

## **Bipartisan Committee of Review**

### **MEETING MINUTES**

**Monday, October 15, 2007**

**11:30 AM IN Room 1A of the LOB**

The meeting was called to order at 11:36 a.m. by Chairman, Sen. Looney M. S11.

The following committee members were present:

Senators: DeFronzo D. S06; Guglielmo A. S35; Looney M. S11; Nickerson W. S36; Roraback A. S30; Stillman A. S20

Senator Looney and Senator Roraback welcomed everyone.

#### **Approval of the Minutes from Thursday, October 4, 2007 Committee Meeting.**

A motion was made by Senator Guglielmo and seconded by Senator Stillman to approve the October 4<sup>th</sup> committee meeting minutes. The motion was unanimously approved by a voice vote.

#### **Staff Updates**

Attorney Sandra Norman-Eady gave an update on information previously requested by the committee and a summary of correspondence received.

- The committee requested that a letter be sent to the Senate leaders requesting a 15-day extension. That letter was sent and a 15-day extension was granted.
- The committee requested a letter inviting Senator DeLuca to today's meeting and Senator DeLuca's attorney accepted the invitation.
- The committee asked the Office of State Ethics for the status of a complaint against Senator DeLuca, and we received a response from the interim director stating that the law prohibits the office from acknowledging the existence of such a complaint.
- The committee requested information from the U.S. Attorney's Office under an exception to the Federal Privacy Act, and we have not received a response yet.
- The committee requested a number of reports and they were provided.

Senator Roraback reported that the letter the committee received from Attorney Raabe asked the committee to extend an invitation to appear before the committee to Chief O'Leary. Senator Roraback stated that under the Committee's Rules of Procedure (Rule 9) Chief O'Leary can only appear before the committee after a preliminary vote to expel Senator DeLuca.

## **Appearance of Senator DeLuca**

Senator Looney stated that Senator DeLuca's attorney, Craig A. Raabe, would speak briefly before Senator DeLuca's presentation to the committee. Attorney Raabe stated that although Senator DeLuca issued a limited waiver of his rights under the Privacy Act, based on his advice, Senator DeLuca would not submit to an oath for his oral presentation. Attorney Raabe stated that Senator DeLuca was prepared to read a written statement under oath.

Committee members discussed Senator DeLuca's decision, including whether to allow him to make a statement if the senator did not agree to answer questions under oath. At 12:25 p.m. Senator Looney indicated that the committee would recess until 1:30 p.m. so that (1) members could further consider whether to allow Senator DeLuca to make a statement if he would not answer questions under oath and (2) Senator DeLuca could re-think his decision. Senator DeLuca's sworn two-page affidavit was distributed to the committee members and staff for their review during the recess.

The meeting reconvened at 1:30 p.m. At this time Senator Looney asked Senator DeLuca if he had reconsidered his decision. Attorney Raabe offered a "compromise". Senator DeLuca would read a statement under oath but would not answer questions under oath. A discussion of this offer ensued. After the discussion, Senator Looney administered the oath to Senator DeLuca before his statement.

Senator DeLuca read a statement into the record. After his statement and a discussion of whether he would answer questions from the committee under oath, Senator DeLuca responded to questions from the committee members without submitting to an oath. Senator DeLuca will consider whether he will attest to his answers to questions asked by committee. The committee may submit written questions for Senator DeLuca to answer under oath. The committee will try to get the written questions to Attorney Raabe by October 19 and hoped to have sworn responses back by October 29.

## **New Business**

Senator Stillman asked the staff when the committee could expect a response from the U.S. Attorney's Office. Attorney Sandra Norman-Eady said they would call to see when the committee could anticipate a response.

A motion was made by Senator DeFronzo and seconded by Senator Guglielmo to authorize the chairs to write a letter to the Senate leaders asking for the second 15-day extension as permitted by Senate Resolution 200. If granted, the extension would move the committee deadline to November 11<sup>th</sup>.

The next meeting is scheduled for Thursday, November 1 at 1:00 p.m.

The meeting was adjourned at 4:45 p.m.