



CITIZENS UNION OF THE CITY OF NEW YORK

TURNOVER IN THE NYS LEGISLATURE DUE TO ETHICAL OR CRIMINAL ISSUES, 1999 to 2015

January 22, 2015

Citizens Union in 2009 and 2011 released groundbreaking reports on turnover in the state legislature, finding that **legislators are more likely to leave office due to ethical or criminal issues than to die in office, or be redistricted out of their seats.**ⁱ Given corruption scandals continually breaking in Albany, Citizens Union provides on the following pages an updated list of all legislators who have left to date due to ethical or criminal misconduct.

Since 2000, 28 state legislators have left office due to criminal or ethical issues and 4 more have been indicted, for a total of 32 legislators who have abused the public trust since 2000. Most recently in January in 2015, Assembly Speaker Sheldon Silver was charged with five federal counts of theft of honest services, wire fraud, mail fraud and extortion related to his receiving \$4 million in referral fees due to improper use of his public position.

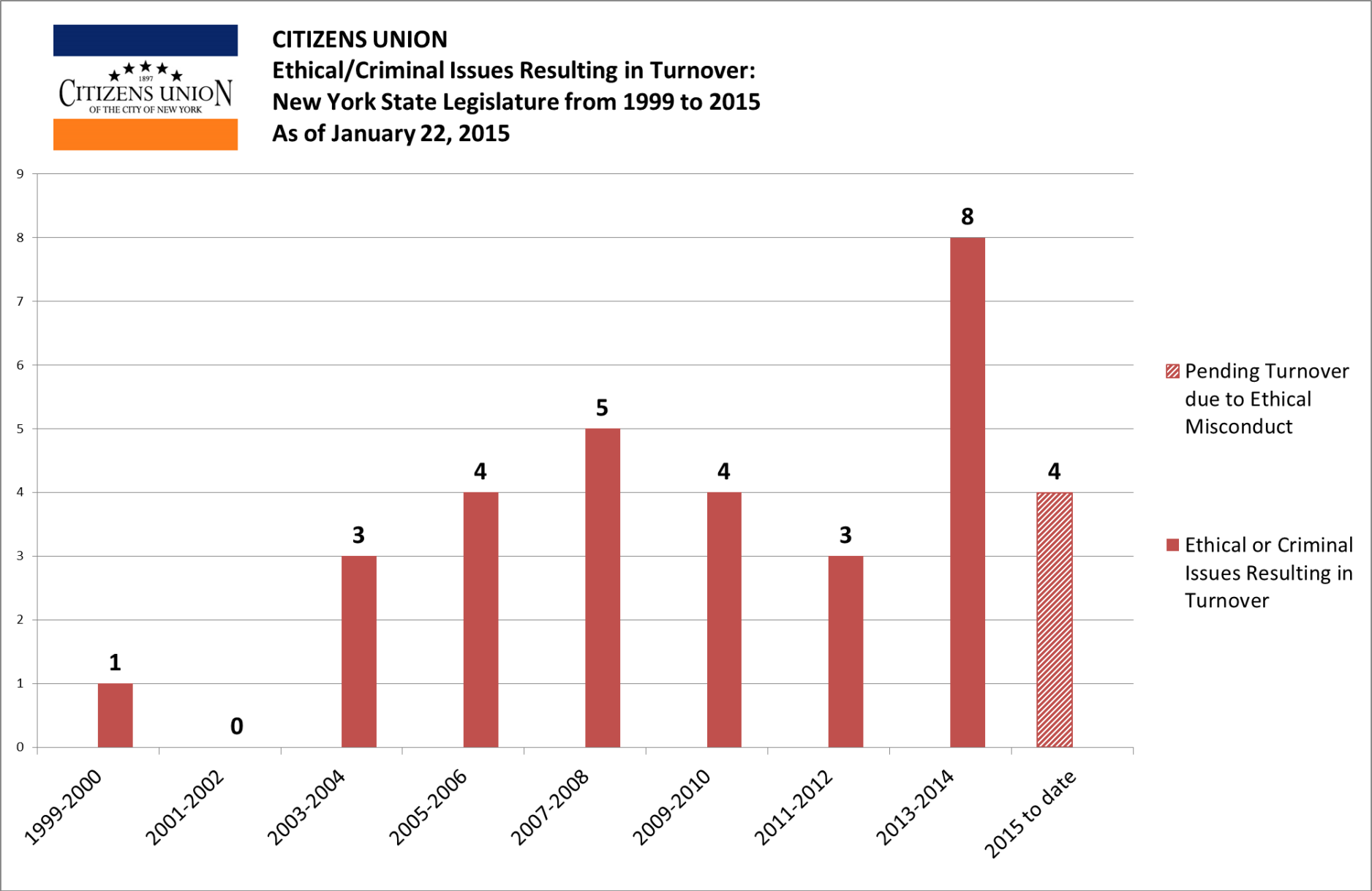
The four legislators currently under indictment are:

- **Senator Tom Libous, Senator John Sampson, Assembly Speaker Sheldon Silver and Assemblymember William Scarborough.**

In the 2013-2014 session alone, 8 legislators left office.

- Four legislators resigned in 2014: **Assemblymembers Gabriela Rosa, William Boyland Jr., Dennis Gabryszak and Eric Stevenson.**
- Two more left during the election season in 2014: **Senator Malcolm Smith**, after his indictment, lost the Primary Election in 2014, and **Assemblymember Micah Kellner** did not seeking re-election due to a sexual harassment scandal.
- Two legislators resigned in 2013: **Assemblymembers Nelson Castro and Vito Lopez.**

Rosa resigned in a plea deal regarding marriage fraud. Boyland was forced from office as a result of his conviction based on 21 counts of bribery, mail fraud and extortion. Gabryszak resigned after allegations surfaced that he sexually harassed multiple members of this staff. Stevenson was forced to resign after a jury found him guilty of taking \$22,000 in bribes. Should all of these legislators leave office, **the total number of legislators leaving office due to criminal or ethical issues could be as high as 32 since 2000.** The chart on the next page shows the total number of legislators who have left during each two-year session. The table on the page 3 lists all legislators who have left office since 2000 due to criminal or ethical issues.



LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES BY DISTRICT: 1999-2015					
DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
65	Pending	Assembly	Sheldon Silver (D)	<i>Pending – Indicted on five counts of theft of honest services, mail fraud, wire fraud and extortion related to receiving \$4 million in referral fees for improper use of his public position.ⁱⁱ</i>	N/A
29	Pending	Assembly	William Scarborough (D)	<i>Pending – Indicted on counts of stealing campaign funds for personal purposes, and making false filings to the Board of Elections.ⁱⁱⁱ</i>	N/A
19	Pending	Senate	John Sampson (D)	<i>Pending – Indicted for embezzling funds from sales of foreclosed properties^{iv}.</i>	N/A
52	Pending	Senate	Tom Libous (R)	<i>Pending – Indicted on false statement charge in federal investigation.^v</i>	N/A
14	2014	Senate	Malcolm Smith (D)	Pending – Indicted on bribery charges for trying to seek ballot line for NYC Mayor. ^{vi}	Leroy Comrie, Jr. (D)
55	2014	Assembly	William Boyland Jr. (D)	Felony conviction forced exit from office: twenty-one counts of bribery, mail fraud and extortion. ^{vii}	Latrice Walker (D)
72	2014	Assembly	Gabriela Rosa (D)	Pleaded guilty to marriage fraud. ^{viii}	Guillermo Linares (D)
76	2014	Assembly	Micah Kellner (D)	Did not seek re-election due to sexual harassment scandal ^{ix} .	Rebecca Seawright (D)
79	2014	Assembly	Eric Stevenson (D)	Felony conviction forced exit from office: four counts of bribery. ^x	Michael Blake (D)
143	2014	Assembly	Dennis Gabryszak (D)	Resigned amidst allegations of sexual harassment from several staff members ^{xi}	Angela Wozniak (R)
53	2013	Assembly	Vito Lopez (D)	Resigned due to ethical misconduct and sexual harassment scandal: following the release of report by the Joint Commission on Public Ethics (JCOPE) which found a substantial basis for violations of the Public Officers Law, Lopez resigned amidst public pressure. ^{xii}	Maritza Davila (D) (special election)

**LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES
BY DISTRICT: 1999-2015**

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
86	2013	Assembly	Nelson Castro (D)	Resigned due to ethical misconduct: has been arraigned for lying under oath regarding an election fraud investigation. ^{xiii}	Victor Pichardo (D) (special election)
10	2012	Senate	Shirley Huntley (D)	Lost primary due to ethical issue: indictment over conspiracy to funnel money intended for her non-profit to aides and tampering with an open investigation. ^{xiv}	James Sanders, Jr. (D)
17*	2012	Senate	Carl Kruger (D)	Felony conviction forced exit from office: Charged with bribery and pleaded guilty to conspiring to take at least \$1 million in bribes in exchange for various favors to sponsor legislation and direct grants. ^{xv}	David Storobin (R)
80	2012	Assembly	Naomi Rivera (D)	Lost primary due to ethical issue: allegations of providing her boyfriends with no-show government jobs. Rivera is under investigation but has yet to be charged. ^{xvi}	Mark Gjonaj (D)
13	2010	Senate	Hiram Monserrate (D)	Expelled mid-term due to criminal issue: by vote of Senate due to misdemeanor assault charges. ^{xvii}	Jose Peralta (D) (special election)
33	2010	Senate	Pedro Espada (D)	Lost primary due to ethical issues: corruption investigation and was later indicted on various corruption charges by the State Attorney General and F.B.I. ^{xviii} He later pleaded guilty to federal tax evasion in 2012. ^{xix}	Gustavo Rivera (D)
40	2010	Senate	Vincent Leibell (R)	Resigned due to ethical misconduct: before end of Senate term pleaded guilty to felony corruption charges stemming from federal investigation. He had also won the 2010 General Election for Putnam County Executive, and was forced to resign from that post. ^{xx}	Gregory Ball (R)

**LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES
BY DISTRICT: 1999-2015**

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
38	2009	Assembly	Tony Seminerio (D)	Felony conviction forced exit from office: federal indictment; pled guilty to single count of theft of honest services for acceptance of “consulting fees” from those promised inside access in Albany ^{xxi}	Michael Miller (D) (special election)
13	2008	Senate	John Sabini (D)	Took another office with criminal issue: Appointed head of the State Racing and Wagering Board due to concerns that he would not win re-election as a result of a guilty plea for a DWI earlier that year ^{xxii}	Hiram Monserrate (D)
33	2008	Senate	Efrain Gonzalez (D)	Lost election due to ethical issues: Was indicted on federal mail fraud and lost election as result of federal investigation; he later pled guilty to two charges of mail fraud and two charges of conspiracy to commit mail fraud ^{xxiii}	Pedro Espada, Jr. (D)
43	2008	Senate	Joseph Bruno (R)	Retired with ethical issues: was 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. ^{xxiv}	Roy McDonald (R)
40	2008	Assembly	Diane Gordon (D)	Felony conviction forced exit from office: 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 ^{xxv}	Inez Barron (D) (special election)
142	2008	Assembly	Michael Cole (R)	Lost primary election due to ethical issues: was censured by Assembly and stripped of committee posts due to his spending the night in the apartment of an Albany intern ^{xxvi}	Jane Corwin (R)

**LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES
BY DISTRICT: 1999-2015**

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
10	2006	Senate	Ada Smith (D)	Lost primary due to ethical misconduct: was found guilty of harassment after being accused of throwing coffee in a staffer's face at her Albany office. Was censured by then Senate Minority Leader Paterson for "a pattern of inappropriate, unprofessional and often abusive behavior." ^{xxvii}	Shirley Huntley (D)
25	2006	Assembly	Brian McLaughlin (D)	Felony conviction forced exit from office: pleaded guilty to racketeering after being arrested on charges of embezzling more than \$2 million in state and labor funds – result of federal investigation. ^{xxviii}	Rory Lancman (D)
95	2006	Assembly	Ryan S. Karben (D)	Resigned due to ethical issues: improper fraternization with interns ^{xxix}	Ellen Jaffee (D)
43	2005	Assembly	Clarence Norman (D)	Resigned due to ethical misconduct: 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; was later sentenced to one to three years in prison for judicial extortion scheme – result of Brooklyn District Attorney investigation ^{xxx}	Karim Camara (D) (special election)
34	2004	Senate	Guy Velella (R)	Felony conviction forced exit from office: after pleading guilty to bribery – result of Manhattan District Attorney investigation ^{xxxi}	Jeffrey Klein (D)

**LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES
BY DISTRICT: 1999-2015**

DISTRICT	YEAR LEFT OFFICE	HOUSE	LEGISLATOR	REASON LEAVING OFFICE	SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)
57	2004	Assembly	Roger Green (D)	Resigned due to ethical misconduct: 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 Speaker Silver. He ran for re-election, however, in November 2004 and won. In 2006, he unsuccessfully ran for Congress, leaving his seat open ^{xxxii}	Hakeem Jeffries (D)
79	2003	Assembly	Gloria Davis (D)	Felony conviction forced exit from office: pleaded guilty to taking bribes – result of Manhattan District Attorney investigation ^{xxxiii}	Michael Benjamin (D) (special election)
136	2000	Assembly	Jerry Johnson (R)	Felony conviction forced exit from office: Pled guilty to second degree attempted burglary. ^{xxxiv}	Joseph Errigo (R)

ⁱ Available at: http://www.citizensunion.org/www/cu/site/hosting/Reports/CU_ExaminingTurnover_Update_Feb2011.pdf and http://www.citizensunion.org/www/cu/site/hosting/Reports/CUF_Turnover_Report-November%202009.pdf

ⁱⁱ Rashbaum, William; Kaplan, Tom and Craig, Susan. “Sheldon Silver, Speaker of New York Assembly, Is Accused of Taking Millions in Graft” The New York Times. January 22, 2015. Available at: <http://www.nytimes.com/2015/01/23/nyregion/speaker-of-new-york-assembly-sheldon-silver-is-arrested-in-corruption-case.html>

ⁱⁱⁱ Campanile, Carl. “Assemblyman William Scarborough Arrested.” New York Post. October 1, 2014. Available at: <http://nypost.com/2014/10/01/assemblyman-william-scarborough-arrested/>

^{iv} Smith, Greg. “State Senator Sampson’s embezzlement case exposes flaw in oversight of foreclosed propert sales.” New York Daily News. May 8, 2013. Available at: <http://www.nydailynews.com/news/politics/state-sen-john-sampson-embezzled-440g-foreclosure-funds-article-1.1337820>

^v Campbell, John. “Sen. Tom Libous, deputy GOP leader, indicted on false statement charge.” Politics on the Hudson. July 1, 2014. Available at: <http://polhudson.lohudblogs.com/2014/07/01/sen-tom-libous-deputy-gop-leader-indicted-false-statement-charge/>

^{vi} Gardnier, Seth. “New Trial Set for Malcolm Smith in Bribery Case.” Wall Street Journal. June 17, 2014. Available at: <http://online.wsj.com/articles/mistrial-in-new-york-state-senator-malcolm-smiths-federal-bribery-case-1403021831>

^{vii} Marzulli, John. “Assemblyman William Boyland Jr. tossed in jail after conviction on bribe charges.” New York Daily News. March 6, 2014. Available at:

<http://www.nydailynews.com/new-york/brooklyn/brooklyn-assemblyman-william-boyland-jr-convicted-article-1.1713067#commentpostform>

^{viii} Weiser, Benjamin and Kaplan, Thomas. "New York Assemblywoman Pleads Guilty in Corruption Case," New York Times. June 27, 2013. Brooklyn
<http://www.nytimes.com/2014/06/28/nyregion/new-york-assemblywoman-gabriela-rosa-corruption-case.html>

^{ix} Lovett, Ken. "Without office and staff, Assemblymember Micah Kellner down to just a laptop." New York Daily News. June 30, 2014. Available at:
<http://www.nydailynews.com/blogs/dailypolitics/offices-staff-assemblyman-micah-kellner-laptop-blog-entry-1.1848862>

^x Beekman, Daniel. "Jury finds State Assemblyman Eric Stevenson guilty of taking \$22K in bribes." New York Daily News. January 13, 2014. Available at:
<http://www.nydailynews.com/new-york/jurors-deliberations-state-pol-corruption-case-article-1.1578226>

^{xi} McCarthy, Robin. "Gabryszak resigns amid sexual harassment claims." The Buffalo News. January 12, 2014. Available at: <http://www.buffalonews.com/city-region/albany-politics/gabryszak-resigns-amid-sexual-harassment-claims-20140112>

^{xii} Seiler, Casey. "Lopez Resigns, Effective 9 a.m. Monday." Times Union Capital Confidential Blog. May 18, 2013. Available at:
<http://blog.timesunion.com/capitol/archives/187364/lopez-resigns-effective-9-a-m-monday/>

^{xiii} "Ex-NY Politician Nelson Castro Arraigned for Perjury." Fox News. April 11, 2013. Available at: <http://latino.foxnews.com/latino/politics/2013/04/11/ex-ny-politician-nelson-castro-arraigned-for-perjury/>

^{xiv} Newman, Philip. "Huntley indicted on criminal cover-up involving her charity." Times Ledger. August 27, 2012. Available at:
http://timesledger.com/stories/2012/35/huntleyindict_web_08_27_q_2012_35.html

^{xv} New York Times. "Carl Kruger Topic Page." Available at: http://topics.nytimes.com/topics/reference/timestopics/people/k/carl_kruger/index.html

^{xvi} Hu, Winnie and Grynbaum, Michael. "Legislators Tainted by Scandal Find Defeat at Polls." The New York Times. September 14, 2012. Available at:
<http://www.nytimes.com/2012/09/15/nyregion/scandals-seen-as-factor-in-new-york-democratic-legislative-primary-upsets.html>

^{xvii} Rashbaum, William K. "Monserrate Indicted on Federal Corruption Charges" The New York Times, October 19, 2010. Available:
<http://cityroom.blogs.nytimes.com/2010/10/19/monserrate-indicted-on-federal-corruption-charges/>

^{xviii} Confessore, Nicholas and Rashbaum, William K. "Pedro Espada Accused of Stealing from Healthcare Network" The New York Times, December 14, 2010. Available at:
<http://www.nytimes.com/2010/12/15/nyregion/15espada.html?pagewanted=print>

^{xix} Secret, Mosi. "Espada Speaks Softly as he Pleads Guilty to a Single Tax Charge." The New York Times. October 12, 2012. Available at:
<http://www.nytimes.com/2012/10/13/nyregion/pedro-espada-jr-pleads-guilty-to-tax-evasion.html>

^{xx} Matthews, Cara. "Ball: 'Deeply saddened' about Leibell" Politics on the Hudson, December 3, 2010. Available at: <http://polhudson.lohudblogs.com/2010/12/03/ball-deeply-saddened-about-leibell/>

^{xxi} Zambito, Thomas. "Anthony Seminerio's 30 years in office ends with 11 to 14 in prison." The Daily News. June 24, 2009. Available at:
http://www.nydailynews.com/news/ny_crime/2009/06/25/2009-06-25_anthony_seminerios_30_years_in_office_ends_with_11_to_14_in_prison.html

^{xxii} Liu, Irene Jay. "Sabini is appointed head of Racing and Wagering Board (updated)." Capitol Confidential, the Times Union. June 13, 2008. Available at:
<http://blog.timesunion.com/capitol/archives/7729/> See also: Bertrand, Donald. "State Sen. John Sabini's DWI guilty plea revs up call for ouster." The Daily News. February 19, 2008. Available at: http://www.nydailynews.com/ny_local/queens/2008/02/19/2008-02-19_state_sen_john_sabinis_dwi_guilty_plea_r.html

^{xxiii} Confessore, Nicholas. "Efrain Gonzalez Jr. Pleads Guilty to Fraud Charges." The New York Times. May 8, 2009. Available at:
<http://www.nytimes.com/2009/05/09/nyregion/09gonzalez.html>

^{xxiv} Associated Press. "Former New York Sen. Bruno Indicted on Corruption Charges." Fox News. January 23, 2009. Available at:
<http://www.foxnews.com/politics/2009/01/23/bruno/>

^{xxv} Robbins, Tom. "Assemblywoman Diane Gordon Convicted; Faces 10 Years in Big House." The Village Voice, New York Blog. April 8, 2008. Available at:
http://blogs.villagevoice.com/runninscared/archives/2008/04/assemblywoman_d.php

^{xxvi} Jochnowitz, Jay. "Silver Censures, Scolds Cole." May 3, 2007. Available at: <http://blog.timesunion.com/capitol/archives/4567/spitzer-censures-scolds-cole/>

-
- ^{xxvii} “Senator Smith Guilty of harassment in coffee throwing incident.” Capital News 9. August 27, 2006. Available at: <http://capitalnews9.com/content/headlines/?RegionCookie=12&ArID=96846&SecID=33>. See also: “A Donor and a Critic.” The New York Times Empire Zone blog, July 20, 2006. Available at: <http://empirezone.blogs.nytimes.com/2006/07/20/a-donor-and-a-critic/>
- ^{xxviii} Hartocollis, Anemona. “Union Leader Charged with Racketeering.” The New York Times. October 17, 2006. Available at: <http://www.nytimes.com/2006/10/17/nyregion/17cnd-labor.html?ref=nyregion>
- ^{xxix} Foderaro, Lisa and Medina, Jennifer. “Downfall of a Young and Ambitious Assemblyman Stuns His Constituents.” The New York Times. May 27, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9802E4DC1E3EF934A15756C0A9609C8B63&sec=&spon=&pagewanted=1#>
- ^{xxx} Tucker, Rebecca. “Clarence Norman is Found Guilty on 3 Felony Counts.” The New York Sun. September 28, 2005. Available at: <http://www.nysun.com/new-york/clarence-norman-is-found-guilty-on-3-felony-counts/20642/> See also Brick, Michael. “Metro Briefing, New York: Brooklyn: Former Democratic Leader is Sentenced.” The New York Times. April 17, 2007. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9D0CE0D7113FF934A25757C0A9619C8B63>
- ^{xxxi} Cooper, Michael. “Despite a Strong Showing for Incumbents, Both Parties Claim a Mandate for Reform.” The New York Times. Nov 4, 2004. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9501E4DB173CF937A35752C1A9629C8B63&sec=&spon=&pagewanted=all>. See also: <http://www3.manhattanda.org/whatsnew/press/2002-05-09.shtml>
- ^{xxxii} Hicks, Jonathan. “From Conviction to Re-election and Beyond.” The New York Times. December 9, 2005. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9504E1D61031F93AA35751C1A9639C8B63> See also: Hicks, Jonathan. “In Brooklyn, a Fierce Contest to Be Assembly Successor.” The New York Times. August 21, 2006. Available at: <http://query.nytimes.com/gst/fullpage.html?res=9A07E3DE123EF932A1575BC0A9609C8B63>
- ^{xxxiii} Dicker, Fred. “Probed Prisons Firm Has Limo-Link to Disgraced Pol.” The New York Post. January 13, 2003. Available at: http://www.nypost.com/p/news/probed_prisons_firm_has_limo_link_4MTKIDxQGZto99a1sRQ2o
- ^{xxxiv} Appel, Howard. “2000: A year of Scandal and betrayal.” Clarion News. Available at: <http://www.clarioncall.com/archive/2ktop.html>