

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. OIG-509
OIG-509)

 ORIGINAL

WITNESS: Number 6
PAGES: 1 through 17
PLACE: Securities and Exchange Commission
100 F Street, NE
Room 3365
Washington, DC 20549
DATE: Monday, March 2, 2009

The above-entitled matter came on for hearing, pursuant to notice, at 2:45 p.m.

1 APPEARANCES:

2

3 On behalf of the Securities and Exchange Commission:

4 H. DAVID KOTZ, Inspector General

5 HEIDI STEIBER, Investigator

6 CHRISTOPHER WILSON, Investigator

7 Office of Inspector General

8 Securities and Exchange Commission

9 100 F Street, NE

10 Washington, DC 20549

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12 On behalf of the Witness:

13 Jane Doe [REDACTED] PRO SE (Via Telephone)

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C O N T E N T S

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WITNESS:

Jane Doe

EXAMINATION

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P R O C E E D I N G S

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2 MR. KOTZ: We're on the record at 2:45 on March 2,
3 2009 at the United States Securities and Exchange Commission,
4 Office of Inspector General. We have Jane Doe, who is
5 participating telephonically at 1-305-858-8284. And I'm
6 going to swear you in, Jane Doe, over the phone.

7 THE WITNESS: Okay.

8 Whereupon,

9 Jane Doe
10 was called as a witness and, having been first duly sworn,
11 was examined and testified as follows:

12 EXAMINATION

13 BY MR. KOTZ:

14 Q Could you state and spell your full name for the
15 record?

16 A It's Jane Doe

17 Q And how do you spell Jane Doe is that Jane Doe ?

18 A Jane Doe .

19 Q My name is David Kotz, and I am the Inspector
20 General of the United States Securities and Exchange
21 Commission. This is an investigation by the Office of
22 Inspector General, Case Number OIG-509.

23 I'm going to ask you certain questions. You're
24 going to provide answers under oath. You can't see the court
25 report but she is here, and she will record and transcribe

1 and misleading testimony under oath is a serious offense. If
2 the evidence shows that the testimony you've given is false,
3 we may refer it appropriately. Do you understand those
4 instructions?

5 A I do understand them.

6 Q Okay. I think I'm going to just dive right into
7 the issues that we have. Let me also say for the record, my
8 colleagues Heidi Steiber and Chris Wilson are here with me
9 and may jump in as necessary.

10 Let me just start with asking you when the first
11 time you met Eric Swanson?

12 A We met end of January of '05.

13 Q And did there come a time when you developed a
14 romantic relationship with Mr. Swanson?

15 A Immediately, yeah.

16 Personal Privacy

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23 Q And then did you become engaged to Mr. Swanson?

24 A We did. We were engaged.

Personal Privacy

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Personal Privacy

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7 Q So did you end up getting married to Mr. Swanson?

8 A No.

Personal Privacy

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14 Q And do you remember when you guys decided to break
15 off the engagement?

16 A It was about maybe two to three weeks after the
17 wedding was canceled.

Personal Privacy

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22 Q And then since you moved out have you kept in
23 contact with Mr. Swanson?

24 A No, we have not.

25 Q When was the first time you heard the name

3 Q Maybe this would refresh your recollection. Do you
4 recall Eric saying anything about going to securities
5 industries breakfasts, like these get-togethers of the
6 securities industries organized by Shana Madoff?

7 A No, I don't. I mean, he went to tons of these all
8 year long, you know, tons of these business trips. So, no, I
9 don't recall any of them.

10 Q Was he excited about these business trips,
11 something he looked forward to?

12 A Yeah, he liked the industry. He liked making
13 presentations. You know, he just really loved what he did.

14 Q And it's a bit of a delicate question, but I have
15 to ask, were there any a time where you suspected that Eric
16 Swanson was involved or interested in somebody else while you
17 guys were together?

18 A No, not at all. We spent all our time together
19 when we were together.

20 Q So you think you would know if he was interested in
21 somebody else during that period of time?

22 A Yeah, absolutely.

23 Q What about ex-girlfriends? Did he ever mention
24 anything about an ex-girlfriend or a girl that he knew prior
25 to you guys, prior to January 2005, that might have been in,
you know, a prominent family like Shana Madoff?

A No. I do remember there was something serious with

1 the ex-girlfriend who was Personal Privacy, but no, not with Shana
2 Madoff.

3 Q Did you ever meet John McCarthy?

4 A His boss?

5 Q Yeah.

6 A Once, I believe.

7 Q Did you have any impression of him?

8 A Just a regular guy. We went to his house. He was
9 showing us around his renovations. And that's about it
10 really.

11 Q And did Eric -- what did Eric say about him?

12 A He thought well of him. He respected him.
13 However, I think he felt he needed to get out of his shadow
14 for his career purposes.

15 Q What about Alex Sadowsky? Does that name ring
16 familiar to you?

17 A It does, but I don't really know in what context.
18 I just kind of recall the name, but I don't really know why.

19 Q At any point did Eric talk about how he wanted to
20 leave the SEC, get a job in the securities industry, maybe
21 make a little more money?

22 A Yes, I think that is exactly what I was talking
23 about before. He just needed to get out of John's shadow.
24 You know, he went as far as he could with SEC and he needed a
25 new career.

1 A Yeah. And I knew how upset he was, and I was upset
2 myself because I think we both thought it was something that
3 it wasn't. And because of that I think we were able to
4 rebound faster than normal. So he dated shortly after that
5 from what I read, and I started dating shortly after that.
6 But immediately after the break-up we were both devastated.

7 Q So that information that --

8 A We both e-mailed back and forth regarding that, but
9 that's really the extent of our relationship afterward.

10 Q And then the information about him dating
11 afterward, that you just got from the newspaper or that's
12 from your own knowledge?

13 A No, that was from the newspaper.

14 Q All right. But you're pretty clear that at least
15 the time period that you knew Eric he couldn't have been
16 involved with Shana Madoff?

17 A Absolutely not. I knew exactly where he was and we
18 spent all of our time together except for his trips here and
19 there. And even then I knew where he was. I don't think he
20 was doing anything shady. I think a woman probably knows
21 when someone she's seeing is seeing somebody else. And
22 especially because our relationship was so new and really
23 didn't have any issues until the latter part of the
24 relationship.

25 Q And you think if prior to the time you met he had