



NEWS

From the Office of the New York State Inspector General
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Inspector General Rebukes Commission on Public Integrity For Improper Conduct *Recommends Dismissal of the Executive Director*

New York State Inspector General Joseph Fisch today released a report which criticizes the state Commission on Public Integrity and calls for the dismissal of Executive Director Herbert Teitelbaum.

The Inspector General found that Teitelbaum unlawfully disclosed confidential information to a member of then-Governor Eliot Spitzer's cabinet, Robert Hermann, in 2007 while the Commission was investigating the "Troopergate" scandal. The report notes that Hermann was not authorized to have this information and that Teitelbaum apparently violated New York's Executive Law and Public Officers Law. State law requires commission officials to keep investigations confidential. The report also finds that Hermann apparently violated the Public Officers Law.

The Inspector General determined that both Teitelbaum and Hermann were directly warned that their conversations were improper. Hermann was admonished by a member of the Executive Chamber to cease his improper discussions with Teitelbaum. Teitelbaum was advised by a Commission attorney not to speak with anyone about the ongoing inquiry. Despite the warnings, both persisted and Teitelbaum later divulged to Hermann the confidential information that the Commission had referred possible perjury charges to the Albany County District Attorney.

Based upon this egregious conduct in such an important investigation, Inspector General Fisch took the rare step of recommending that Teitelbaum be removed from state service.

"Herbert Teitelbaum and Robert Hermann betrayed the public trust," Inspector General Joseph Fisch said. "It is disturbing that while investigating leaks by the Governor's office of confidential information, the Commission's Executive Director committed a similar offense by leaking confidential information. In addition, despite receiving evidence of the Executive Director's misdeeds, the Commission inexcusably failed on several occasions to investigate these serious allegations against Mr. Teitelbaum."

The Commission on Public Integrity launched the Troopergate investigation in 2007 to determine whether then-Governor Spitzer's staff and State Police officials improperly gathered and released confidential information regarding the travel records of then-State Senator Joseph Bruno. In July 2008, the Commission found reasonable cause that four state officials violated the Public Officers Law by gathering and disclosing information on Senator Bruno's travel to "advance their own non-governmental interests." The Commission also determined that a State Police official unlawfully breached confidentiality requirements.

In August 2008, the Inspector General received allegations from Albany County District Attorney P. David Soares that Teitelbaum had inappropriately disclosed confidential information to Robert Hermann, his former law partner and close friend, during the Commission's Troopergate probe.

In a 174-page report, the Inspector General revealed that:

1. From the onset of the Troopergate investigation, Teitelbaum used Hermann, then Director of the Governor's Office of Regulatory Reform, to convey advice and recommendations to members of the Executive Chamber regarding the Commission's document demands. Teitelbaum told a Commission attorney that he used Hermann as his "backdoor channel." The attorney warned Teitelbaum: "You shouldn't be talking to anybody about the investigation."
2. On November 1, 2007, Hermann summoned Spitzer's Special Advisor Lloyd Constantine out of a meeting to tell him that he had learned from Teitelbaum that the Commission had referred possible perjury charges against former Communications Director Darren Dopp to the Albany County District Attorney. This referral was highly confidential and not even known by all the commissioners.
3. On November 2, 2007, Hermann also discussed the possible perjury charges with Governor Spitzer and informed him that several of Spitzer's closest advisors were potentially implicated in the District Attorney's investigation.

In addition to Teitelbaum's improper conduct, the Inspector General found that the Commission itself failed on several occasions to investigate an allegation that Teitelbaum had disclosed confidential information.

1. When first informed of the allegations against Teitelbaum, then-Chair John Feerick accepted Teitelbaum's denial and took no further action.
2. After receiving evidence from the Albany County District Attorney – including tape-recorded interviews of Hermann and Constantine – the Commission again failed to conduct an investigation.
3. In August 2008, after release of the Commission's Troopergate report, Commissioner Richard Emery called on the Commission to re-visit the allegations against Teitelbaum. The Commission again refused to conduct any investigation.

The report also found that the Commission was not fully cooperative with the Inspector General's Office during the course of its investigation. Despite criticizing the Executive Chamber during its Troopergate investigation for piecemeal production of documents and obstructionist tactics, the Commission itself failed to freely and fully comply with the Inspector General's demands for evidentiary materials in this investigation.

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