that correct?

8 A Yes.

9 Q I'm going to ask you to turn to page 33. I'm going to
10 ask you to look at Section 2, which is entitled, Voluntary
11 forfeiture of charter and dissolution of local unions or
12 other subordinate bodies.

13 Is that correct?

14 A Yes.

15 Q Okay. Was this provision discussed during the 2014
16 convention amongst committee members?

17 A Yes.

18 Q Do you have -- based on that discussion, do you have
19 an understanding of what this provision -- of what this
20 provision means?

21 A I do.

22 Q And what is your understanding as to what this
23 provision pertains to?

24 ATTY. FISHBEIN: Objection, your Honor.

25 THE COURT: What's the name of the objection,
26 please?

27 ATTY. FISHBEIN: Document speaks for itself.

1 ATTY. VALENTINO: I'm asking him his
2 understanding.

3 ATTY. FISHBEIN: If he's going to go outside
4 the document, it would be hearsay.

5 THE COURT: Well, the objection is hearsay.
6 And the objection is that best evidence of what the
7 document says is what the document says. You're
8 not -- you're not going to ask him now about what
9 the document says? You're going to ask him of his
10 understanding of it?

11 ATTY. VALENTINO: I'm going to ask him about
12 his understanding based on his presence at a
13 meeting where this was discussed.

14 THE COURT: If it influenced his conduct, he
15 can explain why his -- what his understanding is to
16 the extent it influenced his conduct. But as to
17 what it actually says, I'm just going to read it.
18 So I'll allow the question for the purpose of him
19 explaining potentially why he did something in this
20 case. So you may ask the -- the question maybe
21 asked. And the objection is overruled.

22 You may continue. So the question is what's
23 his understanding of the provision?

24 ATTY. VALENTINO: Correct, your Honor.

25 THE WITNESS: My understanding of the
26 provision is that any local in the IAFF who wants
27 to withdraw their membership from their state

1 affiliate must -- actually, I retract that -- shall
2 conduct a membership vote within 30 days of
3 disaffiliation.

4 ATTY. VALENTINO: Thank you.

5 BY ATTY. VALENTINO:

6 Q I'm going to ask you -- in the same document, I'm
7 going to ask you to turn to page 54.

8 ATTY. VALENTINO: Your Honor, I'd ask you to
9 take notice of the bottom paragraph of the
10 document.

11 THE COURT: Page 54 in Exhibit 5?

12 ATTY. VALENTINO: Yes. Correct.

13 THE COURT: The bottom paragraph.

14 ATTY. VALENTINO: Yes. And --

15 THE COURT: What part?

16 ATTY. VALENTINO: If he can read the first
17 sentence aloud to the Court.

18 THE COURT: Well, you may read it if you
19 wish.

20 ATTY. VALENTINO: Okay. Either party may be
21 granted a postponement for a reasonable period of
22 time of a trial at the discretion of the trial
23 board if a showing is made that there is a
24 concurrent court or administrative agency case
25 involving substantially the same issues and
26 parties; that continuation of the trial board may
27 prejudice the rights of either party.

1 THE COURT: I've made note of that language.

2 BY ATTY. VALENTINO:

3 Q Mr. Carozza, have -- has anyone from Local 825 sent a
4 letter to the trial -- trial board of the International
5 Association of Fire Fighters requesting a stay of that
6 matter?

7 ATTY. FISHBEIN: Objection.

8 THE COURT: What's the name of the objection,
9 please?

10 ATTY. FISHBEIN: Lacks foundation. How is
11 this witness --

12 THE COURT: Well, the question is -- if you
13 ask it as, Do you know, you can ask the question.

14 Does he know?

15 BY ATTY. VALENTINO:

16 Q Certainly. Do you know?

17 THE COURT: You can lay the foundation to
18 it.

19 BY ATTY. VALENTINO:

20 Q Do you know whether anyone from Local 825 has sent a
21 letter to the national organization requesting a stay of the
22 charges against them while this court action is pending?

23 A I do not.

24 Q Mr. Carozza, the UPFFA brought charges through the
25 IAFF against Messrs. Ricci and Vendetto. Correct?

26 A Yes.

27 Q And this was done in May of 2018. Correct?

1 A Yes.

2 Q And yet no letter has been sent that you're aware of
3 to the national asking for a stay of those charges. Is that
4 correct?

5 A That's correct.

6 Q And is it your understanding that any parties can seek
7 a stay of the charges at any time if there's a court action
8 pending?

9 A That is my understanding, yes.

10 THE COURT: Is your fiscal year a calendar
11 year?

12 THE WITNESS: Yes, your Honor.

13 THE COURT: Thank you.

14 BY ATTY. VALENTINO:

15 Q Mr. Carozza, you heard some testimony from Mr. Anthony
16 regarding some of your expenses in particular. Correct?

17 A I did.

18 Q And so in follow up to those questions, do you
19 typically submit a monthly expense report to the UPFFA?

20 A I do.

21 Q And when you submit those expense reports, do you
22 provide receipts and any other backup that would support your
23 claim for reimbursement?

24 A I do.

25 Q And how would you go about submitting those?

26 A I either hand deliver -- most -- in -- well, let's
27 see. In all cases I hand deliver my monthly expert reports

1 to the office.

2 Q Okay. What about -- what about receipts, how would
3 you go about providing those to Mr. Anthony?

4 A All receipts are attached to my expense report for the
5 month.

6 Q Has Mr. Anthony ever asked you to clarify an item that
7 you had on your expense report?

8 A There may be -- there may have been an occasion where
9 he asked to clarify it, sure.

10 Q And then would you subsequently either provide him
11 with information or a physical document to support that claim
12 for expense?

13 A Yeah. The documentation is usually provided. He may
14 have had a question concerning, you know, what it was about.
15 And I explained it to him and it usually solves the
16 problem.

17 Q Okay. And you've been reimbursed by UPPFA for your
18 travel. Correct?

19 A I have.

20 Q Okay. Is it true that you've also been reimbursed by
21 outside organizations for your travel?

22 A Yes.

23 Q And what organization would typically reimburse you
24 for your travel other than the UPPFA?

25 A Well, there may be a few of them. The first one that
26 comes to mind would be the Federation of State and Provincial
27 Fire Fighters.

1 Q What are some of the other ones?

2 A The NCPERS organization, which is the National
3 Conference on Public Employee Requirement Systems.

4 Q Are there any others that you can think of?

5 A I believe those are the two -- two top ones.

6 Q What type of -- what type of travel would they
7 reimburse you for. Were these two conventions? What would
8 be the purpose of the travel, I should say?

9 A For the Federation of State and Provincial Fire
10 Fighters, that's an organization that is comprised of the
11 leadership of each state and provincial association in the
12 United States and Canada. And they would reimburse for hotel
13 and travel.

14 Q Okay. What is -- so what was the purpose of the --
15 the trips that you would take where these companies would --

16 A They were meetings of the federation.

17 Q And at any of these meetings, would you be conducting
18 any sort of the UPFFA business?

19 A Absolutely. Our organization is a member of the
20 federation. It's outlined in our constitution and bylaws
21 that we're members. And we attend their meetings, yes.

22 Q Okay. So, as Mr. Anthony testified, any -- any UPFFA
23 business that's being conducted if there's an expense that's
24 submitted in connection with that UPFFA business, it is
25 reimbursable. Correct?

26 ATTY. FISHBEIN: Objection. Leading.

27 THE COURT: Sustained.

1 BY ATTY. VALENTINO:

2 Q When you conduct UPFFA business, are you reimbursed by
3 UPFFA?

4 A When I conduct UPFFA business, am I reimbursed?

5 Q By the UPFFA -- when you conduct UPFFA business, are
6 you then reimbursed for your expenses by the UPFFA?

7 A In some cases, yes.

8 Q And when you are reimbursed by these organizations,
9 does the reimbursement come directly to you or does it come
10 to the UPFFA?

11 A It depends. In some cases, it comes to the Uniformed
12 Professional Fire Fighters, in some cases it's addressed to
13 me personally.

14 Q And in the cases when it would be addressed to you
15 personally, what would you then do with that reimbursement
16 check?

17 A I endorse the check and submit it to the treasurer for
18 deposit into our organization.

19 Q And would that be deposited into the organization --
20 into UPFFA's --

21 A Uniformed Professional Fire Fighters' account.

22 Q General fund?

23 A General fund.

24 Q Mr. Carozza, in 2014 do you happen to recall how much
25 these organizations reimbursed you or the UPFFA?

26 A It was a substantial amount. I'm not sure. Let's
27 see. I'm not -- I'm not sure of the -- it was a substantial

1 amount.

2 Q Do you happen to recall in 2015 how much you or the
3 UPFFA was reimbursed for your travel expenses?

4 A Again, it was a substantial amount.

5 Q I'm going to ask the same of 2016 and 2017. Do you
6 recall?

7 A I do not. I know they were all substantial amounts.
8 And I'm just not sure of the amount.

9 ATTY. VALENTINO: Your Honor, I'd like to
10 approach the witness and provide him with a
11 document to refresh his recollection.

12 THE COURT: All right. You should identify
13 the document that you're going to approach with and
14 make sure opposed counsel has seen it.

15 ATTY. VALENTINO: Sure. This is a document
16 prepared by Mr. Carozza in connection with the
17 amounts UPFFA was reimbursed for his travel
18 expenses in those years.

19 THE COURT: Well, have you supplied it to
20 opposing counsel?

21 ATTY. VALENTINO: No, I haven't.

22 THE COURT: Well, if you're going to show it
23 to the witness, opposing counsel has to see it.

24 ATTY. FISHBEIN: Your Honor, if I may briefly
25 voir dire the witness before he's seen the
26 document?

27 THE COURT: You may.

1 VOIR DIRE EXAMINATION BY ATTY. FISHBEIN:

2 Q Sir, when did you create this document?

3 A Shortly after -- I believe shortly after my deposition
4 when you raised questions about the reimbursements.

5 Q Okay. And what particularly did you review to create
6 this document?

7 A I went through the expenses, the so-called boxes that
8 Mr. Anthony testified to, and -- and reviewed all the
9 receipts.

10 ATTY. FISHBEIN: Okay. Your Honor, I would
11 object to the witness reviewing this document that
12 most definitely was created solely for the purposes
13 of this litigation.

14 THE COURT: Well, if it is being offered to
15 refresh his memory, what authority would you say
16 prevents him from -- from looking at that document
17 which he prepared like notes that he would make for
18 the litigation? It's not being offered in
19 evidence. It's not evidence of anything. It's a
20 question of whether it would refresh his
21 recollection.

22 ATTY. FISHBEIN: Well, your Honor, I would --
23 I'll represent that we did Mr. Carozza's deposition
24 over two days. There was no recollection as to any
25 reimbursement. And there was no background for
26 this document.

27 THE COURT: Well, that's just -- that's a

1 different question. In other words, if the issue
2 is whether that document is evidence, it is not.
3 If it's a question of whether it refreshes his
4 memory about some work he did with the records
5 after his deposition, then what's wrong -- what's
6 wrong with that?

7 ATTY. FISHBEIN: Because technically Attorney
8 Valentino could ask him about a particular day,
9 establish that he doesn't have a recollection, show
10 him the document, and then have him read it. And
11 then it comes into evidence. So it is being -- it
12 would be potentially in evidence.

13 THE COURT: Well, it's his testimony, in other
14 words, that comes in. And there's a question
15 whether the document reflects his recollection and
16 refreshes it, in other words. And once you've
17 refreshed someone's recollection, the only thing
18 they have to do is to testify as to their
19 recollection, not something else.

20 So if what he's doing is saying, Look, I had
21 my deposition, couldn't remember a thing. After
22 that, I went through some boxes of documents and
23 they reminded me about this and they reminded me
24 about that. So I wrote it all down. And then I
25 can't remember it now, although I did write it
26 down. Could I see this? It'll remind me.

27 And the question is: Is there some legal

1 basis, in other words, is there some rule of
2 evidence that prevents him from refreshing his
3 memory from that kind of a document?

4 Because I know what your concerned about is
5 what he ends up doing is saying, Ah, it refreshes
6 me. He puts it down. He picks it up. It
7 refreshes me. It refreshes me.

8 But this is done. And the question is whether
9 there's some basis on which to say under the rules
10 that you can't refresh your memory in the way
11 described.

12 ATTY. FISHBEIN: Well, I think it's the
13 fundamental fairness of the evidence rules
14 themselves. And in our due diligence, we deposed
15 Mr. Carozza. We asked him to bring all of these
16 documents to his deposition. He appeared with no
17 documents at his deposition.

18 ATTY. VALENTINO: Your Honor, they were
19 already provided through a different witness.

20 ATTY. FISHBEIN: Well, Mr. Carozza was unable
21 to testify as to these issues at his deposition,
22 which, to save time for the Court, we went through
23 these things. And now I've got a three-page
24 document that allegedly there were reimbursements
25 for. Mr. Anthony was on the stand.

26 It's just fundamentally not fair. If this
27 Court is asked to make a finding --

1 THE COURT: Well, what if he said something
2 like, you know, what if he were not using the
3 document at all? What if he said, After my
4 deposition, I went back through records and now I
5 have a view on that subject.

6 ATTY. FISHBEIN: I know --

7 THE COURT: What would be wrong with that?

8 ATTY. FISHBEIN: If it was me, your Honor, I
9 would take those statements, I would attach
10 something to the top of it and say, you know, this
11 is it. You were testifying at your deposition.
12 And here's the backup for it and give him the cover
13 sheet to guide him.

14 But all we have is the sheets which he created
15 postlitigation from documents that are not here,
16 your Honor.

17 THE COURT: So what you would -- I would think
18 that under the rules, the thing that you would have
19 to argue is that this is not actually refreshing
20 his memory and that he's testifying from the
21 document. Otherwise, I'm just looking, you know --

22 ATTY. FISHBEIN: I agree.

23 THE COURT: -- just looking at the rules and
24 trying to apply, as I must, the rule, 6-9 of the
25 Rules of Evidence.

26 ATTY. VALENTINO: Your Honor, just to rebut
27 what opposing counsel said: There have been plenty

1 of witnesses, especially Mr. Anthony, who's been
2 asked to testify as to documents that are not here.
3 We provided over 37,000 pages of documents to
4 opposing counsel with this information in it. If
5 they chose not to go through it and figure out the
6 exact numbers that this gentleman was reimbursed,
7 then, I mean... .

8 ATTY. FISHBEIN: I would ask your Honor in
9 good faith for two copies of proof of -- there's --
10 there's a hundred entries on this document -- two
11 copies of proof of reimbursement by that entity.

12 THE COURT: But why wouldn't that be proper
13 cross-examination, as opposed to the question of
14 whether he gets to put this on? And if you want me
15 to -- if you want to convince me, for instance,
16 that this isn't reliable, then you can do that by
17 cross-examination, by other witnesses, by other
18 evidence, and in argument.

19 But Rule 6-9 says, Any object or writing may
20 be used by a witness to refresh the witness's
21 memory while testifying.

22 If he claims that he went after his
23 deposition, researched this thing, and wrote out a
24 bunch of things that now he wants to use to remind
25 him, I don't see how 6-9 doesn't allow for that.
26 You might challenge the sincerity of the testimony
27 that that refreshes his memory. But most likely,

1 as it turns out in these cases usually, the
2 testimony comes in and then its credibility is
3 attacked.

4 You can attack it in various ways. You can
5 say it's disconnected from the documents. You can
6 probe his memory further.

7 But it's only being offered to refresh his
8 memory. And 6-9 says any object or writing may be
9 used by a witness to refresh his memory while
10 testifying. I don't see how -- how he can't do
11 that. Your concern is that he can't do it very
12 credibly. And that's kind of a different point.

13 ATTY. FISHBEIN: If I -- I totally respect,
14 and it appears that your Honor's afforded with
15 discretion in controlling the admissibility of
16 refreshed testimony. So you do have a level of
17 discretion. That's *State v. Grimes*, 154
18 Connecticut 314. Specifically the court is vested
19 with the authority to determine whether the
20 witness's recollection needs to be refreshed.
21 Whether the object or writing will refresh the
22 witness's recollection and whether the witness's
23 recollection has been refreshed.

24 So if I could just ask perhaps two more
25 questions through the voir dire of this witness
26 with regard to this document?

27 THE COURT: Well, why don't you do that.

1 Just -- let me just say that my tendency, if
2 it's -- you know, when it's a matter of discretion,
3 first of all the rule just says you can use any --
4 any document. Then I would rather be in the
5 business, in other words, of judging the
6 credibility of the testimony than I would in
7 saying, You can't have it come in. And if it's
8 unconnected to anything that is convincing to me,
9 then, well, it's not going to get much weight. But
10 if it is convincing, well, then I'll give it
11 weight.

12 But, I mean, I know exactly and I've seen a
13 hundred times the concern that you're reflecting
14 here. I'm well-familiar with it. And it becomes a
15 question of credibility.

16 But the rule, on the other hand, just says you
17 can use any document to refresh your memory. So --
18 or even a picture or a smell is enough in some
19 cases, as the case law points out. So you can
20 pretty much use anything. If I hold up this pen,
21 does that remind you of something? It might remind
22 you of the signals that counsel trained you in in
23 well-preparing for your testimony. But judges --
24 judges have a tendency to know when that sort of
25 stuff's happening, you see, so... .

26 ATTY. FISHBEIN: Agreed. Thank you, your
27 Honor.

1 THE COURT: All right. So you may ask a
2 couple questions.

3 ATTY. FISHBEIN: Thank you, your Honor.

4 BY ATTY. FISHBEIN:

5 Q Sir, I -- just so that I'm clear: Your testimony is
6 here that in creation of this document that's being offered
7 to refresh your recollection that you reviewed reimbursement
8 checks from the provincial association in -- in creating this
9 document?

10 A I reviewed federation of state and provincial
11 reimbursements, I reviewed my credit card statements where
12 there was a number of credits issued on various charges, and
13 I reviewed the reimbursement checks from the NCEPERS
14 organization.

15 Q Okay. And these are -- those were checks that were in
16 your possession or were already deposited?

17 A No. Those -- those -- all that information, all those
18 expense reports and the checks and the reimbursement were all
19 given to the treasurer.

20 Q Okay. So what did you review in particular with
21 regard to those checks to create this document?

22 A I reviewed the actual expense report and I reviewed
23 the reimbursement check.

24 Q Okay.

25 ATTY. FISHBEIN: I still find disfavor, but I
26 understand evidentiarily[sic] where we are.

27 THE COURT: So your objection is noted. But

1 for purposes of refreshing the witness's
2 recollection, you may approach the witness and show
3 him the document.

4 The way you do it as you know is just show him
5 the document, let him look at it -- first of all,
6 you have to ask a specific question for which he --
7 and given the time that's lapsed, you probably
8 ought to ask one again. So there's a specific
9 question. And then he has to indicate by his
10 answer that he doesn't remember. And then you have
11 to ask the predicate question: Is there anything
12 that would refresh your memory?

13 Why don't you walk through those again so it's
14 framed nicely for us.

15 ATTY. VALENTINO: Okay. Your Honor, thank you.
16 So I'll just ask -- I'll combine all of the
17 questions that I asked.

18 CONTINUED DIRECT EXAMINATION BY ATTY. VALENTINO:

19 Q Which was: Do you recall how much the UPFFA was
20 reimbursed by outside organizations for your travel and
21 associated expenses in the years 2014, 2015, 2016, and/or
22 2017?

23 A I do not. I know it was a substantial amount of
24 money, I don't recall the exact numbers.

25 Q Is there anything that would help you recall?

26 A Yes.

27 Q And what would that be?

1 A The document I prepared after examining the
2 documents.

3 ATTY. VALENTINO: May I approach the witness?

4 THE COURT: All right. So you may approach
5 the witness. And then you show him the document.
6 And then he can take a look at it. And then you
7 take it away from him, come back, and ask him:
8 Does that refresh your memory?

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

10 THE COURT: All right.

11 BY ATTY. VALENTINO:

12 Q Mr. Carozza, is it fair to say that in the year
13 2014 --

14 THE COURT: You should be asking: Does this
15 refresh your memory --

16 ATTY. VALENTINO: Right. I'm sorry.

17 THE COURT: -- as to the reimbursements?

18 BY ATTY. VALENTINO:

19 Q Having reviewed the document, did that refresh your
20 recollection as to how much the UPFFA was reimbursed by
21 outside organizations for your travel expenses?

22 A Yes.

23 Q Would you say, having your recollection refreshed,
24 that outside organizations have reimbursed the UPFFA over
25 \$5000 during those years?

26 ATTY. FISHBEIN: Objection, your Honor.

27 THE COURT: What's the name of the objection?

1 ATTY. FISHBEIN: Are we dealing -- testifying
2 from a document not in evidence.

3 THE COURT: No. No. The question is it
4 refreshed his memory.

5 ATTY. FISHBEIN: We're still on the refreshed
6 memory?

7 THE COURT: Yeah. So the question now is:
8 Did that refresh your recollection? He says, Yes.
9 And now -- you could simply ask him: How much were
10 they reimbursed? But if you're afraid that -- you
11 want to -- you want to establish it as more
12 generalized proposition, you're -- you can ask, I
13 suppose: Is it more than \$5000?

14 ATTY. VALENTINO: Exactly, your Honor.

15 THE COURT: Or --

16 ATTY. VALENTINO: I mean, I don't --

17 THE COURT: Just because it's a yes or no,
18 it's not leading. It doesn't give him the answer
19 directly. I give emphasis on the word "directly"
20 anyway. So go ahead and ask.

21 ATTY. FISHBEIN: Yes, sir. I'll sustain my
22 own objection.

23 ATTY. VALENTINO: That will speed things
24 along. Thank you.

25 BY ATTY. VALENTINO:

26 Q Having -- having had your recollection refreshed by
27 the document, do you recall whether the UPFFA was reimbursed

1 over \$5000 in the year 2014 by outside organizations for your
2 travel and associated expenses?

3 A Yes.

4 Q Same question for the year 2015: Having reviewed this
5 document and had your recollection refreshed, is it your
6 recollection that the UPFFA was reimbursed over \$5000 that
7 year by outside organizations?

8 A Yes.

9 Q Would you say that it was -- the reimbursement was
10 over \$10,000 during the year 2015?

11 A Yes.

12 Q The year 2016, same question: Would you say that
13 UPFFA -- after having, you know, reviewed the documents would
14 you say that the UPFFA was reimbursed over \$10,000 for your
15 travel and associated expenses by outside organizations?

16 A Yes.

17 Q And for the years 2017 and the years 2018, is it your
18 recollection that the UPFFA was reimbursed over \$5000 for
19 your -- by outside organizations for your travel and
20 associated expenses?

21 A Yes.

22 Q And you -- now, you heard Mr. Anthony testify
23 regarding certain -- certain charges to your American Express
24 credit card. Correct?

25 A Yes.

26 Q And do you recall Mr. Anthony testifying to your using
27 your UPFFA American Express card to purchase additional leg

1 room on a flight?

2 A Yes.

3 Q And what -- what was the purpose of that purchase?

4 A In 2012 I had a major medical situation with my leg.
5 In 2013 I had major surgery on my right leg. Against
6 doctor's orders of traveling, I wanted to get back to work.
7 I informed our executive board that I wanted to get back to
8 work. Unfortunately, if available, I'd like to purchase, if
9 available, some additional leg room, which they authorized.

10 Q Okay. Mr. Carozza, I believe you heard during Mr.
11 Anthony's testimony the name Joseph Kuziak. Is that
12 correct?

13 A Yes.

14 Q And who is Mr. Kuziak?

15 A I'm not sure. Listening to the testimony, I'm not
16 sure who he is. But I understand now that he's a father of a
17 former Miss Connecticut and --

18 ATTY. FISHBEIN: Objection.

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

20 ATTY. FISHBEIN: Lacks foundation.

21 THE COURT: Well, he understands that. He's
22 saying what's in his head. He is saying he doesn't
23 know, he just understands that.

24 ATTY. FISHBEIN: If his -- if his
25 understanding comes from him sitting in court
26 here.

27 THE COURT: Yeah, that's -- it's still his

1 understanding. In other words, it isn't evidence
2 who Mr. Kuziak is. But if the question is: Who
3 does he think he is? that's what he's explaining.
4 He can say what's in his own head.

5 ATTY. FISHBEIN: Sure.

6 THE COURT: It doesn't make it evidence of who
7 Mr. Kuziak is. That's the key distinction, so --

8 ATTY. FISHBEIN: Thank you. Your Honor.

9 THE COURT: All right. You may answer the
10 question.

11 You were saying based upon what you heard in
12 court and know -- know he was a father of --

13 THE WITNESS: He was the -- is the father of a
14 former Miss Connecticut.

15 BY ATTY. VALENTINO:

16 Q And can you turn to exhibit Tab 17 for me? Are you on
17 Tab 17?

18 A Seventeen?

19 Q Yes. So if you can go to more than halfway throughout
20 document. If you can go to Bates Stamp No. 18582.

21 A I'm sorry. 185 --

22 Q -- 82.

23 A Okay.

24 Q And if you look at the top of that page, do you see an
25 entry or charge, rather, for \$500?

26 A Yes.

27 Q And to the left of that \$500, do you see the name

1 Joseph Kuziak?

2 A Yes.

3 Q Do you recall what that charge was for?

4 A I do.

5 Q What was the charge for?

6 A We were -- our organization was requested to support a
7 golf tournament that the Miss Connecticut pageant was
8 sponsoring. And the proceeds for that organization -- from
9 that fundraising golf tournament were directed towards the
10 Children's Miracle Network at the University of Connecticut
11 for children with cancer.

12 Q Okay. So that -- that was a donation. Correct?

13 A It was a contribution to a charitable organization,
14 yes.

15 Q And would you have provided Mr. Anthony either backup
16 or did you provide Mr. Anthony either backup for --

17 A I did.

18 Q You provided him backup?

19 A I did.

20 Q Okay. And what was that backup?

21 A It was the announcement of the tournament, a golf
22 flyer that was submitted with the report.

23 Q Okay. If you turn a couple pages farther, literally
24 the second page after that, should be 18608.

25 A Okay.

26 Q A little less than halfway down, there's a charge for
27 \$674 and some change.

1 A Yeah, 674.26.

2 Q And to the left of that, it says, Duke Energy,
3 Cincinnati. Correct?

4 A Yes.

5 Q And do you recall what that charge was for?

6 A I do.

7 Q And what was it for?

8 A That was an entertainment expense while we were
9 attending the International Association of Fire Fighters'
10 convention in Cincinnati. We purchased a number of tickets
11 for Connecticut fire fighters who were attending the
12 convention. It was for a baseball game.

13 Q Would those Connecticut fire fighters, were they UPFFA
14 members?

15 A They were.

16 Q Okay. So this purchase is for tickets for the
17 entertainment of UPFFA members. Is that correct?

18 A Yes.

19 Q And did you provide the backup for that purchase to
20 Mr. Anthony?

21 A I did.

22 Q And what would that backup have been?

23 A Probably the ticket stubs or a -- I believe the
24 notice. It was a sponsor -- I believe our international was
25 sponsoring the ball game. So there was probably a letter
26 from the international attached to it also encouraging our
27 locals to attend.

1 Q We heard some testimony, but I'll just ask you to
2 confirm: You used your UPFFA credit card to purchase tickets
3 for your fiance. Correct?

4 A I did.

5 Q And you've indicated that UPFFA has been reimbursed
6 some of your travel expenses from outside organizations.
7 Correct?

8 A Yes.

9 Q And would your -- has your fiance's travel expenses
10 ever been reimbursed by the same organization?

11 ATTY. FISHBEIN: Objection.

12 THE COURT: What's the name of the objection,
13 please?

14 ATTY. FISHBEIN: Lacks foundation. Her travel
15 expense --

16 ATTY. VALENTINO: Well, I think we already --

17 ATTY. FISHBEIN: -- by a third party?

18 THE COURT: Yeah. But the question is: Does
19 he have knowledge of that? So he can state
20 whether -- if he had any knowledge, he can answer
21 the question.

22 So maybe you should phrase it as, Do you know
23 whether she -- or her travel was reimbursed?

24 ATTY. VALENTINO: Thank you, your Honor.

25 BY ATTY. VALENTINO:

26 Q Mr. Carozza, do you know whether your fiance's travel
27 expenses were reimbursed by those outside organizations?

1 A In some cases they were.

2 Q Have you ever reimbursed the UPFFA for any of your
3 fiance's travel expenses?

4 A I have not. I have --

5 ATTY. FISHBEIN: Objection. He answered the
6 question, I have not.

7 THE COURT: The question was: Have you ever
8 reimbursed the state organization for your fiance's
9 travel? And he said, I have not.

10 ATTY. FISHBEIN: And then we went on to
11 some -- he started talking about --

12 THE COURT: Well, I'm sorry. What was the --
13 I couldn't hear what he said after that, so -- are
14 you saying it's not responsive? I don't even know
15 what he was going to say.

16 ATTY. FISHBEIN: Anything after, I have not,
17 is nonresponsive. It's a yes or no. The answer's
18 no. Next question. With all due respect.

19 THE COURT: Well, what -- what were you
20 starting to say, then? Just give me some idea what
21 you were --

22 THE WITNESS: I was starting to say that --
23 what I was going to continue to say that the -- in
24 addition to reimbursements by the outside
25 organizations --

26 THE COURT: Yeah. That's not anything more
27 responsive to that question. The answer is, He has

1 not done anything.

2 And with that, we'll take our afternoon recess
3 for 15 minutes. Court's in recess.

4 (WHEREUPON THE COURT STANDS IN RECESS.)

5 THE COURT: All right. Good afternoon.
6 Please be seated.

7 Are we ready to resume with the witness?

8 ATTY. VALENTINO: Yes, your Honor.

9 THE COURT: All right. You may proceed.

10 BY ATTY. VALENTINO:

11 Q Mr. Carozza, you heard some testimony from Bob Anthony
12 either today or yesterday regarding tickets purchased by you
13 for the Trace Atkins concert. Is that correct?

14 ATTY. FISHBEIN: Objection, your Honor.

15 THE COURT: What's the name of the objection,
16 please?

17 ATTY. FISHBEIN: Mischaracterizes the
18 evidence. I expressly stayed away from the Trace
19 Atkins thing. Never asked about it.

20 THE COURT: Well, I heard the name.

21 ATTY. VALENTINO: Oh. I apologize.

22 THE COURT: I didn't -- the next -- the only
23 thing I did hear at some point.

24 ATTY. FISHBEIN: I purposely stayed away from
25 it, your Honor.

26 ATTY. VALENTINO: I can -- I can rephrase,
27 then.

1 THE COURT: Well, ask -- ask a different
2 question, then.

3 BY ATTY. VALENTINO:

4 Q Did you hear Mr. Anthony testify again either today or
5 yesterday regarding a purchase made by you for Trace Atkins
6 tickets?

7 A Yes.

8 Q And do you recall the purchase of those tickets?

9 A I do.

10 Q And what was that purchase in connection with?

11 A Again, it was a donation to a charitable organization.
12 It was the Wounded Warriors project. It was a request by a
13 New Haven fire fighter to support the event. We purchased
14 some tickets. We did not attend but we offered the tickets
15 for them to distribute.

16 Q You offered the tickets to whom?

17 A To the -- to the event to the Wounded Warriors.

18 Q And the request was made by a member of -- you said
19 New Haven, the Local 825?

20 A Local 825, yes.

21 Q The plaintiff in this action?

22 A Yes.

23 Q Do you recall who that individual was?

24 A I do not. No, I do not.

25 Q Mr. Carozza, as you're aware, the UPFFA filed charges
26 with the International Association of Fire Fighters against
27 Messrs. Ricci and Vendetto. Correct?

1 A Yes.

2 Q And, again, that took place in May of 2018.

3 Correct?

4 A Yes.

5 Q Okay. And what was the basis for those charges?

6 A Violation of the constitution and bylaws of the
7 International Association of Fire Fighters.

8 Q And is it your understanding that Local 825 is a
9 member of the International Association of Fire Fighters?

10 A Yes.

11 Q We heard Mr. Ricci testify yesterday that Local 825
12 will be holding an election I believe he said next week for
13 the officers of Local 825.

14 Are you -- do you have any knowledge as to --

15 A That is my understanding, yes.

16 Q Do you have any knowledge as to whether Mr. Vendetto
17 intends to run?

18 A It is --

19 ATTY. FISHBEIN: Objection. Relevance.

20 THE COURT: Will you explain what relevance
21 you claim Mr. Vendetto running would have to this
22 proceeding?

23 ATTY. VALENTINO: Well, one of the claims, the
24 irreparable harm that the plaintiff is claiming, is
25 that the officers could potentially be kicked out
26 of their officer positions. And if Mr. Vendetto is
27 not running for his vice president position next

1 week --

2 THE COURT: Oh.

3 ATTY. VALENTINO: -- then certainly that --
4 that establishes that that's not a concern.

5 THE COURT: That's something that has been
6 raised, so... .

7 ATTY. FISHBEIN: It is something that's been
8 raised; but to that end, it lacks foundation --

9 THE COURT: Well --

10 ATTY. FISHBEIN: -- the basis of his
11 knowledge, anything like that. I mean, Mr.
12 Vendetto was on the stand yesterday, if I recall
13 correctly. And this never came up. So certainly
14 they had their opportunity. But I don't know if
15 it's proper coming through this witness.

16 THE COURT: Well, it depends. I mean, if
17 he -- the first question should be, Does he know?

18 And was that what you were asking?

19 ATTY. VALENTINO: That was the question, your
20 Honor.

21 THE COURT: So let's -- I'm allow the
22 question: Do you know whether he's running? And
23 then maybe there'd have to be some other
24 foundational questions. But I'm not sure here.

25 Anyway, you may ask the question.

26 ATTY. VALENTINO: Thank you, your Honor.

27 BY ATTY. VALENTINO:

1 Q Do you have any knowledge of whether Mr. Vendetto is
2 seeking re-election as vice president of Local 825 next
3 week?

4 A It is my understanding he is not a candidate for
5 re-election.

6 Q Mr. Carozza, we also heard testimony from Mr. Ricci
7 that -- I believe we heard testimony from Mr. Ricci yesterday
8 that he is seeking re-election of his position as president
9 of Local 825.

10 Is that your understanding?

11 A It is.

12 Q Do you have an understanding as to how many
13 individuals are running against Mr. Ricci?

14 ATTY. FISHBEIN: Objection, your Honor. Lacks
15 foundation once again.

16 THE COURT: Well, the only thing I'll allow is
17 a yes or no answer to that.

18 So do you have any knowledge of that? And you
19 must answer it only yes or no.

20 THE WITNESS: Yes.

21 THE COURT: All right. So that doesn't allow
22 him to answer the whole question. If there's some
23 other foundational question as to the source of his
24 knowledge you want to ask, go ahead. But,
25 otherwise, you have to lay some foundation.

26 BY ATTY. VALENTINO:

27 Q Well, let me ask this: Are you aware of anyone

1 running against Mr. Ricci in this election next week?

2 THE COURT: He said yes, so --

3 ATTY. VALENTINO: So my question was: Did he
4 have knowledge about --

5 THE COURT: -- a particular person? Is that
6 what you want to ask? He says he's aware other
7 people are running against him, I thought.

8 ATTY. VALENTINO: I -- I didn't --

9 THE COURT: The answer was, yes, he has some
10 knowledge on that subject. Oh, maybe the point is,
11 in other words, does he have knowledge one way or
12 the other? And now you're asking --

13 ATTY. VALENTINO: Exactly.

14 THE COURT: Okay. So yes -- so -- but you
15 need to ask how he knows this, I think is the
16 point.

17 ATTY. FISHBEIN: But can I just get to the
18 chase here, your Honor, on relevance with this
19 witness? Mr. Ricci testified he's in a contested
20 election. So, you know, I don't know that this is
21 probative of anything before the -- before the
22 Court other than what's already before the Court.

23 THE COURT: Well, you can stipulate that he's
24 in a contested election. Is that -- that's --

25 ATTY. VALENTINO: If Attorney Fishbein would
26 like to stipulate to that.

27 THE COURT: That's --

1 ATTY. FISHBEIN: That was the testimony
2 yesterday.

3 THE COURT: Fine. But if you think -- I'll
4 ask him whether -- to handicap the race, I don't
5 think that you're going to get to be able to do
6 that. Because that would be what we call
7 "speculation."

8 ATTY. VALENTINO: Of course, your Honor.

9 THE COURT: All right. Go ahead.

10 ATTY. VALENTINO: Thank you.

11 BY ATTY. VALENTINO:

12 Q Mr. Carozza, do you have any knowledge as to the
13 procedure for -- for the charges that are before the national
14 against Mesers. Ricci and Vendetto?

15 A Yes.

16 Q And as we established, charges were filed in May of
17 2018. Correct?

18 A Yes.

19 Q Has anything -- has the IAFF taken any additional
20 steps with respect to the charges since May of 2018?

21 A Yes.

22 Q And what steps has the IAFF taken?

23 A There's a procedure set forth in the constitution and
24 bylaws.

25 Do you want me to explain it?

26 Q Sure.

27 A The international, through a computerized list,

1 establishes seven -- randomly picks seven members of the IAFF
2 in the State of Connecticut. Those names are submitted to
3 the charging parties. The charging party has to delete two
4 names. We turn it back to the IAFF.

5 And the next step is for the receiving party or
6 the charged party to delete two names from that list, notify
7 the international, and then the remaining three names will be
8 the trial board.

9 Q Okay.

10 ATTY. FISHBEIN: Your Honor, perhaps we can --

11 (PAUSE.)

12 ATTY. FISHBEIN: Your Honor, I think we're
13 prepared to stipulate to a portion of the procedure
14 that the witness, with all due respect, skipped
15 over.

16 THE COURT: That's fine. What is it?

17 ATTY. FISHBEIN: That is after the charges are
18 filed, they are sent to the respondent. And both
19 parties are able to submit their responses to the
20 charges, which are reviewed by a pretrial review
21 board by a probable cause standard. And that
22 already occurred.

23 And I think in evidence, your Honor, is -- I
24 think it's Exhibit 4.

25 THE COURT: Well, that's the one as I recall
26 said something about that there were disputed
27 issues of fact.

1 ATTY. FISHBEIN: Yes. Actually, it's Exhibit
2 3, your Honor.

3 THE COURT: Yeah. And that it was going to
4 mean that it was going forward.

5 ATTY. VALENTINO: Correct, your Honor.

6 THE COURT: That's what I understood. So all
7 right. I understand that's -- I was confused about
8 one thing, which is randomly picking seven members
9 from Connecticut. Now --

10 ATTY. FISHBEIN: We are not allowed to be --
11 to view that.

12 THE COURT: No. No. I'm just trying to ask a
13 different question, I think, which is: It's random
14 pick of any union member? Or is it delegates or
15 anything? It's just some poor person who's out
16 there as a fire fighter who doesn't want anything
17 to do with this sort of thing gets picked out of a
18 hat and could have been on the job for three days
19 and he's going to sit on the board? That's how it
20 works?

21 ATTY. VALENTINO: I guess --

22 THE COURT: Or is it -- the parties, I mean,
23 you know, if you can stipulate, that's -- it's --
24 it's just any union member? It's not delegates,
25 officers, or locals or anything else? Is that
26 right?

27 ATTY. FISHBEIN: Your Honor, on its face

1 that's what it appears to be. But we were not
2 allowed to be part of any of that selection
3 process.

4 ATTY. VALENTINO: I'm sorry. But --

5 THE COURT: Well, that's what I understand is
6 that the international randomly picks seven from
7 across the state.

8 ATTY. FISHBEIN: But we don't know --

9 THE COURT: And you're saying you don't know
10 whether they were picking the right list or
11 something. Is that your point?

12 ATTY. FISHBEIN: That's right. We don't know
13 whether all the names are put into a hopper or
14 perhaps certain people that are involved in this
15 case aren't allowed to select or -- we don't know,
16 so... .

17 ATTY. VALENTINO: But to clarify, that list
18 has been sent to Local 825 so they can review the
19 list, and they can choose to either dispute it
20 or --

21 THE COURT: The seven --

22 ATTY. FISHBEIN: Seven.

23 THE COURT: -- are sent, not the pool from
24 which they're chosen --

25 ATTY. VALENTINO: That's correct.

26 THE COURT: -- of all members.

27 ATTY. FISHBEIN: Not the thousands, the

1 seven.

2 THE COURT: Okay. The thousands, do the
3 parties have a stipulation as to where the
4 thousands come from?

5 ATTY. VALENTINO: I honestly can't speak to
6 that, your Honor. I think that might be a question
7 that's better put to Mr. Carozza.

8 ATTY. FISHBEIN: Your Honor, I will represent
9 that I have put the IAFF on notice that I represent
10 Mr. Ricci and Mr. Vendetto. Unfortunately, they,
11 for whatever reason, have ignored my appearance. I
12 do have an e-mail from their counsel recognizing
13 receipt of our written response. I know that it's
14 mentioned. But every correspondence since that
15 time has not been sent to me.

16 So I know right in the rules it says that they
17 discourage utilization of outside legal counsel in
18 these matters. So I can only generally tell you,
19 based upon what's in these letters, what's going
20 on.

21 THE COURT: All right. But there would have
22 to be some sort of -- if anyone wants the answer to
23 that, they're going to have a witness with
24 knowledge. My question being: How is the list of
25 total union members in Connecticut formed for
26 purposes of this selection?

27 And so we don't have any evidence and there's

1 no stipulation. Let's just -- let's leave that.
2 That's the point.

3 ATTY. FISHBEIN: I just -- you know, perhaps
4 we can get to Exhibit 4, which is the present
5 status of the case.

6 THE COURT: Yeah. I saw it was scheduled for
7 some sort of hearing.

8 ATTY. FISHBEIN: Well, this was issued on the
9 26th, November 26th. And essentially of the seven
10 names, the UPFFA have stricken their two. And by
11 this coming Monday, I believe it is, the IAFF is
12 supposed to strike their two from the list.

13 ATTY. VALENTINO: Local 825, you mean?

14 ATTY. FISHBEIN: Oh, I'm sorry. Well,
15 IAFF/825. So Local 825. I'm sorry.

16 ATTY. VALENTINO: Yeah.

17 THE COURT: Well --

18 ATTY. VALENTINO: Just to let you know.

19 ATTY. FISHBEIN: Yes, your Honor. Would -- is
20 required to strike their two. And then the -- the
21 jury is selected. So that's where we are. And the
22 trial is supposed to happen posthaste.

23 THE COURT: Okay. There's not a date?

24 ATTY. FISHBEIN: No, your Honor.

25 THE COURT: All right.

26 ATTY. VALENTINO: But I -- I don't know --

27 ATTY. FISHBEIN: It's within 120 days of

1 October 25th, which was the date of the letter from
2 the pretrial review board.

3 THE COURT: Okay.

4 ATTY. VALENTINO: That's correct.

5 ATTY. FISHBEIN: But that could be next week
6 within 120 days.

7 THE COURT: All right. In any case, I have
8 the stipulations with respect to the procedures.

9 Are there any other stipulations or are we
10 ready to go on to another question?

11 ATTY. VALENTINO: Well, just with respect to
12 that, your Honor, opposing counsel just mentioned
13 that could be next week, that could be -- I believe
14 the end of the 120 days is I think it's January
15 22nd of 2019.

16 And the reason why I'm even raising this is
17 because they've claimed in their motion that this
18 possess of the charges could inconvenience them for
19 months. And it appears that we are very close to a
20 resolution on those charges.

21 THE COURT: All right. Let's save the rest of
22 this for argument.

23 ATTY. VALENTINO: Okay.

24 THE COURT: If you have other evidence that
25 you wish to introduce through this witness, you may
26 proceed.

27 ATTY. VALENTINO: I --

1 BY ATTY. VALENTINO:

2 Q Well, Mr. Carozza --

3 ATTY. VALENTINO: Well, I should ask your
4 Honor if I can proceed to ask Mr. Carozza if he has
5 any knowledge about the -- how the pool is
6 selected. May I ask him that?

7 THE COURT: Oh. If he -- you can ask him
8 that. That's a yes or no question.

9 ATTY. VALENTINO: Okay.

10 BY ATTY. VALENTINO:

11 Q Do you have any knowledge as to how the pool of
12 members is selected by the IAFF?

13 A Yes.

14 THE COURT: Well, what's the basis of that
15 knowledge? That's the foundation question.

16 BY ATTY. VALENTINO:

17 Q What is the basis of that knowledge?

18 A The constitution and bylaws and the communications
19 that we have received from the international.

20 THE COURT: This state organization that
21 you're president of provide them the list of the
22 members for the state?

23 THE WITNESS: We did not. They had that list
24 in Washington.

25 THE COURT: All right. So the -- in any case,
26 your organization wasn't the source for that pool.

27 Is that --

1 THE WITNESS: No.

2 THE COURT: -- correct?

3 THE WITNESS: Correct.

4 THE COURT: That's something I'd want to know,
5 anyway. All right.

6 You may continue your questions.

7 Did they give you that list?

8 THE WITNESS: I have not seen a list. They
9 have not given a list, no.

10 ATTY. VALENTINO: I'm sorry, your Honor, of
11 the list of --

12 THE COURT: The list of union members
13 throughout the State of Connecticut from whom they
14 are drawing the seven -- drew the seven names.

15 THE WITNESS: No, your Honor.

16 THE COURT: That's what I'm asking.

17 ATTY. VALENTINO: Oh.

18 THE COURT: So he's saying he's never seen it
19 and they didn't get the information from them --
20 from this -- from the state union. That's what
21 he's saying. He's said they had it -- they got it
22 in Washington somehow.

23 Is that what you're saying, Mr. Carozza?

24 THE WITNESS: Yes. Correct, your Honor.

25 THE COURT: And did they get it in Washington
26 because you gave it to them previously?

27 THE WITNESS: They have a list in Washington

1 of the entire membership of the international: the
2 United States and Canada. So we didn't -- we
3 didn't send them a list two weeks ago.

4 THE COURT: All right.

5 THE WITNESS: They have a list of
6 membership --

7 THE COURT: You can consider asking questions
8 on cross about this.

9 ATTY. FISHBEIN: Okay. I didn't -- because
10 your Honor was asking the questions, I just -- I
11 think the last question along this line would be:
12 Isn't it possible that they got the list in
13 Washington from the UPFFA?

14 THE COURT: Well, that's what I asked. And he
15 said, not recently. Put it that way. All right.

16 ATTY. FISHBEIN: Exactly.

17 ATTY. VALENTINO: A list of all of the
18 members? I'm -- I guess I'm confused now. A list
19 of all of the -- the entire pool of whom they
20 would --

21 THE COURT: So, as I understand it, in other
22 words, the locals are members of international.

23 ATTY. VALENTINO: Correct.

24 THE COURT: And they may affiliate with the
25 state or not.

26 ATTY. VALENTINO: Correct.

27 THE COURT: They're members of international.

1 And then how does the international get the
2 membership lists? From the locals? Or from the
3 state organization? I don't know the answer to
4 that.

5 ATTY. VALENTINO: The IAFF membership list or
6 the --

7 THE COURT: The list of all IAFF members in
8 Connecticut. How do they get it? From the IAFF
9 locals? Or from the state organization Mr.
10 Carozza's the president of?

11 ATTY. VALENTINO: Okay. Thank you, your Honor.

12 BY ATTY. VALENTINO:

13 Q So to be clear, you have received -- did you receive
14 the list of the seven members and already take the
15 opportunity to cross off two names from that list?

16 A Yes.

17 Q And you submitted that list with the two crossed-off
18 members to the international association. Correct?

19 A Yes.

20 Q Okay.

21 ATTY. VALENTINO: Your Honor, I'd like to have
22 two exhibits moved into evidence as full exhibits.
23 And my understanding is opposing counsel does not
24 have an objection to either of them.

25 THE COURT: What are they?

26 ATTY. VALENTINO: We didn't -- I mean, we can
27 mark them as one exhibit, one composite exhibit,

1 your Honor. It's a letter dated November 21, 2017,
2 from Mr. Louis Demici to the -- yes, to the
3 international association; and a letter dated
4 January 5, 2018, from the -- from the national
5 organization to Mr. Demici --

6 THE COURT: A response?

7 ATTY. VALENTINO: -- in response.

8 THE COURT: All right. Is this B, then?

9 ATTY. VALENTINO: This should be B, your
10 Honor.

11 THE COURT OFFICER: Yes.

12 THE COURT: All right. Has it been marked B?

13 ATTY. VALENTINO: It has not been marked.

14 THE COURT: All right. You may approach the
15 clerk to get it marked B.

16 And is there any objection to its admission?

17 ATTY. FISHBEIN: No, your Honor.

18 THE COURT: Assuming there's no objection to
19 its admission, B is a full exhibit.

20 BY ATTY. VALENTINO:

21 Q Mr. Carozza, we talked a little bit about the -- your
22 understanding of the national provision regarding
23 disaffiliation of a local from a state or provincial
24 association. Correct?

25 A Yes.

26 Q And with respect to that provision is your
27 understanding that the -- is your understanding that the

1 procedure requires the local to send a letter to the national
2 organization?

3 ATTY. FISHBEIN: Objection.

4 THE COURT: I'm sorry. I didn't hear the
5 question clearly. Is it -- continue please.

6 ATTY. VALENTINO: I asked whether Mr.
7 Carozza's understanding of the national provision
8 regarding disaffiliation would that be local union
9 has to send a letter to the national
10 organization.

11 THE COURT: And the -- you're objecting. And
12 the name of the objection is?

13 ATTY. FISHBEIN: Document speaks for itself.
14 His understanding is irrelevant.

15 THE COURT: Well, to the extent it's governed
16 his conduct, it's relevant. It can't be offered to
17 prove what the requirements are. It has no bearing
18 on what the requirements are. But if in his mind
19 he thinks something means something and he acts on
20 it, he can testify to that. But it has no bearing
21 on the question of what actually is required if --
22 the document says what it says. I mean, that's --
23 in other words, as to what's required and if the
24 document says green, he can say red all he wants.
25 If he's wrong -- but the only reason he could say
26 it is to explain why is he taking a position that
27 he's taken on certain thing. But he can do that

1 much. It doesn't have any bearing necessarily at
2 all on what was actually required, so --

3 ATTY. FISHBEIN: Thank you, your Honor.

4 THE COURT: So I'll allow him to answer it.

5 ATTY. FISHBEIN: Your Honor, may I just
6 approach to staple the exhibit?

7 THE COURT: Yes.

8 ATTY. VALENTINO: I'm not sure whether he
9 answered at this point.

10 BY ATTY. VALENTINO:

11 Q Is your understanding of the national provision that
12 we spoke about earlier regarding disaffiliation, is your
13 understanding that a local union must send a letter to the
14 national organization notifying them of their intent to
15 disaffiliate from the state union?

16 A Yes.

17 Q And to your knowledge, was -- did Local 825 send a
18 letter to the international association saying that they
19 intended to disaffiliate from UPFFA?

20 A They did not.

21 Q So would you say they didn't correctly follow the
22 procedure?

23 ATTY. FISHBEIN: Objection, your Honor. Calls
24 for a legal conclusion.

25 THE COURT: And it's leading. Sustained.

26 I'll -- I mean, he can say his claim, he claims
27 they didn't follow the procedure. So that's what

1 his claim is. So I already have that from his
2 statement. But all right.

3 Go on to something new, please.

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

5 THE COURT: You may.

6 ATTY. VALENTINO: Your Honor, and just for the
7 information of the Court, I don't believe that I
8 can conclude by 5 p.m. today. So I intend to call
9 another witness after Mr. Carozza.

10 THE COURT: Well, my intention was to continue
11 until 4:30 unless the parties desire otherwise.

12 Is there any reason -- do you have enough
13 questions to keep you going until 4:30 with this
14 witness?

15 ATTY. VALENTINO: Yes, I do, your Honor.

16 ATTY. FISHBEIN: Your Honor, my only problem
17 is that Mr. Carozza travels all the time. And
18 we're going to be getting a new date. And I don't
19 want to be hearing that, you know, I'm hamstrung
20 from doing cross with this witness because of his
21 travel schedule.

22 So if your Honor would order that Mr.
23 Carozza's travel schedule is irrelevant to the
24 continuation of this hearing. Because, you know,
25 time is of the essence here.

26 THE COURT: I understand your point. So are
27 we --

1 ATTY. VALENTINO: Mr. Carozza has purchased
2 plane tickets to go out of state on I believe not
3 next week but the following week.

4 BY ATTY. VALENTINO:

5 Q Is that correct, Mr. Carozza?

6 A On the 6th, next Thursday. Yeah, Thursday.

7 ATTY. FISHBEIN: Returning when, if I may ask?

8 THE COURT: Why can't we continue this on
9 Monday? What's wrong with that? Time is of the
10 essence, you know.

11 ATTY. FISHBEIN: We'll, I know. And I have a
12 restraining order hearing, your Honor. I've got a
13 young man who hasn't seen his family.

14 THE COURT: What about 2 p.m.?

15 ATTY. FISHBEIN: I highly doubt --

16 ATTY. VALENTINO: Your Honor, I mean, there
17 are two other legal counsel here who I'm sure are
18 more than capable of crossing Mr. Carozza.

19 ATTY. FISHBEIN: The only thing is that under
20 the rules, your Honor, I'm required to be in
21 attendance.

22 ATTY. VALENTINO: I'm sure there's someone
23 else from Mr. Fishbein's office.

24 THE COURT: I can hear the case any day next
25 week with some slight adjustments. I have some
26 hearings to deal with. But, otherwise, I can hear
27 it every day -- any day. So it won't be my fault.

1 But you're going to have to decide when you want to
2 continue it. And I understand there's a desire to
3 get moving. So we can do it.

4 ATTY. FISHBEIN: Your Honor, I'm available the
5 afternoon of the 4th and the 5th.

6 THE COURT: I have a -- a brief hearing at two
7 o'clock.

8 ATTY. VALENTINO: On which day, your Honor?

9 THE COURT: On Tuesday. Let me see what it's
10 about.

11 THE COURT OFFICER: It's a discovery
12 dispute.

13 THE COURT: All right. So by 2:30 -- I mean,
14 you should be here at two on Tuesday if you want to
15 go forward.

16 ATTY. VALENTINO: Your Honor, may I ask: Is
17 there a possibility of moving forward on Wednesday?
18 I believe there's actually a delegate's meeting on
19 Tuesday. I don't know if the Court is willing
20 to -- UPFFA is holding a delegate's meeting on
21 Tuesday. I don't know if that's something your
22 Honor's willing to consider.

23 THE COURT: Is there objection? You willing
24 to go to Wednesday? I have another hearing -- I
25 have two hearings.

26 ATTY. FISHBEIN: Your Honor, I can probably be
27 here for noon on Wednesday. Supposed to put a stip

1 on at New Haven Superior Court that morning. So
2 I'm hoping I -- if the judge comes out at ten, I'll
3 be able to get in the car by twenty after ten and
4 drive up here.

5 THE COURT: Well, how many other witnesses do
6 you have?

7 ATTY. VALENTINO: I would like to obviously
8 conclude with Mr. Carozza. But I also intend to
9 call Mr. Demici. And then just I'm getting some
10 shaking heads from my client. So if I can have a
11 moment to confer with him for a moment about
12 Wednesday just briefly?

13 THE COURT: You, you may. You may approach
14 and confer with him.

15 ATTY. VALENTINO: Your Honor, we can make
16 Wednesday afternoon work.

17 THE COURT: So it's -- the proposal is witness
18 at twelve.

19 ATTY. FISHBEIN: Yes, your Honor.

20 THE COURT: All right. Well, let's start from
21 there and see where we go. I'll go from twelve --
22 I'll go to twelve to one. Then I have a two
23 o'clock hearing, which I will allot half an hour
24 for.

25 Is that -- that's it, though, right, Mr.
26 Harvey?

27 THE COURT OFFICER: Yes.

1 THE COURT: Okay. So that's what we'll do.

2 ATTY. FISHBEIN: Thank you very much, your
3 Honor.

4 THE COURT: And then we can go on there. And
5 then I have a hearing in the morning on Thursday
6 the 6th, but nothing else after that. So if you
7 need additional time, you can have a Thursday. But
8 maybe --

9 ATTY. FISHBEIN: Can we bank the afternoon on
10 Thursday the 5th at this point?

11 THE COURT: Is that acceptable?

12 ATTY. FISHBEIN: I have to be in Middletown
13 Court that morning. But I should be back.

14 ATTY. VALENTINO: I believe Mr. Carozza -- I
15 believe that's the day he said he was leaving the
16 state.

17 ATTY. FISHBEIN: Well, I'm expecting to be
18 done with Mr. Carozza.

19 THE COURT: Well, I assume we'll at least be
20 done with him.

21 ATTY. VALENTINO: Well, your Honor, so to be
22 perfectly honest they have their annual or their
23 biannual convention next week. And so I'm already
24 asking them to be not in attendance at the
25 conference to come on Wednesday.

26 So, I mean, if we can -- I believe I can get
27 through the witnesses on -- on Wednesday afternoon.

1 But the question is going to be how long
2 cross-examination is going to go.

3 THE COURT: Well, then the only thing we can
4 do is get started and see where we go. But it
5 should be the parties' firm understanding that
6 we're going to finish this hearing this week. I
7 mean this next week.

8 ATTY. FISHBEIN: Yes, your Honor.

9 THE COURT: And therefore --

10 ATTY. VALENTINO: We'll make it work.

11 THE COURT: -- make every contingency
12 arrangement you need to make.

13 ATTY. FISHBEIN: And may I ask your Honor now
14 where we are? What is your intention with oral
15 argument? briefs? What is your --

16 THE COURT: What I much prefer is as much oral
17 argument as is necessary. And where -- if the
18 matter's going to turn on legal precedent or
19 something of that nature, there is some binding
20 legal precedent that addresses the question, you
21 should have it here and we should discuss it. Some
22 cases you find that some form of briefing is useful
23 and necessary.

24 But usually after a hearing, a contested
25 hearing, I find not. Because all that ever happens
26 with that is it goes on for months and months and
27 months. So if this were a regular trial, I would

1 not ask for posttrial briefs. I would as for a
2 thorough oral argument, at which I would tell you
3 what's on my mind. That's usually what I do is to
4 say what the issues are and then ask the parties to
5 respond to that. And we have a good dialogue and
6 exchange.

7 And then, if there were contested points of
8 law, we could discuss those at the time, and I
9 write down the precedents that you want me to pay
10 attention to.

11 Obviously the things that would narrow it
12 would be things that are binding authority or are
13 pivotal and not background things like the standard
14 of evidence and things of that nature, you know,
15 the usual stuff that takes up pages and pages in
16 briefs. I don't need that.

17 But I really do want to talk about the heart
18 of the case and get at that. And since I don't
19 think we're going to continue evidence today, I'll
20 suggest a couple areas that are on my mind.

21 And this won't be comprehensive because I
22 didn't prepare myself to do it. But just in terms
23 of where the evidence might want to concentrate,
24 you know, I've read the -- I've read the documents.

25 And it -- there's this interesting question
26 that the -- this last letter raises over what it
27 means to -- what forfeiture means here, forfeiting

1 a charter and what does it mean to have a charter?

2 When I read the international bylaws, it
3 certainly did not strike me as likely that it is
4 referring to what happened here. It seems to me
5 that it was likely referring to a union that was
6 going out of business. That's the way it struck
7 me.

8 On the other hand, the statewide bylaws and
9 policy manual struck me as saying, All right.
10 There will be a policy manual and that policy
11 manual says that notice must be given in September.
12 Or -- and if it isn't given timely, then it is
13 assumed that the local wants to stay in the state
14 organization for the next fiscal year. So note
15 that, first of all, it says "the next fiscal year."
16 And, second of all, it doesn't say "forever."

17 But those things are on my mind. And I don't
18 want anyone to take from anything I'm saying that
19 this means I've made up my mind on these things.
20 I'm just giving you information so that you can try
21 to address those things.

22 And that's one set of things that I'm thinking
23 about.

24 And then another set becomes what is the power
25 of this court to act on this question? If in fact
26 there is a disaffiliation with the state
27 organization procedure in the international, that

1 would have some impact on my thinking.

2 Let's say there isn't, though, and it's just
3 not covered and that the local can withdraw from
4 the state when it wants to, provided it lives up to
5 its requirements? If that were the case, what
6 about the rest of it, the liable, the slander, and
7 the antiunion activities that are alleged? How do
8 I have the authority to enjoin a state organization
9 from exercising the rights it has within -- as
10 members of this international? And if there's
11 legal precedent on that point, I'd certainly like
12 to know about it.

13 But as a matter of just ease and common sense
14 and reading the rules -- I'm talking about the
15 rules of organizations -- I wonder how I would have
16 the authority to stop someone from exercising the
17 rights they have by virtue of their membership.

18 And then the questions comes: Is the
19 disaffiliation procedure such a procedure? And
20 when I've read the language of the international,
21 it didn't strike me as applying to this situation.
22 Again, I'm not saying I've made up my mind on that,
23 but that's on my mind.

24 But it did strike me as much tougher -- a much
25 tougher question as to whether the other complaints
26 can be barred in some way, given they do seem to be
27 clearly covered by the international rules. How do

1 I have the right to tell them they can't pursue
2 their claim in that forum?

3 So that would be a legal question and a
4 question of is there -- either a contract question.
5 Is there a contractual aspect of this? How do I
6 frame that in terms of a legal -- a legal issue?

7 And those are the things that I'm mulling
8 over. And, of course, I don't want to discuss them
9 now. I just wanted to give you a heads up so that
10 you can be thinking about what's -- what really
11 matters here. And, again, I haven't made up my
12 mind on any of these issues.

13 But that's the way I like to approach oral
14 argument is I tell you what's on my mind, we go
15 back and forth and talk about it so that; you know,
16 if I have some impression, you can tell me it's a
17 wonderful thing or you can try and talk me out of
18 it.

19 All right. Anything else we need before
20 adjourning today?

21 ATTY. FISHBEIN: No thank you, your Honor.

22 ATTY. VALENTINO: No thank you, your Honor.

23 THE COURT: Very good. I thank all the
24 parties. Court's adjourned.

25 (WHEREUPON THE COURT STANDS ADJOURNED.)

26

27

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 30th day of November, 2018.

Dated this 5th day of December, 2018, in Hartford, Connecticut.

John McIlhoney, Court Monitor