

1 THE WITNESS: It had been delayed so many
2 times before, I wasn't surprised at all.

3 BY MR. CAPECE:

4 Q Okay. Now, I want to refer you, I guess he
5 refers to it as the red book. Could you go to exhibit
6 4 in the red book please? This is a document you
7 created, right?

8 A I ran the report.

9 Q You ran the report, and you ran it in August
10 of 2011.

11 A That is correct.

12 Q You were no longer involved with this process
13 in August of 2011, were you?

14 A I was certainly involved in Power School,
15 absolutely.

16 Q Weren't you transferred to another position?

17 A Yes, I was.

18 Q And why would you be pulling this document?

19 A Because law enforcement asked me for a current
20 copy.

21 Q Okay. Law enforcement. You don't mean this
22 Deputy Attorney General.

23 A No.

24 Q Who in law enforcement asked you for this
25 document?

1 A The investigators in Union County.

2 Q Could you be a little more specific?

3 A Yeah. It was Jim Russo.

4 Q Jim Russo asked you for the document.

5 A Mm-hmm.

6 Q Do you have any knowledge why would
7 Investigator Jim Russo come to you to ask you to pull
8 this document?

9 A Because I had told him I thought this was going
10 on, that our information was being used to make the
11 political calls.

12 Q Oh. Another -- and correct me if I'm wrong,
13 and my wife yells I talk too fast, so if I do that,
14 I'll stop for you. You had called law enforcement with
15 your concerns, is that correct?

16 A Yes, I had.

17 Q Who did you call?

18 A I called the prosecutor's office.

19 Q And what did they tell you to do?

20 A They had me come in and talk to them.

21 Q But my question, did they ask you to pull
22 documents or anything?

23 A They asked me for information I had.

24 Q But in fact, this document, this wasn't part
25 of your responsibility in August of 2011 to pull these

1 documents. You just kind of went in and did it on your
2 own, didn't you?

3 A I had access to it.

4 Q Well, we all have access, but was this --

5 A No, not everyone did.

6 Q Was this part of your function, Ms. Mettlen,
7 at that time to pull these documents?

8 A I thought it was.

9 Q You thought it was.

10 A It was a student system. These were student
11 grades, student information, and I was in charge of
12 educational technology. This was the one system I had
13 access to and some effort in.

14 Q Ms. Mettlen, isn't that a bit of a stretch
15 that you went and got these documents? These documents
16 didn't have a tinker's thing to do with your
17 responsibilities in August of 2011 now, did they?

18 A Actually, I ran these reports for the high school
19 for counselors at the same time showing the effort that
20 counselors had made toward doing schedules. It was --

21 Q Let me be a little more specific, Ms.
22 Mettlen. This document references logins in 2010.

23 A Yeah.

24 Q What in the heck does that have to do with
25 your new responsibilities in 2011?

1 Q You don't think so. Let's just go through a
2 couple of other things with this. In fact, what's the
3 board's policy regard talking to newspapers?

4 A I don't really know.

5 Q In fact, don't all calls have to be funneled
6 through public information?

7 A Yeah, if somebody calls you.

8 Q Now, reminding you that you're under oath,
9 would you give us a snapshot how many e-mails have you
10 exchanged with Ted Sherman from, "The Star Ledger?"

11 A From my home e-mail at home, I responded to a
12 couple.

13 Q And how about at work?

14 A I never contacted anyone outside of the district.

15 Q My, my. You're busy at home. Why don't you
16 tell us a little bit --

17 MR. STARK: Objection, your Honor.

18 THE COURT: Yeah.

19 MR. STARK: Characterization of -

20 THE COURT: Sustained.

21 MR. CAPECE: That she's busy, your Honor? Is
22 that what you're sustaining?

23 THE COURT: I mean --

24 MR. STARK: There is no need to insult the
25 witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Sustained.

MR. CAPECE: No response to that.

BY MR. CAPECE:

Q Let's just go through a couple of other things. Would you explain to us why were you exchanging e-mails at home with Ted Sherman about the Board of Education in Elizabeth?

A He first contacted me and asked for a comment about political contributions, and I said I really didn't want to talk to him.

Q Well, you say you didn't want to talk to him, but yet, you told us that you exchanged e-mails with him.

A Yeah. Later he asked me things about mostly the area of how things worked, and I explained that I had gotten political contribution cards and what not.

Q Did you also explain to Mr. Sherman how you would boast in the school about how you kept a little black book on everybody?

A No.

Q You didn't have that discussion with Mr. Sherman.

A No.

Q Well, how many people --

MR. STARK: Objection, your Honor. There has

1 on target.

2 BY MR. CAPECE:

3 Q Now, could we go back to that red book,
4 exhibit 14. Exhibit 4. Exhibit 4. If you look on the
5 bottom, this was printed in August of 2011, is that
6 correct?

7 A Yes.

8 Q Do you have any idea when your attorney,
9 Mr. McCarthy and Ms. Seda filed their complaint with
10 the Ethics Commission?

11 A No.

12 Q If I was to represent to you it was
13 significantly, repeat, significantly before August
14 2011, you would have no reason to refute that, would
15 you?

16 A I have no frame of reference.

17 Q Now, you said you printed this document for
18 the prosecutor. Did you give a copy to anybody else?

19 A No, the prosecutor.

20 Q Did you give a copy to Mr. McCarthy?

21 A No. I gave it to the prosecutor.

22 Q Can you have any understanding how this
23 document ended up in the evidence binder of the State
24 Ethics Commission's Deputy Attorney General? How did
25 it get there?

1 A I got -- I gave my only copy to the prosecutor's
2 office. I asked them if I could have a copy back, and
3 they gave it to me, and I understand at that time they
4 provided it to the attorneys.

5 Q What attorneys?

6 A I don't know.

7 Q So are you saying, because I want to be clear
8 on this, are you saying that the Union County
9 prosecutor gave these documents to the State Ethics
10 Commission?

11 A I don't know.

12 Q You don't know. So the answer to the
13 question is you don't have any way of knowing how this
14 document ended up under the State Ethics Commission's
15 evidence binder.

16 A I gave it to the prosecutor. They gave me a copy
17 back. I don't know.

18 MR. CAPECE: Judge, at the appropriate time,
19 there is going to have to be some foundation for this
20 document based upon this new revelation of this
21 witness. Maybe the Deputy Attorney General can clarify
22 how this document got into the Commission's hands. I'd
23 like to know at some point what the chain of custody
24 was on this.

25 MR. STARK: Your Honor, I'm more than willing