

1 STATE OF NEW YORK  
2 OFFICE OF THE INSPECTOR GENERAL  
3 -----  
4 AN INVESTIGATION CONCERNING ALLEGATIONS  
5 THAT HERBERT TEITELBAUM, EXECUTIVE DIRECTOR  
6 OF THE COMMISSION ON PUBLIC INTEGRITY,  
7 DISCLOSED INFORMATION CONCERNING THE  
8 COMMISSION'S INVESTIGATIONS  
9 -----

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11 STENOGRAPHIC MINUTES OF EXAMINATION  
12 conducted of DAVID SOARES, held on the 19th day of  
13 November, 2008, at the offices of STATE OF NEW YORK OFFICE  
14 OF THE INSPECTOR GENERAL, Empire State Plaza, Agency  
15 Building 2, 16th Floor, Albany, New York, commencing at  
16 2:27 p.m., before Sadie L. Herbert, a Shorthand Reporter  
17 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  
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Albany, New York 12223  
(518) 474-10105  
BY: JOSEPH FISCH, ESQ.

-and-

Sherry Amarel, Principal Investigator  
Jonathan Masters, Investigative Counsel



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

2 MR. FISCH: Today is November 19th, my name  
3 is Joseph Fisch, I'm the Inspector General. We  
4 are in my Albany Office at Agency Building 2.  
5 I'm accompanied by Sherry Amarel and Jonathan  
6 Masters. The witness today for continued  
7 examination is District Attorney Soares who is  
8 appearing, again, voluntarily. And as you know,  
9 all my examinations are recorded and conducted  
10 under oath. You are still under oath, you  
11 appreciate that?

12 MR. SOARES: Yes.

13 EXAMINATION

14 BY MR. FISCH:

15 Q. Mr. Soares, as I indicated before we went on the  
16 record, we're trying to establish when you decided and  
17 when you notified the Commission on Public Integrity  
18 of your determination to proceed against Darren Dopp.  
19 So what is your recollection of that?

20 A. My recollection is that I made the decision to proceed  
21 with an investigation after my return from Atlanta,  
22 Georgia, which would have been, I believe,  
23 November 1st.

24 Q. There are notations within the COPI memos about a



- 1 meeting with you on November 1st --
- 2 A. Mm-hmm.
- 3 Q. -- to determine whether you were going to go forward  
4 or not. Do you know whether that meeting took place  
5 or whether you notified Herb Teitelbaum by telephone?
- 6 A. That has been an issue that continues to haunt me  
7 because I do not have a recollection of meeting on the  
8 1st. I do not have a recollection. It is possible  
9 that we could have met on the 1st, but I do not have a  
10 recollection of that meeting.
- 11 Q. I think last time it was your recollection, your best  
12 recollection last time that it was a telephone call  
13 that you made to him?
- 14 A. Could have been a telephone call. I just don't have a  
15 recollection.
- 16 Q. We have established the following: That October 17th,  
17 there was an initial meeting with you and Herb  
18 Teitelbaum and Meave Tooher and Linda was present,  
19 Linda Griggs, Knowles, K-N-O-W-L-E-S, Steven Stein,  
20 and at that point they brought to your attention the  
21 fact that there may have been a false statement by  
22 Dopp or perjury by Dopp, something along those lines;  
23 am I correct?
- 24 A. Mm-hmm.



- 1 Q. What did you tell them as a result of that meeting?
- 2 A. What I would tell anyone coming to the office to  
3 present an issue, that we're going to look at the  
4 facts that we present, and we will let them know our  
5 determination. There is a process we have where we're  
6 going to assess the facts and apply the law, research  
7 our theory before we make any decision to commit to an  
8 investigation.
- 9 Q. The following day you left for New Mexico,  
10 October 18th, a Thursday?
- 11 A. Yes.
- 12 Q. And you were there, I think --
- 13 A. I would have been there for, I believe, two days.
- 14 Q. Then you went to Colorado?
- 15 A. Presented on a Friday, my flight left on a Saturday,  
16 flight to --
- 17 Q. Margo Islands(phonetic)?
- 18 A. -- to Colorado, and from Colorado to the Margo Islands  
19 for a conference.
- 20 Q. Now, there's a record of telephone calls on  
21 October 19th between you and Teitelbaum. One call at  
22 1:58 p.m. where Teitelbaum called you, his BlackBerry,  
23 your cell, two minutes. And then at 1:59 p.m. you on  
24 your cell calling Teitelbaum. Do you recall what that



1 was about?

2 A. I don't recall the exact conversation, but I do know  
3 that after they had come to the office to present the  
4 case that they were very antsy about us making a  
5 decision. There was a lot of, I would say, pressure  
6 on having us make a decision, and I was not  
7 comfortable making that decision without thinking  
8 through the -- you know, having had an analysis done,  
9 analysis that was, I believe, done by Brett Knowles at  
10 the time that I had asked to review the facts and  
11 apply -- present me with the applicable law.

12 Q. And we understand also that all of Dopp's testimony  
13 was not furnished initially on the 17th, only a  
14 portion of that?

15 A. A portion, a substantial portion. And I believe Linda  
16 Griggs would probably know better than I, but I  
17 believe there were probably less than 40 pages that  
18 were presented at the time, and we wanted a full  
19 record of it, and we wanted to review the full record  
20 for purposes of context.

21 Q. Is it your recollection on the 19th Teitelbaum called  
22 to find out what you were going to do?

23 A. I recall the basic -- the spirit of the conversations  
24 being, you know, what's your answer, what's your



1 answer. I believe that if I recall correctly, there  
2 were questions being posed to Mr. Teitelbaum and the  
3 Integrity Commission from the Executive Branch wanting  
4 to move the investigation along, if I recall  
5 correctly. There was pressure being put on to have a  
6 definitive answer to move their aspect of the  
7 investigation along. And at this point I believe I  
8 was being somewhat of an impediment because I had not  
9 made the decision whether to take the case on. There  
10 were, if I recall correctly, and I'd have to, perhaps,  
11 ask the Integrity Commission, but I believe that on  
12 October 25th of that year, the Governor, then  
13 Governor, was supposed to testify, and whether or not  
14 they were going to testify was going to be based  
15 entirely on what my decision was, and so we were  
16 holding up the process.

17 Q. So it was not that the -- correct me if I'm wrong --  
18 not that the Executive Chamber wanted to know whether  
19 you are proceeding with the prosecution of Dopp, but  
20 rather, pressure to know whether COPI was going to  
21 continue with its investigation?

22 A. If I recall correctly, it was -- I don't know what the  
23 Executive Branch -- the conversations that the  
24 Executive Branch was having with COPI, but I do know



1           that COPI was looking for me to make a quick decision  
2           so that they could --

3   Q.   Decide what to do with their investigation?

4   A.   -- decide what to do about their interview schedule.  
5           Because I believe Dopp had testified, they were  
6           awaiting the testimony of Nocenti, Mr. Nocenti and  
7           Pope and the Governor.

8   Q.   There was discussion, was there not, between you and  
9           COPI as to whether they should proceed with their  
10          investigation, wait until you did your grand jury,  
11          that was one of the factors?

12  A.   That was one of the issues, and I was not going to  
13          provide -- I was not going to ask any agency to halt  
14          their investigation to allow me to do mine.

15  Q.   Is there anything that you can think of that you might  
16          have told Teitelbaum on the 19th for him to conclude  
17          that you had agreed to go forward?

18  A.   I -- no, there is -- no, that would be irresponsible  
19          of me, not having conducted a -- the proper research  
20          to make that determination.  We're looking at an  
21          investigation of the Executive Branch, the highest  
22          ranking elected official in the State, and I was not  
23          going to make that -- arrive at that decision after, I  
24          believe, two days of them presenting some facts to us.



1 Q. Now, getting back to the 17th, October 17th when you  
2 were confronted with the issue, you directed your  
3 staff to review and to come to you with  
4 recommendations of possible criminal charges; is that  
5 fair?

6 A. To review the record.

7 Q. To review the record?

8 A. To review the record and to provide me with an  
9 analysis.

10 Q. Was there any discussion, as early as the 19th as to  
11 whether you were going to proceed by way of grand  
12 jury, whether you were going to proceed by way of  
13 possibly misdemeanor complaint?

14 A. No.

15 Q. Nothing like that on the 19th?

16 A. Nothing, nothing. My experience in working with State  
17 agencies and referrals -- and this is not your  
18 agency -- but in my experience, whether it's  
19 Department of Motor Vehicles, everyone thinks that  
20 there is a crime and they deliver a case to your  
21 office nice, neatly packaged with a red bow, and once  
22 you take apart that bow, what you realize is in the  
23 box is not exactly the great case that they claim it  
24 to be. So we've had that with just about every



1 agency, and we do not arrive at those conclusions  
2 impulsively.

3 And again, I may have mentioned this in the past,  
4 but with a case so fraught with political overtones, I  
5 was going to take my time and do a complete vetting  
6 and thorough analysis of it before making that  
7 decision.

8 Q. Let me share with you some of the notes from COPI  
9 staff. On October 23rd, Meave Tooher, who has worked  
10 with Herb Teitelbaum --

11 A. Sure.

12 Q. -- "DA impaneling grand jury, question of whether COPI  
13 would proceed with taking testimony and the problem of  
14 the appearance of the DA proceeding with a grand jury  
15 while COPI is taking testimony of people that might be  
16 appearing before the grand jury", any of that ring a  
17 bell or any --

18 A. I believe that there was discussion going on between  
19 the respective agencies as to procedural implications  
20 with the two investigations proceeding concurrently.  
21 But there was no commitment to a grand jury being  
22 impaneled. I -- not that I have any of the  
23 information in front of me, but I don't even seem to  
24 recall having personally read, you know, the analysis



1           that was conducted by Brett Knowles at the time, if  
2           one had even been done at the time.  But I'm very  
3           confident in the fact that I did not make a decision  
4           to proceed with that case upon less than six days  
5           presentation of excerpts of the facts that  
6           Mr. Teitelbaum presented to us.

7   Q.   Mr. Soares, I'm not --

8   A.   No, I understand.

9   Q.   -- questioning -- I just want to tell you what the  
10          contradiction is and see whether it might have --  
11          anything provoke any recollection of why they might  
12          have been led to this erroneous conclusion.  They  
13          have, in Tooher's notes of October 24th, "The DA  
14          indicated would go forward with grand jury  
15          proceedings, seek indictment for perjury against  
16          Darren Dopp".

17  A.   No.

18  Q.   October 24th.

19  A.   No.

20  Q.   October 25th, "DA will be impaneling grand jury after  
21          November 5th".

22  A.   No.  I don't know -- I have no reason to -- I have no  
23          reason to doubt Ms. Tooher, as I've said previously  
24          that she was a, quote, unquote, straight shooter, as



1 far as I'm concerned. But I don't understand where  
2 she could have interpreted any communication from my  
3 office to mean that we were going to convene a grand  
4 jury and begin an official investigation. That  
5 completely violates our process.

6 Q. Then there are notes on October 30th that Teitelbaum  
7 spoke to you and that you did not want to impanel a  
8 grand jury prematurely, and the meeting was scheduled  
9 with you and Teitelbaum for Thursday at 1:00 p.m.,  
10 November 1st; okay?

11 A. (Witness nods.)

12 Q. The meeting that was scheduled for November 1st,  
13 whether it took place or whether you relayed your  
14 conclusion by telephone, was that a meeting that you  
15 had requested or that COPI had requested?

16 A. I don't recall at whose request the meeting was.

17 Q. Do you recall any discussion that you or your staff  
18 had concerning problems with the statement to Andrew  
19 Cuomo, the jurat, as to whether it constituted a false  
20 statement?

21 A. I'm sorry, can you repeat the question?

22 Q. In other words, the question of whether the statement  
23 that Dopp had provided to Cuomo, whether that was  
24 sufficiently qualified as a sworn statement, as an



- 1 affidavit because of the jurat, did you have any  
2 discussion about that, that issue being raised?
- 3 A. I don't recall that issue being raised. I don't know  
4 if my assistants may have raised that question during  
5 that process, but I don't recall myself raising that  
6 question.
- 7 Q. There were additional telephone calls, Mr. Soares,  
8 from Teitelbaum to you, Friday, October 26th,  
9 Saturday, October 27th, Monday, October 29th; do you  
10 recall the substance of those conversations or the  
11 purpose of those conversations?
- 12 A. If I took the calls, it was asking me about whether we  
13 were going to be investigating the case. That had  
14 been -- as I said, that had been the spirit of the  
15 discussions throughout that process.
- 16 Q. And you are in Georgia during this period of time,  
17 actually?
- 18 A. Yes. I was spending my birthday at my mom's kitchen  
19 table.
- 20 Q. If I'm correct, from around the 24th to the 31st of  
21 October?
- 22 A. Yes.
- 23 Q. We haven't been spying on you, we got this information  
24 from Linda.



- 1 A. No, I think I recall that vacation very well.
- 2 Q. There was a call from you to Teitelbaum on  
3 October 29th that lasted 13 minutes; does that ring a  
4 bell?
- 5 A. A 13 -- would that have been on a Friday?
- 6 Q. It was on a Monday, Monday, October 29th?
- 7 MR. FISCH: Do you have that time?
- 8 MS. AMAREL: The time?
- 9 A. Probably would have been afternoon sometime,  
10 1:00 o'clock or --
- 11 MS. AMAREL: It should be on that.
- 12 Q. It was at -- early -- one second. Yes, October 29th  
13 at 1:18 p.m., you on your cell phone, Teitelbaum on  
14 his BlackBerry, 13 minute telephone call, Monday,  
15 October 29th; does that ring a bell?
- 16 A. It would have been along the same lines of my making a  
17 decision.
- 18 Q. Why 13 minutes? I mean, again, does it help you, the  
19 length of the call, does that help you in terms of its  
20 substance?
- 21 A. No, not really because I -- in my conversations with  
22 Herb, we would discuss aspects of the case, but then  
23 procedural steps with respect to the two  
24 investigations going on, parallel tracks. There had



1 not been -- I can assure you that there had not been a  
2 commitment. I was not yet fully apprised of all of  
3 the facts. And so I can't articulate to you word for  
4 word what the discussions were, other than to say that  
5 I know that during that period of time there was  
6 contact between Mr. Teitelbaum and myself. We were  
7 the two people primarily speaking about the case, and  
8 most of those conversations centered around a decision  
9 that was being waited -- they were waiting on a  
10 decision from me as to whether or not I was going to  
11 be investigating the case.

12 Q. Between the October 17th meeting and November 1st when  
13 you said you notified Teitelbaum, whether by phone  
14 call --

15 A. Or in person.

16 Q. -- or in person at a meeting, did you have any  
17 discussions with your staff concerning charges,  
18 concerning whether to proceed, how to proceed?

19 A. Yes.

20 Q. Okay. And what do you recall about those  
21 conversations? This is while you are out of town?

22 A. This is while I'm out of town. I was doing -- just as  
23 I said, there were a lot of procedural issues that we  
24 had to flesh out, but I was still waiting, really, on



1 the full reading of the testimony, and then an  
2 analysis as to which -- how to title Mr. Dopp. So  
3 there were conversations, and at some point, I also  
4 believe that Linda and Brett were out of state at a  
5 CLE, but I may have been in town by then. I don't  
6 exactly recall. I know that they were in New Orleans  
7 and we were having communications via telephone.

8 Q. From Linda Griggs we have some indication that on  
9 October 22nd, 2007 that Knowles had e-mailed to you,  
10 to Linda Griggs and to Stein a memo of potential  
11 charges; does that ring a bell?

12 A. Yes.

13 Q. Would that e-mail have been while you were out of  
14 town?

15 A. Mm-hmm.

16 Q. Other than the receipt of the memo, do you have any  
17 discussion of those charges while you are out of town  
18 with your staff?

19 A. I may have. There is no specific discussion that I  
20 can recall and say on this particular day, we talked  
21 about x, y and z, but this certainly was during that  
22 period of time, the highest profile case, possible  
23 investigation in the office. So it would not be  
24 uncommon for us to have conversations and ongoing



1           conversations, whether it's a particular thought about  
2           a charge or a development or, in many instances in  
3           public integrity, whether there is a news story that  
4           somehow comes out that's going to cause people to sort  
5           of scatter about, so yes, we would have had  
6           conversations about the case, the facts.

7       Q.   Mr. Soares, during all these discussions, you  
8           regarded, did you not, the decision you were going to  
9           make as highly confidential, did you not?

10   A.   Mm-hmm.  Yes, yes.

11   Q.   To be shared only with COPI?

12   A.   To be shared only with COPI.

13   Q.   And there came a time that -- November 1st -- you  
14           notified Teitelbaum?

15   A.   Yes.

16   Q.   Again, I want to distinguish between the decision to  
17           go forward and a decision of how to go forward --

18   A.   Yes.

19   Q.   -- whether grand jury or misdemeanor, it was always  
20           whether or not to go forward that you never  
21           conclusively resolved until November 1st; is that  
22           correct?

23   A.   That is correct.  Sir, I am the District Attorney in  
24           Albany County where the Capitol sits, where all of our



1           elected officials come to do business. And when there  
2           is an allegation of some misconduct by either an  
3           elected official or staff member, those are decisions  
4           that I do not make quickly and I think through, not  
5           only the application of the law, but also the politics  
6           behind the motivations. And in this instance, again,  
7           where we are, quote, unquote, looking at the highest  
8           office in the State of New York, Mr. Teitelbaum is  
9           delivering a fact pattern along with some evidence to  
10          my office is itself not enough for me to make that  
11          decision that we're going to be investigating a case.  
12          That was something that I took my time and deliberated  
13          on and arrived at the decision to proceed on, what I  
14          believe to be, November 1st.

15        Q.    What do you recall that you did tell Teitelbaum on  
16              November 1st?

17        A.    That we were going to conduct an investigation into  
18              Mr. Darren Dopp.

19        Q.    Did you mention grand jury?

20        A.    I don't recall whether I did.

21        Q.    But that you were accepting the case and you were  
22              going to move forward on it?

23        A.    A formal acceptance and our office taking action.

24        Q.    As far as you knew, as far as you expected, this



- 1 transmittal to you by COPI was regarded as highly  
2 confidential; am I correct?
- 3 A. The transmittal of myself to --
- 4 Q. No, no. Two steps: Number one, the fact that COPI  
5 had referred -- referral is a word of art -- but had  
6 provided you with the transcript for your  
7 consideration, that this was highly confidential, the  
8 fact that they had even been in touch with your  
9 office?
- 10 A. That's the way I regarded it.
- 11 Q. You understood that, right, you accepted it on that  
12 basis?
- 13 A. Yes.
- 14 Q. Did you similarly regard as highly confidential the  
15 fact that you, on November 1st, were accepting this  
16 for potential criminal prosecution?
- 17 A. Yes.
- 18 Q. Did you learn shortly thereafter that the Executive  
19 Chamber had learned about this?
- 20 A. Had learned of it. And I had prior to -- prior to the  
21 issue with Mr. Hermann, I had never had any reason to  
22 doubt the confidentiality of the Public Integrity  
23 Commission, because they had come to my office on --  
24 mid October, and it took several weeks for us to



1 arrive at a decision, and there had been no whisper of  
2 our correspondence, our communication with anyone; not  
3 a newspaper article, not a reporter sniffing around.  
4 So I was very confident in our respective agency's  
5 ability to maintain confidentiality with respect to  
6 that case.

7 Q. You've already testified about the events subsequent  
8 to November 1st, so I'm not going to ask you to review  
9 that again, but let me just summarize briefly, and you  
10 correct me if I'm wrong, you learned from Rifkin, by  
11 way of telephone call --

12 A. Yes.

13 Q. -- that they want to meet with you, they do meet with  
14 you, Rifkin, Hal Lieberman --

15 A. Mr. Lieberman.

16 Q. Sean Maloney?

17 A. Mr. Maloney.

18 Q. Constantine?

19 A. No, not at that point.

20 Q. And they tell you they have learned about this, they  
21 did not ask for this information, it came to them, and  
22 you are told it came -- Constantine had told them he  
23 received information from Hermann about the fact that  
24 this matter had been referred to you; is that



1 accurate?

2 A. Not at the first -- not during the first discussion.

3 Q. Okay.

4 A. I was confronted with an ethical issue when I was  
5 contacted -- excuse me -- I was contacted by  
6 Mr. Rifkin and Mr. Maloney on a three-way call,  
7 because Mr. Maloney had been a party to the  
8 discussions of July 22nd, he was in the room with  
9 Mr. Dopp and was a possible witness, and at that point  
10 we didn't really know whether he was engaging in any  
11 coercion and was a possible defendant. So I was not  
12 comfortable having any discussions with Mr. Maloney  
13 directly. During that conversation, there was a  
14 request for a meeting. I suggested to Mr. Rifkin that  
15 I would meet with him and a member of the Executive  
16 Branch, but that should be done with an attorney  
17 present.

18 Q. You recall at the -- strike that.

19 Your testimony you indicated that it was, I  
20 think, a Friday night you were out walking the dog, a  
21 message that your wife had received from Rifkin, and  
22 you called Teitelbaum to see why he wanted to meet?

23 A. Yeah, he had no idea when I spoke to him.

24 Q. He did not, and then you returned the call from



- 1 Rifkin, he requested a meeting, Saturday Teitelbaum  
2 calls you, do you know why they want to meet?
- 3 A. Asking me, yes.
- 4 Q. And you did not at that point know why they wanted to  
5 meet with you?
- 6 A. No, I knew on Friday that they wanted to meet with me  
7 because they had learned of my deciding to investigate  
8 the case, that I knew.
- 9 Q. They told you that Friday?
- 10 A. They said that Friday.
- 11 Q. Okay.
- 12 A. They understand that we're looking at the case and so  
13 on and so forth, so that I knew on Friday.
- 14 Q. Okay.
- 15 A. As far as how they came about knowing, learning of the  
16 fact, that's when we had that face-to-face meeting the  
17 following week, and that's when I learned it was --
- 18 Q. So when Teitelbaum called you on Saturday to find out  
19 if you had learned the purpose of the meeting, did you  
20 tell him at that time that they knew about why --
- 21 A. I believe I did, I believe I did.
- 22 Q. Okay. Did you ever discuss with Hermann -- with  
23 Teitelbaum the substance of the allegation that  
24 Teitelbaum had provided Hermann with information,



1           which Hermann then related to Constantine? I think  
2           you said Teitelbaum called one time and you told him,  
3           and he denied it?

4    A.    Yeah, I believe that it may have been the same day as  
5           the day that we met with Mr. Rifkin, and at that point  
6           it was -- I know that it was a phone -- it was a phone  
7           conversation, I had him on speaker, and I had Linda  
8           Griggs and Brett Knowles in the room with me.

9    Q.    We have all that.

10   A.    And so he asked the question, I informed him of that  
11          fact. He denied it, he denied it.

12   Q.    From that time on, till today, have you ever had any  
13          discussions with Teitelbaum about that allegation?

14   A.    I have not spoken personally with Mr. Teitelbaum with  
15          regard to that allegation since that conversation. I  
16          believe all communications from that point forward  
17          with respect to the case was directly with Linda  
18          Griggs.

19   Q.    Other than taking the testimony of Hermann in February  
20          of 2008, did you have any discussions with Hermann  
21          between the November meeting and your taking testimony  
22          in February of 2008 with Hermann?

23   A.    Between taking testimony and --

24   Q.    Between the time that you were told in November at the



1 meeting that they learn of your investigation from  
2 Hermann to Constantine and you are taking testimony in  
3 February from Hermann, did you have any discussions  
4 with Hermann about this?

5 A. No, no.

6 Q. Mr. Soares, anything you wish to add to the record?

7 A. No, other than to say that I'm trying to recall,  
8 because there was an issue with whether or not the  
9 Integrity Commission had referred the case or had  
10 simply just shared information which they felt they  
11 were ethically and legally obligated to share with me,  
12 and so I -- and I guess the only issue that I would  
13 have is if someone is taking the position that I had  
14 accepted the case prior to the date that I suggested  
15 that I accepted the case, what was the process that  
16 they undertook to officially refer the case, because  
17 they had not yet officially referred the case. So  
18 this idea that I would have at some point in time  
19 taken on a full investigation without having gone  
20 through that process where I reviewed the record in  
21 its entirety, I just find to be absurd, especially in  
22 light of what my process is in the office of  
23 conducting a preliminary inquiry, then the next phase  
24 is conducting a full investigation and moving forward



1 in the investigatory phase with the grand jury, and I  
2 don't -- I'm having a hard time understanding how --

3 Q. The difference?

4 A. Yes.

5 Q. Let me -- as I understand it, referral requires,  
6 perhaps, the concurrence of -- the commissioners and I  
7 have said facetiously, also the wives and children and  
8 grandchildren and so on, as opposed to just  
9 transmitting it to you, so I think that's why, as I  
10 understand it -- we know there was a working group,  
11 and the working group alone had been involved and  
12 privy to all of this information, and so when it was  
13 brought to your attention, it perhaps had not met all  
14 of the imperatives of their procedural rules of  
15 everybody being aware of it, that's why they quickly  
16 say it was not a referral, it was not a referral, we  
17 just communicated this to the DA. In terms of your  
18 role and your -- that's really irrelevant as to what  
19 you decide to do, not do, so that was -- it was an  
20 issue for them, that's all.

21 Anything else, Mr. District Attorney?

22 A. No.

23 Q. Thank you for coming by and congratulations.

24 A. Thank you so much.



1 Q. Thank you.

2 (A pause was taken in the proceedings.)

3 BY MR. FISCH:

4 Q. One additional thing -- I believe that Sherry and  
5 Jonathan have already established this with Linda --  
6 when the Dopp testimony was brought to your office, do  
7 you sign any receipts, your office does not sign any  
8 receipts or date stamp that, there's no --

9 A. No, the genesis of that meeting was stemmed from a  
10 phone call to my office requesting a meeting, and the  
11 meeting took place after hours, which is to say, it  
12 took place after the work day. I know this because I  
13 was having a local birthday party, my family was  
14 having a birthday party for me at Old Chicago on Wolf  
15 Road, and I was supposed to meet them at 6:00 o'clock,  
16 and I got there probably 7:15, 7:30, so I got in  
17 trouble that night.

18 MR. FISCH: Thank you.

19 (Whereupon, the examination of DAVID SOARES  
20 in the above-entitled matter concluded at  
21 3:05 p.m.)

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

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

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SADIE L. HERBERT

Dated: November 24, 2008



