

Peter Pope/NYEC  
07/16/2007 08:36 AM

To David Nocenti/NYEC@NYEC, Sean Maloney/NYEC@NYEC

cc

bcc

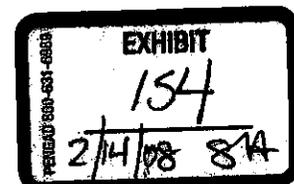
Subject Prior communications with Darren Dopp

As I have discussed with one or both of you, I recollect two conversations that I had with Darren Dopp during the events leading up to July 1. Each occurred when I was in his office on other matters.

In one conversation, he showed me a request for flight submitted by Bruno and asked whether, given my experience as a former prosecutor, it constituted a false swearing. I told him that I believed it would be very difficult to make out false swearing or larceny by false pretenses under existing case law, and related the facts of the Ohrenstein (sp) Court of Appeals case. I believe we then discussed whether it could be a civil matter along the lines of the Hevesi case.

In another, he asked me my view of referral to a DA. I believe that I reminded him of our prior conversation that I did not believe that it was a crime. Together, we looked up the IG provisions of the law on his computer terminal, and read the mandatory reporting provisions. They appeared to be broad enough to potentially cover reporting this conduct, even though the IG has no jurisdiction over legislators. I advised him to discuss the matter with David to see whether the office should send a letter to the IG based on that section.

Both conversations were brief.



Privileged & Confidential - PD-00608

Peter Pope/NYEC  
07/16/2007 08:36 AM

To David Nocenti/NYEC@NYEC, Sean Maloney/NYEC@NYEC  
cc  
bcc  
Subject Prior communications with Darren Dopp

As I have discussed with one or both of you, I recollect two conversations that I had with Darren Dopp during the events leading up to July 1. Each occurred when I was in his office on other matters.

In one conversation, he showed me a request for flight submitted by Bruno and asked whether, given my experience as a former prosecutor, it constituted a false swearing. I told him that I believed it would be very difficult to make out false swearing or larceny by false pretenses under existing case law, and related the facts of the Ohrenstein (sp) Court of Appeals case. I believe we then discussed whether it could be a civil matter along the lines of the Hevesi case.

In another, he asked me my view of referral to a DA. I believe that I reminded him of our prior conversation that I did not believe that it was a crime. Together, we looked up the IG provisions of the law on his computer terminal, and read the mandatory reporting provisions. They appeared to be broad enough to potentially cover reporting this conduct, even though the IG has no jurisdiction over legislators. I advised him to discuss the matter with David to see whether the office should send a letter to the IG based on that section.

Both conversations were brief.

