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STATE OF CONNECTICUT
CLAIMS COMMISSION

----- x
In re: : File No. 20099
CLAIM OF RICHARD WEBER, M.D.:
----- x

Deposition of BRIAN LESLIE, taken
pursuant to Section 13-26 et seq. of the
Connecticut Practice Book at the law offices of
Murtha Cullina LLP, CityPlace I, Hartford,
Connecticut, before Elizabeth A. Zawacki, LSR
#00087, a Registered Merit Reporter and Notary
Public within and for the State of Connecticut,
on Monday, June 13, 2005, at 10:36 a.m.

1 A p p e a r a n c e s :

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For Richard Weber:

MURTHA CULLINA LLP
CityPlace I
Hartford, Connecticut 06103
BY: MICHAEL T. KOGUT, ESQ.

For the State of Connecticut:

OFFICE OF THE ATTORNEY GENERAL
55 Elm Street
Hartford, Connecticut 06106
BY: Thomas Ring, ESQ.
Assistant Attorney General
110 Sherman Street
Hartford, Connecticut 06105
BY: ROBERT F. VACCHELLI, ESQ.
Assistant Attorney General.

Also present:

Richard Weber

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between counsel for the respective parties
hereto that all technicalities as to proof of the
official character before whom the deposition is to
be taken are waived.

IT IS FURTHER STIPULATED AND AGREED
by and between counsel for the respective parties
hereto that the deposition may be signed before any
Notary Public.

IT IS FURTHER STIPULATED AND AGREED
by and between counsel for the respective parties
hereto that all objections, except as to form, are
reserved to the time of trial.

* * * * *

1 MR. VACCHELLI: Usual stips. The
2 witness will read and sign.

3 B R I A N L E S L I E ,
4 having offices at 121 Elm Street, New Haven,
5 Connecticut 06510,

6 called as a witness, being first duly sworn by
7 Elizabeth A. Zawacki, a Notary Public within
8 and for the State of Connecticut, was examined
9 and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. KOGUT:

12 Q. Good morning, Mr. Leslie.

13 A. Good morning.

14 Q. Mr. Leslie, are you here this morning
15 pursuant to a subpoena?

16 A. Yes, I am.

17 Q. I'll show you a copy of a subpoena and
18 schedule A. Does that appear to be a copy of the
19 subpoena you were served with?

20 A. Yes, it is.

21 Q. That was something that was actually faxed
22 from your office to your lawyer? On top there's a
23 notation from GA 23. Is that your office?

24 A. Yes, it is.

25 (Leslie Deposition Exhibit 1 marked

1 for identification.)

2 BY MR. KOGUT:

3 Q. At some point, Mr. Leslie, did you become
4 aware that your attorney filed an answer and
5 objections to that subpoena, schedule A?

6 A. No, I was not aware of that.

7 Q. Does that document look familiar to you?

8 A. I have not seen this document.

9 (Leslie Deposition Exhibit 2 marked
10 for identification.)

11 BY MR. KOGUT:

12 Q. Without getting into any specifics of
13 conversation, did you have a conversation with your
14 lawyer regarding preparation of your deposition?

15 A. Yes.

16 Q. Did you have conversation with lawyers
17 other than Mr. Vacchelli?

18 A. Regarding this case?

19 Q. Yes.

20 A. No.

21 Q. Did you have conversation with anyone else
22 other than Mr. Vacchelli in preparation for your
23 deposition today?

24 A. No.

25 Q. Did you review any documents in

1 preparation for your deposition?

2 A. Yes.

3 Q. Would you just identify which documents
4 you reviewed.

5 A. I reviewed the transcript of Paul Murray's
6 deposition, and also some time ago I reviewed three,
7 I think there's three boxes of documents related to
8 this particular claim.

9 Q. Would that have been around the time when
10 you were originally subpoenaed for deposition?

11 A. Yes.

12 Q. Would you tell us where you reviewed those
13 documents?

14 A. At Attorney Vacchelli's office.

15 Q. Were they identified in any way?

16 A. I suppose some of them had titles to them,
17 yes.

18 Q. You know from your subpoena that you were
19 asked to bring with you records regarding Dr. Weber
20 and his prosecution that might be in your
21 possession; is that correct?

22 A. That's correct.

23 Q. For the record, do you have anything?

24 A. No.

25 MR. VACCHELLI: He doesn't have any

1 separate records from the office. The records of
 2 the case were produced in response to the earlier
 3 discovery request. He did have a few items that
 4 we'll produce now. They look like duplicates of
 5 what has already been produced to you, but I'll give
 6 you what he had left over. In other words, if I
 7 have not made myself clear, his files are at the
 8 Chief State's Attorney's Office.

9 MR. KOGUT: Is this it?

10 MR. VACCHELLI: Yes.

11 Q. When did you leave the Office of the Chief
 12 State's Attorney in your position as prosecutor for
 13 the Medicaid fraud control unit?

14 A. I believe it was November of 2003.

15 Q. Do you recall roughly what date that would
 16 have been?

17 A. Other than to say that it was toward the
 18 beginning of the month, as opposed to the end of the
 19 month, that's as close as I can recall.

20 Q. It would be fair to say that when you
 21 appeared in Hartford Superior Court on November 25
 22 of 2003 that you already had been transferred or you
 23 were in GA 23?

24 A. That's correct.

25 Q. When you left the office of the Medicaid

1 fraud control unit, and after the 25th of November,
2 were there any documents that you had in your
3 possession that related to the prosecution of
4 Dr. Weber?

5 A. Yes.

6 Q. Which documents were those?

7 A. I believe what Mr. Vacchelli has just
8 handed to you.

9 Q. Other than that, all the other documents
10 that were related to this prosecution resided
11 physically at the office in Rocky Hill?

12 A. To the best of my knowledge, yes.

13 Q. Other than reviewing those boxes some time
14 ago when you were originally subpoenaed, did you
15 have occasion to review any other documents?

16 A. No.

17 Q. The exhibit that's been marked Exhibit 2,
18 which is an answer and objections to the notice of
19 deposition, states that the request to bring
20 documents on schedule A was overly broad, vague,
21 burdensome, and not calculated to lead to the
22 discovery of admissible evidence, and also an
23 objection made to materials covered by
24 attorney-client privilege.

25 Is it your testimony that you had no

1 discussion relative to this document with your
2 lawyer?

3 A. No, that's not my testimony.

4 Q. You had discussion with him?

5 A. He and I discussed that I should fax him a
6 copy of the subpoena once I got served so that he
7 could review it and make any objections that he
8 thought were appropriate.

9 Q. It's just that he never had a chance to
10 have you take a look at the document?

11 A. That's correct.

12 Q. When you left the office of the Medicaid
13 fraud control unit were you asked by Paul Murray to
14 prepare a memo for him?

15 A. I believe I was asked prior to -- well,
16 yes, I was.

17 Q. That appears to be what your lawyer handed
18 me here today, a memo dated December 12, 2003
19 (indicating)?

20 A. That's correct.

21 (Leslie Deposition Exhibit 3 marked
22 for identification.)

23 BY MR. KOGUT:

24 Q. Take a look at Exhibit 3, Mr. Leslie. Is
25 that the memo that you prepared for him in response

1 to your questions?

2 A. My memo that I prepared for him is
3 attached to that, yes.

4 Q. What is the fax cover sheet? Could you
5 describe that document?

6 A. I don't see a fax cover sheet.

7 Q. I'm sorry, the memo on top of your memo.

8 A. It is a memorandum to me from Paul Murray,
9 dated December 4, 2003, asking me to provide him
10 with a memorandum regarding the circumstances under
11 which the first stage of the Franks hearing was
12 waived, and also directing me to explain the ethical
13 considerations that I had as the case progressed.

14 Q. When you responded to that memo with the
15 rest attached to Exhibit 3 did you also attach
16 documents to that memorandum?

17 (Leslie Deposition Exhibit 4 marked
18 for identification.)

19 A. I think I did, yes.

20 BY MR. KOGUT:

21 Q. I'm going to show you what's been marked
22 Exhibit 4. Can you identify that document?

23 A. This is another copy of the memorandum
24 that I prepared and sent to Mr. Murray.

25 Q. That's with attached documents; is that

1 correct?

2 A. That's correct.

3 Q. Also, the fax transmission sheet from your
4 office in New Haven from his office in Rocky Hill?

5 A. That's correct.

6 MR. RING: Excuse me. Do you have
7 copies of those for us?

8 MR. KOGUT: I don't.

9 MR. RING: I'd like to see it, then.
10 Could we get copies made at a break or something of
11 all the exhibits?

12 MR. KOGUT: Sure.

13 Q. Those were the attachments that you had
14 appended to your memo; is that correct?

15 A. That's correct.

16 Q. What was the purpose of the memo,
17 Mr. Leslie?

18 A. I was directed by Mr. Murray to provide
19 that memo.

20 Q. What were the issues that precipitated his
21 request?

22 A. The first issue was why the preliminary
23 stage of the Franks hearing had been waived by the
24 state; and the second issue was my ethical concerns
25 that had arisen during the course of the Franks.

1 hearing.

2 Q. When did you first tell Mr. Murray about
3 your concerns, you had ethical concerns?

4 A. I believe it was November 25 of 2003.

5 Q. Would you just describe briefly, as best
6 you can, the circumstances that gave rise to that?

7 A. Yes. Prior to recommencing the Franks
8 hearing you, as counsel for Dr. Weber, showed me a
9 document. It was a copy of a remittance advice, and
10 upon that document were handwritten notations that
11 stated, among other things, to rebill under code
12 99070 for \$200. You indicated to me that those
13 notations were made by Veronica Rivera, and
14 Ms. Rivera had previously testified. Based upon her
15 previous testimony and seeing that document for the
16 first time on November 25, I did not believe that
17 probable cause continued to exist to prosecute
18 Dr. Weber.

19 Q. And you told Judge Keller that?

20 A. I did.

21 Q. You discussed it with me, and then you
22 told Judge Keller?

23 A. Yes.

24 Q. At some point did you relay that
25 information to somebody in your office?

1 A. Yes.

2 Q. Could you describe when that was and how
3 you did that.

4 A. Shortly after you and I had discussed the
5 matter, Mr. DeMattia was at the courthouse that day.
6 I saw him. I relayed that information to him.

7 Q. What was his response?

8 A. I don't recall what his immediate response
9 was, but at some point in time shortly thereafter
10 Paul Murray also arrived at the courthouse in
11 Hartford, and I relayed that information to
12 Mr. Murray as well.

13 Q. What was his response?

14 A. Well, the long and the short of it is he
15 disagreed with my interpretation of the document.

16 Q. At that point had you had any discussion
17 with Mr. Murray regarding this prosecution before
18 that date?

19 A. We had had one previous meeting back in
20 October of 2003.

21 Q. Do you recall the circumstances and the
22 purpose for that meeting?

23 A. Yes.

24 Q. Would you describe that, please.

25 A. Judge Keller had granted us a recess until

1 2:00 o'clock that afternoon, the reason being is
2 that I had communicated to you my intention of
3 nolle'ing the case. You indicated that you needed
4 to do some research and you needed to consult with
5 your client. So at both of our agreements we went
6 to Judge Keller and requested a recess until 2:00
7 p.m., which she granted. I also had to do some
8 research, and my office was about ten minutes down
9 the road. I traveled back to the Office of the
10 Chief State's Attorney.

11 As I was entering the building my pager
12 went off, and it was the number for the Medicaid
13 fraud control unit, and as I responded to that page
14 Mr. DeMattia got on the phone and inquired as to the
15 status of the case. I said I was in the building, I
16 would come down and talk to him.

17 So I talked to him and I explained to him
18 that I wished to enter a nolle in the case.
19 Mr. DeMattia then told me not to go back up to the
20 courthouse until after we had met with Paul Murray.

21 We then, shortly after Mr. DeMattia and I
22 had that conversation, we met with Mr. Murray.
23 During that meeting, Mr. Murray was present,
24 Mr. DeMattia was present. I gave them a brief
25 thumbnail sketch of the allegations in the case, the

1 reason why we were in front of Judge Keller for an
2 evidentiary hearing, and my reasons for wanting to
3 enter the nolle.

4 Q. What was Mr. Murray's response?

5 A. I was directed to continue on with the
6 prosecution.

7 Q. As best you remember, could you tell us
8 what his words were to you.

9 A. I cannot give you an exact quotation, but
10 I was directed to withdraw the offer of the nolle.
11 I do recall that he questioned me as to whether the
12 court was made aware of the offer of a nolle. At
13 that point in time Judge Keller was not made aware
14 of the possible resolution of the case, so I
15 indicated no. He then stated that Mr. -- I'm sorry,
16 Dr. Weber would not have detrimentally relied upon
17 the offer of a nolle, and I was therefore directed
18 to withdraw that offer and to proceed with the
19 Franks hearing.

20 Q. Did you agree with him?

21 A. I did not.

22 Q. Did you agree with his legal opinion?

23 A. I did not.

24 Q. Did you tell him so?

25 A. I did not.

1 Q. Mr. Murray at that time was a supervisor
2 of yours, it would be fair to say?

3 A. He was not my direct supervisor, no.

4 Q. But he certainly was in a position
5 superior to yours?

6 A. Yes.

7 Q. And he supervised Mr. DeMattia?

8 A. Yes.

9 Q. Who was also present at that meeting?

10 A. That's correct.

11 Q. Did you believe that that was a direct
12 order to you to go back to court and continue the
13 prosecution?

14 A. Yes.

15 (Leslie Deposition Exhibit 5 marked
16 for identification.)

17 (Recess: 11:00 to 11:17 a.m.)

18 (In the absence of Messrs. Vacchelli
19 and Ring:)

20 MR. KOGUT: This was adjourned at the
21 request of Attorney Vacchelli who became ill. No
22 objections by other parties.

23 (Deposition adjourned: 11:17 a.m.)

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WITNESS INDEX

WITNESS

PAGE

Brian Leslie

Direct Examination by Mr. Kogut

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EXHIBIT INDEX

LESLIE
EXHIBITS

DESCRIPTION

PAGE

1 Subpoena.

4

2 Attachment A, Answer and Objections
to Notice of Deposition and Subpoena.

5

3 Memo, 12/4/03, Murray to Leslie.

9

4 Fax, Leslie to Murray; memo, 12/12/03,
Leslie to Murray, and attachment.

10

5 Memo, 10/22/03, Leslie to DeMattia.

16

Reporter's note: Exhibits retained by counsel.

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C E R T I F I C A T E

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths.

I further certify that the deponent named in the foregoing deposition was by me duly sworn and thereupon testified as appears in the foregoing deposition; that said deposition was taken by me stenographically in the presence of counsel and transcribed by computer-aided transcription, and the foregoing is a true and accurate transcript of the testimony.

I further certify that I am neither of counsel nor attorney to either of the parties to said suit, nor of either counsel in said suit, nor am I interested in the outcome of said cause.

WITNESS my hand and seal as Notary Public this 18th day of June, 2005.


Elizabeth A. Zawacki

LSR #00287

Notary Public

My commission expires:
February 28, 2010

CLAIM OF RICHARD WEBER, MD.

I BRIAN LESLIE, do hereby certify that the foregoing testimony given by me on June 13, 2005, is true and accurate, including any corrections noted on the corrections page, to the best of my knowledge and belief.



BRIAN LESLIE

At New Haven in said County of New Haven

this 23^d day of September, 2005, personally appeared BRIAN LESLIE.

and he made oath to the truth of the foregoing answers by him subscribed.

Before me Alvin Thon Notary Public.

Comm. Sup. Court

My Commission

Expires:

STATE OF CONNECTICUT
CLAIMS COMMISSION

----- x
 In re: : File No.
 CLAIM OF RICHARD WEBER, M.D.: 20099
 ----- x Volume 2

Continue deposition of BRIAN LESLIE,
 taken pursuant to Section 13-26 et seq. of the
 Connecticut Practice Book at the law offices of
 Murtha Cullina LLP, CityPlace I., Hartford,
 Connecticut, before Elizabeth A. Zawacki, LSR
 #00087, a Registered Merit Reporter and Notary
 Public within and for the State of Connecticut,
 on Monday, August 22, at 9:31 a.m.

1 A p p e a r a n c e s :

2

3 For Richard Weber:

4 MURTHA CULLINA LLP

5 CityPlace I.

6 Hartford, Connecticut 06103

7 BY: MICHAEL T. KOGUT, ESQ.

8

9 For the State of Connecticut:

10 OFFICE OF THE ATTORNEY GENERAL

11 55 Elm Street

12 Hartford, Connecticut 06106

13 BY: THOMAS RING, ESQ.

14 Assistant Attorney General

15 110 Sherman Street

16 Hartford, Connecticut 06105

17 BY: ROBERT F. VECHELLI, ESQ.

18

19 Also present:

20 Richard Weber, M.D.

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1 B R I A N L E S L I E ,

2 recalled as a witness, being first duly resworn
3 by Elizabeth A. Zawacki, a Notary Public within
4 and for the State of Connecticut, was examined
5 and testified further as follows:

6 DIRECT EXAMINATION

7 CONTINUED BY MR. KOGUT:

8 Q. Good morning, Mr. Leslie.

9 A. Good morning.

10 MR. VECHELLE: We have the same
11 stipulations?

12 MR. KOGUT: Yes, that were previously
13 recorded. Is that okay?

14 MR. VECHELLE: Yes.

15 Q. Mr. Leslie, since your deposition was
16 suspended the 13th of June have you had occasion to
17 discuss this matter with anyone other than counsel?

18 A. No.

19 Q. Did you have occasion to meet and discuss
20 with counsel in the interim?

21 A. Yes.

22 Q. Did you have an opportunity to review any
23 documents since the 13th of June?

24 A. Yes.

25 Q. Would you describe what those documents

1 were, please.

2 A. I reviewed the deposition transcript of
3 Paul Murray, I reviewed the partial transcript from
4 my deposition. I went through various documents
5 with Attorney Vecchelli's -- in his office.

6 Q. Were any of those documents described to
7 you as being either attorney work product or
8 privileged documents?

9 A. They were the documents that were turned
10 over in the course of discovery in this matter; and
11 I also reviewed a submission by your client to the
12 Criminal Justice Commission.

13 Q. That would have been with regard to the
14 reappointment of Paul Murray?

15 A. Yes.

16 Q. Do you recall whether you saw one
17 submission or more than one?

18 A. I saw a very large stack of paper. I
19 don't know if it was one or more than one.

20 Q. What was the purpose of your reviewing
21 that?

22 A. Attorney Vecchelli had asked me to review
23 part of what was in that submission. That was my
24 reply to motions to dismiss and motions to suppress
25 that were filed in the action of State of

1 Connecticut versus Richard Weber.

2 Q. Were there any other documents that you
3 reviewed?

4 A. No.

5 Q. Do you recall when that was?

6 A. Wednesday of last week.

7 Q. You had no other discussions with anyone
8 else with regard to this matter?

9 A. That's correct.

10 Q. I'd like to spend a little time
11 discussing, asking you questions about what had been
12 described as, I guess, the recertification of the
13 Medicaid fraud control unit by the Office of
14 Inspector General. Do you recall that?

15 A. I do.

16 Q. Did you play any role in the
17 recertification process?

18 A. I was interviewed by the OIG staff.

19 Q. Do you recall who interviewed you?

20 A. John Betick was there. There were two
21 other individuals, and I do not recall their names.

22 Q. At the time that you were interviewed you
23 were a dedicated prosecutor to the Medicaid fraud
24 control unit?

25 A. Yes, I was.

1 Q. Do you recall approximately what time
2 period that recertification process took place?

3 A. The summertime of '03.

4 Q. Other than being requested to be
5 interviewed, did you have discussions with any other
6 employees of the chief state's attorney's office
7 with regard to the recertification process?

8 A. I'm sure I did. I'm sure that I discussed
9 it with John DeMattia. I do recall Christopher
10 Morano also speaking to me about the process.

11 Q. Was that prior to or during the process,
12 if you recall?

13 A. I can't recall.

14 Q. Had you ever taken part in a
15 recertification process prior to that?

16 A. Not with a visit from OIG staff. Every
17 year the unit had to be recertified, and I would
18 assist Nancy Salerno in making the application, in
19 compiling the yearly report, and sending the
20 information to the Office of the Inspector General.

21 Q. Do you know why an on-site visit took
22 place for recertification?

23 A. I do not.

24 Q. Anyone ever discuss any inadequacies with
25 regard to the performance of the unit to you?

1 A. Not with specificity, no.

2 Q. Did you have some concerns about the
3 performance of the unit?

4 A. I did.

5 Q. Would you tell us briefly what those
6 concerns were.

7 A. I believe that there were inappropriate
8 use of the unit's equipment that was going on. I
9 was also concerned with the staffing levels,
10 particularly during the period of time where the
11 State of Connecticut laid off a number of state
12 workers.

13 Q. Were you, yourself, displaced from that
14 unit during the layoff period?

15 A. I was.

16 Q. For how long a period of time was that?

17 A. I believe it was approximately a
18 three-month period of time.

19 Q. Do you recall when that was?

20 A. January of '03 through March of '03.

21 Q. In fact, that was during the initial
22 stages of the Weber prosecution; isn't that correct?

23 A. It was shortly after he was arrested, yes.

24 Q. Any other concerns that you had with
25 regard to the performance of the unit?

1 A. Not that I can recall.

2 Q. Now, prior to the recertification process,
3 the notice of recertification, did you express those
4 concerns to anyone?

5 A. No.

6 Q. Didn't have any discussions with anybody
7 with regard to those issues?

8 A. Anyone in general, or anyone in the chief
9 state's attorney's office?

10 Q. Well, did you express those concerns to
11 your immediate supervisor, John DeMattia?

12 A. I did not.

13 Q. Did you express those concerns to anybody
14 at levels above Mr. DeMattia?

15 A. I did not.

16 Q. Did you have any discussions with any of
17 the inspectors with regard to those issues?

18 A. I did not.

19 Q. Prior to the recertification process or
20 the notice of recertification did you have any
21 discussions with any employees or members of the
22 Office of Inspector General with regard to that?

23 A. With regard to those issues, not that I
24 recall. I did have discussions via telephone with
25 John Betick. The specifics of those are -- I just

1 can't recall.

2 Q. Do you know how to spell his name?

3 A. I don't.

4 Q. Do you recall what his title or position
5 was?

6 A. No, I don't.

7 Q. Did you ever express your concerns to
8 anyone at the Department of Social Services?

9 A. Not to my recollection.

10 Q. Did you at some point prepare a document
11 or memoranda with regard to your concerns that was
12 given to the OIG?

13 A. Not that I'm aware of.

14 Q. So you have no memory of preparing
15 anything in writing for the OIG?

16 A. I prepared a draft of the year end report
17 which I then gave to Mr. DeMattia. What happened to
18 it after that I have no idea.

19 Q. Could you tell us what was in your draft
20 of the year end report?

21 A. Statistics based on the past year's
22 prosecution and investigations of Medicaid fraud
23 claims.

24 Q. Were any of your individual concerns that
25 you had outlined in that draft?

1 A. I can't recall.

2 Q. Did you ever discuss your draft with
3 Mr. DeMattia?

4 A. No.

5 Q. Was the draft prepared at his instruction?

6 A. I believe that I had volunteered to do it
7 because he was newly appointed and I did not know
8 whether he knew how to draft the year end report.

9 Q. Did you discuss at any time the concerns
10 that you raised with Paul Murray?

11 A. No.

12 Q. Do you know whether or not Mr. Murray
13 became aware of your concerns?

14 A. I don't know.

15 Q. Did you learn whether or not he became
16 aware of those concerns in reviewing his deposition
17 testimony?

18 A. I believe at some point he did become
19 aware.

20 Q. Do you recall his characterization that
21 your assessments were inaccurate?

22 A. I recall that.

23 Q. Do you agree with that?

24 A. Absent reviewing the draft, I don't know
25 how to answer that question.

1 Q. Well, let me ask you: Do you have, in
2 retrospect, any changes or modifications of those
3 concerns that you expressed to the OIG?

4 A. Again, without reviewing that document I
5 wouldn't be able to answer that question.

6 Q. It's my understanding from your testimony
7 that your concerns, as best you remember, were not
8 contained in the draft report; is that correct?

9 A. Again, without reviewing the document, I
10 wouldn't be able to answer that question. It's been
11 long time since I drafted that document.

12 Q. I understand that, but what's your memory
13 today about whether or not you expressed your
14 concerns in the draft report?

15 A. I believe that there was something in
16 there about my concerns.

17 Q. Did you ever have a chance to see the
18 final report?

19 A. I can't recall.

20 Q. So if you had an opportunity to review
21 your original draft, it's possible that you would
22 agree with Mr. Murray's position that your
23 assessment was incorrect?

24 A. Anything is possible; but again, without
25 having the document in front of me and reviewing it

1 I can't answer the question as asked.

2 Q. Were you confident in the concerns that
3 you expressed to the OIG at that time?

4 A. I was.

5 Q. Were they accurate?

6 A. In my opinion, yes.

7 Q. Were they truthful?

8 A. Absolutely.

9 Q. At some point in time you began a process
10 to be transferred from the Medicaid fraud unit; is
11 that correct?

12 A. Yes.

13 Q. Do you recall when that was?

14 A. September or October of 2003.

15 Q. Did you have occasion to -- well, strike
16 that.

17 How did that process begin?

18 A. There were internal postings for openings
19 as prosecutor in different geographical area courts.
20 I believe the first one that I applied for was an
21 opening for GA 5 in Derby. I was interviewed for
22 that position. I did not receive, I did not get
23 that position.

24 The second opportunity was an opening for
25 GA 14 here in Hartford. Again, I interviewed for

1 that position and I did not receive that position.

2 The last opportunity that I applied for
3 was an opening in GA 23 in New Haven. I interviewed
4 for that position, and I did get that position.

5 Q. Is that the current position that you
6 occupy now?

7 A. Yes, it is.

8 Q. What are your duties and responsibilities?

9 A. General prosecution of all crimes that
10 pass through the geographical area.

11 Q. How many prosecutors are assigned to that
12 court?

13 A. I believe we have spots for 13
14 prosecutors. We are shorthanded at the present
15 time.

16 Q. Did you have discussions with Mr. DeMattia
17 or Mr. Murray in September or October of 2003 about
18 the prospects of a transfer?

19 A. No.

20 Q. Did you tell anyone?

21 A. Part of the application process is the
22 applicant must send a letter to the state's attorney
23 for the judicial district where the opening is
24 posted, as well as a copy to the deputy chief
25 state's attorney for personnel. So in my

1 applications, for lack of a better term, to transfer
2 out of that unit, I did give a copy to, I believe it
3 was then Steven Sellers who was deputy chief state's
4 attorney.

5 Q. Would you have been looking for support or
6 recommendation from Mr. DeMattia?

7 A. No.

8 Q. In September and October of 2003 what was
9 the reason for your requesting a transfer?

10 A. I was very unhappy at the Medicaid fraud
11 control unit.

12 Q. Did your unhappiness have anything to do
13 with the concerns that you had with regard to the
14 practices of the fraud unit?

15 A. No.

16 Q. Were they personnel personality issues?

17 A. That was part of it.

18 Q. What were the other parts?

19 A. Despite repeated requests for work to do I
20 was not given any work to do, so I pretty much had
21 to create work for myself.

22 Q. Do you know why that was?

23 A. I don't.

24 Q. Anyone ever express to you or answer your
25 question as to why that was?

1 A. No.

2 Q. Was it the responsibility of Mr. DeMattia
3 to assign work?

4 A. It was.

5 Q. When you were assigned the Weber
6 prosecution, do you recall when that was assigned to
7 you?

8 A. The prosecution? It was in early 2002,
9 when the unit received, I believe it was in 2002,
10 when the unit received the referral from DSS.

11 Q. So you would have been assigned the case
12 during the investigative process?

13 A. That's correct.

14 Q. Than also at the same time that was
15 assigned to Inspector DiNino?

16 A. That's correct.

17 Q. Who later became Supervisory Inspector
18 DiNino?

19 A. Yes.

20 Q. Did you collaborate with him with regard
21 to the investigation?

22 A. I read all of his investigatory reports in
23 terms of what he was doing, who he was interviewing,
24 what documents he was reviewing; but other than
25 that, the decisions regarding the direction of the

1 investigation were his and his alone.

2 Q. Is that by office policy and procedure?

3 A. I don't know that there's a written policy
4 or procedure about that, but they don't direct, they
5 being the investigators, inspectors, don't direct
6 how the prosecutor prosecutes the case, and at the
7 same time the prosecutor doesn't direct how the
8 inspector invest gates the case.

9 The only minor exception to that is if
10 there is a legal issue, some sort of a
11 Constitutional issue regarding a search or a
12 seizure, then the inspector has the opportunity and
13 the option to go to the prosecutor who is assigned
14 to the case and run the legal issue by that
15 prosecutor.

16 Q. When the case was first assigned to you in
17 2002, that would have been assigned to you by
18 then-director Nancy Salerno?

19 A. Correct.

20 Q. Did you have discussions with her during
21 the course of the investigation about the status?

22 A. We would have monthly meetings with the
23 entire unit, and we would discuss all of the open
24 investigations and open prosecutions, yes.

25 Q. During those meetings would Inspector

1 DiNino report to her what had transpired in the
2 previous month and report to her what the status
3 was?

4 A. Not so much what had transpired the
5 previous month because we would get periodic reports
6 regarding the investigation. Whenever he did
7 something on the case, whether it was traveling to
8 DSS to pick up records or interviewing a potential
9 witness, that would be documented in the report. So
10 we were aware of what had transpired the previous
11 month. It was more sort of a timeline thing: Well,
12 what am I planning to do next month, what are my
13 estimates on whether or not this is going to result
14 in an arrest.

15 Q. Did you know at that time what education
16 and training or experience Inspector DiNino had in
17 investigations regarding the filing of false claims?

18 A. No. I had no idea of that at all.

19 Q. Did you have, did you form an opinion at
20 any time about his competence during the course of
21 the investigation through the few discussions you
22 may have had with him about the case?

23 A. Yes.

24 Q. What was that opinion?

25 A. He was 100 percent by the book. He was an

1 excellent, is an excellent investigator. It is my
2 opinion now, as it was then, that Inspector DiNino
3 would never knowingly or even recklessly include any
4 false statements in any type of official document.

5 Q. Would your opinion change any if I told
6 you that last week he testified under oath that you
7 messed up?

8 A. No.

9 Q. Do you believe that to be an accurate
10 assessment?

11 A. No.

12 Q. Did you know, at some point did you learn
13 the various components of Inspector DiNino's
14 investigation?

15 A. I'm not sure I understand what you're
16 asking me.

17 Q. At some point you learned what he did to
18 reach the conclusion that there was probable cause
19 to arrest Dr. Weber, correct?

20 A. Yes.

21 Q. And when was that?

22 A. When I reviewed the arrest warrant
23 affidavit prior to signing off as the prosecutor.

24 Q. He presented that to you for review?

25 A. Yes.

1 Q. Do you know if anybody else reviewed it?

2 A. I believe that Attorney Salerno reviewed
3 it, Supervisory Inspector Steve Oborski also
4 reviewed it. I don't know whether other inspectors
5 in the office reviewed it.

6 Q. Prior to that, how many arrest warrants
7 had you reviewed which led to arrests of individuals
8 while you were employed at the Medicaid fraud unit?

9 A. I can't recall an exact number.

10 Q. More than ten?

11 A. It would be somewhere around ten, I
12 believe.

13 Q. By October or November of 2003 it would be
14 fair to say that the Weber case was one of just a
15 few cases assigned to you?

16 A. That's a fair statement.

17 Q. Was it the only case?

18 A. I can't recall.

19 Q. Do you recall how many cases you had in
20 October and November of 2003?

21 A. I don't.

22 Well, if I could back up, in November of
23 2003, after I was transferred to New Haven, the
24 Weber prosecution was the only case that was
25 assigned to me; but prior to my transfer I can't

1 recall how many cases were assigned to me.

2 Q. At what point in time did Mr. DeMattia
3 stop assigning cases to you?

4 A. I don't know.

5 Q. But at some point he stopped, correct?

6 A. I don't know the answer to that, either.

7 Q. I believe you testified that part of your
8 unhappiness at the unit was you simply had no work?

9 A. That's correct.

10 Q. And whatever work you had you had to
11 create yourself?

12 A. That's correct.

13 Q. So do you recall at what point in time you
14 had the last case referred to you for, to work on
15 for Mr. DeMattia?

16 A. I can't recall.

17 Q. During the point in time in January
18 through March of 2004 where were you assigned to
19 work?

20 A. 2004?

21 Q. I'm sorry, 2003.

22 A. GA 23 in New Haven.

23 Q. That was during the layoff period?

24 A. Yes.

25 Q. Was that an assignment, or had you been

1 hired at that time?

2 A. That was what I would characterize as an
3 involuntary transfer out of the Medicaid fraud
4 control unit, a temporary transfer.

5 Q. There were other employees or prosecutors
6 transferred within the fraud unit as well; is that
7 correct?

8 A. That's correct.

9 Q. Where was Ms. Salerno transferred to?

10 A. Ms. Salerno originally had been
11 transferred down to GA 23 down in New Haven. I had
12 originally been transferred to the Appellate Bureau
13 in Rocky Hill, at the Office of the Chief State's
14 Attorney. I believe I was in the Appellate Bureau
15 for maybe two days maximum when Mr. Morano informed
16 me that Ms. Salerno would be coming back to the unit
17 and I would be going down to GA 23 in New Haven.

18 Q. Were unit inspectors also transferred
19 elsewhere?

20 A. They were.

21 Q. During that three-month period were there
22 any dedicated employees to the Medicaid fraud
23 control unit?

24 A. I believe that Nancy Salerno was a
25 dedicated employee, Steve Oborski, and I'm not sure