

# **EXHIBIT 5**

## Holohan, Bridget (CPI)

---

**From:** Karl J. Sleight [ksleight@██████████]  
**Sent:** Monday, January 04, 2010 4:55 PM  
**To:** Holohan, Bridget (CPI)  
**Cc:** Ginsberg, Barry (CPI)  
**Subject:** Privileged and Confidential: RE: Letter response on behalf of Mr. O'Connor  
**Attachments:** KJS letter response to B. Holohan 4.10.2009 (HBROC-1174921 v1).PDF; SUNY FOUND-Letter from H. Teitelbaum to J.J. OConnor (HBROC-1149628 v1).PDF

Bridget,

Thank you for your e-mail and welcome back.

As a threshold question, you may recall that Mr. Teitelbaum's correspondence was a "15 day letter" pursuant to Executive Law section 94(12), thereby making Mr. O'Connor technically a formal subject of a Commission inquiry. I previously raised the jurisdictional issue in my response letter (which Mr. Teitelbaum may have been unaware of) that the Commission did not have jurisdiction over the Research Foundation until after passage of PEERA in March, 2007 and therefore Mr. Teitelbaum's allegations of violations of section 74 from 2003 cannot stand. Both letters are attached for your convenience.

Although my correspondence does provide significant insight into the factual issues that Mr. Teitelbaum focused upon, if the Commission intends to pursue the allegation I would appreciate the opportunity to meet and discuss these threshold legal issues with you and Mr. Ginsberg at your earliest convenience.

Please advise whether you and Mr. Ginsberg are amenable to a meeting to discuss this issue in the immediate future.

Thank you for your time and consideration of this matter.

Best regards,  
Karl

-----Original Message-----

**From:** Holohan, Bridget (CPI) [mailto:Bridget.Holohan@nyintegrity.org]  
**Sent:** Tuesday, December 29, 2009 5:41 PM  
**To:** Karl J. Sleight  
**Subject:** RE: Letter response on behalf of Mr. O'Connor

Karl,

I apologize for the long delay in getting back to you regarding your client, Mr. O'Connor, but I only recently returned from maternity leave and have come to this matter on my long "to do" list.

Could your client provide any records of the following: (1) contemporaneous documentation setting forth Mr. O'Connor's reasoning for permitting Ms. Bruno to work from home and its benefit to the Foundation; (2) documentation explaining to Ms. Bruno her requirements while working from home; (3) any internal control mechanisms put in place to insure Ms. Bruno was performing duties in a timely fashion; (4) evaluations; and (5) examples of her work product. In sum, please provide any documentation you or your client feels substantiates the assertion that the telecommuting arrangement granted Ms. Bruno in May 2006 and continued until she left employment with the Foundation was a managerial decision. If there are no responsive documents, please indicate in writing.

Thank you and Happy New Years.

Bridget Holohan  
Associate Counsel  
Commission on Public Integrity  
540 Broadway  
Albany, NY 12207  
(518) [REDACTED] (direct)

**From:** Karl J. Sleight [mailto:ksleigh@[REDACTED]]  
**Sent:** Friday, April 10, 2009 3:12 PM  
**To:** Holohan, Bridget (CPI)  
**Subject:** Letter response on behalf of Mr. O'Connor

Bridget,

Please see attached the response to the Commission's letter sent to Mr. John O'Connor, President of the Research Foundation.

Thank you for your courtesies regarding this matter to date. I look forward to discussing this matter with you in the near future.

Best regards,  
Karl Sleight

Karl J. Sleight  
Harris Beach, PLLC  
677 Broadway, Suite 1101  
Albany, New York 12207

100 Wall Street  
New York, New York 10005

Direct Dial ALB: (518) [REDACTED]  
Direct Dial NYC: (212) [REDACTED]  
Cell: (518) [REDACTED]  
Fax: (518) 427-0235

[ksleigh@\[REDACTED\]](mailto:ksleigh@[REDACTED])



**HARRIS BEACH**  
ATTORNEYS AT LAW

practice  
GREEN

Save a tree. Read, don't print, e-mails

**STATEMENT OF CONFIDENTIALITY**

**This electronic message may contain privileged or confidential information. If you are not the intended recipient of this e-mail, please delete it from your system and advise the sender.**

---

**In accordance with Internal Revenue Service Circular 230, we inform you that any discussion of a federal tax issue contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by any recipient for the purpose of (i) avoiding penalties that may be imposed on the recipient under United States federal tax laws, or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.**

---

**In accordance with Internal Revenue Service Circular 230, we inform you that any discussion of a federal tax issue contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by any recipient for the purpose of (i) avoiding penalties that may be imposed on the recipient under United States federal tax laws, or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.**

---