

NEW YORK POST

DUBIOUS DENIAL

By JOSEPH FISCH

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LAST August, the Albany County district attorney referred to my office allegations that the Commission on Public Integrity's executive director had unlawfully disclosed confidential information related to the Troopergate investigation. I regarded such allegations as serious and undertook an investigation.

Yesterday, Michael Cherkasky, the chairman of the state Commission on Public Integrity, characterized such an investigation as "an insignificant project." I disagree: Now as then, I believe the public is entitled to a full investigation and an answer to such allegations.

The report from my office made two central findings. First, that Executive Director Herbert Teitelbaum improperly disclosed confidential information at the height of the Troopergate investigation. Second, that the commission should have taken these allegations more seriously and conducted a real internal investigation.

Based on his conduct, we called for Teitelbaum's dismissal; he subsequently resigned.

Chairman Cherkasky doesn't disagree with our two major findings. He agrees that Teitelbaum improperly disclosed information and such disclosure "may well have been improper." While he states that the commission was "not unreasonable" in accepting Teitelbaum's denial, he also acknowledges that he -- as well as the inspector general -- might not agree with the commission's conclusion.

I cannot understand how Chairman Cherkasky can characterize the information Teitelbaum disclosed as "not significant." By his own sworn testimony, Robert Hermann (then head of the governor's Office of Regulatory Reform) admitted that he had informed then-Gov. Spitzer that the Albany DA was investigating possible perjury and/or subordination of perjury by three members of the Spitzer administration. Such information was significant and highly confidential.

I acknowledged in my report the outstanding reputation and achievement of Cherkasky's predecessor, John Feerick -- and indeed all the commission. My report does not criticize nor challenge their integrity nor independence, merely their judgment in accepting Teitelbaum's denial of wrongdoing.

Our investigation and public report has resulted in Teitelbaum's resignation and significant movement toward a broader and more independent governmental entity overseeing ethics in New York state. I am proud of the role our office has played.

Joseph Fisch is New York state's Inspector General.

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