

November 15, 2019

VIA EMAIL AND FIRST-CLASS MAIL

Senator Bob Smith
Chair, Senate Select Committee on Economic Growth Strategies
216 Stelton Road, Suite E-5
Piscataway, NJ 08854
senbsmith@njleg.org

Re: **Senate Select Committee on Economic Growth Strategies**

Dear Senator Smith:

I write as Special Counsel to New Jersey's Task Force on the Economic Development Authority's Tax Incentives (the "Task Force") regarding the upcoming hearing of the Senate Select Committee on Economic Growth Strategies (the "Committee"), scheduled for November 18, 2019 (the "Hearing"). It is our understanding that the Committee will hear from several witnesses regarding the tax incentive programs governed by the New Jersey Economic Development Authority ("EDA").

The Task Force is aware that Mr. George E. Norcross III has requested to appear before the Committee and is listed as a witness for the Hearing. Mr. Norcross has publicly stated that he wishes to testify before the Committee to respond to statements and information presented by the Task Force at its public hearings and in its first report dated June 17, 2019. Further, he claims that he was not afforded a meaningful opportunity to respond in connection with the Task Force's proceedings and that he was offered only "5 minutes to respond"¹ after the May 2, 2019 Task Force public hearing.

However, on no less than three occasions, the Task Force afforded Mr. Norcross the opportunity to testify at subsequent Task Force public hearings or to submit a statement to incorporate into the record in response to testimony or evidence that Mr. Norcross believed to be adverse to his interests. For example, on May 9, 2019, the Task Force invited Mr. Norcross to provide sworn testimony at the Task Force's next proceeding, including an invitation to provide introductory remarks of no more than five minutes. The Task Force did not impose a time


¹ "I want to tell my side of the story, says political boss in N.J. tax incentive clash," *NJ.com*, (June 19, 2019) <https://www.nj.com/politics/2019/06/i-want-to-tell-my-side-of-the-story-says-political-boss-in-nj-tax-incentive-clash.html>.

limitation on any subsequent testimony following those introductory remarks. To date, Mr. Norcross has not availed himself of these opportunities.² Indeed, after Mr. Norcross and other plaintiffs filed a civil complaint relating to the Task Force’s investigation, Judge Jacobson stated during proceedings on July 31, 2019 that “the Task Force did offer the plaintiffs the opportunity to provide a written statement. I believe they said that it would be included in the report. The plaintiffs decided not to do that. . . . also, the Task Force gave them the opportunity to appear and testify before the Task Force.” (*Norcross v. Murphy*, No. MER-L-1007-19, July 31, 2019 Hr’g Tr. 239:18-23.)

As such, given the relevance of Mr. Norcross’s testimony to the Task Force’s mandate to conduct an in-depth examination of the deficiencies in the design, implementation, and oversight of EDA tax incentive programs, and his public statements confirming that his testimony will be related to the Task Force’s investigation, we request that the Committee consider posing a limited number of questions to Mr. Norcross on behalf of the Task Force, which are included herein. Given that certain questions reference underlying documents, if the Committee is inclined to pose these questions to Mr. Norcross, we will provide you with the relevant documents.

Thank you for your consideration in this matter. If you have any questions or need additional information, please feel free to contact me at the telephone number or email address below.

Sincerely,



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² Conner Strong & Buckelew, of which Mr. Norcross is the Executive Chairman, did avail itself of the Task Force’s invitation to submit a written statement in connection with the Task Force’s October 17, 2019 public hearing, on a limited issue not directly relating to or identifying Mr. Norcross. The Task Force read portions of that statement during its October 17 public hearing and has incorporated that submission into the record.

I. Conner Strong & Buckelew (“CSB”)

1. Can you describe your involvement in the company’s application to the EDA for tax incentives?
2. When did CSB first consider relocating to Pennsylvania, as it represented in its application for a Grow NJ incentive?
3. When did representatives of CSB first conduct a site visit of its purported alternate location, 1601 Market Street in Philadelphia, Pennsylvania?
4. Did you personally attend a site visit?
5. When did CSB first consider relocating to a new office tower on the Camden waterfront?
6. Are you aware that a meeting was held in September 2014 to discuss construction of a large office building on the Camden waterfront?
7. Did you attend that meeting?
8. At that meeting, did you specifically state an intention to build an office tower in Camden for CSB’s consolidation?
9. On September 24, 2015, you attended an announcement regarding Liberty Property Trust’s plans for the Camden waterfront development. The morning of the announcement, you sent yourself, via email, a news article regarding that announcement, which included a statement from “a source” that CSB was considering moving to Camden. Do you know the identity of the source? If so, who is it?
10. Are you aware of a September 20, 2015 memorandum from, Dan Fee, of The Echo Group, to Michael Tiagwad (CSB President and CEO) regarding the September 24, 2015 announcement relating to the Camden waterfront development?
11. The memorandum states, in part: “It will be difficult to walk the line that needs to be walked – highlighting the development and the involvement of you and George without crossing any line to confirm that Conner Strong is likely to move its headquarters.”
 - a. When did you first read this memorandum?
 - b. Can you explain it generally?
 - c. Why would it be difficult for CSB to “walk the line that needs to be walked”?
 - d. As of September 2015, had CSB already committed to relocating to the Camden waterfront?

II. Cooper Health System (“CHS”)

1. What role, if any, did you play in CHS’s application for Grow NJ benefits?
2. Did you have discussions with Andrew Bush during the process?
3. Did you review the application before it was submitted?
4. Did CHS ever intend to move jobs out of New Jersey at or before its Grow NJ application?
5. If not, do you agree CHS’s in-state jobs should *not* have counted toward CHS’s award?
6. Do you know why CHS produced to EDA a real-estate proposal for a location in Philadelphia?
7. In its June 17, 2019 report, the Task Force discussed a series of emails between Andrew Bush, CHS VP of Real Estate and Facilities, to Jon Sarkisian, CBRE real estate broker, dated between November 25, 2014 and December 10, 2014. Are you familiar with these?
 - a. Why did Mr. Bush want Mr. Sarkisian to acquire a “potential location outside of NJ” if it was not required for CHS’s tax incentive award?
 - b. Why did it need to be “credible”?
 - c. Why did Mr. Bush want Mr. Sarkisian to proceed “quietly”?
 - d. A December 2, 2014 email from Mr. Bush referred to CHS conducting a “phantom search.” Why were Mr. Bush and CHS undertaking a “phantom search”?
 - e. A December 3, 2014 email from Mr. Bush referred to a “credible threat to move” to Philadelphia. Why did Mr. Bush and CHS want a “credible threat to move” if the company was not required to consider moving out of state?