

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

STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL

AN INVESTIGATION CONCERNING ALLEGATIONS
THAT HERBERT TEITELBAUM, EXECUTIVE
DIRECTOR OF THE COMMISSION ON PUBLIC
INTEGRITY, DISCLOSED INFORMATION
CONCERNING THE COMMISSION'S INVESTIGATIONS

October 30, 2008
1:19 p.m.

CONTINUED EXAMINATION of LLOYD
CONSTANTINE, held at the offices of STATE
OF NEW YORK OFFICE OF THE INSPECTOR
GENERAL, 61 Broadway, New York, New York
before Wayne Hock, a Notary Public of the
State of New York.

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

A P P E A R A N C E S :

STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL
61 Broadway
New York, New York 10006

BY: JOSEPH FISCH, ESQ.
ARLENE S. OSTERER, ESQ.

* * *

1 L. Constantine

2 MR. FISCH: Today is October 30,
3 2008. We are in my New York office.
4 It's a continued examination of Mr.
5 Constantine who is again appearing
6 voluntarily in response to a telephone
7 call.

8 Mr. Constantine, again, you're
9 under oath. You appreciate that.

10 THE WITNESS: I do.

11 L L O Y D C O N S T A N T I N E, having
12 been previously duly sworn by a
13 Notary Public of the State of New York,
14 upon being examined, testified
15 as follows:

16 EXAMINATION BY

17 MR. FISCH:

18 Q. I do want to express my
19 appreciation on the record to you coming
20 with very short notice and making yourself
21 available to us.

22 A. You're quite welcome.

23 Q. We've had an opportunity to
24 discuss your prior testimony and I believe
25 there's some questions and answers you had

1 L. Constantine
2 an opportunity to reflect upon that you
3 wish to amend or explain.

4 A. I think it will be more
5 appropriate to amplify on.

6 I've looked at a particular part
7 of the transcript of my testimony and I
8 must say that I have now read my testimony
9 over multiple times, four or five times,
10 and I think it's entirely accurate so I
11 don't quibble with the testimony.

12 However, there was a question
13 that you posed to me which, given the way
14 it was posed, I gave you a completely
15 truthful answer. But what I think,
16 reflecting upon this, I think you were
17 seeking to elicit a different issue and it
18 has to do with the way the question was
19 worded.

20 Would you like me to explain
21 exactly where?

22 Q. Please.

23 A. It is found at page thirty-four
24 of the transcript and begins at line eight
25 and you were beginning to ask me a

1 L. Constantine
2 question there. And what it states is --
3 and this is you, the inspector general,
4 asking a question beginning at line eight.
5 "Hold on for a minute. Getting back to
6 November 1, did he" -- he refers to Bob
7 Hermann -- "mention any people in the
8 chamber who might have been suspected of
9 being complicit in the composition of
10 Dopp's statement to the attorney general."
11 And my answer is: "No, but I was fully
12 aware of -- I knew how Dopp's statement
13 had been put together. I wasn't myself
14 part of that group. I wasn't involved in
15 it. But I knew because I had been
16 around." And I think that is the part
17 we're referring to.

18 When you asked me that question
19 and when I gave that answer, I think I was
20 responding to your specific phraseology
21 about complicit and complicity and all of
22 that and that's the answer I gave because
23 there was no -- in my conversation with
24 Bob Hermann at that time, there was no
25 discussion of complicit or complicity or

1 L. Constantine
2 culpability or any such thing. He did --
3 and I think what you were trying to elicit
4 but what I didn't understand was whether
5 there was any discussion of those people,
6 and there was. And among the things that
7 he told me that day was that the basis of
8 his concern was not merely that the
9 Integrity Commission had made a referral
10 to the Albany district attorney of this
11 matter involving Darren Dopp and the
12 potential prosecution of Darren Dopp for
13 either perjury or false swearing or the
14 inconsistency between his sworn statement
15 to the attorney general and his sworn
16 testimony to the Integrity Commission.
17 Another basis of Mr. Hermann's concern was
18 that the statement, the sworn statement,
19 that Darren Dopp had made to the attorney
20 general had been drafted by several
21 individuals in the chamber and indeed some
22 of those individuals were working in the
23 chamber at the time as counsel or special
24 counsel to the governor in responding to
25 the various inquiries, the inquiry by the

1 L. Constantine
2 Integrity Commission, the inquiry by the
3 district attorney's office, the inquiry by
4 the senate investigations committee, so he
5 was also concerned about that. And he did
6 mention that David Nocenti was one of
7 those people and that Peter Pope was one
8 of those people.

9 So that was something he did
10 specifically mention.

11 Again, when I responded to your
12 question when I was under oath previously,
13 and in particular the question and answer
14 which are set out at page thirty-four of
15 the transcript, I was reacting to the --
16 and the way I was hearing the question had
17 to do with complicity or culpability and
18 all of that. There was no discussion of
19 that. But I realize now that what you
20 were trying to find out is whether he
21 mentioned those gentlemen's names. He
22 did, he did. And he also said -- he
23 raised a concern about those individuals,
24 being Pope and Nocenti, now being
25 potentially in a conflict of interest

1 L. Constantine
2 situation. And indeed when I went and
3 talked to the governor about this,
4 Governor Spitzer, I mentioned that to him
5 as well, I mentioned that part of the
6 conversation as well.

7 I think that probably clarifies
8 it.

9 Q. It does. Thank you.

10 And you also mentioned it to
11 Rifkin and to --

12 A. I mentioned it to Rifkin, I
13 mentioned it to --

14 Q. Lieberman?

15 A. To Hal Lieberman, the ethics
16 counsel that I called.

17 Q. Did Michele Hirshman ever talk
18 to you about this?

19 A. Michele and I never talked about
20 this specifically. I have spoken to
21 Michele on numerous occasions about all
22 sorts of issues but I did not discuss this
23 with her.

24 You know, Michele has
25 represented -- was representing the

1 L. Constantine
2 governor in a personal capacity and is
3 representing the former governor in a
4 personal capacity and at various times I
5 have spoken to her, but I am not part of
6 the counsel group -- I was never part of
7 the counsel group representing the
8 governor personally when he was governor
9 nor am I part of the counsel group
10 representing the governor, the
11 ex-governor, in a personal capacity. She
12 and I know each other and at times she's
13 simply reached out to me as a friend and
14 called, but no, not this stuff.

15 Q. You also mentioned in your
16 testimony, consistent with your testimony
17 before the DA of Albany County, that the
18 first time period where Hermann came to
19 you took place within a very short period
20 of time where he said, Herb said this,
21 Herb said this in connection with
22 categories of documents, in connection
23 with specific witnesses. Then there came
24 a time when you were uncomfortable and you
25 spoke to Rifkin about this.

1 L. Constantine
2 A. Yes, that period of time was in
3 late August -- sorry, late July and early
4 August of 2007. As I previously
5 testified, those conversations I believe
6 numbered around five or six. In each case
7 the conversation was initiated by Bob
8 Hermann. And as they piled up, in other
9 words as they continued, I became
10 uncomfortable with them because I didn't
11 know the answer to the question but I was
12 asking the question in my mind as to
13 whether there was anything improper about
14 Teitelbaum and members of the -- people,
15 staff at the Ethics Commission at the time
16 talking about their confidential
17 investigation with somebody who was not in
18 the executive chamber, was not
19 representing the governor, was not
20 representing the second floor.

21 And so I went to Richard Rifkin
22 who had been executive director of the
23 Ethics Commission in an earlier part of
24 his career and I said, is this okay, is
25 this kosher, it makes me uncomfortable.

1 L. Constantine
2 And he said it's not okay, it's not
3 kosher, it's illegal, he shouldn't be
4 doing it, I don't want you to do it with
5 him any more. If he does it again, direct
6 him to no longer have these conversations
7 with Teitelbaum. And if he persists in
8 doing it, not to tell you about it. And
9 at the very next time that Hermann called
10 me, he called me when I was in the city of
11 Skaneateles doing work with the SUNY
12 campuses, he called me and at that point I
13 directed him to stop having conversations
14 with Teitelbaum and to stop telling me
15 about it. And it stopped until --

16 Q. November 1, roughly.

17 A. To roughly what you have
18 discovered is November 1 but what I
19 testified was either October 31 or
20 November 1, 2007.

21 Q. We have that.

22 Now, you mentioned this was in
23 anticipation, I think, of a question I was
24 going to ask you.

25 All of these conversations with

1 L. Constantine
2 Hermann during what you characterize as
3 the first time period were initiated by
4 Hermann?

5 A. They were all initiated by
6 Hermann. As I've previously testified to
7 you and to the district attorney, Bob and
8 I were working very frequently on a number
9 of matters. We were working on new
10 banking regulations, we were working on a
11 reconfiguration of IOLA, and we were
12 working on funding of legal services in
13 the state and, to some extent, we also
14 were working on legal assistance for
15 indigent defendants in criminal actions,
16 so all of those things. So we had a lot
17 of -- I don't know if it was daily but
18 certainly multiple times a week we had
19 reason to talk on the phone or to actually
20 meet. And in each and every case, when
21 the issue of the Ethics Commission --
22 because at the time I believe it was the
23 Ethics Commission -- each time that that
24 was raised it was raised by Bob Hermann.
25 I never raised it. He raised it each

1 L. Constantine

2 time.

3 Q. You never said to him, in words
4 or substance, your friend Teitelbaum is
5 making demands for records or for
6 witnesses which are not reasonable or is
7 that off the wall, anything along that
8 line, or you suggested that he use his
9 good offices because of a friendship with
10 Teitelbaum?

11 A. No, that did not happen. Bob
12 Hermann was aware that I did not have the
13 highest opinion of Herb Teitelbaum in
14 terms of his skills. I had no reason -- I
15 didn't have a low opinion of Mr.
16 Teitelbaum in terms of anything other than
17 that but it is the case that Bob Hermann
18 and I have known each other for many, many
19 years. Herb Teitelbaum and I have known
20 each other for many, many years. Bob
21 Hermann and Herb Teitelbaum were partners
22 in a law firm. I think Bob was aware
23 that, based upon some old experiences I
24 had with him where I was a prosecutor in
25 the attorney general's office -- I didn't

1 L. Constantine
2 actually work for Bob -- but I was a
3 prosecutor in the attorney general's
4 office and Herb was defense counsel that I
5 did not hold Herb's legal skills in high
6 esteem.

7 But no, I never asked or
8 directed or in any way inferred that Bob
9 should go to his former partner and friend
10 and talk to him about this investigation.
11 Bob was not involved in representing the
12 chamber, he didn't work in the chamber, he
13 wasn't a lawyer at the chamber, and I
14 never tried to use him as a go-between in
15 the way that I believe -- and I testified,
16 I believe, that Teitelbaum was using Bob
17 as a go-between between the Ethics
18 Commission and me.

19 Q. When Hermann did come to you
20 during that first time period, July or
21 early August, and told you Teitelbaum
22 feels that these records are not coming
23 quickly enough or that certain privileges
24 should not be observed with regard to
25 witnesses or with regard to documents,

1 L. Constantine
2 what was your response to him on those
3 occasions?
4 A. My response was primarily just
5 to listen.
6 Q. Just to what?
7 A. Just to listen.
8 I must say that, as I've
9 testified a number of times, this happened
10 on five or six occasions. And as I sit
11 here, I'm quite sure that it happened at
12 least five or six times. It might have
13 been more. But my best estimation of this
14 is this happened five or six times. And
15 the first time I didn't really pay it too
16 much mind. It was sort of, you know, this
17 is my job. I know that you are a very
18 good lawyer, Bob -- this is not what I
19 said to him but in my mind it was this is
20 my job, I know you're a very good lawyer,
21 Bob, you used to be my boss, you were the
22 solicitor general of the State of New
23 York, I have referred clients to you, I
24 think you're a great lawyer but this is my
25 job and so it wasn't particularly annoying

1 L. Constantine
2 but I just listened to it.
3 But each succeeding time, you
4 know, the second time, the third time, the
5 fourth time, I became increasingly
6 concerned about this as it continued to
7 the point where, after the fourth or fifth
8 time, I went to speak with Rifkin because
9 I was getting both concerned and mad. But
10 in each case -- I realize that you ask a
11 question and I give you a long-winded
12 answer, but to answer your specific
13 question, primarily what I did was listen
14 and at most would say, you know what, if
15 Herb has to say something, he ought to say
16 it to me, not through you.

17 Q. Now, you testified about what we
18 believe is the November 1 date, and we
19 need not get that all on the record again,
20 it's complete, and now you've explained
21 one of your answers because of my
22 inartfully put question --

23 A. I don't think it's inartfully
24 put. I seized upon the language of
25 complicity.

1 L. Constantine

2 Q. That's one of the afflictions we
3 lawyers have.

4 And then sometime thereafter
5 where you confronted Hermann, what's the
6 big deal about not revealing your name as
7 the source, and we have the answers, you
8 don't know what he's capable of, we have
9 that. And then there came a time
10 thereafter where you said to him tell me,
11 what really happened or something like
12 that and then he gave you the story about
13 the pad, the notes, but he did say that he
14 had a conversation with Teitelbaum and
15 Teitelbaum confirmed that there had been a
16 referral to the DA.

17 A. Yes.

18 Q. Now, other than talking to
19 Hermann as you've related and your
20 official duties dealing with people from
21 the Commission on Integrity, did you have
22 any other conversations with any of the
23 commissioners of the originally Ethics
24 Commission and then the Commission on
25 Public Integrity during this period of

1 L. Constantine

2 time?

3 A. I'll tell you exactly I had
4 conversations with one commissioner and
5 they came in two time frames.

6 I was -- and it was with
7 Commissioner Richard Emery. Commissioner
8 Emery and I are close friends and we are
9 athletic buddies, we bike together
10 frequently and we ski together. And we
11 had a ski trip planned to go to Snowbird,
12 which is in Utah; it's near Salt Lake
13 City. And a few days before the trip he
14 called me up and said, I'm going to cancel
15 out on this trip. I don't want to be -- I
16 don't think we should be seen publicly
17 together at this point in time given the
18 fact that you and I are both aware that
19 you have been representing -- you had
20 represented the chamber in the
21 investigation before the commission and I
22 don't think it's a good idea for us to be
23 seen publicly. And I said, but we've
24 never talked about this, Richard, and
25 we're not going to talk about it. I said,

1 L. Constantine
2 I've been married to Jan for almost
3 thirty-three years and she and I never
4 talk about the things that she's doing or
5 that I'm doing. At times she has been in
6 the Federal Trade Commission and I was in
7 the attorney general's office or she was
8 at the U.S. Attorney's office and I was at
9 the attorney general's office and I'm now
10 in the governor's office and we know how
11 to do that and you and I know how to do
12 that as well. And he said, you're right,
13 we won't talk about it but I just don't
14 think it's a good idea for us to be seen
15 together skiing.

16 I'll just tell you the whole
17 thing. I said, you know what? You're
18 probably right. I was just annoyed that I
19 was losing my ski buddy and I was going to
20 go out there by myself, but I was annoyed.
21 And I said, you know, you remind me of
22 Eliot because Eliot, during the course of
23 when he was attorney general and I was
24 representing a large insurance company, he
25 suspended our tennis game for months and I

1 L. Constantine
2 said I'm losing my athletic partners as a
3 result of my work.

4 Anyway, that was the first
5 conversation and it was not about this.

6 Q. Before you go to the second, can
7 you fix a time period?

8 A. Yes, this was in -- I can get
9 back to you with an exact time frame
10 because it was around two days before I
11 left for Utah and I can get that. If you
12 give me a break, I can get that exactly
13 for you.

14 Q. That's fine.

15 A. It will be either late March or
16 early April of 2008.

17 Q. That's fine.

18 Prior to --

19 A. But there was no conversation
20 about this specific inquiry that you're
21 making now, none at all. It was just
22 generally the idea that given the fact
23 that the Integrity Commission still has an
24 investigation and still has not reported
25 on its investigation and given the fact

1 L. Constantine
2 that you were representing the chamber, we
3 shouldn't be seen publicly that way.

4 Q. And you mentioned in your
5 testimony that you said we have never
6 spoken about this, so you never had any
7 conversations with Emery --

8 A. We always avoided it, always.
9 And during this period of time, while this
10 investigation was ongoing, I did bike with
11 Richard -- I did go cycling with Richard
12 Emery on a number of occasions and we
13 probably had dinner, he probably had
14 dinner at my house, and I went to see his
15 wife perform in a play. She directed, she
16 didn't perform, she directed an all-female
17 cast in the Taming of the Shrew in Hudson,
18 New York. I saw her perform in Cyrano de
19 Bergerac. So I was with him on a number
20 of occasions, which is one of the reasons
21 I pushed back at him. This was not new;
22 we had been seen publicly. But he knew
23 something obviously that I didn't know
24 that the Integrity Commission's long and
25 winding investigation was obviously

1 L. Constantine
2 reaching a culmination and so he was
3 feeling -- this was coming from him.
4 So in any event, in all of those
5 bike rides, play visits, dinners, et
6 cetera, we never, ever discussed what was
7 going on at the Integrity Commission. I
8 know how to do that and I know how to
9 avoid that. As I said, I've avoid this
10 for the entirety of my marriage with the
11 better lawyer in our household, my wife,
12 so I know how to do that.

13 Q. There came a time after the
14 commission published its final report that
15 you spoke to Emery?

16 A. I did. The day that the
17 Integrity Commission's report came out and
18 I read it, I called Richard Emery. I was
19 very upset with one part of the report. I
20 don't have the report with me here today,
21 but it was a footnote in the report where
22 the commission adverted to -- it was not
23 very specific but adverted to allegations
24 that had been about the very facts and
25 matters that you, the inspector general,

1 L. Constantine
2 are inquiring into. And what it seemed to
3 say is we've looked at it and we're fine;
4 we've examined our own conduct and we are
5 as pure as the driven snow.

6 And what I said to -- and I got
7 really upset. I got upset because here
8 was a guy I knew and the question I had in
9 my mind is, you know, when you sign this
10 opinion, when you've signed this report,
11 were you aware of all the facts. And I
12 was quite mad. So I called up Emery and I
13 said, you know, you should know -- do you
14 know about all this stuff. And he said
15 no, I don't. And this stuff being the
16 conversations between -- the conversations
17 that Hermann had with me and all of that,
18 he said, no, they kept all of that -- they
19 meaning Chairman Feerick and Teitelbaum --
20 kept that close to the vest and they did
21 not share that with all the commissioners.
22 And that sort of confirmed, at least in my
23 mind, one of the problems here frankly. I
24 said, you know, before you sign a report,
25 before you do that, you ought to know

1 L. Constantine
2 that, you know, what happened here. So I
3 told him all about this at that time.

4 Q. What was his reaction?

5 A. His reaction is that -- he told
6 me that he was either going to resign from
7 the Integrity Commission or demand of
8 Chairman Feerick a full airing of all of
9 this. And I didn't -- I just didn't
10 follow up on that. I never called him
11 back, I never said, Richard, did you do
12 those things, did you demand this, did you
13 demand that. I just was mad and I called
14 him up and I gave him this information.
15 It was on the day that the Integrity
16 Commission's report was public. And I did
17 that and he said I'm going to either
18 resign or else I'm going to demand
19 something of Feerick. And whether he did
20 or didn't I don't know.

21 Q. Did he ever indicate what other
22 commissioners were not made privy to some
23 of this information?

24 A. No. He did tell me that certain
25 matters were kept close to the vest, I

1 L. Constantine
2 think that was the terminology he used, by
3 Chairman Feerick, Executive Director
4 Teitelbaum, and some, you know, smaller
5 group within the commission. And when he
6 said that, of course that meshed perfectly
7 with what I already knew was that there
8 was a subgroup of five made up of four
9 commissioners and Herb Teitelbaum who were
10 handling certain matters and this -- I
11 inferred that this was one of those
12 matters.

13 MR. FISCH: Off the record.

14 (Discussion held off the record)

15 Q. In the interim, we located the
16 commission's public report and the
17 footnote Mr. Constantine referred to, and
18 I just showed it to him, was on page
19 fifteen, which reads as follows: "Based on
20 executive chamber claims made to the ODA,
21 the ODA raised concerns with the chair in
22 February, 2008 regarding the alleged
23 disclosure of confidential information by
24 the commission's executive director.
25 These claims were reviewed by all of the

1 L. Constantine
2 commissioners who unanimously concluded
3 that the executive director's handling of
4 the investigation was entirely proper and
5 the chair so informed the ODA and the ODA
6 continued to make available to staff
7 confidential material relevant to the
8 commission's investigation."

9 That is the footnote you were
10 talking about?

11 A. That is, yes.

12 May I say something?

13 Q. Yes.

14 A. What I want to say is this has
15 come up I believe on the earlier occasion
16 when you put me under oath as well. When
17 you read that footnote, it infers that the
18 executive chamber was making some claims
19 with respect to the integrity commission
20 and the way that they were proceeding.
21 That is not the case. Let me just, one
22 more time, make this clear.

23 Q. Please.

24 A. The reason that we approached
25 the DA and the reason that the executive

1 L. Constantine
2 chamber disclosed this sequence of events
3 and these conversations that had occurred
4 between Bob Hermann and myself and in
5 particular the conversation which I have
6 testified occurred either on October 31 or
7 November 1 and which you have told me
8 occurred on November 1, the reason was we
9 were directed to do so by ethics counsel,
10 by Hal Lieberman. Because once we became
11 -- we came into possession of the
12 information that a referral had been made
13 from the Integrity Commission to the DA, I
14 went to ethics counsel and I said what do
15 I do with this. And he said you've got to
16 go to the DA and tell them about it. It
17 was not for the purpose of making a claim
18 or ratting on the Integrity Commission or
19 asking the district attorney to begin an
20 investigation of the Integrity Commission.
21 It was merely at the direction of ethics
22 counsel that we went to the district
23 attorney and said this is what happened.
24 So it was not a claim, it was not an
25 assertion, it was not a request to

1 L. Constantine
2 prosecute, it was merely an action that
3 was directed by ethics counsel.

4 I know I've told you this before
5 but I just want to put it on the record.

6 Q. And I'll say this to you. In
7 examining other witnesses, not identifying
8 them but I'm sure you understand who I am
9 referring to, I made it very clear that
10 nobody came banging down our door but
11 people had information that they were not
12 happy having and they felt, as public
13 officials, they had a responsibility to
14 disclose that. I made that clear to
15 everybody.

16 A. Simply because that, among the
17 other things within that footnote which I
18 wanted to simply make a statement about,
19 the implicit assertion that the executive
20 chamber was making a claim. No such claim
21 was made.

22 Q. Did Bob Hermann ever explain to
23 you why he was bringing information to
24 you, for example on November 1?

25 A. Well, he certainly did on

1 L. Constantine
2 November 1. On November 1 he said that
3 this was, you know, very important
4 information that I needed to have and that
5 he understood the governor needed to have
6 but he didn't want the governor to know or
7 anyone to know that he was the source of
8 the information and it just concerned him
9 greatly. And he thought that all of this
10 was, you know, was very important and very
11 bad information and that we needed to have
12 it.

13 As I've previously testified, I
14 resisted his assertion that it was so
15 incredibly important and incendiary that
16 he had to drag me out of a meeting to do
17 this, but I certainly never resisted the
18 notion that it was important information
19 that the attorneys who were representing
20 the executive chamber had to have or
21 should have and that the governor had to
22 have.

23 As I think I've said to you,
24 your Honor, I didn't understand why the
25 Integrity Commission quite directly just

1 L. Constantine
2 didn't call us up and say we've made a
3 referral to the district attorney or we
4 have sent this information over to the
5 district attorney. As I previously
6 testified, there was some quibbling, you
7 know, with the manner that the information
8 was sent over and the -- what that
9 constituted, whether it was merely sending
10 a file or a referral or a request to
11 prosecute. To this day as I sit here, I
12 don't understand why the executive
13 director of the Integrity Commission, who
14 was in regular contact with me and with
15 other lawyers for the executive chamber,
16 didn't just call up and say we discern an
17 inconsistency between the testimony that
18 Mr. Dopp has given under oath here and the
19 sworn statement that was given to Attorney
20 General Cuomo and we sent this over to the
21 district attorney and you should know
22 that. As I sit here now, I still don't
23 understand. I have been a prosecutor.
24 That's what I would have done.
25 Q. But the information that

1 L. Constantine
2 Teitelbaum should have conveyed to the
3 chamber was conveyed by Hermann?

4 A. Yes.

5 Q. Including the fact that this
6 came from Dopp's sworn testimony before
7 the commission?

8 A. Yes, sir.

9 MS. OSTERER: Did Bob Hermann
10 express a concern about the chamber
11 being represented by attorneys who now
12 might have a conflict?

13 THE WITNESS: Yes, he did.

14 Q. Mr. Constantine, anything else
15 that you wish to add?

16 A. No.

17 Can we go off the record?

18 MR. FISCH: Sure.

19 (Discussion held off the record)

20 MS. OSTERER: Prior to
21 November 1, had there been any
22 communication from the Public
23 Integrity Commission to the effect
24 that particular attorneys in the
25 executive chamber should not be

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

representing him?

THE WITNESS: No.

MR. FISCH: At least not to Mr.
Constantine.

THE WITNESS: At least to me. I
knew what was going on.

(TIME NOTED: 1:59 p.m.)

1

2

CERTIFICATION BY REPORTER

3

4

I, Wayne Hock, a Notary Public of the

5

State of New York, do hereby certify:

6

That the testimony in the within

7

proceeding was held before me at the

8

aforesaid time and place;

9

That said witness was duly sworn

10

before the commencement of the testimony,

11

and that the testimony was taken

12

stenographically by me, then transcribed

13

under my supervision, and that the within

14

transcript is a true record of the

15

testimony of said witness.

16

I further certify that I am not

17

related to any of the parties to this

18

action by blood or marriage, that I am not

19

interested directly or indirectly in the

20

matter in controversy, nor am I in the

21

employ of any of the counsel.

22

IN WITNESS WHEREOF, I have hereunto

23

set my hand this day of

24

, 2008.

25
