

OFFICE OF THE NEW YORK STATE INSPECTOR GENERAL

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IN THE MATTER OF:

HERBERT TEITELBAUM

-----X

January 5, 2009

HELD AT:                   Offices of New York State Inspector  
                              General in Albany  
                              Building 2, 15<sup>th</sup> Floor  
                              Albany, NY

BEFORE:                   HONORABLE  
                              Judge

APPEARANCES:           MR. JONATHAN MASTERS  
                              New York State Inspector General  
                              Investigative Counsel

MS. SHERRY AMAREL  
New York State Inspector General  
Deputy Chief of Investigations

MS. DANIEL DOKTORI  
New York State Executive Chamber  
Director of Higher Education

TRANSCRIBER:           MS. PENNY DECKER

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>V.</u>	<u>J</u>
					<u>D.</u>	

E X H I B I T S

<u>PETITIONER</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>In</u>
			<u>Ev.</u>

<u>RESPONDENT</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
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2 MR. JONATHAN MASTERS: Today is January  
3 5, 2009. We're at the offices of the New  
4 York State Inspector General in Albany, in  
5 Building 2, the 15<sup>th</sup> [phonetic] Floor. Um,  
6 present is Jonathan Masters from the State  
7 IG.

8 MS. SHERRY AMAREL: Sherry Amarel from  
9 the State IG.

10 MR. MASTERS: And?

11 MR. DANIEL DOKTORI: Daniel Doktori from  
12 the Executive Chamber.

13 MR. MASTERS: And this is a, a voluntary  
14 interview; um, you are free to leave at any  
15 time, do you consent for such interview?

16 MR. DOKTORI: I do.

17 MR. MASTERS: Um, do you recognize being  
18 recorded by the recorder right here on the  
19 table?

20 MR. DOKTORI: Okay. I do recognize  
21 that.

22 MR. MASTERS: Okay. And, uh, I'm going  
23 to swear you in. Uh, do you solemnly swear  
24 to tell the truth, the whole truth, and  
25 nothing but the truth?

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MR. DOKTORI: I do.

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D A N I E L D O K T O R I, having been  
first duly sworn, testified as follows:

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DIRECT EXAMINATION

6

BY MR. MASTERS

7

Q. Okay. Uh, we're here to cover some of the  
same items that we covered, uh, a month or so ago--  
yeah, about a month or so ago. Um, that involves a  
confidential matter, uh, a confidential - - matters  
involving Executive Chamber and other entities in the  
summer and fall of 2007. And we're hoping you'll help  
us, uh, uh, clarify a timeline that we believe of  
events, uh, we believe may have happened, and, uh,  
that's pretty much it.

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A. Okay.

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Q. Okay. So, let me start off getting a little  
background information, um--tell me about your  
appointment with New York State with John and what  
your title is.

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A. Uh, I began working, uh, for the Governor,  
Governor Spitzer, on May 31<sup>st</sup> of 2007. I was in the  
direct employ of Lloyd Constantine, uh, who was then  
Senior Advisor. My official position, at that point,  
was Deputy Assistant Director of Policy. And, uh, I

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1  
2 worked for Lloyd, um, through, uh, through March of  
3 '08, when Governor Spitzer resigned, and then Lloyd  
4 resigned moments later. And then I now work for  
5 Governor Paterson as the Director of Higher Education.

6 Q. Um, prior to your job with the state, did  
7 you know Lloyd Constantine personally?

8 A. I did not, no.

9 Q. Um, to this day, what type of relationship  
10 do you maintain with Lloyd?

11 A. Um, I've been up front—a friendly  
12 relationship; uh, not close friends, but, um, in  
13 touch, uh, you know, from time to time.

14 Q. During the summer and fall of 2007, uh, you  
15 said certain events transpired with, uh, Mr.  
16 Constantine, with Lloyd; um, tell me about those.  
17 What can you recollect?

18 A. Um, well, you know, we were traveling; we  
19 were visiting many campuses from late June through,  
20 um, early November. And, uh, we visited all 64  
21 campuses; and we spent a lot of time together driving  
22 around, visiting various campuses.

23 Q. Uh, you had, you had earlier spoken to us  
24 about the date in June, beginning date, was it June  
25 25<sup>th</sup>, or that correct?

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A. June 25<sup>th</sup> was the first trip to the southern tier, which included visits to Binghamton University, and, uh, Tompkins Cortland Community College.

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Q. And when did your trips, uh, end for that year, of 2007?

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A. Uh, the last trip, I think here I have is— yeah, that's right, the trip to North Country Community College on November 14<sup>th</sup> of 2007.

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Q. Um, what type of trips were they? Were they, um, overnight, day trips, what?

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A. Um, it usually depended on which campus we were going to. If it was close by, we would just go for a day trip. And close by, meaning close by to either the Capital, here in Albany, or to New York City, um, and to New York City offices where the Governor also has offices. Um, so, for some trips there would be, uh, one or two overnight stays; um, and that would depend on if it was far away. So, a trip to Buffalo, say, would usually be an overnight, or a trip to North Country. Uh, where a trip to let's say Long Island would have been a day trip from New York City.

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Q. All within vehicles, or within—um, did you ever fly?

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A. No, we never flew. Uh, we traveled always, as far as I can remember, always by way of car.

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Q. And, um, you said you were assigned—were you assigned in Albany most of the week, or did you spend?

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A. Yeah, I'm based in Albany, so I was in—I live here, and I, um, you know, I'm not on travel status when I'm here in Albany. Um, I did grow up in New York City, so going to New York was kind of an easy thing to do. And I stayed at my parents' house often times. Um, and I know that Lloyd, um, you know, was kind of half-and-half here in Albany and in New York, so, um, it was kind of based on his convenience where we'd go and what timing.

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Q. And so you typically go in Lloyd's car?

16

A. Yes.

17

Q. Um, you were the driver or the occupant?

18

A. Uh, it depends, we pretty much split the driving, so I'd say equal.

19

20

Q. And were others present on these trips?

21

A. Uh, occasionally, you know, their assistant named Haley Plurdcal [phonetic], uh, who, she came on a few visits with us, but I'd say, the vast majority were just me and Lloyd.

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Q. Um, we had spoken about a calendar of events

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2 for 2007, and you said there had been some change to  
3 the email system over at the second floor?

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A. That is correct. Uh, we had, uh, we had  
previously had Lotus Notes, which is an IBM system;  
and, I think, probably in November of, uh, maybe even  
October, of this past year, of '08, that system  
changed from Lotus Notes to Outlook. And, as a  
result, um, you know, calendars, and previous emails  
that weren't saved were removed from the system, as  
far as I know.

12

13

Q. Okay. But you do know of some change of  
events?

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A. Yeah, on the calendar of, um, visits that  
Lloyd and I made, based on the notes that I took, and  
the dates that I put on those notes. So, assuming  
that that was an accurate transferal, then this is  
the, the schedule of schools that we visited.

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Q. Okay. And, this is a little to the side,  
but those notes that you reviewed should compel that  
list right there. Uh, do you have any recollection of  
having any notes regarding conversations that Mr.  
Constantine may have had?

24

25

A. Certainly not; I had only—the notes only  
covered what was discussed in the visits.

1  
2 Q. Okay. Um, now if we can get down to a more  
3 detailed area, particularly regarding, um, August of  
4 2007.

5 A. Okay.

6 Q. Uh, when you said, uh, you recall the trip  
7 to the Syracuse area.

8 A. Mm-hmm.

9 Q. What can you tell me, um, in sequence of  
10 events, you know, either starting about that trip.

11 A. To the, to the Syracuse area?

12 Q. Yeah.

13 A. Okay, um, so looks like, um, so we visited,  
14 um, Syracuse University itself. It's host of—it's  
15 host to SUNY campuses; they are Environmental Science  
16 and Forestry Campus, and the Upstate Medical Campus.  
17 We visited both of those on, uh, August 7<sup>th</sup>, according  
18 to my notes here. And, um, that was part of a multi-  
19 day trip. Let's see here...

20 Q. And that would have been only, uh, Lloyd and  
21 you?

22 A. Yes, that was just Lloyd and I. Right.  
23 Okay, right, now it's all coming back to me. So,  
24 yeah, that was, okay, that was—that trip was a multi-  
25 day trip, and it included—it started on the 6<sup>th</sup>, um,

1  
2 which includes visits to, um, Monroe Community College  
3 and Morrisville, um, Morrisville State Technology  
4 College. And then the two that I mentioned on the 7<sup>th</sup>.  
5 And then, Oswego, um, which is the state college, on  
6 the 8<sup>th</sup>, and Finger Lakes Community College on the 9<sup>th</sup>;  
7 so, four days and three nights. And I remember that  
8 well, because of the hotel that we stayed in, like I  
9 mentioned.

10 Q. And what hotel is that?

11 A. Uh, yeah, it was called the Mirbeau Spa and  
12 Inn. It was a nice hotel, and we stayed there—it was  
13 in Skaneateles, New York. And so we stayed there for  
14 three nights, and kind of used that as our base of  
15 operations to visit all of these campuses.

16 Q. And so your last night of staying at this  
17 hotel was—what date did you say?

18 A. It would have been the 8<sup>th</sup>.

19 Q. And, did something transpire to make that—to  
20 end that trip?

21 A. Yes. We left—we had been—the normal  
22 operation was to visit two campuses per day, and we  
23 had left, um—we had planned to visit two campuses on  
24 the 9<sup>th</sup>, Finger Lakes Community College, which we did  
25 visit, and, I believe, Onondaga Community College,

1  
2 which we did not visit. We had to cut that trip short  
3 because of something that happened back at the  
4 Capital. Lloyd was called back, um, to the Capital  
5 for a meeting with the Governor.

6 Q. Okay. Um, so, when did you—focusing now on  
7 August the 8<sup>th</sup>, um—

8 A. [Interposing] Okay.

9 Q. What occurred on August the 8<sup>th</sup> in the  
10 evening? What—if you can remember the events.

11 A. Um, well, we, uh, we went out—we tried to go  
12 out for dinner somewhere. Uh, that was our kind of  
13 usual plan, um, I'd say. In the late evening, uh, the  
14 place that we originally had been directed to was  
15 full, so we started looking around for somewhere else;  
16 we got a little bit lost, and, um—

17 Q. [Interposing] And where were you when you  
18 were lost?

19 A. We were lost driving around Skaneateles  
20 Lake.

21 Q. Okay.

22 A. And, um, and then there were a few phone  
23 calls that Lloyd was on, and, um, we ended up going to  
24 kind of a fish fry kind of place, that was like the  
25 only place open in Skaneateles. And, at that point,

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2 it was decided at that dinner, um, I believe Lloyd was  
3 on the phone with the Governor, and it was decided  
4 that we would, in fact, have to cancel the afternoon  
5 session the next day at Onondaga Community College.

6 Q. And the next day being the 9<sup>th</sup>?

7 A. The next day being the 9<sup>th</sup>; so we did go to  
8 one, and then we drove back, um, from Finger Lakes  
9 Community College directly to the Capital.

10 Q. Okay. Now, I know it's over a year ago,  
11 but, if you can recollect, what time of day was it  
12 when Lloyd was making these serious phone calls?

13 A. I can recollect, because I remember it was  
14 kind of light and then dark by the time we had found  
15 our place, um, so I'd say it was probably in the,  
16 given that it was August, uh, I'd say it was probably  
17 in the 8:30, 9:00 neighborhood, in that area.

18 Q. All right. Um, did you surmise anything  
19 from what you heard of what conversations with  
20 whomever?

21 A. Um, I'm not sure I know what you mean, but...

22 Q. Um, what was the nature and tone of Lloyd's  
23 conversations that he was having, but then things were  
24 cut short?

25 A. Um, well, I'm pretty sure that the

1  
2 conversations were related to the investigation—um,  
3 the Troopergate investigation, you know, the, the  
4 situation with, um, Joe Bruno and, uh, the use of  
5 information—about his travel records and everything  
6 that goes along with that. So there was investigation  
7 into the Governor, Governor Spitzer, at that point—uh,  
8 I'm not sure, there were several investigations, and  
9 there were several investigations about that. And,  
10 um, it was about Troopergate. And it was decided that  
11 Lloyd's efforts visiting these colleges, while worthy,  
12 were not as urgent as the situation which required him  
13 to come back and advise Governor Spitzer, in person,  
14 as to what to do next.

15 Q. Um, do you have any recollection of who, in  
16 particular, was on the other end of the line with  
17 Lloyd?

18 A. Um, not a strong recollection—I think that,  
19 um, with relative certainty, I could say that I think  
20 he was talking to Peter Pope [phonetic], um, who is  
21 another one of the Governor's advisors. And, um,  
22 yeah, I think that's what I remember most clearly.

23 Q. Okay. Um, during our last conversation, we  
24 had also spoken of, uh, of—you had overheard  
25 conversations between Lloyd and um, Robert Hermann,

1  
2 the Governor's Office of Regulatory Reform Executive  
3 Director.

4 A. Mm-hmm.

5 Q. What can you recall about that?

6 A. Um, well I do remember that we, when we  
7 spoke last, that, um, I had some recollection of Lloyd  
8 saying-telling Bob to kind of stay out of it, or  
9 something in that neighborhood. Um, but I'm not  
10 positive that that was when I heard that conversation  
11 happen. I remember that there was-I think I remember  
12 that there were about three conversations that he had  
13 that evening, um, followed by the fourth, which would  
14 have been in the fish fry place; which, I think, was  
15 with the Governor. Um, I, I think two of those  
16 conversations were with Peter Pope; the first and the  
17 third call, I'm not fully certain that I remember, um,  
18 who was on that second call. Um, you know, it would  
19 make sense to hear that it was Bob Hermann, but, um, I  
20 certainly don't recollect that, you know, with  
21 certainty.

22 Q. Okay. Um, what was, uh, Hermann's, um,  
23 relationship with Constantine?

24 A. Um...

25 Q. To the best of your knowledge.

1  
2           A.     Well I think they were friends for one  
3 thing.  They, they were very, kind of, collegial in  
4 the office, as far as I knew.  It seemed like they had  
5 a long relationship before.  Uh, I seem to remember,  
6 um, Lloyd just, uh, you know, telling me stories about  
7 working at the Attorney General's Office, where I  
8 believe they worked with Bob, um, who are friends.  
9 That being said, Lloyd was, kind of, a more higher-  
10 ranking person inside the administration than Bob was.  
11 He had been Lloyd's role as the Senior Advisor to  
12 Governor Spitzer.  So, you know, while they were  
13 friends, there was some level of superiority that  
14 Lloyd had, I think, in terms of their relationship  
15 now, or the professional relationship.

16           Q.     Do you think that Hermann was a member of  
17 the Executive Chamber?

18           A.     Um, yeah, certainly.  I considered him to be  
19 one, yeah.

20           Q.     Okay.  Um, okay, I'd like to show you a  
21 couple of records we have of telephone calls on the  
22 night of August 8, 2007.

23           A.     Okay.

24           Q.     Um, some show—the first two are the 6<sup>th</sup>;  
25 these three August 8<sup>th</sup>.

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2

A. Okay.

3

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Q. Do you recall, on August 8, 2007, Hermann called Constantine, 8:49 p.m., at two minutes.

5

A. Okay. Mm-hmm.

6

7

Q. And we have a second call, um, Constantine called Hermann, 8:52 p.m., seven minutes.

8

A. Okay.

9

10

Q. Then the third call, Constantine called Hermann, 8:59 p.m., for five minutes.

11

A. Okay. So, no calls to or from Peter?

12

13

Q. Um, that, we would not have recorded here. That's a possibility, but these calls we know happened.

14

15

A. Okay.

16

Q. Um, do you have any recollection offhand?

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A. No.

18

MS. AMAREL: There might have been, but I don't know for certain.

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MR. MASTERS: I, I-

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MR. DOKTORI: [Interposing] Okay, so I might have not correctly remembered [background noise].

23

24

MR. MASTERS: No, no there may have been-

25

1  
2 MS. AMAREL: [Interposing] Well, you may  
3 have correctly remembered.

4 [Crosstalk]

5 MR. MASTERS: We just did not list it  
6 here, we were focusing only on the - - case-

7 MR. DOKTORI: [Interposing] Oh, oh, oh,  
8 I see, okay. And those are all in that same  
9 8:30 to 9:00, so we were most likely—we were  
10 almost certainly driving around during this  
11 period here.

12 Q. Okay. Um, now see this, does that refresh  
13 your recollection in any way. Is it—do you recall  
14 anything else about this time period?

15 A. Um, not, not with confidence, no. I don't  
16 think so.

17 Q: Okay.

18 MS. AMAREL: You had mentioned, um, that  
19 you couldn't recall, 100% certainty, this  
20 conversation that you believe Lloyd was  
21 having with Hermann, where he said to stay  
22 out of it.

23 MR. DOKTORI: Mm-hmm.

24 MS. AMAREL: It is you couldn't recall,  
25 with certainty, he said stay out of it, or

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you couldn't recall when that conversation took place?

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MR. DOKTORI: Um, well, I suppose both, but, uh, you know, in terms of relative certainty, I'm more certain that I remember overhearing the conversation where Lloyd said stay out of it to Bob, um, but—

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MS. AMAREL: [Interposing] But you just don't know when?

11

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MR. DOKTORI: —I'm not sure I remember when—

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MS. AMAREL: [Interposing] Okay.

14

MR. DOKTORI: —that happened.

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Q. And in terms of, uh, the context to "stay out of it," what did you believe that to be? Was there anything else going on during the conversation that would lead you to - -

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A. You know, I am not sure, and I probably wouldn't be confident enough to say it. I'd say that I overheard a lot of conversations that Lloyd had, and, you know, part of the job of being, you know, being in the car with him was to not eavesdrop on his conversations, so I also actively tried to not, you know, too much to listen to him. So, I would—

1  
2 obviously some things would stick in more than others,  
3 so, you know, when he would raise his voice, that  
4 might, you know—I might remember it more. Um, but I,  
5 um, you know—so it definitely gets lost in, uh, you  
6 know, whatever—64 campuses visited, and 10 of them - -  
7 over 10,000 miles driven, uh, it, it definitely gets  
8 jumbled.

9 Q. Okay. Um, other than—well I shouldn't  
10 actually say that, uh—the conversations that night you  
11 believe focused on the so-called Troopergate matter.

12 A. Yeah. I'm quite certain that that was the  
13 topic of conversation.

14 Q. Okay. Um, other than that conversation that  
15 night focusing on the Troopergate matter, do you  
16 recall any other conversations while you were in the  
17 car that focused on the Troopergate matter?

18 A. Sure. I mean, many. I, I think putting  
19 dates on them would be difficult, difficult procedure,  
20 but, um, you know, that very much, that investigation  
21 very much coincided with our trips. And I remember,  
22 as the trips got, went on longer, there was increasing  
23 kind of, um, impatience that—at the Capital from the  
24 Governor, and from his Senior Advisor, his top  
25 advisors, that hey, Lloyd, it's great you're doing

1  
2 this, but you're a Senior Advisor needed back here.  
3 Um, so I do remember, not only that it was a constant  
4 topic of conversation while we were driving from one  
5 place to another, but that it was--there was some kind  
6 of crescendo towards the end, where it got, you know,  
7 more, you know, it got more intense, and, you know,  
8 there was more pressure for us to finish these visits  
9 up.

10 Q. Um, do you recall any of them specifically  
11 being with Hermann?

12 A. Um, no, no. I mean, I know that probably  
13 several were, um, but I don't, you know, I shouldn't  
14 even say that. I mean, I don't recall specifically,  
15 no.

16 Q. Okay. Do you have any recollection of, uh,  
17 when, when specifically [phonetic] that Constantine  
18 informed you that he would be cutting this leg of the  
19 tour?

20 A. Yeah. I mean, he asked me to call Onondaga  
21 the next morning, first thing, to say that something's  
22 come up; uh, you know, we have to reschedule, and  
23 apologies. And we ended up making a special trip back  
24 out there, um, just to visit that campus. So, I  
25 certainly remember that being requested, sure. And we

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2 had to drive back together, so.

3 Q. Okay. Do you know what Constantine was  
4 intending on doing once he got back to Albany?

5 A. Uh, I think there was a staff meeting, or  
6 there was a, a meeting of the top advisors, um, which  
7 he had to get back for. Um, so that was the idea to  
8 wait for Lloyd to get there so they could have their  
9 strategy session on what to do next.

10 Q. Do you recall a point when conversations  
11 between Lloyd Constantine and, uh, Robert Hermann  
12 waned?

13 A. Um, I don't know if I could say a specific  
14 point, especially because their conversations—you  
15 know, they had a friendly relationship, in addition to  
16 their professional relationship. And, um, there were  
17 conversations that both Lloyd and Bob had about, um,  
18 the kind of policy group that we're putting together,  
19 um, with Lloyd, and Bob, and Peter, and their various  
20 assistants. Um, so, I'd say there was no point, that  
21 I could point to, that there was a kind-of, you know,  
22 a, a clean break, because I don't think that it  
23 happened.

24 Q. Did they ebb off though? Or did, did—

25 A. [Interposing] Um.

1

2

Q. Is there any reduction in your mind, or did they just continue along as if nothing?

3

4

A. You know, it's truly something that I wasn't monitoring that much, so I don't think that I could really say, with confidence.

5

6

7

Q. Um, these questions that Constantine may have had regarding, um, uh, Teitelbaum—what would be your recollections of those?

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9

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A. Um, well, you know, I mean, there was certainly frustration with the way that Herb was running the investigation. Um, and there was, so—yeah, there was frustration with the way that he was running it, and, kind of, some concern that he was less than professional.

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Q. Um, anything more than less than professional? Was he?

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A. Uh, you know, I hate—the hard thing is, is to recollect without being influenced by what I've heard since then. I seem to remember, um, you know, something about inappropriate communication between Herb and the, the Chamber in terms of what was going on inside the, inside the investigation.

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Q. Okay. Um, do you recall the—I may have asked this, but I'm going to ask. Do you recall

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2 anything that Hermann, uh, may have been telling  
3 Constantine about Teitelbaum?

4

A. Well, I did know that Bob had a standing  
5 relationship with Herb. Um, so I did know that they  
6 were—that they had a relationship. Um, I'm not  
7 certain that there was any... Can you ask the question  
8 again?

9

Q. What do you recall that Hermann may have  
10 been telling Constantine about Teitelbaum?

11

A. Right. Um, well I think that given—that  
12 that relationship existed, Bob may have been, kind of,  
13 advising Lloyd as to how to deal with this guy. You  
14 know, I know him, he was doing the investigation,  
15 here's what is important to think about when dealing  
16 with him. So that, kind of, general advice. Um...

17

Q. Did you think it was—was it general advice,  
18 or was it specific advice?

19

A. Um.

20

Q. Did he point to particulars?

21

A. Not, not, not with me. I mean, not, not  
22 when I—not that I overheard, or that I was around.  
23 Um, you know, I think I know that that kind of advice  
24 was being given more from a third person saying, you  
25 know, Lloyd saying I, I talked to Bob, or something

1  
2 like that. But, I should stress that I actually have  
3 no knowledge of the Troopergate, um, the internal  
4 discussions inside the, um, administration, because I  
5 was never, um, party to any of those meetings. As to,  
6 what do we do now; what are we going to have the  
7 Governor say; how are we going to respond to this  
8 request or that request. But, I did overhear, um,  
9 conversations, or Lloyd say to me, oh, they're  
10 requesting a lot of stuff now, you know. Or, they're,  
11 or, you know, they were requesting personal emails.  
12 Or, you know—so, in general, I was able to generally  
13 keep up with the status of the investigation, um, but  
14 never any specifics. So, that's probably how I knew  
15 Bob knew Herb.

16 Q. Just going back one more time to, uh, one  
17 time when you believed you may have heard Constantine  
18 speak to Hermann on the phone, and he told him—what  
19 was his exact words that you said?

20 A. Stay out of it.

21 Q. Stay out of it, right.

22 A. Stay out of it was general. I don't  
23 remember those specific words being—

24 Q. [Interposing] Sure.

25 A. —but I remember that was the general tone of

1  
2 what he was saying. Um, but I really have a hard time  
3 putting a date on that recollection. And, um, will  
4 you ask the question over?

5 Q. Sure. In giving what you have seen here  
6 with the telephone calls on the date August 8<sup>th</sup>, and  
7 what you've testified today, what degree of certainty  
8 would you say that that phone call could have fallen  
9 on that date, or even around that period?

10 A. I mean, I would say that, um, in my, kind  
11 of, logic of remembering this experience, and, um, and  
12 of this particular issue, it would make sense if that  
13 occurred on that date. But, I would say, I don't have  
14 much guarantee to say that, in fact, my recollection  
15 of this, of, you know, Lloyd saying that to Bob  
16 occurred on August 8<sup>th</sup>, or—as I said, I can't be that  
17 confident of it.

18 Q. What about, um—could you—how confident would  
19 you be in saying that it occurred in August of 2007?

20 A. Um, maybe slightly more confident, um, but,  
21 again, I'm having a hard time putting a date on that  
22 specific comment.

23 Q. Sure. In September? Would that be better,  
24 worse, or?

25 A. Uh, you know, more confident September and

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2

October—I mean, August and September, but—

3

Q. [Interposing] What about August from

4

September?

5

A. I, I, I would say, not—no more confident one

6

month or another.

7

MS. AMAREL: Did you travel with him in

8

September, as much as you did in August?

9

MR. DOKTORI: Yeah, just as much.

10

MS. AMAREL: Okay.

11

MR. DOKTORI: Equally as much. I'd say

12

August and September were our heaviest travel

13

months. August, September, October were

14

really the bulk of this trip, so a lot of the

15

visits that, you know, mixed together a

16

little bit.

17

MR. MASTERS: Okay. Um, anything else?

18

MS. AMAREL: Um, I'm just trying to

19

think back on what you had just mentioned

20

when you had overheard Constantine talking

21

about the, uh, Teitelbaum Investigation and

22

that, you know, he was asking for emails, or

23

he was asking for that. Were you, um,

24

overhearing conversations Constantine was

25

having with Teitelbaum, or Constantine was

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having with Bob?

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MS. AMAREL: Mm-hmm.

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MR. DOKTORI: So, I didn't separate that much. Um, I do seem to recall Lloyd going in to visit--or telling me he was going to go in and visit with the Ethics Commission folks and, you know, that it was--um, you know, that he was worried that, um, there was going to be--the press was going to be staked out, and there was going to be an announcement that oh, Constantine meeting with the Ethics Commission. Because, it had begun to seem, at that point, that every move was being watched so carefully by the press. Um, and

1  
2 so the time of the, the Ditcher [phonetic]  
3 article with the black cars—people meeting in  
4 black cars, and all that kind of craziness.  
5 So, um, I don't recall any phone calls that I  
6 overheard Lloyd having with Herb. Although,  
7 I do recall Lloyd maybe going to visit, to  
8 meet with the Ethics Commission people.

9 MS. AMAREL: Okay. So, he was having a  
10 phone conversation of what, um, the  
11 Commission was asking for next. Like they  
12 want emails—

13 MR. DOKTORI: [Interposing] Yes.

14 MS. AMAREL: —or they want all this.  
15 Those were conversations he was having with?

16 MR. DOKTORI: Internally. Yeah.

17 MS. AMAREL: Okay.

18 MR. DOKTORI: With our staff. With the  
19 Governor's staff.

20 MS. AMAREL: And possibly Bob Hermann,  
21 or you're not?

22 MR. DOKTORI: Well, certainly possibly.

23 MS. AMAREL: Okay.

24 MR. DOKTORI: But, you know, I should  
25 say that, um, at least at some point it

1  
2 became, you know, a little more hardened in  
3 terms of who was giving advice on this issue.  
4 And it kind of boiled down to either Lloyd  
5 and Sean Maloney [phonetic] could be the  
6 advisors on this issue, and everybody else  
7 kind of stay out. But, that took a while to-  
8 for that to be the case, and it was a little  
9 more free flowing earlier on.

10 MS. AMAREL: Okay.

11 MR. DOKTORI: As far as I recall.

12 MR. MASTERS: I don't think I have  
13 anything more. Do you?

14 MS. AMAREL: No.

15 MR. MASTERS: Do you have anything for  
16 us regarding anything that we've questioned  
17 you about on the subject?

18 MR. DOKTORI: Um, not that I can think  
19 of.

20 MR. MASTERS: So, then, summing it up,  
21 uh, you, you were present during the - -  
22 trips of Lloyd Constantine in August-in, uh,  
23 actually, June through November of 2007. You  
24 recall, um, uh, four dates in August, when  
25 you traveled with him, in and around the

1

2 Syracuse area.

2

3

MR. DOKTORI: Mm-hmm.

4

5

MR. MASTERS: What occurred on August,  
um-one night of that trip is August 8<sup>th</sup>, when  
you were traveling around Skaneateles Lake in  
the evening? Um, it was late evening, is  
that correct?

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7

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9

MR. DOKTORI: Mm-hmm. That's correct.

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MR. MASTERS: The 8:00 to 9:00 hour.  
You recall that he received a series of phone  
calls. Uh, you're not sure who or whom, but  
you believe that one might have been Peter  
Pope. Uh, you do not recollect,  
specifically, that Hermann was one of those  
phone calls. Is that correct?

17

MR. DOKTORI: That's correct.

18

MR. MASTERS: Uh, but he may have been?

19

MR. DOKTORI: Certainly.

20

21

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23

24

MR. MASTERS: Um, and, uh, after those  
series of phone calls, and-you got, you went  
and had dinner at a restaurant, uh, the trip  
was-Constantine cut the trip short, and the  
next day you went home.

25

MR. DOKTORI: Right. Following a trip-

1

2

following one visit in the morning.

3

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MR. MASTERS: Okay. Um, in another set of events, you recall that, at some point in time, uh, Constantine told Hermann, during a telephone conversation, somebody you believe to be Hermann, uh, not to get involved.

8

MR. DOKTORI: Right. Mm-hmm.

9

MR. MASTERS: Something of that nature.

10

MR. DOKTORI: Yup.

11

12

MR. MASTERS: You're not quite sure what they were talking about.

13

MR. DOKTORI: Correct.

14

15

MR. MASTERS: Um, but Troopergate was a matter at this time.

16

MR. DOKTORI: Certainly.

17

18

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MR. MASTERS: Um, and this conversation may or may not have occurred in and around this period, this night of August 8<sup>th</sup>, or around that period.

21

MR. DOKTORI: Correct.

22

23

MR. MASTERS: Uh, and you have no way of judging that, because uncertain..

24

MR. DOKTORI: Right. Uncertain.

25

MR. MASTERS: Okay. Um, and the

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conversation that, uh, Hermann had, um, Hermann had with, uh, with, uh, Constantine regarding Teitelbaum—they were of a general nature.

6

7

MR. DOKTORI: As far as I remember, yeah.

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11

MR. MASTERS: And it was more—I think a lot of times you used the term coaching, he was coaching Constantine how to react with Teitelbaum. Is that something - - ?

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13

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MR. DOKTORI: Um, you know, I would say advising, coaching, sure, whatever word. He was giving him advice as to how best deal with Herb Teitelbaum - - in that email.

16

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MR. MASTERS: Okay. And, the, um, conversations between Constantine and Hermann, um, you don't recall them ebbing after some point?

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23

MR. DOKTORI: Um, not with enough confidence to say it was more than less at a certain point. I would say no, I don't remember that.

24

MR. MASTERS: Okay.

25

MS. AMAREL: I'm good.

1

MR. MASTERS: Okay. Well, thank you  
very much for your time.

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MR. DOKTORI: Okay.

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MR. MASTERS: If you have any questions,  
feel free to call us. We hope you feel that  
we've been fair in our, in our discussions-

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7

8

MR. DOKTORI: [Interposing] I do.

9

10

MR. MASTERS: - - nature of the  
investigation, and what we're doing.

11

12

13

MR. DOKTORI: Well, actually, no, I  
don't. I have no idea what you guys are  
investigating.

14

MR. MASTERS: No problem.

15

MR. DOCTORI: You act like the - -

16

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MR. MASTERS: We're just, we're just  
trying to establish a timeline of possible  
events that Constantine was involved in. Um,  
the overall nature of the investigation is  
still confidential.

21

22

MR. DOKTORI: Oh, okay. I understand  
that.

23

[Crosstalk]

24

25

MR. MASTERS: We're trying to - - his  
timeline.

1

MR. DOKTORI: Yes, I get that.

2

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MR. MASTERS: Um, and I think that sums  
it up.

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5

MS. AMAREL: That's it.

6

MR. DOKTORI: Okay.

7

MS. AMAREL: Thank you again for coming  
in.

8

9

MR. MASTERS: And it's, uh, quarter to  
three.

10

11

[END OF INTERVIEW]

C E R T I F I C A T E

I, Penny Decker, certify that the foregoing transcript of the voluntary interview of Daniel Doktori, New York State Executive Chamber Director of Higher Education, NYSIG Case No. COPI 0731-089-2008, was prepared using standard electronic transcription equipment and is a true and accurate record of the proceedings.

Signature: Penny Decker

Date: December 12, 2009

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