



## CITIZENS UNION OF THE CITY OF NEW YORK TURNOVER IN THE NYS LEGISLATURE DUE TO ETHICAL OR CRIMINAL ISSUES, 1999 to 2015

Updated December 11, 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.**<sup>i</sup> 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.

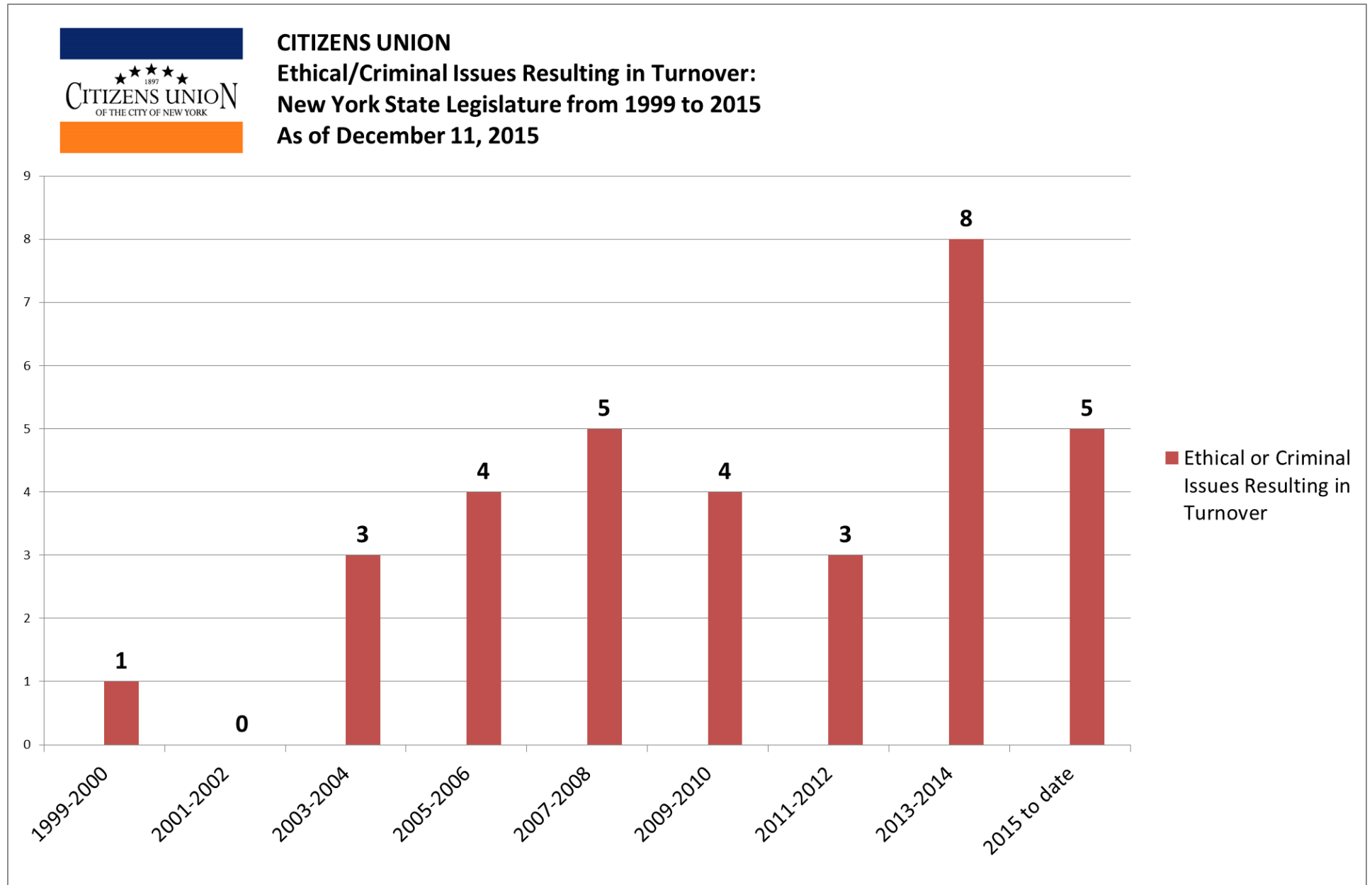
**Since 2000, 33 state legislators have left office due to criminal or ethical issues.** Most recently former Senate Leader Dean Skelos and former Assembly Speaker Sheldon Silver were forced to resign their seats on December 11<sup>th</sup> and November 30<sup>th</sup>, respectively, after being convicted on multiple federal corruption charges. Silver's conviction occurred 3 months after Senator John Sampson was forced to resign his seat after being convicted on July 24, 2015 of embezzling funds from sales of foreclosed properties. Two days prior, Senator Tom Libous was convicted of lying under oath during a federal investigation (Libous was also forced to resign his seat). Earlier in the year, Majority Leader Dean Skelos on May 4, 2015 became the fifth straight leader of the State Senate to be charged with corruption, in his case for six federal counts of conspiracy, extortion, wire fraud and soliciting bribes, related to improper use of his public office in exchange for payments of \$220,000 made to his son. In summary:

- Five legislators have left so far due to corruption in the 2015-16 session: former **Senate Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator John Sampson, Senator Tom Libous, and Assemblymember William Scarborough.**

In the 2013-2014 session, 8 legislators left office, the highest amount in a two-year session period since 2000.

- 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** lost the Primary Election in 2014 and later was convicted of corruption, 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. 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.



<b>LEGISLATIVE TURNOVER DUE TO ETHICAL/CRIMINAL ISSUES BY DISTRICT: 1999-2015</b>					
<b>DISTRICT</b>	<b>YEAR LEFT OFFICE</b>	<b>HOUSE</b>	<b>LEGISLATOR</b>	<b>REASON LEAVING OFFICE</b>	<b>SUCCEEDED BY (CURRENT INCUMBENTS IN BOLD)</b>
9	Pending	Senate	Dean Skelos (R)	<b>Convicted on eight counts</b> of conspiracy, extortion, wire fraud and soliciting bribes, relating to improper use of his office in exchange for payments of \$220,000 to his son. <sup>ii</sup>	N/A
65	2015	Assembly	Sheldon Silver (D)	<b>Convicted of seven criminal counts</b> in honest-services fraud, extortion and money laundering. <sup>iii</sup>	N/A
29	2015	Assembly	William Scarborough (D)	<b>Resigned his seat after pleading guilty to federal and state corruption charges</b> for filing bogus claims for travel reimbursements and misuse of campaign funds. <sup>iv</sup>	<b>Alicia Hyndman (D)</b>
19	2015	Senate	John Sampson (D)	<b>Convicted of embezzling funds</b> from sales of foreclosed properties. <sup>v</sup>	<b>Roxanne Persaud (D)</b>
52	2015	Senate	Tom Libous (R)	<b>Convicted for lying under oath during</b> a federal investigation. <sup>vi</sup>	<b>Fred J. Akshar II (R)</b>
14	2014	Senate	Malcolm Smith (D)	<b>Convicted of bribery charges for trying to seek ballot line for NYC Mayor</b> after losing the 2014 Primary Election due to indictment. <sup>vii</sup>	<b>Leroy Comrie, Jr. (D)</b>
55	2014	Assembly	William Boyland Jr. (D)	<b>Felony conviction forced exit from office:</b> twenty-one counts of bribery, mail fraud and extortion. <sup>viii</sup>	<b>Latrice Walker (D)</b>
72	2014	Assembly	Gabriela Rosa (D)	<b>Pleaded guilty to marriage fraud.</b> <sup>ix</sup>	<b>Guillermo Linares (D)</b>
76	2014	Assembly	Micah Kellner (D)	<b>Did not seek re-election due to sexual harassment scandal.</b> <sup>x</sup>	<b>Rebecca Seawright (D)</b>
79	2014	Assembly	Eric Stevenson (D)	<b>Felony conviction forced exit from office:</b> four counts of bribery. <sup>xi</sup>	<b>Michael Blake (D)</b>
143	2014	Assembly	Dennis Gabryszak (D)	<b>Resigned amidst allegations of sexual harassment</b> from several staff members <sup>xii</sup>	<b>Angela Wozniak (R)</b>

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53	2013	Assembly	Vito Lopez (D)	<b>Resigned due to ethical misconduct and sexual harassment scandal:</b> 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. <sup>xiii</sup>	<b>Maritza Davila (D)</b> (special election)
86	2013	Assembly	Nelson Castro (D)	<b>Resigned due to ethical misconduct:</b> has been arraigned for lying under oath regarding an election fraud investigation. <sup>xiv</sup>	<b>Victor Pichardo (D)</b> (special election)
10	2012	Senate	Shirley Huntley (D)	<b>Lost primary due to ethical issue:</b> indictment over conspiracy to funnel money intended for her non-profit to aides and tampering with an open investigation. <sup>xv</sup>	<b>James Sanders, Jr. (D)</b>
17*	2012	Senate	Carl Kruger (D)	<b>Felony conviction forced exit from office:</b> 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. <sup>xvi</sup>	David Storobin (R)
80	2012	Assembly	Naomi Rivera (D)	<b>Lost primary due to ethical issue:</b> allegations of providing her boyfriends with no-show government jobs. Rivera is under investigation but has yet to be charged. <sup>xvii</sup>	<b>Mark Gjonaj (D)</b>
13	2010	Senate	Hiram Monserrate (D)	<b>Expelled mid-term due to criminal issue:</b> by vote of Senate due to misdemeanor assault charges. <sup>xviii</sup>	<b>Jose Peralta (D)</b> (special election)
33	2010	Senate	Pedro Espada (D)	<b>Lost primary due to ethical issues:</b> corruption investigation and was later indicted on various corruption charges by the State Attorney General and F.B.I. <sup>xix</sup> He later pleaded guilty to federal tax evasion in 2012. <sup>xx</sup>	<b>Gustavo Rivera (D)</b>

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40	2010	Senate	Vincent Leibell (R)	<b>Resigned due to ethical misconduct:</b> 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. <sup>xxi</sup>	Gregory Ball (R)
38	2009	Assembly	Tony Seminerio (D)	<b>Felony conviction forced exit from office:</b> federal indictment; pled guilty to single count of theft of honest services for acceptance of “consulting fees” from those promised inside access in Albany <sup>xxii</sup>	<b>Michael Miller (D)</b> (special election)
13	2008	Senate	John Sabini (D)	<b>Took another office with criminal issue:</b> 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 <sup>xxiii</sup>	Hiram Monserrate (D)
33	2008	Senate	Efrain Gonzalez (D)	<b>Lost election due to ethical issues:</b> 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 <sup>xxiv</sup>	Pedro Espada, Jr. (D)
43	2008	Senate	Joseph Bruno (R)	<b>Retired with ethical issues:</b> 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. <sup>xxv</sup>	Roy McDonald (R)
40	2008	Assembly	Diane Gordon (D)	<b>Felony conviction forced exit from office:</b> 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 <sup>xxvi</sup>	Inez Barron (D) (special election)

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142	2008	Assembly	Michael Cole (R)	<b>Lost primary election due to ethical issues:</b> was censured by Assembly and stripped of committee posts due to his spending the night in the apartment of an Albany intern <sup>xxvii</sup>	<b>Jane Corwin (R)</b>
10	2006	Senate	Ada Smith (D)	<b>Lost primary due to ethical misconduct:</b> 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." <sup>xxviii</sup>	Shirley Huntley (D)
25	2006	Assembly	Brian McLaughlin (D)	<b>Felony conviction forced exit from office:</b> pleaded guilty to racketeering after being arrested on charges of embezzling more than \$2 million in state and labor funds – result of federal investigation. <sup>xxix</sup>	Rory Lancman (D)
95	2006	Assembly	Ryan S. Karben (D)	<b>Resigned due to ethical issues:</b> improper fraternization with interns <sup>xxx</sup>	<b>Ellen Jaffee (D)</b>
43	2005	Assembly	Clarence Norman (D)	<b>Resigned due to ethical misconduct:</b> 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 <sup>xxxi</sup>	<b>Karim Camara (D)</b> (special election)
34	2004	Senate	Guy Velella (R)	<b>Felony conviction forced exit from office:</b> after pleading guilty to bribery – result of Manhattan District Attorney investigation <sup>xxxii</sup>	<b>Jeffrey Klein (D)</b>

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57	2004	Assembly	Roger Green (D)	<b>Resigned due to ethical misconduct:</b> 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 <sup>xxxiii</sup>	Hakeem Jeffries (D)
79	2003	Assembly	Gloria Davis (D)	<b>Felony conviction forced exit from office:</b> pleaded guilty to taking bribes – result of Manhattan District Attorney investigation <sup>xxxiv</sup>	Michael Benjamin (D) (special election)
136	2000	Assembly	Jerry Johnson (R)	<b>Felony conviction forced exit from office:</b> Pleaded guilty to second degree attempted burglary. <sup>xxxv</sup>	Joseph Errigo (R)

<sup>i</sup> Available at: [http://www.citizensunion.org/www/cu/site/hosting/Reports/CU\\_ExaminingTurnover\\_Update\\_Feb2011.pdf](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](http://www.citizensunion.org/www/cu/site/hosting/Reports/CUF_Turnover_Report-November%202009.pdf)

<sup>ii</sup> Rashbaum, William; Kaplan, Tom and Craig, Susan. “Dean Skelos, New York Senate Leader, And Son are Arrested on Corruption Charges.” The New York Times. May 4, 2015. Available at: <http://www.nytimes.com/2015/05/05/nyregion/dean-skelos-new-york-senate-leader-and-son-are-arrested-on-corruption-charges.html>

<sup>iii</sup> Golding, Sheehy, Algar. “Sheldon Silver found guilty on all counts in corruption trial” The New York Post, . November 30, 2015. Available at: <http://nypost.com/2015/11/30/sheldon-silver-found-guilty-on-all-counts-in-corruption-trial/>

<sup>iv</sup> Ali Kully, Sadeq. “Scarborough Pleads Guilty to State and Federal Charges, Resigns from Assembly Seat.” Times Ledger, May 14, 2015. Available at: [http://www.timesledger.com/stories/2015/20/scarborough\\_tl\\_2015\\_05\\_15\\_q.html](http://www.timesledger.com/stories/2015/20/scarborough_tl_2015_05_15_q.html)

<sup>v</sup> Davis O’Brien, Rebecca. “New York Sen. John Sampson Found Guilty of Obstruction of Justice.” WSJ, May 24, 2015. Available at: <http://www.wsj.com/articles/new-york-sen-john-sampson-found-guilty-of-obstruction-of-justice-1437764476>

<sup>vi</sup> Kaplan, Thomas. “Thomas Libous, New York State Senator, Is Convicted of Lying to F.B.I.” New York Times. July 22, 2015. Available at: [http://www.nytimes.com/2015/07/23/nyregion/thomas-libous-new-york-state-senator-is-convicted-of-lying-to-fbi.html?\\_r=0](http://www.nytimes.com/2015/07/23/nyregion/thomas-libous-new-york-state-senator-is-convicted-of-lying-to-fbi.html?_r=0)

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- <sup>xiv</sup> “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/>
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