

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

STAFF MEMORANDUM

TO: Select Subcommittee on the Coronavirus Pandemic Members

FROM: Select Subcommittee on the Coronavirus Pandemic Majority Staff

DATE: September 25, 2024

RE: Addendum to the September 9, 2024 Majority Staff Memorandum Entitled “Findings from the Select Subcommittee’s Investigation into the Cuomo Administration’s March 25 Directive Admitting COVID-Positive Patients into Nursing Homes”

I. BACKGROUND AND NEW FINDING

New Finding: Former Governor Andrew Cuomo acted in a manner consistent with an attempt to inappropriately influence the testimony of a witness and obstruct the Select Subcommittee’s investigation.

On September 9, 2024, the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) Majority staff issued a Memorandum entitled “Findings from the Select Subcommittee’s Investigation into the Cuomo Administration’s March 25 Directive admitting potentially COVID-positive patients into Nursing Homes” [hereinafter the “Memo”].¹

The Memo detailed the Select Subcommittee’s investigation and findings regarding COVID-19 in New York’s nursing homes and former Governor Andrew Cuomo’s March 25, 2020 directive entitled “Hospital Discharges and Admissions to Nursing Homes” [hereinafter the “March 25 Directive”].² Findings included:

- Governor Cuomo and the Executive Chamber were involved in the decision that led to the March 25 Directive.
- The March 25 Directive was approved by the New York State Executive Chamber.

¹ Memorandum from Republican Staff to Republican Members of the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, *Findings from the Select Subcommittee’s Investigation into the Cuomo Administration’s March 25 Directive admitting COVID-positive patients into Nursing Homes* (Sept. 9, 2024) (hereinafter “Republican Staff Memorandum”).

² *Id.*

- The March 25 Directive was not consistent with applicable federal guidance regarding hospital to nursing home transfers and COVID-19 related infection control.

The Memo also provided evidence and findings regarding the drafting of the July 6, 2020, New York State Department of Health (NYSDOH) report entitled “Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis” [hereinafter “July 6 Report”].³ Findings included:

- Cuomo Administration officials believed Mr. Cuomo directed the issuance of a report to combat criticism of the March 25 Directive.
- The July 6 Report was not independently drafted by the NYSDOH and not peer reviewed.
- Governor Cuomo reviewed and edited the July 6 Report, and his edits were to make the Report’s findings more causal.

II. STATEMENT OF FACTS REGARDING FORMER GOVERNOR CUOMO’S ACTIONS

The following facts and evidence in possession of the Select Subcommittee support the addition this new finding to the Memo:

- (1) On March 25, 2020, the Cuomo Administration issued the Directive that ordered potentially COVID-19 positive patients from hospitals into nursing homes.⁴ On April 20, 2020, at a press conference, former Governor Cuomo was directly questioned about the March 25 Directive.⁵ Since its issuance, the Cuomo Administration was publicly criticized for the potentially lethal consequences of the March 25 Directive.⁶
- (2) On July 6, 2020, the NYSDOH issued the Report that blamed nursing home staff for COVID-19 deaths in nursing homes and not the March 25 Directive.⁷ A witness testified that despite being published by the NYSDOH, they would not consider the NYSDOH an author of the July 6 Report.⁸

³ *Id.*

⁴ Memorandum from the New York State Department of Health to Nursing Home Administrators, *et. al.*, *Advisory: Hospital Discharges and Admissions to Nursing Homes* (Mar. 25, 2020).

⁵ New York Governor Cuomo News Conference, C-SPAN (Apr. 20, 2020).

⁶ Anna Mathews, *New York Mandates Nursing Homes Take COVID-19 Patients Discharged From Hospitals*, WALL ST. J. (Mar. 26, 2020).

⁷ New York State Department of Health, *Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis* (July 6, 2020).

⁸ Transcribed Interview of Dr. Eleanor Adams, by Select Subcomm. on the Coronavirus Pandemic, at 128 (Apr. 18, 2024) (“Would you consider the Department of Health an author of this report? THE WITNESS: I would not.”) (hereinafter “Adams Interview”).

- (3) The Cuomo Administration used the July 6 Report to deflect blame and combat public criticism of the March 25 Directive.⁹ The Cuomo Administration claimed the July 6 Report was peer reviewed.¹⁰ However, witnesses testified that it did not meet the definition of “peer review.”¹¹
- (4) According to reports, former Governor Cuomo and other Executive Chamber officials were involved in the drafting and editing of the July 6 Report—specifically the decision to exclude nursing home deaths that occurred out of facility. This decision was made by the senior most executive chamber officials and reduced the total public fatality numbers from 9,844 to 6,432.¹²
- (5) After publication of the July 6 Report, the Cuomo Executive Chamber publicly minimized its involvement in the drafting and editing of the July 6 Report.¹³
- (6) Former Governor Cuomo denied any involvement in the July 6 Report.¹⁴
- (7) Dr. James Malatras was the only Executive Chamber official to testify to the Select Subcommittee that former Governor Cuomo was directly involved in the July 6 Report. Dr. Malatras’ testimony is supported by Executive Chamber records.¹⁵
- (8) Because members of the Cuomo Executive Chamber and former Governor Cuomo previously denied any involvement in the July 6 Report, Dr. Malatras’ testimony may have harmful effects on the credibility of the July 6 Report and former Governor Cuomo himself.
- (9) After early 2021, former Governor Cuomo has only contacted Dr. Malatras on three days.
- (10) Since 2021, every time former Governor Cuomo contacted Dr. Malatras it was within 48 hours of the Select Subcommittee taking a specific action in its nursing home investigation. This includes one action that was not public and only known former Governor Cuomo and his counsel.

⁹ See also Davis Polk & Wardwell LLP, *Impeachment Investigation Report to Judiciary Committee Chair Charles Lavine and the New York State Assembly Judiciary Committee*, (Nov. 22 2021), available at https://nyassembly.gov/write/upload/postings/2021/pdfs/20211122_99809a.pdf.

¹⁰ Carl Campanile, *Gov. Cuomo’s coronavirus nursing home edict not to blame for deaths, report claims*, THE NY POST (July 6, 2020).

¹¹ Adams Interview, *Supra* note 8, at 130.

¹² Jesse McKinley, *et. al.*, *As Cuomo Sought \$4 Million Book Deal, Aides Hid Damaging Death Toll*, NY TIMES (Mar. 31, 2021).

¹³ *Supra* note 10.

¹⁴ Transcribed Interview of Andrew Cuomo, by Select Subcomm. on the Coronavirus Pandemic, at 173 (June 11, 2024) (“Q Were you involved in the drafting of this [July 6] report in any capacity? A No.”) (hereinafter “Cuomo Interview”).

¹⁵ Transcribed Interview of Dr. Jim Malatras, by Select Subcomm. on the Coronavirus Pandemic, at 166 (May 20, 2024), (hereinafter “Malatras Interview”).

a. Dr. James Malatras was the only Executive Chamber official to testify to Mr. Cuomo’s involvement in the July 6 Report.

As explained in the Memo, Dr. James Malatras, former Advisor to former Governor Cuomo, was the only Executive Chamber official to testify to the former Governor’s involvement in the July 6 Report.¹⁶ Other Senior Executive Chamber officials involved with the July 6 Report, testified to the Select Subcommittee that they had no knowledge or recollection of former Governor Cuomo’s involvement.¹⁷

While the New York Executive Chamber is currently withholding documents from the Select Subcommittee, the Executive Chamber’s descriptions of these documents provide evidence that supports Dr. Malatras’ testimony to the Select Subcommittee.¹⁸ Further, pursuant to witness testimony, Executive Chamber officials knew that former Governor Cuomo did not have his own e-mail address and used Ms. Stephanie Benton to send and receive e-mails instead.¹⁹ Testimony in conjunction with the descriptions of the withheld documents and public reporting strongly suggest former Governor Cuomo was involved in the drafting and editing of the July 6 Report—involvement that former Governor Cuomo has denied.²⁰

Excerpts from the New York Executive Chamber Privilege Log Produced to the Select Subcommittee

EMAIL FROM	EMAIL TO	EMAIL CC	EMAIL SUBJECT	DESCRIPTION
Melissa DeRosa	#briefingteam	Stephanie Benton	can someone pls print two copies and drop at mansion?	Email thread attaching draft July 6, 2020 Report reflecting governmental deliberations.
Stephanie Benton	Howard A Zucker; Jim Malatras; Robert F Mujica; Beth Garvey; Melissa DeRosa;		Fw: Privileged and Confidential	Email thread reflecting governmental deliberations regarding draft July 6, 2020 Report,

¹⁶ *Id.* at 166.

¹⁷ Transcribed Interview of Beth Garvey, by Select Subcomm. on the Coronavirus Pandemic, at 163 (May 30, 2024), (hereinafter “Garvey Interview”); Transcribed Interview of Linda Lacewell, by Select Subcomm. on the Coronavirus Pandemic, at 58 (May 31, 2024) (hereinafter “Lacewell Interview”); Transcribed Interview of Melissa DeRosa, by Select Subcomm. on the Coronavirus Pandemic, at 238 (June 21, 2024) (hereinafter “DeRosa Interview”).

¹⁸ New York State Executive Chamber Confidential Privilege Log for SSCP (May 7, 2024) (NYSEC_SUBCOMM_00374000 – 00374078) (On file with Select Subcomm. Staff).

¹⁹ Malatras Interview, *Supra* note 15, at 24; DeRosa Interview, *Supra* note 17, at 199; Garvey Interview, *Supra* note 17, at 130.

²⁰ *Supra* 15, at 207-208; See also, Benjamin Oreskes, *Emails Suggest Cuomo Undersold His Role in Altering Covid Report*, N.Y. TIMES (Sept. 19, 2024).

				attaching draft report reflecting governmental deliberations.
Stephanie Benton	Melissa DeRosa		06.24.20.NH.docx	Email reflecting governmental deliberations regarding draft July 6, 2020 Report, attaching draft report reflecting governmental deliberations.
Stephanie Benton	#briefingteam		can we drop at mansion for him pls FW: Nursing Home Report	Email thread reflecting governmental deliberations regarding draft July 6, 2020 Report, attaching draft report reflecting governmental deliberations and reflecting legal advice.

If former Governor Cuomo was involved in the drafting of the July 6 Report, it would directly contradict his testimony before the Select Subcommittee and may constitute a false statement.²¹

b. As of May 20, 2024, Dr. Malatras had not spoken to and only received two text messages from Mr. Cuomo since early 2021.

On May 20, 2024, Dr. Malatras voluntarily testified at a transcribed interview before the Select Subcommittee.²² During this interview, he was asked about his most recent communications with former Governor Cuomo.

Dr. James Malatras (May 20, 2024)²³

Q. Since January 2023, have you had any conversations with the former governor... about our investigation?

²¹ Cuomo Interview, *Supra* note 14, at 173 (“Q Were you involved in the drafting of this [July 6] report in any capacity? A No.”).

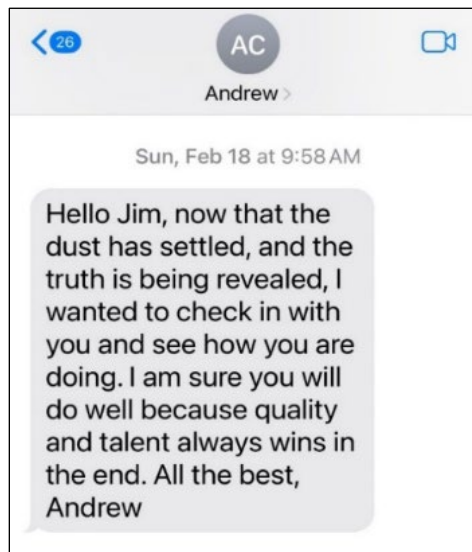
²² *Supra* note 15.

²³ *Id.* at 30.

A. I have had *no conversations* with the governor since sometime in early 2021. He did text me several times to check in. The latest time he texted me was February 18th of this year, I believe, just to say I hope you're doing well, things like that. I did not respond...

It is the Select Subcommittee's understanding that, at the time of his transcribed interview, Dr. Malatras did not respond to any of the text messages he received from former Governor Cuomo and, consistent with his testimony, the Select Subcommittee stated Dr. Malatras had not "spoken" to former Governor Cuomo since 2021.²⁴

Subsequent to the interview, the Select Subcommittee requested the referenced text message from former Governor Cuomo to Dr. Malatras from February 18, 2024. The text message was as follows:



Considering the timing of the text message—within 48 hours of the Select Subcommittee publicly announcing its request for Dr. Malatras' testimony—and the fact that he had not spoken with former Governor Cuomo since 2021, the Select Subcommittee determined that:

...this text message raises concerns that Mr. Cuomo may have been trying to influence Dr. Malatras' testimony and obstruct the Select Subcommittee's investigation.²⁵

Former Governor Cuomo's testimony regarding the text message was that "it's just a nice note" and that he was not aware of the Select Subcommittee's letter to Dr. Malatras.

²⁴ Republican Staff Memorandum, *Supra* note 1, at 34.

²⁵ *Id.* at 35.

Mr. Andrew Cuomo (June 11, 2024)²⁶

Q. [The text was sent] 48 hours after Dr. Malatras received an invitation to testify before us.

A. I hadn't spoken to Jim. I don't think I spoke to him since this period of time period. I think this was just saying – he went through a very tough time and was forced to resign from the state university system, and I think I'm saying to him – I think that's what this is in reference to... There was also ongoing conversations with Jim and litigation with him and I've known him a long time. He's a great fellow and he was getting beaten up, and I think I was just saying to him, you know, you're a good man.

Q. To the best of your recollection, when was the last time you contacted Dr. Malatras before this text?

A. I don't think I've spoken to Jim since I left as governor.

Q. I guess it's just a coincidence that Dr. Malatras got this text message within two days of getting an invitation to testify on nursing homes.

A. I didn't know that Jim – I haven't had – I haven't had conversations with Jim. Jim never told me he was coming here to testify.

Q. Were you aware that he received a letter, though?

A. No.

Q. So this text wasn't – you weren't trying to influence his testimony in any way by sending this text message?

A. No.

Q. Have you attempted to influence the testimony of any witness providing information concerning your administration's response to this Select Subcommittee?

A. No. By the way, this is just a nice note to a person.

...

A. I don't ask to speak with him. I don't suggest anything. It's just a nice note.

²⁶ *Supra* note 14, at 47-50.

c. Testimony and documents support the Select Subcommittee’s belief that former Governor Cuomo attempted to influence Dr. Malatras’ testimony and obstruct the Select Subcommittee’s investigation.

On September 9, 2024, former Governor Cuomo’s counsel, Ms. Rita Glavin, e-mailed Select Subcommittee staff to express her objections regarding the Select Subcommittee’s Memo.

27

I explained that there was nothing nefarious about this text from which you could suggest Governor Cuomo may have been trying to influence Dr. Malatras’s testimony or obstruct the Subcommittee’s investigation...

I told you that if Dr. Malatras did not understand this innocuous text in that way, you could not suggest something nefarious by Governor Cuomo and you should note that Dr. Malatras did not testify he understood or thought there may have been a nefarious purpose...

The RSM [Republican Staff Memo] deliberately misleads the public by omitting...the fact that [Dr. Malatras] never told you that he understood the text message to be an effort to improperly influence him or obstruct this investigation. Your suggestions that Governor Cuomo may have been attempting violate [sic] the law are entirely unsupported.

To address Ms. Glavin’s concerns, Select Subcommittee staff replied and stated:

Since Dr. Malatras was not asked explicitly how he [interpreted] the text, it is likely we send an interrogatory to Dr. Malatras to ask him what his interpretations or feelings were. Once we receive his response, we will make sure the memo is updated top [sic] include both his testimony and Mr. Cuomo’s.²⁸

Ms. Glavin went further than simply expressing her objections and “reminded” Select Subcommittee staff of their ethical obligations.²⁹ Ms. Glavin did this by referencing two staffers’ applicable state bar rules—meaning she researched their state bar numbers—and cited the disbarment case against former New York City Mayor Rudolph Guiliani.³⁰ A reasonable person may perceive this “reminder” as a threat to file disbarment complaints against those staffers. This

²⁷ E-Mail from Ms. Rita Glavin, Counsel for Mr. Andrew Cuomo, to Select Subcommittee Staff (Sept. 9, 2024 2:30 PM).

²⁸ E-Mail from Select Subcommittee Staff to Ms. Rita Glavin, Counsel for Andrew Cuomo (Sept. 10, 2024 10:58 AM).

²⁹ E-Mail from Ms. Rita Glavin, Counsel for Mr. Andrew Cuomo, *Supra* note 26; *See also* Dan Diamond, *Andrew Cuomo, once a pandemic star, grilled by Congress over pandemic missteps*, WASH. POST. (Sept. 10, 2024) (“Rich Azzopardi, a Cuomo spokesman, said his colleagues were ‘reminding’ House lawyers that there were consequences for making “false and misleading” statements in the report that Republicans issued Monday. ‘I do think lawyers have an ethical obligation to tell the truth, and I don’t think there’s a lot of that in this report,’ Azzopardi said”).

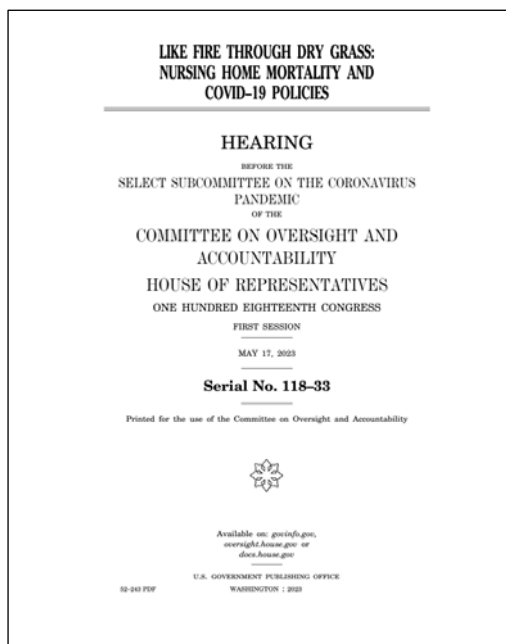
³⁰ *Id.*

is not the first time that Ms. Glavin has resorted to such intimidation tactics on Select Subcommittee staff.³¹

To address Ms. Glavin’s objections, the Select Subcommittee sent interrogatories to Dr. Malatras (Appendix I) on September 16, 2024.³² These interrogatories were targeted to address Ms. Glavin’s concerns, including whether there were more communications between former Governor Cuomo and Dr. Malatras, and how Dr. Malatras interpreted the communications. On September 19, 2024, the Select Subcommittee received Dr. Malatras’ supplemental testimony (Appendix II).³³ The following timeline outlines the communications between former Governor Cuomo and Dr. Malatras.

Timeline of Communications between former Governor Cuomo and Dr. Malatras

May 17, 2023: The Select Subcommittee held a hearing entitled, “Like Fire Through Dry Grass: Nursing Home Mortality & COVID-19 Policies.”³⁴ At this hearing, Members of the Select Subcommittee questioned, on a bipartisan basis, former Governor Cuomo’s March 25 Directive and the data regarding how the State of New York calculated nursing home deaths.³⁵



Chairman Brad Wenstrup (May 17, 2023)

...Today we heard concerning testimony regarding the manipulation of data from Governor Cuomo’s own office. The Biden Department of Justice chose not to investigate the state orders nor the ensuing coverup. We will.

...

The Select Subcommittee on the Coronavirus Pandemic will continue to examine the deadly policy decisions surrounding nursing homes, and we will continue to investigate the failed leadership of state officials during the COVID-19 pandemic.

³¹ E-Mail from Ms. Rita Glavin, Counsel for Mr. Andrew Cuomo, to Select Subcommittee Staff (Mar. 8, 2024 5:07 PM).

³² Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to James Malatras, Former Advisor, Governor of the States of New York, (Sept. 16, 2024).

³³ Letter from James Malatras, Former Advisor, Governor of the States of New York, to Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability (Sept. 19, 2024) (hereinafter “Malatras Letter”).

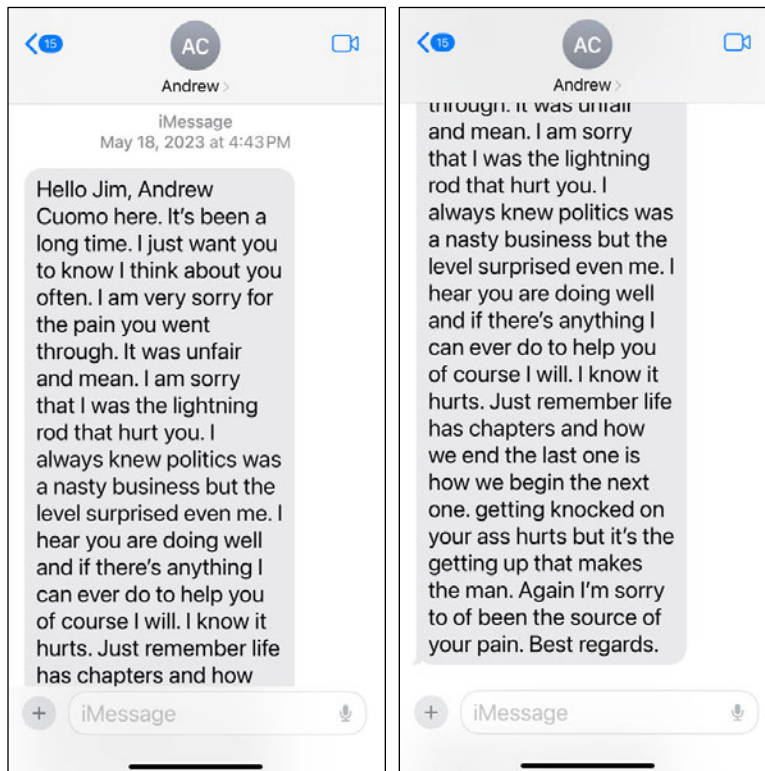
³⁴ *Like Fire Through Dry Grass: Nursing Home Mortality & COVID-19 Policies*: Hearing Before Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, 118th Cong. 1 (May 17, 2023).

³⁵ *Id.*

Chairman Wenstrup promised a thorough investigation into New York nursing home mortality and policies.³⁶ He specifically noted that the Select Subcommittee would investigate the March 25 Directive, the issues surrounding the potential concealment of applicable nursing home data, and the July 6 Report.

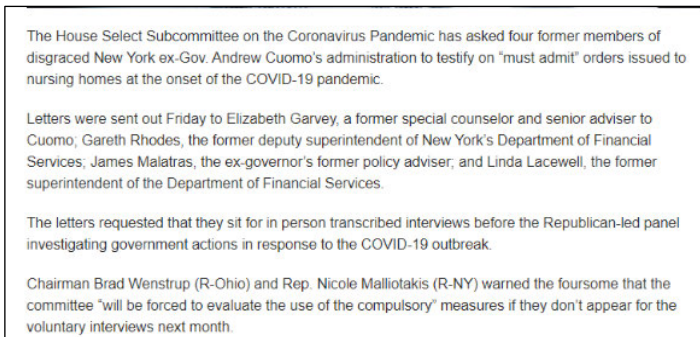
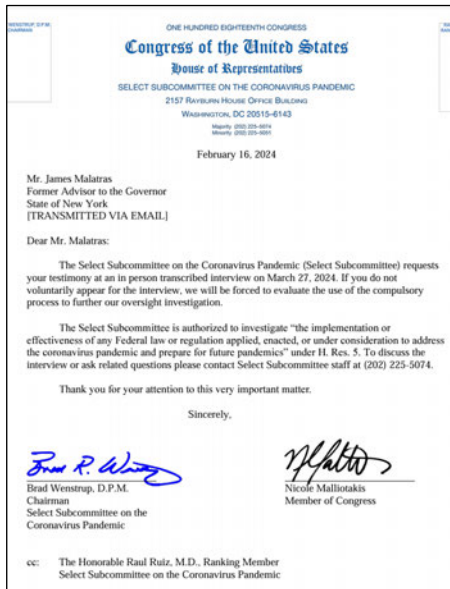
Considering Dr. Malatras' position on former Governor Cuomo's Task Force and his involvement in the July 6 Report, including on the issues surrounding nursing home data, it would be logical for former Governor Cuomo to safely assume that Dr. Malatras would likely be a witness in the Select Subcommittee's investigation and have information potentially damaging to former Governor Cuomo.

May 18, 2023: Within 24 hours of the Select Subcommittee holding its first hearing on its investigation into New York nursing homes and for the first time since early 2021, former Governor Cuomo contacted Dr. Malatras. Former Governor Cuomo sent the following text message to Dr. Malatras. Dr. Malatras did not respond.



³⁶ *Id.*

February 16, 2024: The Select Subcommittee requested Dr. Malatras' testimony at a voluntary transcribed interview.³⁷ The New York Post publicly reported the Select Subcommittee's request to Dr. Malatras.³⁸



February 18, 2024: Within 48 hours of the Select Subcommittee's letter, and for the second time since 2021, former Governor Cuomo contacted Dr. Malatras again. Former Governor Cuomo sent the following text to Dr. Malatras.



³⁷ Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to James Malatras, Former Advisor, Governor of the States of New York (Feb. 16, 2024).

³⁸ Victor Nava, *House COVID-19 panel requests testimony from 4 former Cuomo admin officials*, N.Y. POST (Feb. 16, 2024) (While the former Governor testified that he was not aware that the Select Subcommittee had requested Mr. Malatras' testimony, his spokesman, Rich Azzopardi was able to provide a statement on his behalf to this article in response to the Select Subcommittee's requests for transcribed interviews with Mr. Malatras' and others).

In response to interrogatories from the Select Subcommittee, Dr. Malatras stated that he believed this text to be in response to the Select Subcommittee’s letter.³⁹ Further, Dr. Malatras stated that this text message was a “flare—or signal—alerting [him] that [former Governor Cuomo] was aware” of Dr. Malatras’ upcoming testimony.⁴⁰

Dr. James Malatras (September 19, 2024)

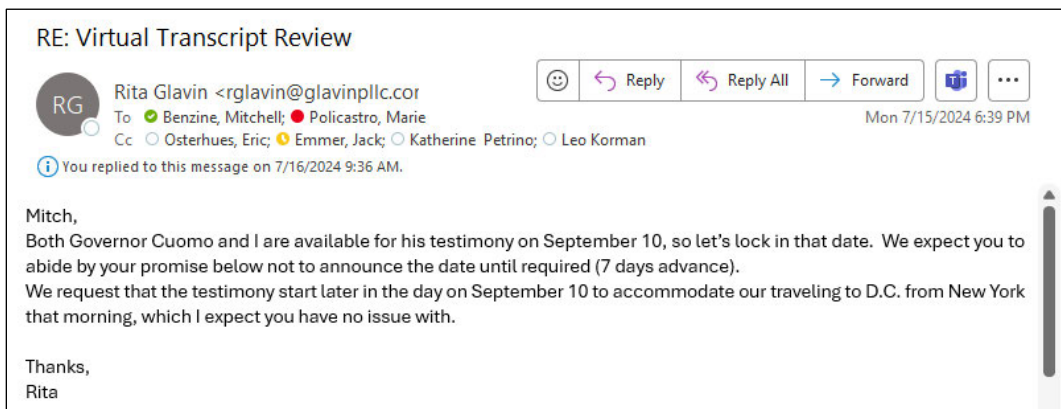
Q. Dr. Malatras, to you, was the February 18, 2024 text message from Mr. Cuomo to you in response to the Select Subcommittee’s invitation for your testimony?

A. Yes.

Q. Dr. Malatras, how did you interpret the content of the February 18, 2024 text message from Mr. Cuomo to you?

A. I took it as a type of flare—or signal— alerting me that he was aware that the House Select Subcommittee had requested that I testify on issues related to the administration’s handling of the Covid-19 response.

July 15, 2024: After negotiating for a week, the Select Subcommittee, former Governor Cuomo, and Ms. Glavin agreed to September 10, 2024 for a public hearing with former Governor Cuomo as the sole witness. To secure former Governor Cuomo’s voluntary cooperation, the Select Subcommittee agreed to not publicly announce the date until required pursuant to the rules of the Committee on Oversight and Accountability—seven days prior to the hearing date.⁴¹



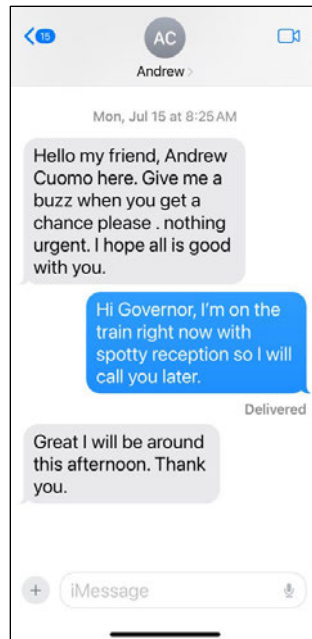
³⁹ Malatras Letter, *Supra* note 33.

⁴⁰ *Id.*

⁴¹ E-Mail from Ms. Rita Glavin, Counsel for Andrew Cuomo, to Select Subcommittee Staff (July 15, 2024 6:38 PM).

July 15, 2024:

The same day the hearing was confirmed and for the first time in more than three years, former Governor Cuomo called Dr. Malatras.⁴² Dr. Malatras did not answer.⁴³ Former Governor Cuomo followed up by text.⁴⁴



Dr. Malatras stated that he and former Governor Cuomo spoke later that day around 5:00 p.m. for about half an hour and former Governor Cuomo discussed his upcoming testimony before the Select Subcommittee and the nursing home investigation specifically.⁴⁵ Dr. Malatras stated that he did not engage in that conversation because he was “uncomfortable.”⁴⁶

At the time of this call, former Governor Cuomo and his counsel were the only ones, outside of the Select Subcommittee, with knowledge of the upcoming hearing.

Dr. James Malatras (September 17, 2024)

Q. Dr. Malatras, have you been contacted by Mr. Cuomo since your May 20, 2024 interview before the Select Subcommittee?

A. Yes.

⁴² Malatras Letter, *Supra* note 33.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

Q. ...[D]id Mr. Cuomo discuss issues related to the Select Subcommittee?

A. Yes.

Q. ...[W]hat topics?

A. Governor Cuomo started the call by mentioning he would be testifying publicly in front of the House Select Subcommittee. As part of the conversation he spoke about nursing homes, specifically describing how the story in New York was much better than I even knew it to be and mentioned several facts and datapoints to demonstrate his point. I don't recall the exact details of the facts or datapoints but recall generally that he mentioned that New York's nursing home numbers in comparison to other states were even better than first thought.

Q. ...[H]ow did you interpret the phone call?

A. For the portion of the call regarding the Select Subcommittee, I interpreted the call as an effort to make me aware of the positive information about which he intended to testify. I only listened and did not respond to his discussion on nursing homes, because I was uncomfortable having to potentially contradict or disagree with Governor Cuomo on the call, or somehow prejudicing the upcoming Select Subcommittee hearing by discussing it at all.

III. CONCLSUION

The evidence in this Memo supports the finding that former Governor Andrew Cuomo acted in a manner consistent with an attempt to inappropriately influence the testimony of a witness and obstruct the Select Subcommittee's investigation.

The Select Subcommittee is continuing its thorough and fact driven investigation. Accordingly, the Select Subcommittee is evaluating all avenues at its disposal to hold former Governor Cuomo accountable.