

NEW YORK STATE COMMISSION ON PUBLIC INTEGRITY
540 Broadway
Albany, New York 12207

In the Matter of DARREN DOPP, former Communications
Director to Governor Eliot Spitzer,

NOTICE OF HEARING

Respondent.

PLEASE TAKE NOTICE that the New York State Commission on Public Integrity ("Commission") shall hold a hearing to determine whether you violated Public Officers Law §74(3)(d) or Public Officers Law § 74(3)(h). This hearing is scheduled as a result of the facts and circumstances alleged in the Commission's Notice of Reasonable Cause dated July 24, 2008, previously served upon you, a copy the relevant portions of which is attached hereto.

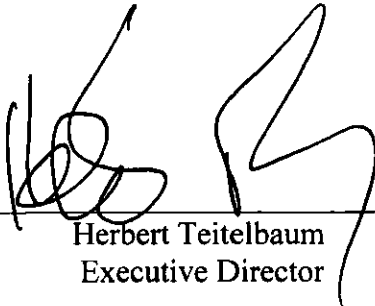
The hearing is scheduled to begin on Wednesday, March, 11, 2009, 9:30 a.m., at the Commission's conference room, 540 Broadway, Albany, New York 12207 and shall continue day-to-day or upon such adjourned date pursuant to a directive from the hearing officer. The hearing officer of record will be Christine C. Kopec.

The Commission will provide interpretation for hearing impaired parties and participants at your request. Any such request must be made in writing and received by the Commission at least one week prior to the hearing date.

Attached are a plain language summary of the Commission's regulations governing adjudicatory proceedings.

The hearing officer is authorized to grant an adjournment of any hearing only for good cause. Written requests for adjournment must be submitted to the hearing officer of record in the hearing for which the adjournment is sought. The request must be accompanied by an affidavit which contains sufficient detail to allow the hearing officer to rule on the request. **Failure to appear for the scheduled hearing may result in the disposition of your case and the assessment of a civil penalty in your absence.**

You have the right to be represented, to testify, to produce witnesses, to present documentary evidence and to examine opposing witnesses and evidence. You may submit all or part of your evidence in written form, subject to the discretion of the hearing officer.



Herbert Teitelbaum
Executive Director

Dated: January 26, 2009

violated Public Officers Law §74(3)(c) as he was in a position to know that the itineraries he obtained for public release contained confidential information.

B. Darren Dopp's and Preston Felton's Violation of §74(3)(d)

Public Officers Law §74(3)(d) provides:

No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

Darren Dopp: The Commission has determined, based on the record evidence, that there is reasonable cause to believe that Dopp knowingly and intentionally violated Public Officers Law §74(3)(d) when he used or attempted to use his official position as Communications Director for the Executive Chamber to secure unwarranted privileges or exemptions for Governor Spitzer and himself when he engaged the State Police to assist him in preparing a negative news story concerning Bruno's use of State aircraft. There is reasonable cause to believe that Dopp initiated and directed a course of conduct that (i) caused the improper creation of documents by the State Police that were made to appear as if they were official documents and, thereafter, Dopp provided those documents to the Times Union for reproduction in a news article – that he assisted in preparing – published on July 1, 2007; and (ii) caused the improper collection of information from the State Police, sometimes on a real time basis, concerning the times and locations of Bruno's activities while in New York City during May and June, 2007. In the process, Dopp bypassed Executive Chamber procedures concerning the release of documents under FOIL.

Preston Felton: The Commission has determined, based on the record evidence, that there is reasonable cause to believe that Felton knowingly and intentionally violated Public Officers Law §74(3)(d) when he used or attempted to use his official position as Acting Superintendent of the State Police to secure unwarranted privileges or exemptions for himself or others (*i.e.*, Howard, Dopp and Spitzer) by permitting State Police resources to be used for a non-governmental purpose by acceding to requests to create documents and transmit information, some of which the State Police had never before released to the public, that he believed would be provided to the media by the Executive Chamber. In the process, Felton bypassed State Police procedures governing disclosure of State Police information under FOIL.

C. **Richard Baum's, Darren Dopp's, Preston Felton's and William Howard's Violation of §74(3)(h)**

Public Officers Law §74(3)(h) provides:

An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

Richard Baum: The Commission has determined, based upon the record evidence, that there is reasonable cause to believe that, as the Executive Chamber official to whom Dopp directly reported, Baum had sufficient notice regarding Dopp's efforts to have the State Police gather information and documents concerning Senator Bruno to have caused Baum to take steps to prevent any improper use of State Police resources. For example, Baum received email communications from Dopp and Howard indicating that they were engaging, or were planning to engage, State Police personnel and other

resources for the purpose of helping the Executive Chamber prepare a negative news story about Senator Bruno's use of State aircraft. Thus, there is reasonable cause to believe that, as a result of his failure to act, Baum violated Public Officers Law §74(3)(h), and Baum has entered into a Disposition Agreement with the Commission in which he has admitted to this violation.

Darren Dopp: The Commission has determined, based on the record evidence, that there is reasonable cause to believe that Dopp engaged the State Police to assist him in preparing a negative news story concerning Senator Bruno's use of State aircraft, and that in doing so, Dopp initiated and directed a course of conduct that (i) caused the improper creation of documents by the State Police that were made to appear as if they were official documents and, thereafter, Dopp provided those documents to the Albany Times Union for reproduction in a news article – that he assisted in preparing – published on July 1, 2007; and (ii) caused the improper collection of information from the State Police, sometimes on a real time basis, concerning the times and locations of Bruno's activities while in New York City during May and June, 2007. In the process, Dopp bypassed Executive Chamber procedures concerning the release of documents under FOIL. Consequently, the Commission finds reasonable cause to believe Dopp violated Public Officers Law §74(3)(h).

Preston Felton: The Commission has determined, based on the record evidence, that there is reasonable cause to believe Felton, the Acting State Police Superintendent, violated Public Officers Law §74(3)(h), by permitting State Police resources to be used for a non-governmental purpose by acceding to requests to create documents and transmit information, some of which the State Police had never before