

**Albany Times Union**

## **Coup players face legal complaints**

Court challenges lie ahead for those involved in Senate changeover

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ALBANY -- Sen. Pedro Espada Jr. isn't the only player in the state Senate coup facing possible violations of state election law: A complaint against a group founded by Rochester billionaire Tom Golisano is headed for the office of Albany County District Attorney David Soares.

State Board of Elections officials don't comment on open cases, but on Monday they acknowledged that complaints and ongoing failure to pay campaign fines or judgments would be forwarded to the district attorney.

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Golisano, a three-time gubernatorial candidate, brought the GOP together with Espada and another defecting Democrat, Hiram Monserrate -- who on Monday returned to the Democratic conference. Golisano also is the founder of Responsible New York, a group that backed both Republicans and Democrats in last November's legislative races.

As an "unauthorized committee," the organization can give contributions, but isn't supposed to coordinate its campaigns with the candidates it supports.

Jeremy Toth, a Buffalo attorney, complained to the state Board of Elections that Golisano's group violated campaign laws that prevent such committees from coordinating with individual campaigns in the run-up to the November elections.

"It's pretty clear there was some level of coordination going on," alleged Toth, a former staffer for Buffalo Democratic Assemblyman Sam Hoyt.

Responsible New York supported Hoyt's primary opponent, Barbra Kavanaugh, as well as Joe Mesi, the former boxer who ran as a Democrat for Senate. Both lost.

Although Board of Elections commissioners don't comment on complaints or cases until they are resolved, a source confirmed that Soares has received information on the issue.

"The DA has the files," said someone familiar with the complaint against Responsible New York.

Soares' office declined comment because the matter would involve an ongoing case.

It remained unclear, however, whether the district attorney has gotten a formal referral -- a designation that could give a case more import in a prosecutor's eyes -- and whether the Board of Elections' two Republican commissioners, James Walsh and Gregory Peterson, were still intent on pressing the matter.

The board discussed the complaint against Responsible New York earlier this spring, before Golisano emerged as a key player in the GOP-led coup.

During Monday's Board of Elections meeting, Republican and Democratic commissioners tussled over whether they had agreed to make a formal referral of an unnamed case to Soares during last month's meeting.

"I believe we used the word 'refer' on those three enforcement cases," Democratic Commissioner Douglas Kellner said during a vote to approve last month's minutes.

Toth said he believed Republican commissioners were trying to reverse earlier complaints about Golisano and Responsible New York now that Golisano has allied himself with the GOP in the battle for the Senate.

"The Republicans did their best to perform a kind of gymnastic move," Toth said.

Neither Golisano nor Steve Pigeon -- a western New York political operative involved in Responsible New York, and another recruiter for the coup -- could be reached late Monday.

Toth said he also complained about November's races to the district attorneys in Erie, Monroe and Albany counties. He said he never got responses to his complaints in Erie and Albany, but the Monroe County prosecutor told him he had no authority since the issue didn't involve a race in his county.

Espada, the Bronx Democrat who joined the Republicans in the June 8 vote that made him Senate president pro tem, continues to face thousands of dollars in fines, and has 27 civil judgements resulting from his failure to file required forms.

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