

1 STATE OF NEW YORK
2 OFFICE OF THE INSPECTOR GENERAL
3 -----
4 AN INVESTIGATION CONCERNING ALLEGATIONS
5 THAT HERBERT TEITELBAUM, EXECUTIVE DIRECTOR
6 OF THE COMMISSION ON PUBLIC INTEGRITY,
7 DISCLOSED INFORMATION CONCERNING THE
8 COMMISSION'S INVESTIGATIONS
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STENOGRAPHIC MINUTES OF EXAMINATION
conducted of DARREN DOPP held on the 25th day of February,
2009 at the offices of STATE OF NEW YORK OFFICE OF THE
INSPECTOR GENERAL, Empire State Plaza, Agency Building 2,
16th Floor, Albany, New York, commencing at 3:43 p.m.,
before Sadie L. Herbert, a Shorthand Reporter and Notary
Public in and for the State of New York.

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APPEARANCES:

STATE OF NEW YORK OFFICE OF THE INSPECTOR GENERAL
Empire State Plaza
Agency Building 2, 16th Floor
Albany, New York 12223
(518) 474-10105

BY: JOSEPH FISCH, ESQ., Inspector General
NELSON R. SHEINGOLD, ESQ., Chief Counsel

ON BEHALF OF MR. DOPP:

GREENBERG TRAUERIG, LLP
54 State Street
Albany, New York 12207
BY: MICHAEL L. KOENIG, ESQ.

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. FISCH: Today is February 25th. My name
3 is Joseph Fisch, I'm the Inspector General.
4 Accompanying me is Nelson Sheingold, Counsel to
5 the IG office. We are in my Albany office.
6 Present is Mr. Darren Dopp. And Counselor, can
7 you note your appearance.

8 MR. KOENIG: Michael Koenig, K-O-E-N-I-G,
9 from Greenberg Traurig.

10 MR. FISCH: Mr. Dopp, you are appearing
11 voluntarily pursuant to telephone calls?

12 MR. DOPP: Yes, sir.

13 MR. FISCH: And you consent to this
14 interview being recorded stenographically?

15 MR. DOPP: Yes.

16 MR. FISCH: As you may have been advised,
17 all of my interviews are conducted under oath.

18 DARREN DOPP,

19 (first duly sworn by the Inspector General,
20 was examined and testified as follows:)

21 BY MR. FISCH:

22 Q. Mr. Dopp, at the outset, I want to advise you exactly
23 what the scope of our investigation is and what it is
24 not. We were referred by District Attorney Soares,

1 allegations that the Executive Director of the
2 Commission On Public Integrity, Herbert Teitelbaum,
3 had disclosed confidential information concerning the
4 Commission's activities to people not authorized to
5 receive those communications. You are aware of that?

6 A. I am.

7 Q. All right. And I also want to make clear that our
8 investigation is not dealing with nor reviewing the
9 allegations that have been made against you which
10 constitute the subject of the proceedings currently
11 pending before the Commission On Public Integrity. Do
12 you understand that?

13 A. I understand.

14 Q. Now, you served in Governor Spitzer's administration
15 for a period of time; is that correct?

16 A. Both as AG and as Governor.

17 Q. And the dates, again, when you began -- you began with
18 Governor Spitzer --

19 A. Correct.

20 Q. -- as?

21 A. I have served since the beginning of the Governor's
22 term as Attorney General and at the beginning of his
23 term as Governor, until -- it would be January of '07
24 to October of '07.

1 Q. Okay. And you were Communications Director; is that
2 right?

3 A. Correct.

4 Q. What were your duties?

5 A. Broadly, responsible for developing and implementing a
6 communications strategy that would express the
7 Governor's goals and priorities to the media and to
8 the public.

9 Q. During the Spitzer administration, there were a number
10 of investigations which generically fall under the
11 category of Troopergate; you are aware of that, of
12 course?

13 A. I am.

14 Q. And there were people designated by the Governor's
15 office to serve as liaisons with the various
16 investigative agencies; you are aware of that?

17 A. Yes.

18 Q. I believe those people included Richard Rifkin, Sean
19 Maloney, Lloyd Constantine, Peter Pope, and Nocenti?

20 A. My understanding was that Sean Maloney and Peter Pope
21 were leading the effort. I subsequently understood
22 that the others that you mentioned were brought in.
23 But while I was there and while I was a member of the
24 administration, I knew that the two of them, Pope and

1 Maloney, were designated the individuals to handle the
2 matter.

3 Q. And one of the agencies conducting an investigation
4 was the Ethics Commission, which then became the
5 Commission On Public Integrity; is that correct?

6 A. Correct.

7 Q. And the Executive Director is Herbert Teitelbaum, you
8 know that name?

9 A. I know Mr. Teitelbaum.

10 Q. Did you have any dealings with Teitelbaum during the
11 course of the Troopergate investigations?

12 A. I did. I was interviewed by Mr. Teitelbaum under
13 oath, as part of his Troopergate investigation.

14 Q. And what was the date of that?

15 A. October 11th.

16 Q. And who was present during the examination?

17 A. Mr. Teitelbaum, Ms. Maeve Tooher, an individual whose
18 name I can't recall, a man who was responsible for
19 keeping documents, and another attorney, I believe, a
20 woman, whose name I can't recall.

21 Q. Was it Joan Sullivan?

22 A. Ms. Sullivan, yes.

23 Q. And you were interviewed under oath and provided sworn
24 testimony, did you not?

- 1 A. Yes, sir, I did that for about nine and a half hours.
- 2 Q. Now, the people we mentioned before, Maloney, Nocenti,
3 Constantine, Rifkin, and so on were people you worked
4 with in your capacity as Communications Director; is
5 that correct?
- 6 A. Mr. Constantine was a new member to our
7 administration. My involvement with him was rather
8 limited. But with all of the other individuals, there
9 was extensive involvement through the years.
- 10 Q. Did you have any closer relationship with any of them,
11 in terms of not only professionally, but perhaps
12 personally?
- 13 A. I had a personal friendship and a relationship with
14 Mr. Nocenti, with whom I worked with in the Cuomo
15 administration. I was also, I would suggest, close to
16 Mr. Pope and to Mr. Rifkin, both of whom were former
17 AG office staffers.
- 18 Q. As you know, we have been furnished by the Commission
19 copies of what purport to be pages from a diary you
20 maintained, you have examined them before we went on
21 the record?
- 22 A. Yes, sir.
- 23 Q. And you recognize them as accurate copies of your
24 notations?

- 1 A. Correct, yeah.
- 2 Q. There is a reference dated October 11th to your
3 testimony before COPI, you've seen that page --
- 4 A. Yes, sir.
- 5 Q. -- correct?
- 6 Have you had an opportunity, before we went on
7 the record, to review your entry for that particular
8 date?
- 9 A. I did.
- 10 Q. There is a reference in that page, on those pages to a
11 conversation you had following your testimony with
12 David Nocenti; do you see that?
- 13 A. Yes, sir.
- 14 Q. Can you tell us what you told Mr. Nocenti about your
15 examination or about the circumstances leading to your
16 examination?
- 17 A. It was a short conversation. There was not much
18 dialogue. I was angry. I called Mr. Nocenti to
19 express my anger.
- 20 Q. Can you be more specific?
- 21 A. The COPI testimony, to my mind, revolved around a
22 portrayal of me as a rogue. I was upset by that, and
23 I believe I -- my notation here says that I called
24 him, but I think I was returning a call to him that he

- 1 had placed to me earlier. And in my conversation with
2 him, I expressed my anger that they would portray me
3 as a rogue, as acting in some way that wasn't
4 authorized, and I used some, you know, harsh language
5 towards Mr. Nocenti and told him it was a bunch of
6 bullshit and he knew it.
- 7 Q. Did you advise him before your examination that you
8 were going down to be questioned?
- 9 A. No, sir, but it was in the media that I was.
- 10 Q. Other than expressing your anger and some choice
11 words --
- 12 A. Yes.
- 13 Q. -- did you discuss with him the content of your sworn
14 testimony?
- 15 A. No, sir. I said what I had to say, and I slammed the
16 phone down on him.
- 17 Q. I'm sorry?
- 18 A. I said what I described, and then I kind of slammed
19 the phone down on him; I hung up on him.
- 20 Q. There's a reference in that last paragraph of what
21 purports -- the October 11th entries, which says "TG";
22 is that "TG" -- do you have that -- "says I did
23 great"?
- 24 A. Correct.

1 Q. Who is that?

2 A. My attorney, Terry Kindlon.

3 MR. KOENIG: It's TK, not TG.

4 Q. -- "says I did great, but Teitelbaum's comment about
5 me being ordered to stand down bothers me so much that
6 I called David N. who says that it's just a
7 prosecutor's trick". Okay, is that last word,
8 "trick", or anything else?

9 A. Trick.

10 Q. Do you want to expand upon that conversation?

11 A. It is as I described. What Mr. Teitelbaum was
12 suggesting was that I was told not to be involved with
13 the records or with responding, you know, to the media
14 inquiry and that I was, in effect, a rogue. That was
15 clear from, you know, the line of questioning that
16 somebody on the administration had been telling him
17 that because that was what he was saying to me. We
18 have information, we've been told that you were --
19 Mr. Dopp what would you say -- I'm sorry.
20 Mr. Teitelbaum at one point during the interview said,
21 what would you say if I told you we have information,
22 solid evidence that you were told to stand down and
23 not have any involvement in this matter? And I was
24 incredulous by that, and my anger here was directed

1 toward Mr. Nocenti because it was clear to me that
2 people on the second floor were saying that very
3 thing, or that's what my belief was, and I sort of
4 yelled at Mr. Nocenti, you know, along the lines of
5 what I just described, I'm a rogue now, David, that's
6 bullshit and you know it.

7 Q. Is there anything else about the content of your sworn
8 testimony that you disclosed to Nocenti?

9 A. No, sir, I don't recall anything. And as I indicated,
10 it was a brief conversation sort of brought to an
11 abrupt halt by my hanging up on him.

12 Q. Did you disclose in your conversation with Nocenti any
13 names of administration officials that you had
14 testified about?

15 A. No. I was not aware of who would have been portraying
16 me as a rogue, you know, I couldn't attach any name to
17 it. It just was clear to me that it was coming from
18 the administration, and I thought that that was
19 objectionable, so I expressed it.

20 MR. FISCH: Can we go off the record for a
21 minute.

22 (A discussion was held off the record.)

23 BY MR. FISCH:

24 Q. During your examination on October 11th before the

1 Commission, it's our understanding you testified that
2 you were advised by Pope and Nocenti that if you
3 signed the affidavit for the Attorney General that
4 that might be the end of it and things would basically
5 go away; is that a fair summary, basically?

6 A. They held that position at that particular moment.
7 That was their, you know -- they postulated that to
8 me, they told me if you do this, that will be the
9 result. My response to them is, if you think that's
10 the case, you are nuts.

11 MR. KOENIG: Darren, what he's asking you
12 is -- if I may, just for a moment -- what he's
13 asking you is not the facts of what happened,
14 he's asking if that is what, as you sit here
15 today, you recall telling COPI. If you had your
16 transcript from COPI in front of you today, would
17 what Judge Fisch just asked you --

18 MR. DOPP: Correct.

19 MR. KOENIG: -- be in that transcript?

20 A. Sorry about that, I didn't understand, but that's
21 exactly correct.

22 Q. So you mentioned Pope and Nocenti in your testimony?

23 A. Right.

24 Q. And later that day, you spoke to Nocenti, according to

- 1 your diary?
- 2 A. Yes.
- 3 Q. Did you tell Nocenti during that conversation that you
- 4 had named him during your testimony --
- 5 A. No, sir.
- 6 Q. -- in any fashion?
- 7 A. No, sir.
- 8 Q. Okay. Did you tell Nocenti that you had named Pope in
- 9 your testimony?
- 10 A. No, sir.
- 11 Q. Did you tell Nocenti that you had mentioned people who
- 12 were with you in the room when you signed the
- 13 statement?
- 14 A. No, I have no recollection of ever engaging on any of
- 15 that at all.
- 16 Q. How long was this conversation with Nocenti when you
- 17 ventilated with him and told him about the stand down
- 18 comment by Teitelbaum that troubled you?
- 19 A. If it was two minutes, I would be surprised.
- 20 Q. Did he ask you any questions about anything else that
- 21 you had testified to?
- 22 A. He didn't ask me any questions. He endeavored to say
- 23 something, which was like, you know, come on, Darren,
- 24 it was just a prosecutor's trick, but I wouldn't

1 listen to him, and I hung up the phone.

2 Q. You said you were returning his call?

3 A. I believe so, yes.

4 Q. Did you ask him why he was calling you?

5 A. I did not ask him, and I didn't give him a chance to
6 explain. I just kind of launched into the thing that
7 I wanted to say.

8 Q. Okay.

9 A. It wasn't unusual, though, for Mr. Nocenti to check in
10 with me periodically, however. We weren't talking
11 regularly, but he periodically would call and say, how
12 are you.

13 Q. Between the time of your testimony on October 11th and
14 November 1st, did you have any conversations with
15 anybody concerning your testimony before COPI?
16 Anybody from the Chamber?

17 A. No, no, sir. I recall no interaction whatsoever with
18 anybody from the Chamber at all.

19 Q. You say you don't recall, is that a definite no that
20 you never did or what?

21 A. The only possible thing, I mean, I could have seen
22 somebody in the street. I had no discussion of COPI
23 testimony. But no, nobody called me, and I did not
24 discuss it with anybody. Like I said, I have no

1 recollection on engaging on COPI testimony at all
2 during that time frame.

3 Q. When you say you have no recollection, I'm not trying
4 to press you --

5 A. Right.

6 Q. But on the other hand, I am trying to press you.
7 Again, I don't want -- if you have any reservation, I
8 don't want you saying anything because you think this
9 is an answer I am looking for, I do not want that.

10 A. I understand.

11 Q. But it's important to us whether you ever discussed --
12 let me go over the particular names.

13 Did you ever tell Constantine that you had
14 testified before the Commission and named Pope and
15 Nocenti in any fashion?

16 A. I can say, you know, with a hundred percent certainty,
17 I had no communication whatsoever with Pope,
18 Constantine, Maloney or anyone else in the second
19 floor, with the exception of David Nocenti. David
20 Nocenti would have been the only one I would have
21 talked to and my only interaction with him is what I
22 described.

23 Q. David?

24 A. David Nocenti.

1 Q. Never spoke to Rifkin?

2 A. No, sir.

3 Q. And is the extent of your conversation with Nocenti
4 the conversation on October 11th?

5 A. Yes, sir.

6 MR. FISCH: Okay. Let me go off the record
7 again.

8 (A discussion was held off the record.)

9 BY MR. FISCH:

10 Q. When we were off the record, we discussed prior
11 conversations with Nocenti, and tell us about that on
12 the record.

13 A. David was my only contact with anyone at the second
14 floor. I had worked for the better part of a decade,
15 you know, with Eliot, and to be cut off completely
16 with any communication, to be sitting at home using
17 your vacation time while you are getting beat up in
18 the media was a frustrating experience. He's my only
19 source of information. He would periodically call and
20 touch base with me. I would say, what the hell is
21 going on, what's happening, but he would always
22 provide, you know, no satisfaction in terms of any
23 kind of explanation. Occasionally, there would be a
24 cryptic comment, but there would be no engagement, and

1 this was by his design, he would say, I can't talk
2 about the details.

3 Q. And this was his position throughout the
4 investigation?

5 A. Yes, sir.

6 MR. FISCH: Anything else you wanted?

7 MR. SHEINGOLD: No, I think we're covered.

8 MR. FISCH: Off the record.

9 (A discussion was held off the record.)

10 BY MR. FISCH:

11 Q. Mr. Dopp, is there anything that you wish to add to
12 anything that I may have neglected to ask you? Again,
13 the focus is whether Herbert Teitelbaum, the Executive
14 Director, disclosed confidential information about the
15 Commission's investigation to Robert Hermann.

16 A. I don't believe I have anything to add. It's a source
17 of, you know, confusion for me as to what happened
18 during that time frame. And to the extent that
19 someone suggested that I was advancing information to
20 my former colleagues on the second floor to benefit
21 them in any way or even that I was engaged in some
22 type of dialogue, I think that's kind of nutty. I was
23 on my own. I felt as though I wasn't treated
24 particularly well. I didn't want to hurt anybody on

1 the second floor, but I had no desire to do them any
2 favors by tipping them off or giving them any
3 information with regard to what I said or didn't say.

4 Q. Did you ever speak to Hermann about the investigation?

5 A. Never had a conversation with Mr. Hermann.

6 MR. SHEINGOLD: Ever, about anything?

7 MR. DOPP: No, sir, never.

8 MR. FISCH: I appreciate you coming down,
9 thank you. And thank you, Counselor.

10 (A break was taken in the proceedings.)

11 BY MR. FISCH:

12 Q. Mr. Dopp, I apologize there's an additional entry in
13 your diary we wanted to ask you about. You have it in
14 front of you. 8/23, "DN asks about hot poker comment
15 out of blue"; DN meaning Nocenti?

16 A. Correct.

17 Q. "Only Kindlon" --

18 A. Terry Kindlon, my attorney.

19 Q. -- "and DW" -- that's --

20 A. David Weinraub, also my attorney.

21 Q. -- "only Kindlon and DW know about it" -- what's the
22 rest of that?

23 A. "RB", which stands for Rich Baum.

24 Q. Richard Baum, then the secretary?

- 1 A. Yup, he would have also have known about it, but I say
2 here, he probably would have forgotten it.
- 3 Q. "Must have been TK to PP", meaning Peter Pope?
- 4 A. Terry Kindlon to Peter Pope, perhaps, I'm wondering,
5 that's my little notation. And it says, "Do recon
6 with TK", meaning I was going to ask Terry whether he
7 had told Nocenti about red-hot poker.
- 8 Q. This comment was never -- was it ever part of your
9 testimony before the Commission on October 11th?
- 10 A. No.
- 11 Q. When was the first time it was incorporated into any
12 type of testimony you gave?
- 13 A. The second time I was interviewed by the District
14 Attorney.
- 15 Q. Okay. So the 8/23, of course, preceded your
16 appearance and testimony before COPI?
- 17 A. Correct.

18 MR. FISCH: Thank you.

19 (Whereupon, the examination of DARREN DOPP
20 in the above-entitled matter concluded at
21 4:23 p.m.)

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C E R T I F I C A T I O N

I, SADIE L. HERBERT, Shorthand Reporter and
Notary Public in and for the State of New York,
do hereby CERTIFY that the foregoing record taken
by me at the time and place noted in the heading
hereof is a true and accurate transcript of same,
to the best of my ability and belief.

SADIE L. HERBERT

Dated: February 26, 2009

