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News Coverage on Ethics

Big reason NY legislators leave office? Corruption

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It's a running joke in Albany that would be funny if it was not true: corruption is a leading cause of turnover in the state Legislature.

Since 1999, 96% of legislators have won reelection. Of the 185 legislators who have left office, 17 have done so because of ethical misconduct, criminal charges or a related issue, according to an analysis by good government group Citizens Union. [See list below.]

The vast majority of those departures have occurred in the past five years, the group found in its second report in two years on turnover in the state Legislature. Between 2005 and 2010, 13 legislators have left office because of scandal, up from four in the preceding six years.

That includes the state's top officials: Eliot Spitzer, who resigned as governor 15 months into his term for frequenting a prostitute, and Alan Hevesi, the former state comptroller who resigned and later pleaded guilty to defrauding the government for using state employees to care for his wife. Former Gov. David Paterson did not seek reelection after being embroiled in several scandals, including allegedly pressuring the girlfriend of an aide to drop domestic violence charges.

Citizen Union's Executive Director Dick Dadey said the alarming trend shows the need for ethics reform, noting that new laws should require greater disclosure of legislators' outside income in order to root out conflicts of interest.

"If there ever was a need to address this crime wave of misconduct, the time is now to enact

meaningful ethics reform,” Mr. Dadey said.

Former State Sen. Hiram Monserrate of Queens became the first legislator in 90 years to actually be removed by the Legislature for wrongdoing. He was voted out last year after being convicted of misdemeanor assault related to a 2008 fight with his girlfriend, whose face was slashed with a glass.

Gov. Andrew Cuomo made ethical reforms a centerpiece of his campaign platform.

“We've got to do more with deeds than with words my friends,” Mr. Cuomo told Democrats when he accepted the party's nomination last spring. “We've got to clean up Albany.”

Toward that end, Mr. Cuomo has hired Jeremy Creelan as Special Counsel for Public Integrity and Ethics Reform. Mr. Creelan is an attorney who in 2004 coined the phrase “Albany dysfunction” in a scathing report on the Legislature for the Brennan Center for Justice at New York University School of Law. The governor's chief of staff, Ben Lawsky, is also deeply involved in crafting ethics legislation, according to a source in the governor's office, who said the administration is in negotiations with the Legislature on ethics reform.

“I think [the governor] wants a very strong ethics package that does have more substantial and meaningful financial disclosure,” Mr. Dadey said. It's unclear, however, whether the governor supports Citizen Union's desire to create a single authority to oversee compliance with ethics laws by legislators and the governor.

Citizens Union and other good government groups are pressuring legislators to pass stronger ethics laws as part of a larger effort to reform the way Albany does business. Mr. Dadey has joined forces with former Mayor Ed Koch to push for creating an independent commission to redraw legislative districts. Mr. Koch also wants the state to adopt Generally Accepted Accounting Principles, which is considered a more strict and honest accounting method that would prevent lawmakers from papering over real budget deficits.

Senate Majority Leader Dean Skelos, speaking at a *Crain's* forum last week, said he supported stronger ethics rules, like requiring legislators who are lawyers to disclose the names of clients who do business with the state. That could face opposition from Assembly Speaker Sheldon Silver, who works for a personal injury law firm.

Turnover in the state Legislature is largely prompted by retirement or legislators running for or being appointed to another office—totaling 114 of the 185 legislators who have left office since 1999. Only 38 have left because they were defeated at the polls without being tainted by ethical misconduct. Many came in 2010, when 13 otherwise scandal-free incumbents lost their seats.

A Scandal Plagued Legislature

A list of state legislators forced out of office because of corruption, 1999-2010.

- 1. Sen. Hiram Monserrate (D) was expelled by the Senate for misdemeanor assault charges.
- 2. Sen. Pedro Espada (D) lost primary election as a result of corruption investigation. He was later indicted on various corruption charges by the attorney general and the FBI.
- 3. Sen. Vincent Leibel (R) resigned late last year before end of Senate term. He pleaded guilty to felony corruption charges stemming from federal investigation. He had just won election for Putnam County Executive but resigned from that post.
- 4. Assemblyman Tony Seminerio (D) resigned in 2009 after federal indictment; pleaded guilty to a single count of theft of honest services for acceptance of “consulting fees” in exchange for inside access in Albany.
- 5. Sen. John Sabini (D) was appointed head of the State Racing and Wagering Board because of concerns that he would not win re-election after pleading guilty to drunken driving charges in 2008.
- 6. Sen. Efrain Gonzalez (D) was indicted on federal mail fraud and lost 2008 election as result of federal investigation; he later pleaded guilty to two charges of mail fraud and two charges of conspiracy to commit mail fraud.
- 7. Sen. Majority Leader Joseph Bruno (R) retired in 2008 with pending federal investigation; was later indicted on eight counts, including corruption and theft of honest services; shortly after resigning, he became the chief executive officer of CMA Consulting, an information technology company that has contracts with several executive branch offices and agencies and was registered as a lobbyist.
- 8. Assemblywoman Diane Gordon (D) lost her seat in 2008. She was found guilty of taking bribes; tried to steer city owned land to a private developer in exchange for a house—result of Brooklyn district attorney investigation.
- 9. Assemblyman Michael Cole (R) lost primary election in 2008 after being censured by Assembly and stripped of committee posts after he spent the night in the apartment of an Albany intern.
- 10. Sen. Ada Smith (D) lost primary election in 2006 after being found guilty of harassment; she was accused of throwing coffee in a staffer's face at her Albany office. She was censured by then-Senate Minority Leader David Paterson for “a pattern of inappropriate, unprofessional and often abusive behavior.”
- 11. Assemblyman Brian McLaughlin (D) resigned in 2006 amid corruption indictment; pleaded guilty to racketeering after being arrested on charges of embezzling more than \$2 million in state and labor funds—the result of a federal investigation.
- 12. Assemblyman Ryan S. Karben (D) resigned in 2006 amid allegations of improper fraternization with interns.
- 13. Assemblyman Clarence Norman (D) found guilty on three felony counts in 2005, including intentionally soliciting illegal campaign contributions, stealing \$5,000 donated to his reelection and falsifying business records; he was later sentenced to one to three years in prison for judicial extortion scheme—the result of a Brooklyn District Attorney investigation.
- 14. Sen. Guy Velella (R) resigned in 2004 after pleading guilty to bribery—the result of a Manhattan District Attorney investigation.
- 15. Assemblyman Roger Green (D) pleaded guilty to two counts of petty larceny and one count of filing a false instrument (false billing of Assembly travel expenses) stemming from Albany County District Attorney investigation, then briefly resigned from office after being

asked to resign by Mr. Silver. He ran for reelection, however, in November 2004 and won. In 2006, he unsuccessfully ran for Congress.

- 16. Assemblywoman Gloria Davis (D) resigned in 2003 after pleading guilty to taking bribes—the result of a Manhattan District Attorney investigation.
- 17. Assemblyman Jerry Johnson (R) pleaded guilty in 2000 to second-degree attempted burglary; felony charge required resignation from office.

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