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STATE OF NEW YORK  
OFFICE OF THE INSPECTOR GENERAL  
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AN INVESTIGATION CONCERNING ALLEGATIONS  
THAT HERBERT TEITELBAUM, EXECUTIVE DIRECTOR  
OF THE COMMISSION ON PUBLIC INTEGRITY,  
DISCLOSED INFORMATION CONCERNING THE  
COMMISSION'S INVESTIGATIONS  
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STENOGRAPHIC MINUTES OF EXAMINATION  
conducted of LINDA GRIGGS, held on the 17th day of  
September, 2008, 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 1:45 a.m., before Diane Daly-Gage, 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) 474-1010  
BY: JOSEPH FISCH, ESQ.

-and-

Sherry Amarel, Principal Investigator

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

2 MR. FISCH: Today is September 17th.

3 I'm Joseph Fisch, State Inspector General. We  
4 are in my Albany office, Agency Building 2,  
5 16th Floor. Accompanying me is Sherry Amarel,  
6 Assistant Deputy Chief Investigator.

7 MS. AMAREL: Yes.

8 MR. FISCH: And Linda Griggs, Assistant  
9 D.A. is present.

10 Ms. Griggs, you're appearing voluntarily  
11 in response to a telephone call; yes?

12 MS. GRIGGS: Yes.

13 MR. FISCH: And you have no objection to  
14 this examination being recorded  
15 stenographically?

16 MS. GRIGGS: No.

17 MR. FISCH: All of my examinations are  
18 conducted under oath, so will you rise and be  
19 sworn, please.

20 LINDA GRIGGS,

21 (having been first duly sworn, was examined and  
22 testified as follows:)

23 EXAMINATION

24 BY MR. FISCH:

25 Q Ms. Griggs, as you know you're here because the

1 District Attorney by letter dated August 6th of 2008  
2 referred to us for investigation allegations that  
3 Herbert Teitelbaum, the Executive Director of Public  
4 Integrity, Commission on Public Integrity had  
5 improperly disclosed information concerning their  
6 investigation to members of the Executive Chamber  
7 who are not the persons to whom such communications  
8 should've been directed. Obviously you're familiar  
9 with that. You were present when we met with the  
10 D.A. to discuss this?

11 A Correct.

12 Q Now, you turned over to us, I say "you,"  
13 collectively your office turned over to us testimony  
14 that was taken on a number of people; Lloyd  
15 Constantine, Peter Pope, Richard Rifkin and Robert  
16 Hermann.

17 A Yes.

18 Q And as you'll recall, Mr. Constantine testified  
19 before you that during the course of July and August  
20 of 2007 there were a number of communications with  
21 Robert Hermann, wherein Hermann told Mr. Constantine  
22 that he, Hermann, had received information from  
23 Herbert Teitelbaum concerning the Commission  
24 activities. Do you recall that?

25 A Correct.

1 Q I'm trying to move on, summarize what you already  
2 know from the transcript. And that there came a  
3 time, according to Mr. Constantine, when troubled by  
4 these communications advised Mr. Hermann to cease.  
5 And in fact, if he continued to have those  
6 conversations with Teitelbaum, Mr. Constantine did  
7 not want to know anything about them.

8 A Correct.

9 Q Now, on November 1st, and we have fixed that date,  
10 Mr. Constantine testified that Hermann took  
11 Mr. Constantine out of the meeting in the New York  
12 office at 633 Third Avenue and stated great  
13 agitation to relate certain information concerning a  
14 determination that had been made by your office. Do  
15 you recall that as well?

16 A Yes.

17 Q Okay. According to Mr. Constantine, I'm relating  
18 this to you because you already have it in the  
19 testimony that you took from Mr. Constantine.

20 A Hum-hum.

21 (Brief interruption during proceedings.)

22 (The previous question was read by the Court  
23 Reporter.)

24 BY MR. FISCH:

25 Q I'm trying to definitively confirm that it was not

1           until November 1st of 2007 that your office had made  
2           a determination to proceed with the issue of Darren  
3           Dopp's testimony and his statement before the  
4           Attorney General.

5       A     Okay.

6       Q     Now, you were kind enough at our request to prepare  
7           a chronology of events that are relevant to this.  
8           What was the first time that your office was advised  
9           by the Commission on Public Integrity that there  
10          might be an issue involving Darren Dopp's  
11          statements?

12      A     Specifically would've been October 17th.

13      Q     And what happened on that date?

14      A     On that date Herb Teitelbaum and Meave Tooher came  
15          to our office and met with myself, the District  
16          Attorney David Soares, Brett Knowles and Steven  
17          Stein. It was in the evening, 6:00 or 6:30'ish, and  
18          they came over and said they had taken Darren Dopp's  
19          testimony and during the testimony he had made  
20          statements which could potentially rise to the level  
21          of perjury. And at that time I remember that they  
22          had brought I think it was 40 pages, a 40-page  
23          excerpt of the statements at issue, read some of it  
24          to us and left at least those with us.

25      Q     And did he also indicate that the Dopp's testimony

1 or statement before the Attorney General might  
2 implicate other members of the Executive Chamber?

3 A I do recall that Herb Teitelbaum mentioned that  
4 Dopp's testimony could also implicate some of the  
5 Executive Chamber attorneys who were present on  
6 July 22nd when Darren Dopp signed the statement. I  
7 think his language involved perjury or subornation  
8 of perjury. Later on we also were looking at  
9 coercion on their part, but I don't think  
10 Mr. Teitelbaum mentioned it that evening.

11 Q You mentioned that they provided you with some  
12 40-odd pages of Dopp's testimony?

13 A Yes. I think it was Pages 25 or 35 through 75,  
14 which is where there was this dialogue, this  
15 question/answer between Darren Dopp and Herb  
16 Teitelbaum.

17 Q Was any determination made at that time that your  
18 office was going to pursue this as a criminal  
19 investigation?

20 A No. At that time the D.A. had told Mr. Teitelbaum  
21 and Meave Tooher that we would review the matter.

22 Q What was the next step in terms of reviewing the  
23 matter?

24 A After they left I know that the four of us stayed  
25 there probably until 9:00 or 10:00 o'clock and went

1 through the testimony and discussed potential issues  
2 there. I know that we weren't -- we did not exactly  
3 want to deal with the matter, since we had finished  
4 with the Trooper Gate matter. We kind of wanted to  
5 be done with it. But there was a feeling that we  
6 might have to do something there, but no final  
7 decision was made that evening.

8 Q We're still on October 17th?

9 A Yes.

10 Q What was the next significant step in advancing your  
11 determination ultimately to take it?

12 A Well, some time between October 17th and that  
13 weekend, between October 17th and October 20th we  
14 received all of Darren Dopp's testimony. So I was  
15 tasked to review the testimony and Brett Knowles was  
16 going to look up potential charges, Penal Law  
17 charges that may apply to what Darren Dopp had  
18 testified to. So that's what we did up through that  
19 weekend. I think Monday was October 22nd, there was  
20 a meeting scheduled at the Alfred Smith building  
21 where myself, Brett Knowles and Steven Stein  
22 attended, we met with Meave Tooher and Herbert  
23 Teitelbaum. And then the District Attorney and the  
24 Chief Assistant District Attorney, who were both in  
25 Florida, participated in the meeting by phone.

1 Q Now, what was said by Teitelbaum and/or Tooher, or  
2 was anything said?

3 A I have vague recollections of the meeting. From  
4 what I recall when we were at the meeting one of the  
5 things I wanted to raise with them were some  
6 concerns I had with portions of Darren Dopp's  
7 testimony. Mr. Dopp had testified that he had  
8 telephone conversations with Attorney General Andrew  
9 Cuomo in early May where he had told the Attorney  
10 General that the Executive Chamber was reviewing the  
11 helicopter use, including Senator Bruno's, and  
12 Darren Dopp had also indicated -- in the transcript  
13 it indicated that Darren Dopp said the Attorney  
14 General had reached out to him during his period of  
15 suspension. And that was concerning to me, so I  
16 raised that issue with Herb Teitelbaum and Meave  
17 Tooher.

18 There was also discussion -- I think there was  
19 an issue of if we were going to proceed, whether we  
20 were going to start right away or whether we wanted  
21 COPI to finish their investigation, and I think  
22 there was just some discussion of concerns. I  
23 remember at one point I think the D.A., as far as  
24 raising procedural issues, the D.A. was trying find  
25 a solution or find an answer to the concerns. I

1 think a concerned raised was us taking testimony at  
2 the same time that COPI was taking testimony and the  
3 D.A. said something about, well, we can open a grand  
4 jury investigation and just submit evidence and not  
5 take testimony. And then I remember raising the  
6 issue that we couldn't do that without taking  
7 testimony. So that was just one thing raised. And  
8 I don't remember much else about the meeting. I  
9 don't think there was any final determination at  
10 that point.

11 Q Did Teitelbaum take any notes?

12 A I don't remember.

13 Q At the meeting of October 17th, when they first came  
14 to you, Meave Tooher and Mr. Teitelbaum, do you  
15 recall whether Teitelbaum took any notes at that  
16 time?

17 A I don't remember, but it doesn't click in my mind  
18 ever seeing Herb Teitelbaum ever take notes at any  
19 meeting.

20 Q Okay. You're firm on that recollection?

21 A Yes.

22 Q You've never seen him take notes at any of the  
23 meetings?

24 A It just doesn't click in my mind. When you say has  
25 he ever taken notes, I don't ever remember seeing

1           him write anything down on a pad.

2           Q     Did you ever see him with a pad in front of him?

3           A     I don't remember seeing him with a pad in front of  
4           him.

5           Q     What role did Meave Tooher play in terms of these  
6           discussions?

7           A     She didn't play a major role that I remember. It  
8           was mainly Herb Teitelbaum taking the lead. She was  
9           present when Darren Dopp gave his testimony.

10          Q     Okay. So as of October 22nd there's still no  
11          agreement by the District Attorney that he was going  
12          to pursue this?

13          A     That's correct.

14          Q     He's still reviewing it?

15          A     That's correct.

16          Q     Now, did there come a time thereafter where anybody  
17          from the Commission on Public Integrity, Teitelbaum  
18          or anyone else, contacts the D.A. to find out  
19          whether you're taking it or not taking it?

20          A     I would say the D.A. has indicated that on  
21          October 25th or 26th he had a phone conversation  
22          with Herb Teitelbaum while the D.A. was in Atlanta,  
23          Georgia, and Mr. Teitelbaum wanted a decision on  
24          whether we were going to take the Dopp matter  
25          because the commissioners were waiting to find out.

1           They wanted to know whether they were going to  
2           proceed or whether they were going to have to  
3           suspend their investigation.

4       Q     And did there come a time when District Attorney  
5           Soares did make a determination to proceed?

6       A     I believe he made a determination on November 1st  
7           based and on what he told me, he had a telephone  
8           conversation or a conversation with Herb Teitelbaum  
9           and informed him on November 1st of 2007 that we  
10          would take the case. I was not in the Albany area  
11          at the time. Myself and Assistant District Attorney  
12          Knowles were at a continuing legal education  
13          convention in New Orleans, Louisiana. And I do know  
14          that on the afternoon of November 1st the District  
15          Attorney called me in New Orleans. He hadn't called  
16          me before. I don't remember specifically what he  
17          called me about. It was related to the Dopp matter.  
18          I remember it being related to the Dopp matter and I  
19          remember conveying the information to Mr. Knowles.

20       Q     And was it also your understanding based on the  
21           conversation with the D.A. that your office was now  
22           going full steam ahead?

23       A     Yes. What I would say, my recollection of New  
24           Orleans is that we were waiting for a final  
25           decision. We didn't know what we were going to do

1 when we came back. And I know when we did come back  
2 and got back into things, one of the first things we  
3 did was notify Darren Dopp and his attorney of the  
4 charges and the conflict of his attorney still being  
5 a part of the case, and that was something I was  
6 advocating as one of the first things we needed to  
7 do. So I would say as soon as we knew we were going  
8 to take the case, that would've been the first thing  
9 we would've done.

10 Q And that was sometime after November 1st?

11 A Yes. We did that on November 7th.

12 Q Now, did anybody other than Mr. Teitelbaum  
13 communicate with either you or the D.A., to your  
14 knowledge, inquiring about whether or not your  
15 office was proceeding with this investigation? In  
16 other words, was it always Teitelbaum who was, as  
17 Executive Director, asking whether you guys are  
18 taking it or not?

19 A Meave Toohar might have contacted me to ask  
20 questions. I don't know. She contacted me about  
21 various things, I think more so on behalf of Herb  
22 Teitelbaum, and I don't know if it was specifically  
23 with regard to whether we were taking the case, but  
24 it may have been.

25 Q Okay. Prior to November 1st did the D.A. ever

1           advise Mr. Teitelbaum that you were taking the case?

2       A     Not to my knowledge.  No.

3       Q     And there was no action taken by you or anyone else  
4           in the office advancing this investigation prior to  
5           November 1st, other than reviewing testimony?

6       A     No.

7       Q     So as you said, a determination was made to take the  
8           case.  You notify Dopp or his attorney.

9       A     Him and his attorney.  We requested they come in.

10      Q     And what other measures do you take now?  Now you're  
11           going to proceed with the investigation, what else  
12           did you do?

13      A     Once we notified Mr. Dopp and his attorney, our  
14           first order of business, because were going to  
15           convene a grand jury, our first order of business  
16           was to start interviewing people and we wanted to --  
17           for us to prove any charges against Mr. Dopp we  
18           needed one of the Executive Chamber attorneys who  
19           was present when he signed the statement.  So we  
20           proceeded to decide which one we were going to look  
21           to as a witness rather than as a potential  
22           defendant.  Initially we were going to interview  
23           Peter Pope first.  He retained an attorney and there  
24           was going to be a delay in talking to him.  So we  
25           then were looking toward Sean Maloney, but we ended

1 up we spoke with Peter Pope first.

2 Q At this point in time, November 1st, the only one  
3 that your office advised that you were proceeding  
4 with this investigation was Mr. Teitelbaum?

5 A Yes, as far as -- there's nobody else I can think of  
6 we would've advised.

7 Q Teitelbaum was the only one basically from the  
8 Commission on Public Integrity who was having these  
9 conversations with you?

10 A Yes.

11 Q Accompanied by Meave Tooher. But he was the lead  
12 person?

13 A Yes.

14 Q And it was clear that any response you would give as  
15 to whether you were taking it or not would be with  
16 Teitelbaum?

17 A Yes.

18 Q Did there come a time shortly after November 1st  
19 when your office became aware that people in the  
20 Executive Chamber were aware of your decision to  
21 proceed?

22 A Yes.

23 Q How did that happen?

24 A Richard Rifkin scheduled a meeting with us and he  
25 came into our office on November 7th with Sean

1 Maloney and Attorney Hal Lieberman. And during the  
2 course of the meeting Mr. Rifkin informed us that  
3 Robert Hermann, who was a state employee and who was  
4 a former law partner of Herb Teitelbaum, had passed  
5 information on to the Executive Chamber from Herb  
6 Teitelbaum to Lloyd Constantine, indicating that  
7 there was issue with Darren Dopp's COPI testimony  
8 and that the matter had been relayed to the D.A.'s  
9 Office and the D.A. was investigating.

10 Q Prior to the actual meeting on November 7th was  
11 there any communication between Mr. Rifkin or  
12 anybody else from the Chamber with the District  
13 Attorney?

14 A According to the District Attorney, on November 1st  
15 he received a phone call at his home.

16 Q On the 1st or could it have been the 2nd?

17 A Sorry. I apologize. November 2nd he received a  
18 phone call at his home, it was Friday, from Richard  
19 Rifkin. He said he was out walking -- the D.A. said  
20 he was out walking his dog and that his wife took a  
21 message. When he got back he saw that the message  
22 was from Richard Rifkin and before he called  
23 Mr. Rifkin, he called Herb Teitelbaum to ask him if  
24 he knew why Rifkin was calling him and apparently  
25 Herb Teitelbaum said he didn't know. The D.A.

1 called Richard Rifkin back and Richard Rifkin had  
2 Sean Maloney on the phone. They had a conversation  
3 where Mr. Rifkin said that he was aware the D.A.'s  
4 Office was investigating the Dopp matter, they  
5 wanted to come in and talk to us about it and they  
6 wanted to cooperate. The D.A., because of the fact  
7 that Mr. Maloney could potentially be a defendant,  
8 felt uncomfortable talking -- having the meeting  
9 with Maloney there. He didn't say that outright to  
10 Mr. Rifkin. He just told Mr. Rifkin, I don't feel  
11 comfortable having the meeting without you guys  
12 having an attorney present. So Mr. Rifkin indicated  
13 he would bring in an attorney.

14 Q So at this point with regard to the Friday evening  
15 telephone call from Rifkin, it's to advise the D.A.  
16 that they were aware of the investigation?

17 A Yes.

18 Q Nothing said about how they were aware of the  
19 investigation?

20 A No.

21 Q Anything happen shortly thereafter, the next day or  
22 so?

23 A The next morning the D.A. told Mr. Knowles and I --  
24 he didn't tell us the next morning. He told us  
25 later. Probably on the Monday, the 5th, he told us

1           this. He said that on Saturday morning, I guess  
2           it's the 3rd, about 7:00 a.m. or 7:30 a.m., Herb  
3           Teitelbaum called him and wanted to know what  
4           Mr. Rifkin wanted.

5           Q     So November 1st on a Thursday the D.A. tells  
6           Teitelbaum, "I'm taking the investigation." The  
7           next day Rifkin calls the D.A. and says "I want a  
8           meeting."

9           A     Yes.

10          Q     Do you know if you're taking the investigation?

11          A     Yes.

12          Q     But before the D.A. returns Rifkin's call, he calls  
13          Teitelbaum, "do you know why Rifkin is calling me"?

14          A     Correct.

15          Q     And he returns the call to Rifkin. Rifkin says we  
16          know you're doing the investigation. Okay. The  
17          next morning Teitelbaum calls the D.A., "do you know  
18          what Rifkin, why he called you or what he wants."  
19          Basically is that it?

20          A     Yes.

21          Q     Okay. Do you know whether the D.A. told Teitelbaum  
22          on Saturday anything else?

23          A     I do not.

24          Q     He's already testified before us. So that's fine.

25                         Now, there comes a time -- now, you said

1 November 7th you also, in pursuit of your  
2 investigation, met with Dopp and his attorney?

3 A Yes. Because Brett and I weren't back into the  
4 office until November 5th. So anything we were  
5 going to do in pursuance of Investigation D wouldn't  
6 have started until then.

7 Q Okay. Now, November 7th a meeting with the D.A.  
8 You're present, Ms. Griggs?

9 A Yes.

10 Q And Rifkin and Maloney. And who else is there?

11 A Hal Lieberman, who's an Ethics attorney, which there  
12 was a little confusion at the time. Because the  
13 reason we were requesting an attorney be present was  
14 due to the fact that Mr. Maloney was potentially a  
15 criminal defendant. So we initially thought it odd  
16 that they came to the meeting with an Ethics  
17 attorney.

18 Q Did they tell you why he was there?

19 A Later on they did tell us why, because of the fact  
20 that they were informing us that Mr. Teitelbaum had  
21 relayed information to them through Robert Hermann  
22 and they felt it was a breach of confidentiality and  
23 they sought guidance from Mr. Lieberman, who is an  
24 Ethics attorney.

25 Q And at that meeting did Mr. Rifkin advise your

1 office, the D.A. and others at the meeting, how he  
2 knew of your investigation?

3 A Yes.

4 Q What did he say?

5 A He said that he knew of our investigation because  
6 the information was relayed to the Executive  
7 Chamber, Lloyd Constantine in particular, from  
8 Robert Hermann and that Mr. Hermann got that  
9 information from Herb Teitelbaum and that they were  
10 former law partners and had a longstanding  
11 relationship.

12 Q Okay. What was the next step?

13 A After the meeting the D.A. was -- the D.A. called  
14 Herb Teitelbaum to, in my viewpoint, confront him  
15 with this information he had learned from Richard  
16 Rifkin. Brett Knowles and I were in the office when  
17 he called Herb Teitelbaum and he put Herb Teitelbaum  
18 on speaker phone and he essentially told Herb  
19 Teitelbaum we had the meeting with Richard Rifkin.  
20 Richard Rifkin told us that they learned about us,  
21 the D.A.'s Office, investigating Darren Dopp through  
22 you because you had told Robert Hermann who told the  
23 Executive Chamber. And Herb Teitelbaum grumbled, I  
24 heard him say bullshit. Somebody else heard him say  
25 ridiculous and somebody else heard him say

1 preposterous. We all heard three different things.  
2 But that's all he said. And the D.A. didn't pursue  
3 that avenue any further. The conversation just  
4 moved on.

5 But I remember thereafter the relationship  
6 between the D.A. and Herb Teitelbaum changed. Herb  
7 Teitelbaum didn't call the D.A. anymore. He called  
8 me with issues.

9 Q Did Mr. Teitelbaum or Mr. Hermann prior to your  
10 examination of Mr. Hermann in February of 2008,  
11 between November 7th of 2007 and when the D.A.  
12 confronts Teitelbaum and your examination of  
13 Hermann, February 7th of 2008, was there any  
14 conversations that the D.A. had with either  
15 Teitelbaum or Hermann concerning this matter, the  
16 disclosure of this information to the Chamber?

17 A Not that I'm aware of.

18 Q You had none?

19 A I've had none and nobody has told me of any.

20 Q Okay. There came a time when in February you  
21 decided -- in February you took testimony, you  
22 started to take testimony?

23 A Yes.

24 Q Okay. Anything that happened that prompted your  
25 proceeding now with what you labeled D-1, which is a

1 spinoff of your Dopp's investigation?

2 A It had always been an issue that the D.A. planned to  
3 get on to. We were at that point more concerned  
4 with investigating the Dopp matter. On  
5 February 5th we arrived at an immunity agreement  
6 with Darren Dopp and decided to give him immunity in  
7 exchange for his testimony. So we were no longer  
8 focused on the prosecution, and we started to look  
9 at peripheral matters that were still in need of  
10 investigation. It was the issue with Herb  
11 Teitelbaum and then there was an issue with David  
12 Nocenti.

13 Q I just want to go back briefly. I asked whether the  
14 meetings with Teitelbaum, you observed Teitelbaum  
15 taking notes. Did you observe Meave Tooher taking  
16 any notes?

17 A I cannot say that I observed -- how do I want to  
18 phrase this? Off the top of my head, I don't  
19 specifically recall her taking notes. Well, she may  
20 have taken notes.

21 Q After you examined Robert Hermann, who was  
22 represented by his attorney, and you turned over to  
23 us a copy of that interview, at which point there  
24 was an issue of Executive privilege.

25 A Yes.

1 Q And there was an effort to have him come back and I  
2 think his attorney canceled that?

3 A Correct.

4 Q You also interviewed Constantine and interviewed  
5 other people, Mr. Rifkin?

6 A Yes.

7 Q But not under oath. And Mr. Pope?

8 A Correct.

9 Q After Hermann testified on February 7th of 2008, and  
10 there was an exchange of correspondence between  
11 Stewart Jones who was representing him and then D.A.  
12 Soares, you had the Hermann version that he saw  
13 information on a pad in Teitelbaum's office or his  
14 home one evening?

15 A Yes, in his apartment.

16 Q Was that ever further investigated by your office?

17 A In what respect?

18 Q You never got him back in?

19 A Mr. Hermann, no. The most we got was the letter  
20 from E. Stewart Jones.

21 Q Now, prior to your interview of Constantine, did the  
22 D.A. meet with Mr. Feerick, or at least contact  
23 Mr. Feerick?

24 A He actually met with Mr. Feerick on February 8th and  
25 advised him that we had received allegations of Herb

1 Teitelbaum leaking information.

2 Q Okay. You then interview Constantine on  
3 February 25th under oath?

4 A Yes. No, he was not under oath. It was recorded,  
5 but not under oath.

6 Q Okay. And then there's an effort by the D.A. to  
7 bring this additional information to Mr. Feerick?

8 A Yes. We were very concerned after Lloyd  
9 Constantine's interview because it seemed to lend  
10 itself toward more egregious action than we  
11 initially thought based on Robert Hermann's  
12 interview. So the D.A. wanted to notify Mr. Feerick  
13 as soon as possible, so we put together the letter  
14 and faxed it over to him.

15 Q Now, there came a time when you brought the  
16 Constantine information to the attention of the  
17 Commission on Public Integrity?

18 A Yes. Both Constantine and Hermann.

19 Q Can you tell us how that proceeded? I think there  
20 was a meeting of when you played the interviews?

21 A Yes. In response to the letter that was faxed to  
22 Mr. Feerick on February 26th, apparently Mr. Feerick  
23 contacted the D.A. and asked if they could meet with  
24 us that evening. And we had already left for the  
25 evening, so the D.A. contacted me as I was driving

1 home and asked me to come back. So the D.A. and  
2 myself and Assistant D.A. Brett Knowles came back to  
3 the office. And then when I came back, Commissioner  
4 Mitchell was there waiting. I let him in and Barry  
5 Ginsberg, the COPI attorney came, and then  
6 eventually Mr. Feerick came and the D.A. and Brett  
7 Knowles came to the office. And then there was  
8 another commissioner who was present by telephone.  
9 I think, but I'm not sure, it was Mr. Guiffra. And  
10 then during that time we played the interview of  
11 Mr. Hermann first and then we played the interview  
12 of Mr. Constantine and I know that Barry Ginsberg  
13 took copious notes.

14 Q Did anyone else take notes?

15 A Mr. Feerick might have taken some notes and  
16 Mr. Mitchell may have taken some notes. I just  
17 distinctly remember Barry Ginsberg taking a lot of  
18 notes. I think he took the bulk of the notes.

19 Q Other than listening to the tapes, was anything else  
20 said by any members of the Commission on Public  
21 Integrity?

22 A Well, when we played Bob Hermann's interview, at the  
23 end there were comments made. My impression was  
24 that Mr. Feerick was very dismissive of Bob  
25 Hermann's interview. Seemed to rationalize it that

1 oh, okay. Teitelbaum didn't tell him the  
2 information. He accidentally came across it. So,  
3 you know, there's really no issue here. I remember  
4 that the D.A., Brett Knowles and myself were a  
5 little surprised at the reaction. Brett and I  
6 didn't say anything, but the D.A. finally said, this  
7 is incredible. It's just incredible that  
8 Mr. Hermann would get this little bit of information  
9 and be able to surmise all the things he did from  
10 it. So I know the D.A. felt a little concern --

11 Q Did the D.A. say this to Feerick?

12 A Yes, he said it to all of them.

13 I got the impression from listening to the D.A.  
14 he felt a little concerned or disheartened with  
15 their reaction. So then we moved on and played  
16 Mr. Constantine's interview. And after that I know  
17 that Barry Ginsberg again took a lot of notes.  
18 Mr. Mitchell didn't say much after that one.  
19 Mr. Feerick seemed to be somewhat defensive, again,  
20 trying to discount what was being said. And he  
21 seemed like he was going to make a determination  
22 right there, but Barry Ginsberg interceded into the  
23 conversations that, "wait, we need to go back and  
24 talk about this." So there was no final conclusion  
25 made at that time.

1 Q Now, part of the Ginsberg tape involved a  
2 conversation that he had with Hermann a week or so  
3 after November 1st.

4 A Do you mean Constantine?

5 Q Constantine. I'm sorry.

6 Part of the Constantine interview, which  
7 was on the tape that you played...

8 A Yes.

9 Q Was Mr. Constantine's testimony concerning a second  
10 conversation he had with Hermann about a week after  
11 November 1st?

12 A Yes.

13 Q And at that meeting Constantine asked Hermann, "why  
14 were you so concerned about my revealing you as the  
15 source of this information?" Do you remember that?

16 A Yes.

17 Q And do you remember Hermann's answer?

18 A Correct.

19 Q What do you remember?

20 A Mr. Hermann said, well, you don't know Herb  
21 Teitelbaum. He's likely to do anything to protect  
22 himself like make up some story that I came across  
23 this information by breaking into his apartment and  
24 stealing it, or something along those lines.

25 Q And was part of that also that he said, "you don't

1 know what he's capable of. He can say that he did  
2 not tell this to me"?

3 A Yes.

4 Q Now, when that portion of the Constantine tape was  
5 played, was there any reaction from Feerick, from  
6 anyone else connecting what Hermann says the second  
7 time with the Hermann explanation about seeing  
8 things on a paper? In other words, the second time  
9 he says he's likely to make up a story that I came  
10 upon it accidentally, I broke into his home. And  
11 now you have him saying the way I saw it was  
12 accidentally seeing it at his home?

13 A Hum-hum.

14 Q Did anybody say wait a minute. He told Constantine  
15 that's the type of story that Teitelbaum is capable  
16 of making up? Anybody focus on that?

17 A No, I don't remember any focusing on that or anybody  
18 saying anything about that.

19 Q Okay. Did anybody direct the audience, the COPI  
20 audience to that portion of Constantine's tape?

21 A I don't specifically remember. I would say that  
22 Brett and I during the meeting were pretty much  
23 quiet. So any conversation for the most part would  
24 have been the D.A.

25 There was one point after the interviews were

1           played, there was conversation where Mr. Feerick was  
2           somewhat defensive. And I know that he and Brett  
3           were going back and forth about some issue, but I  
4           don't remember what it was. It wasn't like an  
5           argument type thing. It was just a disagreement on  
6           some point, but I don't know specifically what it  
7           was, and I don't think it had relation to that  
8           portion of the interview.

9           Q    Now, you followed up by having interviews with  
10           Mr. Rifkin at his office, with Mr. Pope and finally  
11           Mr. Jones canceling a further interview of his  
12           client, Mr. Hermann; right?

13          A    Yes.

14          Q    Now, part of the incomplete Hermann interview was  
15           based upon the exertion of Executive privilege, was  
16           it not?

17          A    Correct.

18          Q    And that Executive privilege, if it existed at that  
19           time, was subsequently waived by the Executive  
20           Chamber; is that correct?

21          A    Yes.

22          Q    And your office attempted to follow-up with an  
23           additional interview of Hermann?

24          A    Correct.

25          Q    And you advised Mr. Jones, I say "you," I'm saying

1           collectively your office, that the next interview of  
2           Hermann would be under oath?

3           A     Yes.

4           Q     Did he object to that?

5           A     Yes.  When Mr. Hermann and Mr. Jones came to our  
6           office to review Mr. Hermann's transcript from his  
7           first interview, I pulled Mr. Jones aside and I  
8           said, "just to let you know, the follow-up interview  
9           of your client is going to be under oath."

10          Mr. Jones said, "has anybody else been interviewed  
11          under oath?"  And I said "no", because I had  
12          forgotten that we had interviewed Mr. Pope under  
13          oath.  I said "no."  He wanted to know why.  And I  
14          said, "well, we feel that there's some extreme  
15          divergence between testimony and we feel we need to  
16          interview Mr. Hermann under oath," and he didn't say  
17          anything more.  He called me back later that day and  
18          he balked at that time about Mr. Hermann being  
19          interviewed under oath saying, he just wants to say  
20          come in and fill in the stuff that he didn't get to  
21          talk about during the first interview, and if you  
22          hear what he has to say it will probably clear up a  
23          lot of what you guys think are discrepancies.  If  
24          after that you fell he still needs to be interviewed  
25          under oath, you guys have the mechanisms to do that.

1           And I said I will follow-up with the D.A. and see if  
2           he still wants to do it under oath. The D.A. was  
3           insistent that, yes, it would be under oath. I  
4           called Mr. Jones on Wednesday the 30th and said it's  
5           going to be under oath. And then he called me  
6           probably around 9:00 o'clock in the morning on the  
7           31st and left me a voice mail saying that they would  
8           not be attending the interview and that he would  
9           send me a follow-up letter.

10          Q     Okay. I want to get back to the Feerick issue.

11          A     Okay.

12          Q     There was a letter from Mr. Feerick to your office,  
13                 and Mr. Soares made all that correspondence  
14                 available to me, in which Mr. Feerick on behalf of  
15                 all the commissioners say that they continue to have  
16                 confidence in Mr. Teitelbaum; correct?

17          A     Yes.

18          Q     Now, your office requested that my office conduct  
19                 this investigation?

20          A     Yes.

21          Q     And you made available all of these transcripts?

22                         (Brief interruption during the proceedings.)

23                         (Previous questions and answers were read by  
24                         the Court Reporter.)

25          BY MR. FISCH:

1 Q Now, the letter from D.A. Soares to me is dated  
2 August 6th of this year, and then we met. I don't  
3 remember exactly when it was, but I think it was a  
4 few days thereafter we met here in the Albany  
5 office.

6 A Yes. I think it was on a Monday or a Tuesday.

7 Q And you told me at that time that Barry Ginsberg had  
8 contacted you and I think wanted another look-see?

9 A Yes.

10 Q Tell us if you recall when that happened?

11 A Well, if I could go back a little bit.

12 Q Sure.

13 A After the meeting with Feerick and the other  
14 commissioners and Barry Ginsberg...

15 Q When you played the tape?

16 A Right. And their response, their letter response,  
17 we felt a little uncomfortable dealing with them  
18 from thereon because of the whole issue. We weren't  
19 comfortable. So we at that point didn't share any  
20 of the information we had gleaned from our  
21 investigation from our immunity agreement with  
22 Darren Dopp. But some time in I think it was April,  
23 Judge Levine and Commissioner Lynch met with us,  
24 Brett Knowles, myself and the District Attorney, and  
25 I guess they were trying to smooth the way with us.

1           You know, said we really need your help here. We  
2           need to see the information that you have. And the  
3           D.A. agreed to allow people from COPI to come over  
4           and look at our transcripts.

5           Q     What transcript are you talking about?

6           A     The Darren Dopp transcript. The transcripts we took  
7           from -- or the transcripts of interviews we did with  
8           Darren Dopp and the Executive Chamber attorneys.

9           Q     You're talking about Investigation D, not D-1?

10          A     No, no, no. Investigation D.

11          Q     When they came to smooth things over was there any  
12               reference by the D.A. to his unhappiness or  
13               dissatisfaction with the Commission's response to  
14               the tape of Constantine, to the allegations about  
15               Teitelbaum, did the D.A. sense that the Commission  
16               was dismissing this out of hand and was not taking  
17               this seriously? Was that issue raised at all?

18          A     I do not remember that issue being raised at all.  
19               It was as if the issue wasn't brought up. It was  
20               more of trying to move on and resolve Investigation  
21               D and get them the information they needed to  
22               resolve what they were doing.

23                       I remember Judge Levine and Commissioner Lynch  
24                       assuring us that their sole interest was in doing  
25                       what was proper with the information.

1 Q And what, that the Commission was doing? I'm sorry.  
2 Say that again.

3 A I remember Judge Levine and Commissioner Lynch  
4 assuring that their sole interest was in doing what  
5 was right with the information from Investigation D,  
6 to try to resolve their outstanding investigation.

7 Q That's D. What about D-1?

8 A There was no discussion about D-1 that I recall.

9 Q Okay.

10 A So thereafter Barry Ginsberg and Meave Tooher came  
11 over to review our Darren Dopp transcript. And then  
12 a couple times after that Barry Ginsberg came over  
13 to review some additional transcripts and Meave  
14 Tooher came over separately to review some  
15 additional transcripts. So we kind of had that  
16 pattern where they would come over and review  
17 Investigation D transcripts if they needed to.

18 Q Okay.

19 A And then I would say a couple of days before we  
20 referred the matter to you all, Barry Ginsberg  
21 called me and he said, hey, you remember saying if  
22 we ever needed anything to let you know. And I said  
23 yes. And he said I was wondering if it would be  
24 possible for us to get copies of the transcripts of  
25 the interviews we listened to when we came to your

1 office back in February. And I said, well, I need  
2 to run that by the D.A., but we can schedule  
3 something now if you want. And so we scheduled it.  
4 I went and spoke to the D.A. and he said no, we're  
5 not going to do that. Why do they want to see this  
6 information? I said I don't know. I didn't ask  
7 him. I called Barry back and I said the D.A. is not  
8 inclined to turn over any of that information. He  
9 said, well, is it possible for me to come over and  
10 review the transcripts? And I think I said, I don't  
11 think so, but I'll run it by the D.A. And at that  
12 point the D.A. said, if they want to see this stuff,  
13 have them put it in writing along with the reason  
14 why they want to see it. I called Barry Ginsberg  
15 back. He wasn't available, so I left him a voice  
16 mail to that effect.

17 Q At no time when he made this request did he explain  
18 why they wanted to see it?

19 A No.

20 Q How close to the D.A.'s letter to me of August 6th  
21 did this call from Ginsberg come?

22 A It was before the letter. I would say -- I'm  
23 estimating a couple of days, two or three days  
24 before the letter. It was in close proximity to  
25 some -- I think there was an article in *The Times*

1           *Union* that had information from our letters in it.  
2           I think it was right after that.

3       Q     One of the articles quoted, if I recall, the D.A.'s  
4           letter wherein he spoke about information that your  
5           office had about Teitelbaum specifically in the  
6           letter, disclosing confidential information. Is  
7           that what you're talking about?

8       A     I believe so. It seemed like it had quotations from  
9           our letters.

10      Q     Okay.

11      A     I think it was within a day or two of that article  
12           that Barry Ginsberg called me.

13      Q     Besides the articles in the newspaper, was anyone  
14           made aware of the D.A.'s intention to turn this over  
15           to my office?

16      A     I know that -- I'm just thinking it through. There  
17           was a discussion of what to do with it because we  
18           felt that we couldn't handle the matter any further.  
19           And there was a discussion of whether to refer it to  
20           the State Investigations Committee or the Inspector  
21           General or both. The D.A. has a consultant named  
22           Pat Bulgaro and I think who has like a lot of state  
23           experience in state government. I think it was  
24           discussed with him and he felt that the State  
25           Investigations Committee wouldn't be the proper

1           entity. That the Inspector General's Office would  
2           be the entity.

3       Q     You did meet with the State Investigation  
4           Commission?

5       A     Yes.

6       Q     They're looking into the whole gamut of  
7           investigations.

8       A     Yes.

9       Q     Mary Cooligan?

10      A     No. She was not the chief attorney when we went  
11           there.

12      Q     There was someone else there. Anthony, I forget  
13           this last name.

14      A     Anthony CART-E-SELL-O.

15      Q     Something like that.

16      A     Yes, that was who was there.

17      Q     Okay. Did you make the transcripts of Constantine  
18           and Hermann and Pope available to them as well?

19      A     Yes.

20      Q     And they did not do anything with it? Did they not  
21           ask anything further?

22      A     We made the transcripts available to them after we  
23           met with them. They did contact us, Mike Nowicki,  
24           and he asked me for some information. He said that  
25           the issue with Herb Teitelbaum was something that

1           they were looking at. They were looking at it. Or  
2           he thought it was something that they were going to  
3           be looking at.

4       Q     Was it prior to the D.A. turning it over to me?

5       A     Yes.

6       Q     Okay. I spoke to them to find out to make sure that  
7           two investigative bodies are not doing the same  
8           thing and not to have a conflict, and they deferred  
9           to me.

10      A     Okay.

11      Q     Just so you know. If you hear anything further from  
12           them, let me know so we don't duplicate. It's my  
13           understanding that they let it go for us to do.

14                    Backtracking a little to the determination  
15           by your office to proceed with the inconsistencies  
16           of Dopp's statement to the Attorney General and the  
17           sworn testimony before the Commission.

18      A     Yes.

19      Q     The Commission issued its final report. And on  
20           pages from 12 to 13 they refer to a meeting. I  
21           think I showed this to you before. Can you take a  
22           look at it?

23      A     The whole thing or anything in particular?

24      Q     Yes. The statement that some time in October your  
25           office advised the Commission that they were

1 proceeding with the investigation.

2 A Okay.

3 Q That's not accurate, is it?

4 A No. Based on the information I have on  
5 October 19th, the D.A. would've been in New Mexico.  
6 And the only time up until that point we had talked  
7 about the matter was the evening of October 17th,  
8 and at the end of that discussion there was no final  
9 determination made.

10 Q There is a reference in that paragraph that as a  
11 result, that the D.A. informed the Commission that  
12 your office would present evidence up to a grand  
13 jury, as a result they deferred taking testimony  
14 from Executive Chamber officials. You saw that in  
15 here?

16 A Yes.

17 Q Okay. But again, you're firm it was not until  
18 November 1st that the determination was made?

19 A Yes.

20 MR. FISCH: Anything else for Linda?

21 MS. AMAREL: I just wanted to note that we  
22 do have a phone conversation on October 19th  
23 between Teitelbaum and Soares. So that's all  
24 for whatever that's worth. Our records show  
25 that there was a phone call, even though

1                   October 19th he would've been in New Mexico,  
2                   there was a phone call. So that's all.

3 BY MR. FISCH:

4 Q I think we covered this before, Ms. Griggs. I  
5 appreciate your patience with us. November 1st,  
6 when the D.A. contacted Teitelbaum, can you fix the  
7 time that that conversation took place?

8 A On the D.A.'s calendar for that day?

9 Q Any way. The D.A. notifying him in the morning, in  
10 the afternoon.

11 A According to the D.A.'s calendar he had Herb  
12 Teitelbaum listed on it at 1:00 o'clock.

13 Q Okay. Do you know whether this conversation was  
14 initiated by the D.A. to tell Teitelbaum or was it  
15 in response to Teitelbaum calling the D.A.?

16 A I do not know.

17 Q Okay. When the D.A. telephoned Teitelbaum were  
18 there occasions when he'd call him at the office,  
19 were there occasions when he might call him on his  
20 cell phone, were there occasions where he might use  
21 a home number?

22 A When the D.A. called Herb Teitelbaum?

23 Q Yes. To reach him.

24 A I believe he would call him either at his office or  
25 his cell phone.

1 Q Office cell phone?

2 A On an office cell phone, that I don't know.

3 Q Okay.

4 MR. FISCH: Do we have anything else?

5 MS. AMAREL: No, I think we're good.

6 MR. FISCH: I want to thank you for your  
7 patience. I had a number of interruptions,  
8 which were unavoidable. Thank you for coming  
9 down.

10 Do you have anything you wish to add or  
11 any questions?

12 MS. GRIGGS: No, nothing that I can think  
13 of.

14 MR. FISCH: Ms. Griggs, thank you so much.  
15 (Whereupon, the proceedings in the  
16 above-entitled matter were concluded at  
17 3:30 p.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 hereof is a true and accurate  
transcript of same to the best of my ability  
and belief.

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Diane Daly-Gage

Dated: September 17, 2008