

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. NO. 17-CI-1348

JEFFREY C. MAYBERRY, et al.,

PLAINTIFFS

v.

NOTICE OF FILING

KKR & CO., L.P., et al.,

DEFENDANTS

Nominal Defendant Kentucky Public Pension Authority (“KPPA”) submits the attached Affidavit of Regina Calcaterra of Calcaterra Pollack, LLP. As the Court is aware, the Tier 3 individuals’ recent Motion to Preserve Evidence included a number of allegations directed at Calcaterra Pollack, LLP. Ms. Calcaterra provided the attached affidavit in response.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was electronically filed on May 7, 2021, and thereby served via the Court's ECF system upon all parties of record:

A handwritten signature in black ink, appearing to be 'J. P. ...', written above a solid horizontal line.

Counsel for KPPA

**COMMONWEALTH OF KENTUCKY
COUNTY OF FRANKLIN CIRCUIT COURT
DIVISION ONE
CASE NO. 17-CI-1348**

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PLAINTIFFS

v.

KKR & CO., L.P.

DEFENDANTS

AFFIDAVIT OF REGINA M. CALCATERRA

Comes the affiant, Regina M. Calcaterra, first being duly sworn, and states as follows:

1. I am over the age of 18 and of sound mind.
2. I am a resident of Suffolk County, New York.
3. I have personal knowledge of the facts in this affidavit.
4. I am a member in good standing of the bars of the Commonwealth of Kentucky,

State of New York and Commonwealth of Pennsylvania. I am a co-founder and partner of the law firm of Calcaterra Pollack LLP.

5. I submit this affidavit in response to the Tier 3 Plaintiffs' Memorandum in Support of Motion for Entry of an Order Requiring That Documents Regarding the Calcaterra Pollack "Investigation" Be Preserved and That the Calcaterra Report Be Provided to the Tier 3 Plaintiffs' Counsel filed in this Action (the "Motion" of "Plaintiffs").

6. I am compelled to respond to the Motion because it is permeated with false, libelous and malicious misrepresentations and innuendo relating to me and my prior work, and therefore demands correction. The true purpose of the Motion is apparently to call into question the as-yet unreleased results of the independent investigation that I and my firm were hired to conduct into the previous investment activities of the Kentucky Retirement System (the "Investigation").

Plaintiffs essentially admit as much in their Motion, conceding that their “suspicions alone provide no basis to reject the CALCATERRA FIRM’s anticipated Report in advance.” Motion at 7.

7. Instead of addressing each and every falsehood in the 32-page Motion (which also includes 25 exhibits), I choose to only focus on some of the most egregious misstatements.

8. Plaintiffs largely base their Motion on a handful of hearsay news reports. Plaintiffs contend that the “evidence set forth in this Memorandum comes from national publications where articles with such allegations are subjected to vetting by fact-checkers and lawyers. We quote extensively from the articles so that no one will accuse us of making the ‘incendiary’ assertions contained therein. The articles speak for themselves.” Motion at 9 (emphasis omitted). But articles or posts on personal websites are not “evidence” and fact-checking by *Plaintiffs’ counsel* would have revealed that statements they significantly relied upon and put forth to the Court in their Motion are false.

9. Plaintiffs’ Motion significantly relies on a July 17, 2015 article published in and purportedly paid for by City & State NY, but written by the Accountability Project, entitled “Round and Round the Revolving Door,” Motion, Ex. 3 (the “Accountability Project/City & State NY Article”), essentially copying and pasting almost the entire article verbatim. *See* Motion at 4-5, 10, 13, 21-25. Plaintiffs assume its truth and ask the Court to accept the statements in the Accountability Project/City & State NY Article as true. Leaving aside that the statements have no bearing on the relief requested in the Motion and were entirely gratuitous, the Court should decline to accept the statements as true as the Accountability Project/City & State NY Article was proven baseless and false after it was published.

10. The Accountability Project was reportedly a New York investigative journalism not-for-profit launched on April 2, 2014 to investigate public officials on matters including, but

not limited to, sexism and harassment. *See* New Organization to Investigate Political Misconduct Co-Founded by Greek American, Greek Reporter (April 3, 2014) (*available at* <https://greekreporter.com/2014/04/03/new-organization-to-investigate-political-misconduct-co-founded-by-greek-american/>).

11. But Plaintiffs fail to notify the Court that the Accountability Project/City & State NY Article written by the Accountability Project was shortly later discredited by City & State NY. Following the publication of the article I contacted City & State NY to seek the correction of the numerous published misstatements. After reviewing my concerns and assessing the lack of factual bases for the article, in the August 10, 2015 edition of City & State NY the executive editor published my two-page letter to the editor (the “Letter”¹) where I debunked the primary false assertions in the article (which have been copied into the Motion). The published Letter was prefaced by a statement by Michael Johnson, the executive editor of City & State NY, in which he explained that if City & State NY had been aware that the author of the Accountability Project/City & State NY Article had not reached out to me for comment as previously claimed, City & State NY would have “held off on running this piece.” Exhibit A. The former publisher (now president) of City & State NY also invited me to lunch where he apologized and further stated that he was unaware of the circumstances surrounding the Accountability Project/City & State NY Article prior to its publication.

12. The Accountability Project/City & State NY Article was later characterized by Politico.com as “a heavily disputed article about the former head of an anti-corruption body that Governor Cuomo created in 2013” in an article written about the Accountability Project’s Founder

¹ A true and correct copy of the Letter is attached as Exhibit A, and is also available at the City & State NY website at https://issuu.com/cityandstate/docs/cs_08102015_all.

and Executive Director Nomiki Konst, who spearheaded the Accountability Project/City & State NY Article. *See* Who is Nomiki Konst, Politico.com (February 21, 2019) (“Who is Nomiki Konst”) (attached as Exhibit B, *available at* <https://www.politico.com/states/new-york/albany/story/2019/02/21/who-is-nomiki-konst-865219>); *see also* <https://muckrack.com/nomikikonst/bio> (attached as Exhibit C). Sometime after my Letter revealed the falsity of the “heavily disputed” Accountability Project/City & State NY Article, the Accountability Project, formerly at accountproject.org, ceased to exist. *See* Who is Nomiki Konst (“[Konst’s] LinkedIn profile says the [Accountability] project....lasted two years.”).

13. The Letter includes my contemporaneous, fact-based rebuttals of the primary allegations made in the Accountability Project/City & State NY Article, which have now been carelessly regurgitated by Plaintiffs in their Motion. I reiterate here, under penalty of perjury, each of my statements in the Letter as part of this Affidavit. If the Court at all considers the hearsay statements contained in Plaintiffs’ Motion, it should similarly consider my contemporaneous fact-based rebuttals, incorporated herein by reference under penalty of perjury, which were not provided to the Court with the Motion.

14. Plaintiffs also misconstrue a number of other publications in order to twist their meaning, when Plaintiffs’ own exhibits, when reviewed closely, demonstrate the truth.

15. For example, Plaintiffs cite to a number articles relating to my work as the Executive Director of the 2013 New York State Moreland Commission into public corruption to suggest that I had participated in illegal activities related to my role managing the Commission. In fact, as shown by an exhibit to Plaintiffs’ own filing, I and others working on the Commission and for the Governor were cleared by the U.S. Attorney for the Southern District of New York (S.D.N.Y.). *See* Motion, Ex. 20. Further, I was advised through my attorney in August 2015,

shortly after the Accountability Project/City & State NY article appeared, that I was cleared by the Public Corruption Unit of the S.D.N.Y., months before the public statement was made by the S.D.N.Y. U.S. Attorney for all those under investigation who worked for the Governor and Commission. Moreover, as stated in Plaintiffs' own cited articles, "virtually every source interviewed for this article both on and off the record expressed that they were largely satisfied with how [the Moreland Commission Report] ultimately turned out from a substantive standpoint." Motion, Ex. 16 at 9. Plaintiffs attempt to manufacture scandal even while conceding that the "federal criminal investigation was later closed for lack of sufficient evidence of a *federal* crime." Motion at 21 (citing *id.*, Ex. 20) (emphasis in original). But despite the insinuation by Plaintiffs that non-federal crimes may have been investigated or committed, this was not the case.

16. Plaintiffs also cite to an August 6, 2013 New York Post article that highlights my published memoir about growing up in and out of foster care and homelessness with my four siblings, "[i]t also helped to lie. I started making up stories[,]" Motion at 5 n.13 (citing *id.*, Ex. 5 at 2), in order to suggest that I am generally dishonest and therefore unfit for the task of participating in the Investigation. But any fair reading of the full New York Post article shows that I was left with no choice but to take these actions decades ago as a child in order to protect my siblings and me from destitution and sexual and physical assaults which we were exposed to throughout our youth in and out of the foster care system as a result of our abusive alcoholic mother. As I carefully explained in my Letter:

The [Accountability Project/City & State NY Article] implies that I have brought behaviors that were forced upon me as a child into my adult life. Yes, as the article states, I "learned to lie out of necessity" - to keep my siblings together so that we could defend ourselves, rather than being separated and sent to abusive foster homes. Yes, my "mother [got] close to men for money and shelter." Was I shaped by my childhood? Of course, we all are. Did I use such desperate means to get ahead in my professional life? Absolutely not. Furthermore, the suggestions that I did are not only vulgar, but cruel.

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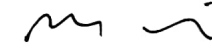
id. at 2.

17. Further affiant sayeth naught.


Regina M. Calcaterra

STATE OF NEW YORK)
 KINGS)
COUNTY OF ~~SUFFOLK~~)

Subscribed and sworn to before me this 7th day of May, 2021, by Regina M. Calcaterra.



Notary Public

*Verified by videoconference
Regina M. Calcaterra in Kings County, NY
Notary in Essex County, NJ*

MICHAEL M. LISKOW
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02LI6341599
Qualified in Kings County
Commission Expires May 9, 2024

EXHIBIT A

Letters to the Editor

Note from Michael Johnson, executive editor of City & State:

In the July 17 issue of our magazine we ran an article examining the career of Regina Calcaterra. The piece was reported and edited by The Accountability Project, whom we entered into an agreement with to run the piece in November 2014. After publication of this piece Ms. Calcaterra reached out to City & State. She informed us that she was not contacted by The Accountability Project in the months leading up to publication, and informed us that she would have been willing to participate in the story. A review by City & State determined that this was indeed the case, even though C&S was under the impression that TAP had been attempting to contact Ms. Calcaterra.

Our magazine currently has several editorial partnerships of differing levels of commitment. The goal of these partnerships is to provide our readers with more interesting and informative content. This was the goal with our agreement with TAP. Unfortunately, there was miscommunication between our two organizations in regards to the specific issue of reaching out to Ms. Calcaterra and City & State takes responsibility for our role in that process. If we had been aware of the lack of outreach we would have held off on running this piece.

Because of this we have given extended space in this magazine for Ms. Calcaterra to respond to the story.

As someone who has spent a fair amount of time as a public sector appointee, I know what it means to reporters, I'm fair game. It's a trade off that I was willing to make. Last month's six-page story purportedly detailing my career is an exception. I always believed City & State ("C&S") was better than publishing a story with falsehood after falsehood for the purpose of trying to destroy someone for sport. Nor do I believe that C&S would permit one of its own reporters to publish a piece so

permeated with fiction and innuendo.

I have four primary concerns about this article:

First, I was never provided the basic opportunity to respond to the allegations in the article in any way. In fact, I didn't even know that C&S planned to go ahead and publish the article.

Second, the article was farmed out to an advocacy group, whose stated agenda is to destroy the careers of up-and-coming public officials they deem dangerous.

Third, the article is riddled with falsehoods and errors throughout.

Fourth, the article is accompanied by lewd graphics that reinforce sexist innuendos and includes distortions of my family history.

Let me, finally, respond to the article's completely unfounded allegations.

Never provided the opportunity to respond

The writer, Catrinel Bartolomeu, who produced this article for The Accountancy Project, first called me last Oct. 27. She told me that she had spent "months" researching the story, and asked for an interview. I stated clearly that I wanted to respond and contribute to the story. We had several more exchanges over the next couple weeks, and I indicated every time that I wanted the opportunity to respond to the article. That never happened.

Then in July --- more than eight months after my last contact with Ms. Bartolomeu, the story appeared out of nowhere. Again, I received no advance notice, and no chance to respond. This was not journalism. This was a mugging.

The article was farmed out to an advocacy group, whose stated agenda is to destroy the careers of up-and-coming public officials

The article was actually written by an advocacy group called the Accountancy Project, not C&S. The Accountability Project has as its stated objective on its website dedicating "its resources to informing the public of these bad actors

before the crisis hits or story breaks at politically convenient times. We believe that the fewer bad actors in leadership positions, the healthier the political culture becomes, thereby improving our civic culture."

If the Accountability Project's work is not based on hard facts, then it ceases to be journalism and becomes about destroying careers based upon the likes and dislikes of the Accountability Project. That's not journalism; it is career destruction. This venom has no business masquerading as fair journalism.

In the Accountability Project's hunt for scalps of "bad actors," apparently, I was first up.

The article is riddled with falsehoods and errors

Given that I was never provided the chance to respond, the article didn't seem to go through any fact-checking process.

Virtually every assertion is based on incorrect information. Most of the errors are significant and present a fact pattern that doesn't exist. Others are just silly, such as my throwing out the first pitch at a Yankees game, which never happened.

The most blatant falsehood is that I was supposedly in close connection with former State and City Comptroller Alan Hevesi throughout much of my career describing Mr. Hevesi as "my political lodestar for nearly two decades," and therefore, somehow connected to his fraud conviction.

First, the article has the dates of my employment with Mr. Hevesi all wrong. The article implies that I worked for Mr. Hevesi when he committed fraud in 2006 in its opening paragraph, "Calcaterra might have made an impression on Cuomo and his staff when he was serving as the state's attorney general and prosecuting Hevesi." It also states, "despite Calcaterra.... having served under the man convicted of perhaps the most prominent corruption scheme in Albany in recent decades."

Facts: I left my job with Mr. Hevesi in July 1998. He served as NYC Comptroller until December 2001 and then later served as NYS Comptroller until his plea bargain in late 2006. I never worked for him when he was State Comptroller, when the fraud occurred. I did not work for him for at least eight years leading up to his plea bargain. How can my job that ended in 1998 from the Office of the City Comptroller be connected to fraud committed in 2006 in the Office of the State Comptroller where I was never employed?

The article states "There was one major change at BR&B around the time Hevesi was elected in 2002, though: They hired Calcaterra, even though she had never worked as a litigator."

Facts:

Wrong Date of Hire: I was hired in January 2004, not 2002.

Lead Litigator Fallacy: The article states I was hired by Barrack, Rodos & Bacine (BR&B) to lead the US securities class action against WorldCom on behalf of the state pension fund although I had no litigation experience. I was not hired to be the "lead litigator," just as part of the team and many other litigation teams. It was well publicized that the co-lead litigators were Sean Coffey (former 2010 NYS Attorney General candidate) of Bernstein, Litowitz, Berger & Grossman and Jeff Golan from BR&B. A quick review of the court briefs and transcripts could have verified the actual co-lead litigators.

How the Job Offer Arose: The article states I used Mr. Hevesi's contacts to go round and round the revolving door. My position at BR&B is inferred to be one of those "contacts." Mr. Hevesi had nothing to do with my hiring; in fact a woman who had worked for BR&B recommended me for the position. This opportunity provided me a salary of \$150,000. Not the \$175,000 the article states. Another inaccuracy.

Letters to the Editor

The article states that I “became the point person for handling BR&B’s relationship with the state Comptroller’s office and would speak with Hevesi and those in his office “several times a day.” With a similar premise as the quote above, the article also states “In years to come the relationship between Hevesi, BR&B and Calcaterra remained a close one.” The article also states that Mr. Hevesi was “my political lodestar for nearly two decades,” that my relationship continued with him “as long as he was in power” and that I “learned the art of politics and governance from a state official convicted of fraud, and had used connections made while under his employ to earn money as a lobbyist and attorney, gaining prestige to do so as an employee of the state – a perfect illustration of the revolving door in New York politics.”

Facts:

Minimal contact with Mr.

Hevesi: I left Mr. Hevesi’s office in the summer of 1998. Other than saying hello at occasional public events, I was not in contact with him after I left with one minor exception, as described below. Another falsehood that forms the basis for much of the story.

Point of Contact for BR&B to

Mr. Hevesi: I was not the point of contact with state Comptroller’s office during Mr. Hevesi’s administration, in fact it was BR&B’s well-seasoned lead litigators, Jeff Golan and Rick Komins. Mr. Golan and Mr. Komins served as the lead litigations in the In re WorldCom Securities Litigation and In re McKesson Securities Litigation matters. They reported into Mr. Hevesi’s General Counsel, not me. The only time I was in regular contact with Mr. Hevesi and/or his office after I stopped working for him in 1998 was for a brief period of time – a few weeks in 2005 - as my referenced testimony clearly states– during a high profile securities litigation trial in the Southern District of New York that my

firm was handling. Part of my job, for those few weeks only, was to keep Mr. Hevesi’s office up-to-date on a daily basis, which I did.

No New Business: When significant securities litigation matters arose, it was Mr. Golan who would speak to the office. Not me. During my eight year tenure at BR&B the firm did not get any new cases through Mr. Hevesi’s office.

State employment: As mentioned earlier, the article states that I “had used connections made while under his employ to earn money as a lobbyist and attorney, gaining prestige to do so as an employee of the state.” Again, I never worked for Mr. Hevesi while he was State Comptroller. With one exception for a few weeks in 2005 described above, I was not regularly corresponding with Mr. Hevesi after I left his employ in 1998. Again, facts the Accountability Project were not interested in since they did not serve the article’s premise.

Eastern Paralyzed Veterans

Association (EPVA): The article states that I was a lobbyist for Eastern Paralyzed Veterans Association. I never worked as a lobbyist for the EPVA. I served as a community advocate for paralyzed veterans for \$17,000 a year. How that can be twisted into a negative is beyond me. Another falsehood.

Lobbying Firm Factual

Inaccuracy: The article states that while I worked at the lobbying firm of Figliola and Calcaterra, I was joined by Hevesi top staffer Jack Chartier and Catherine Giuliani. This is false.

Fact: My business with Carl Figliola ended on September 10, 2001. After I left, Mr. Figliola recruited Jack Chartier and Catherine Giuliani in 2002 – after the Hevesi and Giuliani administrations ended in late 2001, where they were both respectively employed.

New Lobbying Firm Factual

Inaccuracy: The article states that after I dissolved Figliola and Calcaterra, I

opened another lobbying firm.

Fact: Wrong. After 2001 I did not create another lobbying firm. I formed a small consulting firm called Apple Advisors and still had my sole proprietor law practice intact. I was not registered as a lobbyist, and neither my law firm nor my consulting firm was a lobbying firm. Another falsehood in pursuit of an inaccurate narrative.

Hevesi Influence on my being

hired by NYCERS: The “revolving door” and “connections” statement imply that Mr. Hevesi was somehow involved in my hire by NYCERS.

Fact: NYCERS posted a job opening publicly for an Associate Attorney; I applied for it and got it on the merits. Thereafter, I was promoted to serve as Deputy General Counsel on the merits. Again, I was not in any contact with Mr. Hevesi at the time of my being hired. But one more falsehood in pursuit of an inaccurate narrative.

The articles quotes from unnamed sources that I was “shockingly underqualified” for my second Moreland Commission appointment.

Facts:

“Shockingly Underqualified”

Inaccuracy: Having just run one Moreland Commission successfully and without complaint the accusation that I was “shockingly underqualified” is absurd. I had an understanding of how to run a high-profile commission having just headed the prior commission while serving ten engaged and knowledgeable commissioners. During that commission I was responsible for overseeing multiple parallel investigations that included issuing subpoenas, depositions, discovery, document review and of course document retention. I also managed all of the high profile hearings that were held statewide and was responsible for issuing two substantive reports within six months which resulted in new laws and regulations to further secure utility storm

response and preparation throughout the state.

Lewd graphics, sexist innuendo and distortions of my family history

As a woman, a female professional, and an author of a best-selling book trying to give hope to foster children and other children in need fighting deplorable odds, this is the most upsetting aspect to the article.

First, the article includes graphics that portray a distorted, sexualized view of women. The illustrations of my going through a revolving door and pictured with former Mayor Rudolph Giuliani are truly the most lewd, degrading and cringe worthy of them all. If I were a man, what would these illustrations have looked like?

Second, the article implies that I built my career based on the help of older men. If I were a man, these older men would be called “mentors.”

Finally, the article takes what I wrote about my very challenged childhood and implies that I have brought behaviors that were forced upon me as a child into my adult life. Yes, as the article states, I “learned to lie out of necessity” – to keep my siblings together so that we could defend ourselves, rather than being separated and sent to abusive foster homes. Yes, my “mother [got] close to men for money and shelter.” Was I shaped by my childhood? Of course, we all are. Did I use such desperate means to get ahead in my professional life? Absolutely not. Furthermore, the suggestions that I did are not only vulgar, but cruel.

I have always had respect for City & State and the quality of your reporting. In this case, however, by outsourcing the reporting process to an activist advocacy group, while allowing the inclusion of lewd, vulgar, degrading and sexist graphics, and most importantly not verifying that I had the opportunity to respond to allegations that are untrue, you deviated from your normally high standards. ■

EXHIBIT B

POLITICO

POLITICO



POLITICONEWYORK



Konst was one of just seven candidates to have raised and spent enough money to appear in Wednesday's public advocate debate, during which she aggressively attacked the other candidates. | Stefan Jeremiah

Who is Nomiki Konst?

By **DANA RUBINSTEIN** and LAURA NAHMIAS | 02/21/2019 08:16 PM EST | Updated 02/24/2019 12:57 PM EST

Nomiki Konst, the 35-year-old TV pundit casting herself as the Alexandria Ocasio-Cortez of the New York public advocate's race, readily acknowledges that her background is politically unconventional.

She's wandered from Tucson to Buffalo to Florida to Los Angeles to New York City, from one cause to the next. It's all, her aides say, part of a bildungsroman that naturally

culminates in a run for an office that's second in line to the mayor of the biggest city in America.

Like Ocasio-Cortez, Konst has not risen through traditional Democratic channels. She identifies as a Democratic Socialist. Her campaign depicts her as one in a movement of millennial women finding their voices. But for someone campaigning for a job to keep fellow city leaders honest, her own personal history is hard to pin down.

"The last decade and a half have been very tumultuous for millennials," Konst told POLITICO.

Konst came to POLITICO's office on Tuesday to discuss her background and her aspirations for the office of public advocate. POLITICO followed up with 19 fact-checking questions that same night. Citing debate preparations, she declined to answer those questions, some simple queries like what year she graduated from college, and how much of her life she spent in Tucson. The campaign ultimately declined to answer many of the questions.

"Given that this election is less than 4 days away, it is simply impossible to accommodate this request on this timeline," emailed campaign manager Dominique Shuminova on Thursday evening.

Certain things are clear: She is a sometimes-magnetic TV personality who spent two years roving the country for The Young Turks, an openly ideological news outlet that is, in many ways, the left's answer to Breitbart.

She can credibly lay claim to being a social media "influencer," with a robust Twitter following of 84,000. And she has a peripatetic background populated by ventures that have gone bust: from an aborted run to succeed Gabby Giffords in Congress in Arizona, to the founding of a now-defunct Los Angeles civic organization, to the creation of a now-defunct journalism enterprise.

Konst has an uncanny ability to ingratiate herself with influential people, and she is adept at getting herself on TV, where she appears poised and eager to throw rhetorical bombs. She's demonstrated a Zelig-like ability to appear around insurgent Democratic primary candidates in New York.

In the 17-person race to succeed now-Attorney General Letitia James as public advocate — a race that will be decided in a special election next Tuesday — she also appears to be making some headway.

In the last month, Konst has raised more money than the other candidates, bringing in more than \$80,000 in donations. Mayor Bill de Blasio's press secretary has donated to her. So have Susan Sarandon and Rosario Dawson. Renee Cafaro — a progressive heir to a real estate development fortune and a former aide to former Manhattan Borough President Scott Stringer and former Gov. David Paterson — hosted a fundraiser for Konst at her Plaza Hotel spread earlier this year.

"She has a real grassroots feel to her, which I love," Cafaro said.

Konst's campaign manager helped state Sen. Alessandra Biaggi defeat Independent Democratic Conference leader Jeff Klein in 2018.

And Konst was one of just seven candidates to have raised and spent enough money to appear in Wednesday's public advocate debate, during which she aggressively attacked the other candidates, accusing them of taking donations from real estate developers. She even suggested that NY1 moderator Errol Louis, who threatened to cut her mic after interrupting

other candidates, was trying to “silence women.” (Louis didn’t cut the mic as he did for Bo Dietl in the 2017 mayoral debate.)

“I think the people who come from our side of the left kind of organize quietly,” Konst said. “And then sometimes the establishment doesn’t necessarily see what’s happening.”

The Nomiki Konst story begins in Tucson, where she was born. She moved to Buffalo with her family when she was eight. Her mom was an Erie County legislator. Konst attended Nichols School, a private prep school in Buffalo.

Much of the rest of her life remains occluded by imprecision.

Konst says she attended the University of Arizona but declined to say if she graduated. Inquiries to the university were not returned.

She was also briefly an actor and says she was an Obama organizer. In news articles and television appearances over the past decade, she has been described using more than 30 different titles, from “former blogger” to “film industry activist” to “pro-Sanders journalist.”

She founded Alliance Hollywood, an organization whose mission was, according to an archived version of its website, to act as “the voice of entertainment on Capitol Hill.” Konst’s LinkedIn page says she founded it in 2007. In an interview, Konst said “2009, I believe.” The organization no longer exists.

“I’m really bad with dates,” she said Tuesday.

By 2011, the organization was describing itself as “a DC non-profit corporation.” POLITICO has been unable to find evidence that the organization registered as a nonprofit. Konst’s campaign declined to provide any documentation either. Nor would she say where the group’s funding came from. Neither did she say what it did, aside from the handful of events documented on its Flickr page.

In 2011, Konst says she moved to New York City.

“I think I’ve lived in over 12 apartments [since then],” she said.

Since 2011, however, she has also lived in Arizona. In 2012, she started showing up in Tucson papers as a candidate to succeed Gabby Giffords after a gunman shot the congresswoman.

“I really don’t know any other home other than Tucson,” Konst said at the time.

She failed to make the ballot. More recently she disputed that she really ran for the seat, both in the interview with POLITICO and at a debate among the candidates running for public advocate this week, where she was asked by another candidate how she could call herself an outsider candidate if she had run for Congress before.

“I was never on the ballot. I did not run,” Konst said.

At some point after her Congressional bid, she returned to New York and got involved in the ultimately successful campaign to ban fracking here.

Josh Fox, the anti-fracking filmmaker who made "Gasland", says they met in 2011, at a party in Los Angeles for his Oscar-nominated documentary.

“Nomi was there because she was working on fracking, working on those issues,” he said. Fox said he met her again in 2013, on the anti-fracking campaign, and then again when both served on the Democratic National Convention's platform committee. Konst also served on "Unity Reform Commission," established in the aftermath of the 2016 Democratic primary, in an effort to restore faith in the DNC's nomination process and management.

Around 2013, Konst says she founded the Accountability Project, an attempt at a local nonprofit investigative journalism outlet, with the late journalist Wayne Barrett, whom she has frequently referred to as a “mentor.” (Her LinkedIn profile says the project began in 2012 and lasted two years).

“Wayne had trained me,” Konst told POLITICO. “He taught me everything about investigative reporting. We would sit there for hours in his living room.”

Barrett ended up getting sick, ultimately dying in 2017. Funding dried up. The Accountability Project shuttered. Several people who spoke with POLITICO said Konst and Barrett did work together on the project and Barrett recommended reporters for Konst to hire. Barrett's widow, Fran, declined comment, citing her work for Gov. Andrew Cuomo.

“That was probably where I learned the greatest tricks from the most recent greatest investigative reporter of our time, Wayne Barrett, who I was very close to,” she said in a recent interview with Gotham Gazette's Ben Max and City Limits' Jarrett Murphy.

But in an interview with POLITICO, Konst clarified that she did not do reporting for the Accountability Project. She describes herself as an “investigative reporter,” because of her work for The Young Turks.

Konst could point to two pieces The Accountability Project produced — a heavily disputed article about the former head of an anti-corruption body Cuomo created in 2013, and another about Bronx party bosses. She also hosted an apparently short-lived but “big deal” podcast for the project. A Soundcloud page for the podcast shows just five episodes. She declined to disclose how many subscribers it had or how many episodes it produced.

Konst frequently argues that the Public Advocate’s office needs someone with her investigative skills.

Steven Weiss, a reporter and a former Wayne Barrett intern who worked with Konst on the Accountability Project, said he was impressed with Konst’s work and her managerial skills.

“I do know that Wayne Barrett thought well of her, spent at least dozens of hours with or speaking to her, and recommended her to others he cared for and respected, as the manager of that process and organization,” Weiss said.

But, he added, “As to her claim of being an investigative journalist, specifically, and whether Wayne would agree with that characterization of her work, I’ve not seen or heard anything that would suggest that she was, or that he would.”

Konst says that it was while touting the Accountability Project on TV that she gained steam as a talking head. By 2015, she was making frequent appearances on CBS and Fox News as a Democratic political strategist and expert on national politics, particularly on fighting within the Democratic Party during the 2016 presidential primary. For the most part, the television appearances were unpaid, she told POLITICO.

At various points along the way, Konst said she also campaigned to draft Joe Biden for president and joined the Truman Center, which advocates for “tough, smart national security solutions,” according to its website.

Though Konst has touted her role as a “partner” at the organization in her Young Turks profile and her Huffington Post bio, on Tuesday she said that her role there, as well as her membership in the New Leaders Council, were meaningless.

Partners at the Center write their own online profiles, according to Truman Center spokesperson Graham West, and Konst’s said she was also the group’s West Coast Managing Director of Partnerships. That bio has since been deleted.

“We don’t have any records of [that job] ever existing,” said another Truman Center spokesperson Ryan Cahill, though his colleague West noted that, “Nomiki’s involvement at

Truman essentially predates the employment of everyone currently on staff given organizational turnover." Her membership, Cahill added, has lapsed.

"That was literally something that was killed in like three days," Konst said, referring to the West Coast Managing Director of Partnerships position.

"It literally means nothing," she said Tuesday. "If there's any way for me to explain it to you, these organizations are nothing. They just basically go around the country and try to get young people involved and come to their conferences."

She says she worked in Libya after the fall of Muammar Gaddafi, but one day after POLITICO asked her for details on that particular claim, she had yet to provide any.

For the past two years, Konst worked at The Young Turks, where she filed dispatches from Flint, Mich., Puerto Rico post-hurricane Maria, and East Chicago, until she was laid off in June of 2018. While working for the Young Turks, she says she was bombed in the Dakotas, amid protests against the Dakota Access Pipeline.

"I was at Standing Rock in the water when there were like bombs being thrown at us, literally, where a woman got her arm ripped off and she still is paralyzed in one arm," she said, in possible reference to protester Sophia Wilansky, whose arm was damaged by shrapnel of indeterminate origin.

She also hosted a radio show called "The Filter" on SiriusXM.

She describes herself on her campaign website as an "award-winning investigative journalist." Asked to specify, her campaign said she participated in a Citizens Union panel entitled, "Recognizing New York Journalists Who Make Democracy Work," after which she and other panelists were awarded glass apples with their names on them.

After leaving The Young Turks last summer, she worked for Our Revolution, the non-profit 501c4 organization started by supporters of Sen. Bernie Sanders after his 2016 campaign for president.

Konst said there was no overlap between her employment by The Young Turks, for which she earned \$42,000 in salary last year, and her employment by Our Revolution, which paid her \$36,000, according to a disclosure form she filed with the City's Conflicts of Interest Board. She says she's now getting by on savings. On her income disclosure form, she identified herself as a self-employed journalist.

As a reporter for The Young Turks, Konst sometimes interviewed politicians whose campaigns she publicly supported, or activists whose political positions she openly agreed with. But Konst sees no dissonance between her political activism and her journalism.

“Politico was founded by Republicans,” Konst said. “The New York Times invented this in the late 1800s, invented this concept of non-partisan. And it was actually a PR stunt.”

POLITICO spokesperson Brad Dayspring said that is not accurate.

“POLITICO has been owned by Robert Allbritton since its launch 12 years ago. Robert is politically independent, or as he would say, ‘fiercely independent,’” Dayspring said.

“Robert’s editorial co-founders were John Harris and Jim VandeHei. John is currently POLITICO’s editor-in-chief and is also an Independent. While no longer with POLITICO, Jim VandeHei is, by all accounts, also an independent and advocated for a 3rd party candidate in an opinion piece for the Wall Street Journal in 2016.”

Konst says she first voted in a New York City election, at earliest, in 2016. City Board of Elections records indicate she first registered to vote in the 2018 fall primary elections in New York City, but her ballot was rejected on a technicality. She successfully cast her first vote in New York City in the general election in November 2018.

“I understand that people like to bring that up as a criticism of me, but at the end of the day, a lot of people who have been in office for a very long time have rezoned their neighborhoods and made it completely unaffordable to live in their neighborhoods,” she said. “And I think that’s more of an abomination, in terms of civics.”

Konst said she wasn’t registered to vote in New York City during the 2013 mayoral elections, for example, because she thought her vote might count more in a place like Arizona, a purple state.

In the event she’s elected, Konst would not be the first public advocate to struggle with accuracy. Tish James was known to misstate her age and falsely claimed to have a role in helping the New York Times report a story about a young homeless girl named Dasani.

Konst’s vision for public advocate is undeniably ambitious. She wants to decentralize the office, so there’s a deputy in every borough. She thinks the city’s Department of Investigation should be relocated under the auspices of public advocate. She wants to change the law so that the public advocate is no longer second in line to the mayor.

“Fundamentally, how can you be an actual ombudsman for the city, if you’re so connected to the political structures of the city?” Konst asked.

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BIOGRAPHY

Founder and Executive Director of The Accountability Project - a nonpartisan journalistic org that investigates political corruption and misconduct in New York.

Previously ED and Founder of Alliance Hollywood, communications consultant, media trainer and...yeah, I ran for Congress. Part New Yorker, part Arizonan. Veggie. Feminist. Semi-Pro Debater.

E-mail me at nomiki@accountproject.org <http://www.accountproject.org> or <http://www.nomikikonst.com>

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