

PAWLOWSKI

Continued from NEWS 1

see the impact of this investigation on you and your family?"

The recording of the agents confronting Pawlowski was made July 2, 2015, as authorities prepared to search City Hall and the mayor's home. Prosecutors played it for the jury on Tuesday, the 14th day of Pawlowski's trial, then rested their case. The defense team gets to work Wednesday.

In the first few minutes of the nearly three-hour recording, Pawlowski asked whether he was under investigation and whether he needed a lawyer.

Telling him he was free to leave at any time, Curtis and agent Carmen DiMario questioned Pawlowski about his top aide, former Managing Director Francis Dougherty, the city's procedure for bidding contracts, and several law firms and companies to which awards of work from the city have been the focus of his trial in federal court.

In the course of that questioning, Pawlowski denied knowing the principals of the cybersecurity firm SC with whom he had met in meetings secretly recorded by his campaign aide, Sam Ruchlewicz, and by campaign manager Mike Fleck.

The mayor also denied using city vendor lists for campaign fundraising purposes. Jurors previously watched secret recordings of Pawlowski discussing the lists with his campaign staff and citing them between making campaign phone calls.

Pawlowski is charged with 54 criminal counts, including seven counts of lying to the FBI. He has pleaded not guilty to all the charges against him.

Pawlowski repeatedly told the agents that he had no involvement in the bidding process, which was handled by committees of City Hall employees.

"I don't want any hint of impropriety in any way, shape or form," Pawlowski said. "I don't want to make it look weird in any way shape or form."

Pawlowski, then in the early stages of a run for U.S. Senate, told the agents that he'd told Dougherty to avoid contact with his campaign staff.

"If for some reason, if he ever is talking to you, know, campaign staff, I just don't want, I don't want that to happen," he said.

Earlier in the trial, jurors heard recordings of Dougherty and Ruchlewicz talking on the phone about a city pool-design contract and about contract bidding for a streetlights upgrade. In another recording, the pair speak during a meeting in City Hall.

The FBI agents also asked

Pawlowski about the city's email policy, his use of personal email for city business, his decision to acquire a second cellphone for his campaign, and the city's ethics policies.

The jury heard testimony previously from city directors who said Pawlowski asked them to use their personal email to avoid Right-to-Know requests. Pawlowski told FBI agents during the interview that he only sent personal emails about city business "by mistake."

On the cellphone, Pawlowski initially said he had only one phone, but eventually volunteered that he recently acquired a second one for campaign purposes. The jury heard recordings earlier in the trial of Pawlowski discussing getting a "burner phone" for his campaign.

"You're aware it's illegal to accept something of value before or after a contract has been awarded in return for directing a contract in a certain way?" DiMario asked Pawlowski during the interview.

"Yes," replied Pawlowski, adding he was "pretty sure" that concept was in the city's ethics ordinance. Then Pawlowski began asking questions.

"How long are we going to do this? What are... where are we getting at here?" Pawlowski asked.

DiMario explained that the agents were trying to understand the city's contracting process and wanted the mayor's help. "There's more going on here than meets the eye, and I think you know there's more going on here than meets the eye. I think you have knowledge of this," DiMario said.

Curtis added: "I think you know about campaign contributions coming to you and coming to other people in Allentown City Hall in return for steering contracts to certain people."

"That's not the case," Pawlowski replied.

The agents told Pawlowski the best thing he can do is tell them the truth. They offer him the chance to start the interview anew.

"If you're trying to insinuate I'm trying to steer contracts I think I should get a lawyer at this point. If that's what you're insinuating," Pawlowski said.

The agents again told Pawlowski that he was free to leave, but he stayed. The agents questioned Pawlowski about the Neighborhood Improvement Zone, the city's contract with the cybersecurity firm SC, and



HARRY FISHER/THE MORNING CALL
Allentown Mayor Ed Pawlowski (right) walks with attorney Jack McMahon as he prepares to enter the Edward Cahill Federal Courthouse for the start in day 16 of his criminal trial on Tuesday.

whether he had his office swept for listening devices. Pawlowski initially told agents the office was swept but not at his direction. Later, he told them he had the office searched because he worried that the police and fire unions were listening to private discussions about contract negotiations.

"We have you on conversations where you say, 'You never know who's listening,'" DiMario said. "You're talking about getting that SC deal."

One of the company's financial backers, Jack Rosen, bundled \$300,000 for Pawlowski's campaign, evidence in the trial shows.

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THE TRIAL ON TUESDAY

Prosecutors rested their case after calling an FBI special agent to testify about his interview with Mayor Ed Pawlowski the day investigators searched the mayor's home and Allentown City Hall.

Who testified?
FBI Special Agent Carmen DiMario

What's happening Wednesday?
Defense attorneys for Pawlowski and his co-defendant, Allentown lawyer Scott Allison, will begin presenting their cases.

at City Hall." Jack McMahon, Pawlowski's defense attorney, cross-examined DiMario after the lengthy recording was played in court, noting it had been made without the mayor's consent or knowledge.

DiMario explained that the FBI permits secret recordings of the subjects of an investigation and typically uses the technique if agents believe a recorder would inhibit conversation. Secret recordings of interviews are also made when a subject is expected to lie, he said.

McMahon repeatedly questioned DiMario about Pawlowski's insistence during the interview that he did not participate in pay-to-play. DiMario said he believed the mayor was "coming around" by the end of the interview, but conceded "I don't think he ever came out and said, 'I admit to quid pro quo or I admit to pay-to-play.'"

U.S. District Judge Juan R. Sanchez on Tuesday denied a request by McMahon to recall Ruchlewicz to question him about a statement he made during a second round of questioning by prosecutors. Ruchlewicz had testified about a covert recording in which Fleck told an undercover agent posing as a developer that "you don't have to give the mayor a dime."

"Did you trust the undercover officer at that point?" prosecutor Anthony Wazorek asked Ruchlewicz during his last day on the witness stand Feb. 7. Ruchlewicz testified that he did not.

In arguments Monday, McMahon argued the statement was a new fact explaining away a statement that tended to exonerate Pawlowski that had not been raised during Ruchlewicz's direct examination. Denying McMahon the chance to question Ruchlewicz about it was a violation of Pawlowski's right to confront his accusers, McMahon argued. Sanchez said in a brief order Tuesday McMahon had not convinced him the ruling was in error.

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