

1 STATE OF NEW YORK
2 OFFICE OF THE INSPECTOR GENERAL

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

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10 STENOGRAPHIC MINUTES OF CONTINUATION OF
11 EXAMINATION conducted of LINDA GRIGGS, held pursuant
12 to Subpoena on the 17th day of October, 2008, at the
13 offices of STATE OF NEW YORK OFFICE OF THE INSPECTOR
14 GENERAL, Empire State Plaza, Agency Building 2, 16th
15 Floor, Albany, New York, commencing at 11:00 a.m.,
16 before Diane Daly-Gage, a Shorthand Reporter and
17 Notary Public in and for the State of New York.

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1 APPEARANCES:

2 STATE OF NEW YORK
3 OFFICE OF THE INSPECTOR GENERAL
4 Empire State Plaza
5 Agency Building 2, 16th Floor
6 Albany, New York 12223
7 (518) 474-1010
8 BY: JONATHAN MASTERS, ESQ.

9 -and-

10 Sherry Amarel, Principal Investigator

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

2 LINDA GRIGGS,

3 (having been first duly sworn by the Notary
4 Public was examined and testified as follows:)

5 MR. MASTERS: Today is October 17, 2008.
6 It's a year anniversary of Public Integrity
7 Commission first bringing the issue in question
8 to the District Attorney's Office and we're
9 here to talk about that very date and the next
10 week and a half.

11 Before we do that, you've already taken
12 the oath and just want to confirm, this is a
13 voluntary interview?

14 MS. GRIGGS: Yes.

15 MR. MASTERS: Present is Jonathan Masters
16 from the State Inspector General's Office.

17 MS. AMAREL: Sherry Amarel from the State
18 Inspector's Office.

19 MS. GRIGGS: And Linda Griggs from the
20 Albany County District Attorney's Office.

21 EXAMINATION

22 BY MR. MASTERS:

23 Q And I guess we'll start with we had a couple of
24 requests.

25 A I e-mailed the District Attorney about those

1 requests. I haven't received any response.

2 Q Okay. And the other one with the letter that we
3 asked you about, you're not certain about that, the
4 Levine letter.

5 A I've never seen a Levine letter. I know that in the
6 letter John Feerick sent to us saying they have full
7 faith and confidence in Herb Teitelbaum, that it
8 also mentioned something about the Commissioners
9 approved this letter. So I don't know if that has
10 some involvement.

11 Q Okay. We're not quite certain.

12 A This Levine letter, if maybe Feerick discussed it
13 with Levine or reviewed it with him, I don't know.

14 Q Okay. We'll try to nail that down with a date.

15 A But I've never seen a Levine letter.

16 Q Okay. What we've done is we've prepared a bunch of
17 documents and we've labeled them Item 1, 2 and keep
18 on going and then we'll just follow them as we go
19 along. So item less than one is...

20 MS. AMAREL: It was an afterthought.

21 Q Is the Commission on Public Integrity, COPI, and
22 their Notice of Reasonable Cause, NORC, and it's
23 just Pages 11 and 12. And it's where they write on
24 Page 12, "On October 19th after reviewing Dopp's
25 testimony to the Commission, District Attorney

1 Soares informed the Commission that the ODA would
2 present evidence about Dopp to a grand jury." And
3 we're here just to figure out if that date is
4 accurate from what you know about the events at that
5 time.

6 A Okay. Well, I don't have any personal knowledge of
7 the D.A. informing COPI or Herb Teitelbaum on
8 October 19th that we would be taking the case. They
9 met with us on the evening of October 17th, we made
10 no final decision as of the evening of October 17th.
11 I believe the D.A. left town the very next day.
12 Sometime in there we received the full transcript of
13 Dopp's testimony, which was like 398 pages. I know
14 Herb Teitelbaum turned it over to us and I believe I
15 recall him saying so we could get full context of
16 the actual portion which was at issue. I spent that
17 weekend, which would've been the 20th and 21st,
18 reading the transcript. So I don't know how we
19 would've possibly made any determination...

20 Q And I believe that's all outlined on the next, Item
21 Number 1, which is the timeline that was put
22 together by the District Attorney's Office?

23 A Yes.

24 MS. AMAREL: Do you recall when you
25 received the entire transcript? Was it that

1 evening, the first night that you met with
2 them?

3 MS. GRIGGS: I don't recall. Initially I
4 thought it was that evening. But the D.A. and
5 A.D.A. Knowles remember it as not happening
6 that evening. So it was some time by Friday.
7 I think I started looking at it Friday in the
8 office. I remember taking it home because when
9 Herb Teitelbaum turned it over to us he said
10 keep this confidential, and I thought it was
11 stupid that they put "Dopp's testimony" on the
12 outside spine of it, and I remember pulling
13 that off so I could take it out of the office.

14 BY MR. MASTERS:

15 Q And Friday would be October 19th, 2007?

16 A Yes. I read it all the way -- I mean I didn't
17 finish reading it until Sunday. And at the same
18 time Brett Knowles, A.D.A. Knowles, was researching
19 all the potential charges and putting together a
20 memo.

21 MS. AMAREL: Do you know why they don't
22 think it was that night that they provided you
23 with the entire testimony?

24 MS. GRIGGS: I guess they just didn't
25 believe Herb had it with him. They don't

1 recall him having it with him. They recall us
2 getting it later. I don't know. I thought it
3 was that night, but after they said what they
4 said, then I doubted my recollection.

5 MS. AMAREL: Okay.

6 BY MR. MASTERS:

7 Q Now, at this whole time on the 18th, Soares flies
8 out to New Mexico and he doesn't return until the
9 31st, is that of October; is that correct?

10 A Yes, according to him. I wasn't there, so I don't
11 know when he came back.

12 Q And so where were you during this period?

13 A I was in New Orleans. October 27th to November 2nd
14 A.D.A. Knowles and I were in New Orleans.

15 Q Okay. So if you want to go to the next item, which
16 is Item Number 2, and that is excerpts from
17 Teitelbaum's interview with this office. And it's
18 Pages 48 through 51, and in that first page they're
19 talking about the full transcript.

20 A Yeah. What does he say?

21 Q His answer is, "We gave him the full transcript."
22 And then the question is, "But not initially on the
23 17th?" And he said, "Oh, yes." So if you can just
24 read on there.

25 A What is, "And that did not come until October 20th

1 or 21st"?

2 MS. AMAREL: That's the judge asking the
3 question, the entire transcript didn't come
4 until the 20th or the 21st, and then Teitelbaum
5 responds, "That's not true."

6 MS. GRIGGS: Oh, okay.

7 MS. AMAREL: And on the next page starting
8 with Line 15 Teitelbaum says, "We had a meeting
9 with the District Attorney and members of his
10 staff at my office. I can't give you the
11 precise date. I think it was November 1st. He
12 reiterated that he was going forward. He had
13 asked us for more transcripts, which I declined
14 to give him."

15 So he's saying he reiterated, that the
16 D.A. reiterated he was going forward, not that
17 he notified him. But he also says that this is
18 a meeting on November 1st.

19 MS. GRIGGS: I know nothing about it. I
20 wasn't in town.

21 MR. MASTERS: Okay.

22 MS. AMAREL: Okay.

23 MS. GRIGGS: Nobody said anything to me
24 about it. Like I said, the only time the D.A.
25 ever reached out to speak to me while myself

1 and Brett Knowles were out of town was the
2 afternoon of November 1st, and he didn't
3 mention anything to me about a meeting with
4 Herb Teitelbaum.

5 BY MR. MASTERS:

6 Q Okay. So after the 17th -- after the 17th up to the
7 period that you have left town on the 27th...

8 A Yes.

9 Q Any recollection from Soares that you learned
10 firsthand about any other goings-on with Teitelbaum?

11 A I don't remember him -- well, we had the
12 conversation on October 22nd, because we had the
13 meeting which he, Soares, participated by phone at.
14 But as I recall -- I don't remember any
15 conversations until that Monday, November 5th, when
16 he was talking about this whole issue with getting a
17 call from Richard Rifkin and then calling Herb
18 Teitelbaum. That's the only thing that I can
19 recall.

20 Q So maybe we should just focus on October 22nd then.
21 We have some notes from Commission on Public
22 Integrity members regarding the 22nd, and that would
23 be your Item Number 3.

24 A Okay.

25 Q And each one is dated on the top left-hand side, so

1 if you could just turn to the ones dated 10/22.

2 MS. AMAREL: The top sheet is a typed
3 version of what the note says.

4 A Okay.

5 Q And this is Feerick?

6 MS. AMAREL: Feerick's calendar.

7 Q These are entries from Feerick's calendar and it
8 described what somebody has reported to him happened
9 on the 10/22 meeting and says, "Meeting with D.S.
10 people. He on phone. They are going ahead." So
11 somebody had -- somebody I assume who was present at
12 the meeting, Teitelbaum, has called Feerick or had
13 spoken with Feerick and related this to him.

14 Now we're just trying to figure out why
15 Teitelbaum might think that the District Attorney is
16 going ahead if the District Attorney now reports
17 that he didn't make a decision until November 1st,
18 2007.

19 A Well, I know during that meeting on October 22nd we
20 were discussing options if we were to proceed with a
21 grand jury, different options because the D.A. has
22 this concern about us going first before COPI
23 finished their investigation. He just was very
24 hesitant to do that and he was trying to find
25 options where COPI could finish their investigation

1 and maybe we proceed at the same time or we proceed
2 afterward. He did not want to move forward until
3 COPI had finished their investigation. And I know
4 he had discussed that with Herb Teitelbaum, there
5 was this kind of back and forth. So I mean I don't
6 know -- I mean I'm not going to speculate. I'm just
7 saying we had discussed options at that meeting.

8 Q At that meeting do you recall Teitelbaum -- now
9 Soares is on the phone; right?

10 A Yes.

11 Q And you're present as well as Teitelbaum as well as
12 Stein?

13 A Steve Stein, Brett Knowles and Meave Tooher were
14 there also.

15 Q And were they -- do you know from what they were
16 saying were they giving the impression that the D.A.
17 had decided to accept the case or do you recall them
18 still saying -- indicating that maybe a grand jury
19 would be empaneled or...

20 A I don't remember. To be honest I remember just very
21 little about the meeting. The two things I do
22 remember I think I kind of mentioned. Well, except
23 for little minor things about trouble with the phone
24 and stuff like that. But I don't remember a whole
25 lot. I don't even really remember the purpose of

1 the meeting. I believe it was to discuss how we
2 would proceed our -- not so much that. I think it
3 was to discuss wanting them to go and complete their
4 investigation. I believe that was the purpose of
5 the meeting, but I don't specifically recall.

6 Q When you left that meeting was it your impression
7 who would go first or if they would continue their
8 investigation, if COPI would continue their
9 investigation, had that been decided or was that
10 still up in the air?

11 A No, that was still up in the air. As far as I
12 recall nothing had been resolved. The D.A. threw
13 out some options. I think they were, I don't want
14 to say discounted, but deemed not viable. So it
15 seemed like nothing had been resolved and we were
16 still waiting for the D.A. to decide whether he
17 wanted to go ahead and proceed or not.

18 Q Okay. We also have other reports from that same
19 date.

20 MS. AMAREL: The 11/1 though, if you could
21 just look at that one, which is the next one.
22 It's interesting, it says, "HT, Herb
23 Teitelbaum, meeting with Soares, along with
24 Meave and Joan." Now, again, this is Feerick's
25 calendar and he has it written on November 1st,

1 2007. "D.S. will have answer at noon tomorrow
2 what he is doing." Does that mean anything to
3 you?

4 MS. GRIGGS: No.

5 MS. AMAREL: Okay.

6 MS. GRIGGS: I mean the only -- again,
7 this is complete speculation. But if the D.A.
8 felt he needed to talk to myself or Brett
9 before he made a final decision, that's the
10 only reason I could think that something like
11 that would be in there.

12 MS. AMAREL: And you came back from your
13 trip on November 2nd?

14 MS. GRIGGS: Yes.

15 MS. AMAREL: Okay. So he knew you were
16 going to be --

17 MS. GRIGGS: In the evening.

18 MS. AMAREL: Oh, in the evening?

19 MS. GRIGGS: Yes. I think it was the
20 evening or late afternoon.

21 MS. AMAREL: Okay.

22 BY MR. MASTERS:

23 Q I think we can skip the rest of these and go on to
24 Number 4. If you turn to Item Number 4, these are
25 notes from COPI working group members, including

1 Meave Tooher. And if you turn to Item 4A, that is
2 Meave Tooher's notes from 10/22/07, the meeting
3 you're all at.

4 A I have 4 to 4C. What did I miss?

5 Q You don't have it right on that first page?

6 A I probably do. There I got it.

7 Q And she notes that -- it says, "D.A. Soares, Harris,
8 Griggs, Stein, Brett. GA-timing. Away until
9 11/1/07."

10 MS. AMAREL: GJ.

11 Q I'm sorry. "GJ-timing. Away until 11/1/07."

12 A So that's probably the D.A.

13 MS. AMAREL: Right.

14 BY MR. MASTERS:

15 Q And then if you go to 4B, which is Meave's notes
16 from 10/23/07 it says, "D.A. empaneling GJ." Is
17 there any speculation on your part that this is the
18 next day and she is of the opinion I guess that the
19 D.A. is empaneling a grand jury? Can you add
20 anything to this?

21 A No, because I don't think we were in communication
22 at that time. He was out of town. I mean we were
23 all at the meeting on October 22nd, but I don't
24 remember talking to him after that.

25 Q Okay. I think we're just going to keep on hitting

1 you with more of the same here.

2 4C, Item 4C, it's Meave Tooher's notes --

3 A Can I just ask...

4 Q Sure.

5 A "D.A. asked if wants us to stand down." Then,
6 "Soares asks us to go forward." I guess -- the only
7 thing I'm saying, during the October 22nd phone
8 conversation the D.A. talked about empaneling a
9 grand jury and he talked about, you know, submitting
10 evidence to the grand jury, but he was also asking
11 them to go forward. These notes seem to be in line
12 with that, because they might've -- him talking
13 about empaneling a grand jury, she might've written
14 down as "D.A. empaneling grand jury." And then, you
15 know, the D.A. asked them to go forward. All I'm
16 saying is it seems somewhat consistent with what I
17 recall happening. But this thing, "D.A. empaneling
18 grand jury," maybe it was a misunderstanding on
19 their part thinking that's what he was going to do
20 when he was just putting out options of what could
21 be done and they didn't realize he had not make a
22 final decision, which I shouldn't have been
23 speculating, but I just did.

24 Q Okay. 4C it's more of the same. It's Meave
25 Tooher's memo to file, and it is dated October 24th,

1 2007 and her first line is, "At the current time the
2 Albany County District Attorney's Office has
3 indicated it will go forward with the grand jury
4 proceeding seeking an indictment for perjury against
5 Darren Dopp."

6 Again, it's more of the same. Any ideas
7 where this belief may've come from?

8 A It may've come from the October 22nd, meeting, still
9 the discussion of options and proceeding with the
10 grand jury might've been interpreted as that's what
11 we were going to do.

12 Q Okay. What follow are several other COPI member
13 notes. One is 10/25/07 from Meave Tooher and that
14 one says, "D.A. actions will be empaneling GJ after
15 11/5." So this memo is dated -- these notes are
16 dated 10/25/07. Did anything to your knowledge
17 occur between 10/22 and 10/25 which would cause
18 Meave to write this?

19 A I don't know. I don't recall having any
20 conversations with her or Herb after the
21 October 22nd meeting. So I don't recall any
22 conversations. And the D.A. was out of town, so
23 he's not telling me anything. And I do -- you know,
24 as we indicated before, he had a phone conversation
25 with Herb on the 25th or 26th from Atlanta. So I

- 1 don't know.
- 2 Q Okay. 4E is Joan Sullivan's working group notes of
3 10/25/07. And she has a note, it says, "Herb given
4 fact. Info now have. D.A. empaneling GJ after
5 11/5/07," and then it continues on.
- 6 A Okay.
- 7 Q This is more of the same. Then we have a note from
8 Meave Tooher, Item 4F. And stop me if there's
9 anything you want to bring out in any of these
10 notes.
- 11 A Okay.
- 12 Q And that's Meave Tooher, a note from 10/30/07 and
13 she writes, "HT spoke with D.A. Did not want to
14 empanel GJ prematurely."
- 15 A Okay.
- 16 Q So this is going down the same line. They seem to
17 be of the -- or at least whosever writing, Meave and
18 Sullivan and Herb Teitelbaum seem to be of the
19 opinion that the D.A. accepted the case at a much
20 earlier date than he's reporting. So I'm trying to
21 figure out if this factors into what you knew at
22 this time.
- 23 A As far as him accepting the case?
- 24 Q Yes, or if the District Attorney's Office accepted
25 the case, or do you have any knowledge? You said so

1 far you don't believe they did. You believe they
2 were just discussing options.

3 A Yeah, I thought we were just discussing options. I
4 don't know what the D.A. might have been having
5 conversations with them about. What was reported
6 back to me was very minimal because the D.A. was out
7 of town. And again, I don't know if I had
8 conversations with them or not. I don't recall any
9 specific conversations, so I don't know.

10 Q Now, you had read the whole transcript on the 20th
11 and 21st of October 2007 over that weekend?

12 A Hum-hum.

13 Q Did you report back to David Soares, or...

14 A I seem to recall we had a conference call and it
15 might've been the morning of October 22nd, because I
16 remember the reason -- I remember discussing my
17 concerns in Dopp's testimony about his contacts with
18 Andrew Cuomo and I remember saying something during
19 this conference call with the D.A., Brett and I and
20 I think Mark Harris was there also, that I was going
21 to raise these concerns at the meeting since we were
22 going to be there. So that's why I know the purpose
23 of the meeting didn't have anything to do with that.
24 It was something else.

25 So it would've probably been before the meeting

1 on October 22nd, we might've had a conference call.
2 I think Brett had put together a memo of potential
3 charges and we discussed that also.

4 Q So on the 22nd Brett had a memo of possible charges
5 and you had read the transcript. Did you discuss it
6 with David Soares?

7 A Yeah, I believe. That's my recollection. It's been
8 a while, so it's not crystal clear. I think I did
9 discuss parts of it. There was really nothing else
10 in the full transcript beyond those pages they
11 brought to us, other than my concern about contacts
12 with Cuomo.

13 Q And did Soares, how did he respond to that when
14 Brett presented his possible charges and when you
15 were presented with whatever you had read in the
16 full transcript?

17 A I don't remember any particular response.

18 Q Okay.

19 MS. AMAREL: And also on 4F it says, "Meet
20 with D.A. at one Thursday," which would be
21 November 1st.

22 Q We'll go on to 4G then. And I recognize that you're
23 not in town during this period of time either. This
24 is 10/30/07.

25 A Okay.

- 1 Q And this is the writings of Joan Sullivan. It's a
2 note. It says, "HT converse with Soares. Strange
3 call. Didn't want empanel GJ prematurely."
4 A That's down here previously. Oh, it's the same.
5 Are these Meave's? The 4F, is that Meave's?
6 Q 4F, yes, is Meave's.
7 A Okay. So Meave's saying the same thing.
8 Q Yes.
9 A Okay.
10 Q So it seems by this note that empaneling a GJ was
11 still up in the air and hadn't happened.
12 A Hum-hum. I mean it could very well be that they had
13 the impression we were going to empanel a grand jury
14 until there was a conversation with the D.A. where
15 he said something and they realized that he wasn't
16 of the same mind.
17 Q Okay. There's 4H, which is Meave Tooher's writings
18 of 11/15/07. It says, "Sores reluctant to go
19 forward."
20 A I'm thinking. I would have to look at the
21 transcripts. Because as we were interviewing
22 people, the people who were in the room on
23 July 22nd, we started realizing that all of the
24 elements of perjury did not exist. There was a
25 specific time -- I'm trying to think. I would have

1 to figure out when we were -- I thought it was later
2 than this. It wouldn't have been this early, so I'm
3 not sure what this is in reference to, actually.

4 Q Okay.

5 A Eight days after we had spoken with Darren Dopp and
6 Terry Kindlon we would not have interviewed all the
7 attorneys by that time. So I have no idea what this
8 is about.

9 Q Okay. Item 4I, it's the writings of Meave Tooher.
10 It's a note, it's dated December 5th, 2007. It
11 says, "HT -" and then I'll skip a bit, it says, "Now
12 GJ after Jan 1."

13 A This is a 12/5 meeting?

14 Q Yes.

15 A Okay. This is when this situation happened. We had
16 interviewed the attorneys Peter Pope, Sean Maloney.
17 As we interviewed Peter Pope, you know, the whole
18 elements of the crime of perjury, if it's written
19 the person has to have been given an oath. And we
20 interviewed Peter Pope, he couldn't recall whether
21 Dopp had been given an oath. Then we interviewed
22 Sean Maloney, he couldn't recall if Dopp had been
23 given an oath. And we finally ended up interviewing
24 David Nocenti, who was the notary, and he
25 essentially told us he didn't give Darren Dopp an

1 oath. So there was no perjury here. So we were
2 reconvening to figure out what we were going to do.

3 Q Okay.

4 A Because we had -- the grand jury date was scheduled,
5 I had issued subpoenas, we were just finishing up
6 the interviews and we got blown out of the water.

7 MS. AMAREL: Right.

8 Q Okay. So November 1st, David Soares has indicated,
9 testified, that he told Teitelbaum on that date
10 either at a face-to-face interview or over the
11 phone, I don't think either Teitelbaum or David
12 Soares can recall how it happened, that he would
13 accept the case at that point, that the District
14 Attorney's Office would take on the case. We have a
15 few diaries that say that a meeting was planned for
16 that day at about 1:00 on November 1st. We just
17 don't know if it happened, went off. Now, David
18 Soares recalls that he believes it was a telephone
19 call. So you provided -- your office provided
20 records of David Soars' Blackberry and phone calls
21 that were made and we just can't locate that
22 particular phone call, and we're looking down other
23 avenues for that.

24 But on November 2nd David Soares called
25 you; is that correct?

1 A No. He called me November --
2 Q November 1st? PIN'd you?
3 A Well, yeah, he PIN'd me. I know we swapped phone
4 calls, but we ended up speaking on November 1st.
5 Q How did the whole PIN thing go again?
6 A I'm on a tour bus, my Blackberry vibrates, I pick it
7 up. And initially I thought it was him calling me,
8 but as I look at the phone records and recall back
9 that's not what happened. He had PIN'd me asking me
10 to call him and he must've -- it must've said
11 something like there's something I need to tell you,
12 because my reaction was to immediately call him.
13 And then he couldn't hear me, so he said I'm going
14 to be here for another hour. I have a dinner to go
15 to. Give me a call when your tour is done. When we
16 got done, I believe it was beyond the hour point, so
17 I don't think I called him. I think I just PINNED
18 him and said we're done, if you want to give me a
19 call. And then sometime an hour or so later he did
20 give me a call.
21 Q And what do you recollect from that conversation?
22 A I don't remember the specifics of the conversation,
23 but I'm pretty confident he would've -- the
24 conversation was him telling us that when we got
25 back from New Orleans we were going to convene a

1 grand jury and move forward with the case.

2 What I do recall is feeling excited about the
3 substance of what he was telling me and anxious to
4 relay it to Brett, A.D.A. Knowles. And I know that
5 it would make sense that he would tell us that, so
6 that when we got back to work on November 5th we'd
7 know what we were doing. And when we did, in fact,
8 get back to work on November 5th we essentially hit
9 the ground running. We gathered the charges, we put
10 together scripts to read to Terry Kindlon and Darren
11 Dopp. I know I contacted Terry Kindlon on that date
12 to schedule a meeting for him to bring his client
13 in. We didn't do it the very next day, and the only
14 reason we didn't is because the next day was
15 Election Day and it was a holiday for us, so the
16 office was closed. And I know that was the first
17 thing. Once we were going to make the decision, if
18 we were moving forward the very first thing we were
19 going to do was get Darren Dopp and his attorney in
20 there to notify Dopp of the charge, to notify him of
21 the conflict as his attorney may be a witness. Our
22 real purpose was to get Terry Kindlon off the case,
23 because after reading the transcript of Darren
24 Dopp's COPI testimony it was pretty clear to us he
25 had ineffective assistance of counsel and we felt we

1 couldn't ethically move forward if Terry Kindlon was
2 still representing him on the case. We needed to
3 communicate to Darren Dopp that he needed to get a
4 new attorney.

5 MS. AMAREL: Did you have any
6 conversations with the D.A. after the 1st and
7 before you showed up to work on the 5th, and
8 that's November 5th, do you recall?

9 MS. GRIGGS: I don't remember any
10 conversations.

11 MS. AMAREL: Okay.

12 MS. GRIGGS: And I don't remember going
13 into the office until the 5th. So we got back
14 late on Friday, I don't remember going in
15 Saturday or Sunday.

16 MS. AMAREL: The D.A. testified that he
17 received a phone call from the Executive
18 Chamber on the 1st, 2nd.

19 MS. GRIGGS: Right. That would've been
20 Friday.

21 MS. AMAREL: And I was wondering if he
22 made you aware of that while that was
23 happening?

24 MS. GRIGGS: I don't remember that. He
25 could've called me. Sometimes he does call me

1 on the weekends if something comes up, but I
2 just don't recall that.

3 MS. AMAREL: Okay.

4 Do you think we covered everything in 6?

5 MR. MASTERS: Yes. Do you see anything
6 else?

7 MS. AMAREL: Do you recall having a
8 conversation at all with the D.A. even if it
9 was after you returned to work on
10 November 5th about him receiving a call from
11 Richard Rifkin?

12 MS. GRIGGS: Oh, yeah.

13 MS. AMAREL: What do you recall?

14 MS. GRIGGS: I mean he just relayed the
15 story of how he got this call late Friday from
16 Richard Rifkin and he didn't know why he was
17 calling. I remember him saying he called Herb
18 Teitelbaum to see if he knew and Herb's like "I
19 don't know." And then the D.A. eventually
20 called Richard Rifkin back. I remember him
21 saying that Sean Maloney was on the line. So
22 he was concerned about that, because we were
23 looking at Sean Maloney as a potential
24 defendant. And Richard Rifkin said he wanted
25 to come in with Sean Maloney and meet with him,

1 the D.A., to discuss the Dopp matter and I
2 remember the D.A. felt very hesitant to meet
3 with Sean Maloney present without an attorney.
4 So the D.A. told Richard Rifkin, you know, I
5 feel uncomfortable meeting with you unless
6 there was an attorney present. And Richard
7 Rifkin said, yes, they would come with an
8 attorney. That's what I remember him telling
9 me.

10 MS. AMAREL: Okay.

11 BY MR. MASTERS:

12 Q And did he mention anything about that being within
13 24 hours of having told Teitelbaum that they would
14 -- having said that they would accept the case,
15 having told Teitelbaum?

16 A No. And also, I remember him telling me that he
17 got -- he was going on and on about this, that he
18 got a call early on Saturday morning from Herb
19 Teitelbaum wanting to know what Rifkin wanted.

20 MS. AMAREL: Do you know what he told
21 Herb?

22 MS. GRIGGS: I do not.

23 BY MR. MASTERS:

24 Q If you turn to Item 7A. These are excerpts from
25 Herb Teitelbaum's interview with this office, and

1 this is regarding the same subject.

2 MS. AMAREL: They're talking about the
3 November 1st meeting.

4 A November 1st?

5 Q Yes.

6 A Oh, okay.

7 Q Now, Teitelbaum has previously said that he was
8 uncertain if it was -- he does not believe it was a
9 face-to-face meeting and he seems noncommittal if it
10 was over the phone or how it actually occurred. But
11 there was a meeting or a conversation on the 1st and
12 we're trying to figure out what the purpose of that
13 meeting was. So if you look at the bottom, the
14 answer on Line 18, "No. The purpose of the meeting
15 as I understood it from what they were asking us,"
16 and I'm skipping a little, "was, one was they wanted
17 to know whether there was any testimony in any of
18 the other transcripts that we had that would've
19 indicated from our perspective any possible criminal
20 conduct and we said no. He then wanted to have us
21 give him transcripts. And in particular I remember
22 he wanted the bound transcript and I said to him
23 that we could not give to him the bound transcript,
24 but if he served us a friendly subpoena we would
25 give it to him."

1 So this is Herb Teitelbaum's recollection
2 of what transpired during November 1st
3 meeting/conversation. He does not indicate -- well,
4 he's of the opinion that much early on on
5 October 19th that the D.A. had accepted the case.

6 A Did he say how he got under that impression?

7 Q I think he says that the D.A. indicated that he
8 would accept the case on the 19th.

9 A Okay.

10 Q Now, I know you weren't present, but do you have any
11 information on what transpired on the November 1st
12 meeting or conversation?

13 A No, I don't. I didn't even know that they had met
14 or had a conversation until this whole issue came
15 up.

16 Q Okay. And we'll go on to 7B, and that is further
17 from Teitelbaum's interview, Line 9 on Page 92.

18 This is the question:

19 "Q Let me tell you why I mention that
20 date. On November 1 you learned from the
21 District Attorney, according to him, that he
22 was going forward.

23 "A That's not true.

24 "Q He's wrong?

25 "A Uh-huh, yes."

1 And on the next page Teitelbaum goes on and he
2 says, "He, meaning Soares, told it to me on the 19th
3 and he reiterated it on November 1, of course,
4 because he was asking for information and
5 transcripts in connection with his going forward."

6 So regarding the 19th, do you have any comments
7 about that, Teitelbaum's statement regarding the
8 19th?

9 A No. I mean, again, the D.A. was out of town, so I
10 don't know what he was speaking to Teitelbaum about
11 or what they spoke about. Because when he's out of
12 town there's much less contact with him. I just
13 don't know.

14 Q Okay.

15 A I don't know how we would've -- well, like I said, I
16 don't know what was in the D.A.'s mind. But when we
17 all parted on the 17th there was no final decision
18 when we were going to be looking at the transcript
19 and looking at the charges, and the next time we
20 reconvened or that I recall having any conversations
21 was October 22nd during a conference call.

22 Q And even by October 22nd am I correct in saying your
23 opinion then was that the D.A. still had not
24 accepted the case and no final decisions had been
25 made?

1 A That's correct. Because he, again, was wanting them
2 to finish their investigation. So I had a
3 feeling -- I felt that we were going to take the
4 case. But when, I did not know because the D.A.
5 wanted them to go first. So that was up in the air.
6 And later on there came a point where it seemed the
7 D.A. was really adamant that they go first, that we
8 might actually not take the case unless they did.
9 So it changed. But there was no definite we are
10 going forward with this until I would say
11 November 1st when the D.A told me, when you got back
12 we're going to go forward, which is what I believe
13 he said to me. I don't remember specifically, but I
14 don't know any other thing that he would've said it
15 me.

16 Q And we recognize that many of these questions are
17 better suited for Soares, ask the person directly,
18 rather than ask you.

19 A Okay. Good.

20 Q We're just covering all of it just to be thorough
21 and complete.

22 MS. AMAREL: Do you know if there were any
23 conversations and the 19th with Herb by either
24 you or Brett Knowles?

25 MS. GRIGGS: I doubt Brett Knowles spoke

1 with him. I would have to check my phone
2 records. I don't recall any conversations and
3 I don't think it was -- at that time Herb was
4 not really communicating with me. He was
5 communicating with the D.A. And then when this
6 whole thing happened on November 7th where the
7 D.A. confronted him with what Rifkin had said,
8 all of a sudden Herb stopped calling the D.A.
9 and he started communicating with me. So my
10 gut would be, I don't recall any conversations
11 with him. I don't think there were any
12 conversations with him at that time, but
13 checking my phone records would be definite,
14 because I would've talked to him on either my
15 work phone or my Blackberry phone.

16 MS. AMAREL: Okay.

17 BY MR. MASTERS:

18 Q And there's no formal procedure that happens when
19 the D.A. says he will accept the case?

20 A No, there's no formal procedure.

21 Q So would it have been, I'm putting you in somebody
22 else's mind, but would it have been unreasonable for
23 COPI to assume the D.A. had "accepted the case,"
24 when you were just discussing empaneling a grand
25 jury, the possibility of that?

1 A On October 22nd I don't think it would've been
2 unreasonable. I don't see how on October 19th they
3 could've gotten that impression, unless something
4 was said to them that I don't know or I don't
5 recall. I just don't think we were in a position to
6 make that determination at that time.

7 Q Okay. We'll hit the last of these even though I
8 know how you're going to answer these. But Feerick,
9 Item 8A, this is notes from John Feerick's testimony
10 before NYSIC. If you look to Page 111.

11 A Oh, I was reading his answer about how the thing had
12 so many colors to say it. Oh, 111.

13 MS. AMAREL: It's just the next page.

14 Q It's just the next page.

15 Now, this is Feerick and he's relating
16 what he has learned from Herb Teitelbaum, so it's
17 secondhand, but it says, "I understand from Herb
18 Teitelbaum that on the 19th of November -- 19th of
19 October the District Attorney was -- my note is
20 incomplete, but I guess I was going through
21 something with reference to a grand jury with
22 reference to some aspect of this matter." And then
23 later on he says, "that's -- that must be the 22nd,
24 the District Attorney was going ahead with the grand
25 jury at that point."

1 So Feerick too is of the belief that it's
2 some date prior to November 1st, possibly the 22nd
3 the grand jury was -- that David was going ahead
4 with the grand jury.

5 A Hum-hum.

6 Q 8B, more from Feerick. I guess we'll cover this.
7 He talks first about the transcript and it says, the
8 question:

9 "Q There was a transmittal of some of
10 the Dopp's testimony, some 40 somewhat pages.

11 "A You would've received the whole
12 transcript.

13 "Q That did not come until October 20th
14 or 21st.

15 A Where's that coming from, the 20th or the 21st?
16 That's the second time I've seen it. You don't have
17 to answer me. I'm sorry, I'm not supposed to be
18 asking questions.

19 MS. AMAREL: I think the judge is under
20 the impression that you had the whole
21 transcript around the 20th or the 21st because
22 that's --

23 MS. GRIGGS: Oh, that's when I read it. I
24 don't know when I actually -- I couldn't tell
25 you when I actually had it.

1 MS. AMAREL: Okay.

2 MS. GRIGGS: I just know when I read it.

3 BY MR. MASTERS:

4 Q You first reported that on October 17th that you
5 think you only had 40 some odd pages.

6 A Oh, I know for sure we only had 40 some odd pages.

7 Q And then you read the whole thing on the 20th. So
8 we know it came somewhere in between there. We just
9 don't know when.

10 A Okay.

11 Q I don't know why it says the 20th or 21st.

12 The question:

13 "Q I'm sure you will agree no D.A. is
14 going to proceed on the basis of 40 pages out
15 of 400 pages.

16 "A I think you would certainly want to,
17 you know. I agree with that.

18 And so the later question is:

19 "Q So they didn't get the 398 of your
20 COPI transcript until October 20th or 21st?

21 "A Right."

22 So Feerick thinks the rest of the transcript
23 came at some date after October 17th, you
24 know, before you reviewed it.

25 A Okay.

- 1 Q And later on Feerick says, "All I know that
2 according to my diaries on November 1st that there
3 was some communication with the District Attorney
4 and he would have an answer tomorrow." And so --
- 5 A An answer to what, does he know?
- 6 Q Well, we were wondering if that was the answer to
7 accepting the case or...
- 8 A He didn't know what the answer would be to? Does
9 Feerick know what the answer is going to be? Like
10 an answer to what question?
- 11 Q Well, that's the question. We were wondering if it
12 was if the D.A. would accept the case.
- 13 A No. What I was asking, is that what Feerick thinks
14 the question is. I'm not -- I didn't read what he
15 said.
- 16 Q Feerick is just looking at his diary and he's not
17 quite certain what it means.
- 18 A Okay. So nobody knows what the question is that
19 there will be an answer to. Okay.
- 20 Q Right. So I think that's all from that section.
21 Later on on Page 134.
- 22 MS. AMAREL: 124, on the right, the page
23 on the right.
- 24 Q I'm sorry. Page 124. The question is:
25 "Q Because it's not until November that

1 you learned the D.A.'s going to take the case?

2 "A Not so."

3 Later on he answers:

4 "A He was very interested, he, being
5 Soares, was very interested in this matter on
6 October 17th. On Friday there was a
7 communication that Herb had with the District
8 Attorney that he was moving ahead with the
9 grand jury. Same thing on Monday, the 22nd."

10 So that's Feerick's diary, recollection of what
11 his diary says.

12 A Okay.

13 Q Okay. We have more. Item 9A. This is from Meave
14 Tooher's testimony before NYSIC. The bottom of Page
15 59 it says, "My recollection, and you have my memo
16 from October 24, is that he had indicated fairly
17 quickly that he wanted to go forward taking the
18 matter to the grand jury and then expressed concerns
19 back to the Commission, to Mr. Teitelbaum and to
20 myself that he was concerned about prematurely
21 empaneling the grand jury."

22 Now, on Page 61, Lines 5...

23 A "Exotic place." Is that New Mexico?

24 Q I guess so.

25 A That's hilarious. Sorry.

1 Q So it says -- we'll back up, we'll get to that. So
2 the question is:

3 "Q Mr. Teitelbaum said that the D.A.
4 called from some exotic place or some far away
5 place and our telephone records indicate that
6 there was a call on October 19th, which was a
7 Friday, from Teitelbaum to you, Meave Tooher,
8 at 2:13 p.m. Does that strike a bell?

9 "A There's no reason to doubt that. I
10 think there would've been a follow-up to the
11 initial meeting. I believe the first time that
12 we met with the D.A. was either the 17th or the
13 18th.

14 "Q The 17th.

15 "A And that phone call would've been a
16 follow-up to that meeting, at which time to the
17 best of my recollection herb indicated that
18 he's going to take it."

19 So more in the same vein.

20 A I mean from what they're saying it's as though they
21 believed that early -- well, not early, but some
22 time at the end of October they thought we were
23 going to move forward with the grand jury, and then
24 at some point the D.A. in conversations with them
25 indicated otherwise.

1 Q Okay. And again, I don't mean to keep beating on
2 the same thing, but I just want to make sure there's
3 no recollections.

4 So I guess to sum up the first issue,
5 which is the date October 17th, 2007, was the first
6 time that COPI came to you with the matter in
7 question?

8 A Yes. And I know definitively that there was no
9 communication with them whatsoever on October 17th
10 that we were taking the case.

11 Q Okay.

12 A I can't even imagine with any sort of reasonableness
13 that they would've gotten that impression on
14 October 17th. We just took in the information and,
15 said we would review the information and that's what
16 we did. We had discussions about it for the next
17 hour or so, but came to no resolution. We had
18 additional things we had to look at.

19 Q And by October 19th, correct me if I'm wrong, Brett
20 had yet to draw up the possible charges and you had
21 yet to read the transcript of Dopp in its entirety?

22 A Correct.

23 Q And to the best of your knowledge on the 19th
24 nothing that you're aware happened that could've
25 caused COPI to believe that the D.A. had accepted

1 the case?

2 A As far as I know nothing happened that would cause
3 COPI to believe that the D.A. had accepted the case.

4 Q October 22nd there was a meeting at which you were
5 present with Teitelbaum, Brett Knowles, Stein and
6 Tooher with Soares on the phone. Correct me if I'm
7 wrong. Was there anything that occurred at that
8 meeting which would, to the best of your knowledge,
9 that Soares said he would accept the case?

10 A I don't recall him saying that he would accept the
11 case, but he discussed options if we were to proceed
12 with the case. They may have interpreted that as
13 our accepting of the case.

14 Q And then you went away on the 27th. So between the
15 22nd and the 27th of October, 2007 is there anything
16 that you can recall that transpired that would've
17 shown that the D.A. was accepting the case?

18 A I don't remember any communications with COPI during
19 that time period.

20 Q Okay. What is the first communication, just to sum
21 it up, that you recall where the D.A. accepted the
22 case or you believe that the D.A. may've accepted
23 the case?

24 A Communication with me or communication with COPI?

25 Q What's the first time that you became aware that the

1 D.A. accepted the case?

2 A November 1st.

3 Q And that was through the phone call with David
4 Soares while you were away?

5 A Yes.

6 MR. MASTERS: Is there anything else on
7 that issue?

8 MS. AMAREL: No, I think that's good.

9 BY MR. MASTERS:

10 Q Do you have anything to add on that issue? There's
11 nothing that you could possibly add; right?

12 A Right.

13 Q The next two issues are pretty small.

14 MS. AMAREL: The next issue we want to
15 discuss is when, and again these questions
16 might be better directed at Mr. Soares, but
17 when did Soares advise Teitelbaum that he knew
18 Teitelbaum was the source of the leak?

19 MS. GRIGGS: That was November 7th in the
20 afternoon after our meeting with Richard
21 Rifkin, Sean Maloney and Hal Lieberman. That
22 was on that conference -- he called Herb up and
23 put him on the speaker phone and I know Brett
24 Knowles and I were in the room. I don't
25 remember if Steve Stein was in the room or not.

1 MS. AMAREL: And do you recall that
2 conversation or what the D.A. said to Herb?

3 MS. GRIGGS: He just reported back to Herb
4 what Richard Rifkin had told us, that Herb had
5 told through Robert Hermann, the Executive
6 Chamber, about the Dopp matter being turned
7 over to our office. And Herb made some
8 response under his breath, which had three
9 different interpretations, and they didn't
10 dwell on it anymore. The conversation just
11 continued on.

12 MS. AMAREL: Okay. Do you recall if the
13 D.A. mentioned Hermann in that conversation to
14 Herb?

15 MS. GRIGGS: I said it. I don't -- I
16 don't recall specifically, so I better retract
17 that. I don't recall if he specifically said
18 Hermann or not. But I know he told Herb that
19 Richard Rifkin said Herb was passing on
20 information to the Executive Chamber. So he
21 might not've said Bob Hermann.

22 MS. AMAREL: And again, I had asked you
23 before if there was any -- if the D.A. had told
24 you about the conversation he had with Richard
25 Rifkin on November 2nd, and that he, the D.A.,

1 reached out to Herb Teitelbaum and asked why is
2 Richard Rifkin calling me. And I believe the
3 next day on November 3rd early Saturday morning
4 Herb called the D.A. again. Do you know if
5 during those conversations the D.A. informed
6 Herb that he, the D.A., had been advised Herb
7 was the source of the leak?

8 MS. GRIGGS: No. I don't know.

9 MS. AMAREL: Okay.

10 MS. GRIGGS: I mean it doesn't make sense
11 to me because otherwise the D.A. wouldn't have
12 had the phone conversation with him on
13 November 7. It was like the very first -- my
14 impression was, it was the first time he was
15 confronting him with this.

16 MS. AMAREL: Okay. We have an excerpt
17 from Herb Teitelbaum's transcript, Page 109,
18 Line 11, Herb is saying, "The only time that
19 the issue of a dinner at or around Halloween
20 2007 or notes came into my knowledge was at the
21 end of February when I was told what Hermann
22 told the District Attorney."

23 So it appears Herb Teitelbaum is saying
24 that it was the end of February when the
25 District Attorney learned Herb Teitelbaum was

1 the leak. But you were there...

2 MS. GRIGGS: See we didn't know the
3 specifics. Rifkin didn't tell us exactly how
4 Hermann came into the information. Herb may be
5 answering -- the way he's answering it makes it
6 sound like he's talking specifically about
7 dinner and Halloween and notes.

8 MS. AMAREL: Right. And that was the
9 first time that he had learned that he was the
10 leak?

11 MS. GRIGGS: Right.

12 MS. AMAREL: Okay.

13 MS. GRIGGS: Because all that stuff came
14 to us from Bob Hermann when we interviewed him.

15 MS. AMAREL: Okay.

16 On November 12th we have from the COPI --
17 Feerick's calendar --

18 MR. MASTERS: It's the last page on that
19 right there.

20 MS. AMAREL: Oh, yeah. This is from
21 Feerick's calendar, November 12. This excerpt
22 here, he's saying, "At home," meaning Feerick
23 was at home, "spoke separately with Levine,
24 King and Giuffra. Dicker front page article."
25 And then it says, "Herb tells me of a call on

1 Friday with Dave Soares of visit from Rifkin,
2 plus one. Soares said that Teitelbaum told
3 Hermann of reference to Soares."

4 MS. GRIGGS: That doesn't make sense.

5 MS. AMAREL: So we're asking you...

6 MS. GRIGGS: Oh, wait, wait, wait. I
7 don't know why it says that Soares said that.
8 Rifkin, when we interviewed Rifkin on this
9 matter, I think it was in March, said that Herb
10 Teitelbaum told Bob Hermann of what Soares said
11 to him. That's the only thing that that brings
12 to my mind.

13 MS. AMAREL: Right. And this is dated
14 November 12th though on his calendar; "Soares
15 said that Teitelbaum told Hermann."

16 MS. GRIGGS: Yeah, I don't know why it
17 says that.

18 MR. MASTERS: Okay.

19 MS. AMAREL: Okay.

20 MR. MASTERS: I know it's not your
21 writings.

22 MS. AMAREL: We were just wondering. And
23 if we figure it out, we'll let you know.

24 MS. GRIGGS: All right. I'm just trying
25 to -- maybe he accidentally put Soares in

1 there. I don't know. I'm not going to
2 speculate. Sorry.

3 MR. MASTERS: Okay. Final issue.

4 MS. AMAREL: And again, we're asking you
5 but these questions will be directed to the
6 D.A. But when did Soares or your office become
7 aware that Nocenti and Pope could not represent
8 the Governor?

9 MS. GRIGGS: Nocenti and Pope could not
10 represent the Governor? I'm not quite sure.
11 You mean before COPI?

12 MR. MASTERS: Yes. I think at some point
13 early on that maybe they were being considered
14 to being legal representation for the Governor.

15 MS. GRIGGS: I mean we would've assumed
16 that when we were looking at them as potential
17 defendants, that they couldn't represent the
18 Governor.

19 MS. AMAREL: Was that discussed at the
20 initial meeting?

21 MS. GRIGGS: On the 17th?

22 MS. AMAREL: Yes.

23 MS. GRIGGS: I don't think so. What I'm
24 thinking is, I learned about this through
25 interviews of Pope and Rifkin, which were later

1 on, late winter, early spring where they were
2 telling me how -- wait. I'm trying to think.
3 No, no. I'm going back. You're going to have
4 to bear with me because my mind is going all
5 over the place.

6 MS. AMAREL: That's okay. We've gone all
7 over the place.

8 MS. GRIGGS: I know that was -- that was
9 Howard though. Howard told us -- Bill Howard
10 when we interviewed him like during our first
11 report, so that would've been September that
12 they couldn't use -- that they were told they
13 couldn't use Executive Chamber attorneys to
14 represent them when they testified before the
15 Public Integrity Commission. So they had to
16 hire outside counsel and pay the cost. I
17 remember him bringing that issue up initially.

18 MS. AMAREL: And this was in September?

19 MS. GRIGGS: Yes. And it was Bill Howard.
20 I don't think I ever -- like I was never
21 cognizant of Nocenti and Pope representing the
22 Governor. I know Lloyd Constantine brought it
23 up as something that -- not Constantine. It
24 was one of the things that Bob Hermann
25 extrapolated from what he saw, what he

1 allegedly saw in Herb Teitelbaum's apartment.

2 MS. AMAREL: Okay. But you're saying as
3 early as September it was known that anyone
4 working in the Executive Chamber was not going
5 to be able to represent the Governor?

6 MS. GRIGGS: That's what I remember Bill
7 Howard telling us when we interviewed him. And
8 the D.A. wouldn't have known that. It was
9 Brett Knowles, Steve Stein and myself
10 interviewing Howard and he might've mentioned
11 it during the interview or -- yeah, it would've
12 been some time during the interview he might've
13 mentioned that he was told -- I'm thinking it
14 was Bill Howard that they couldn't use
15 Executive Chamber attorneys. Either -- I don't
16 know. It's something that came up during the
17 Trooper Gate investigation, either during an
18 interview one of the witnesses told us or one
19 of the attorneys told me in conversation. I
20 know Rich Baum's attorney made a big issue out
21 of it more doing Investigation D because Rich
22 Baum -- I mean the attorneys would regularly
23 tell us that their clients were going broke
24 paying their legal fees. But I'm pretty sure
25 it came up during Trooper Gate, Bill Howard.

1 It might even be in his transcript.

2 MS. AMAREL: Okay. We were trying to
3 ascertain how or why Hermann was thinking that
4 they were going to represent the Governor.

5 MS. GRIGGS: I don't know. I'm just
6 trying to think it through. They were
7 testifying before COPI back then on Trooper
8 Gate.

9 BY MR. MASTERS:

10 Q When you say they were told that they could not use
11 Executive Chamber attorneys to testify before COPI,
12 they were told by COPI?

13 A That's what they relayed to me. I think Bill Howard
14 and/or his attorney relayed to me that when they
15 testified in front of COPI it was considered outside
16 the scope of their employment and they couldn't use
17 in-house counsel to represent them.

18 Q So way back in September more than likely Teitelbaum
19 would've known that Pope and Nocenti would not be
20 representing the Governor?

21 A I guess.

22 MS. AMAREL: And Hermann would've known.
23 I don't know if Hermann would've known, but
24 Teitelbaum says in his transcript, "Starting
25 really in September or October I had taken the

1 position that people who were appearing before
2 us could not be represented by lawyers in the
3 Executive Chamber." Okay.

4 MS. GRIGGS: So they were shelling out a
5 lot of money.

6 MS. AMAREL: Okay. I guess that's it.

7 MR. MASTERS: Is there anything that you
8 would like to add?

9 MS. GRIGGS: No.

10 MR. MASTERS: Okay. I think we're done
11 then.

12 MS. AMAREL: I think that's it. We'll go
13 off the record.

14 (Whereupon the proceeding in the above-entitled
15 matter concluded at 10:58 a.m.)

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

I, DIANE DALY-GAGE, 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 place and date noted in the heading thereof is a true and accurate transcript of same to the best of my ability and belief.

DIANE DALY-GAGE

Dated: October 22, 2008

