

CITY & REGION

Group filing suit to halt big pay hikes for state lawmakers

By TOM PRECIOUS
NEWS ALBANY BUREAU CHIEF

ALBANY – Pay raise battles continue to consume the State Capitol, with lawmakers and Gov. Andrew M. Cuomo disagreeing over the constitutionality of the work by a panel that this week recommended a 64 percent pay hike for lawmakers and a near \$70,000 salary increase for the governor. On Friday, a group called the Government Justice Center, announced it was filing a lawsuit to try to block the pay panel's report issued earlier this week that included the binding pay raise recommendations for 213 legislators along with new restrictions on legislators' outside income and stipend payments for lawmakers. "The basis for the lawsuit is that the Legislature unconstitutionally delegated its powers to this compensation committee to establish salaries," said Cameron Macdonald, executive director of the not-for-profit group that filed the suit in State Supreme Court in Albany. Macdonald said the commission

went beyond the scope of its mandate in determining that the Legislature should be full-time employees. "That's a policy decision for the Legislature to make," Macdonald said. Lawmakers meeting in private this week in Albany have bitterly complained about the pay panel – composed of four longtime Democratic Party insiders, including State Comptroller Thomas DiNapoli – and what legislators say was a detour far beyond the scope of the commission's legal authority. Privately, Democratic lawmakers have lashed out at members of the pay panel, as well as Cuomo, who they believe influenced the outcome. They noted future salary hikes for lawmakers alone were linked to outside income restrictions and certain "performance" based conditions. Cuomo will see a hike from \$179,000 to \$250,000. The pay panel's recommendations are binding, except for the proposed salary levels of the governor and Lt. Gov. Kathy Hochul; pay rates for those two offices need separate legislative approval. Lawmakers like the pay raise –

their first since 1999 – which will take their base pay from \$79,500 to \$110,000 in two weeks, rising to \$130,000 on Jan. 1, 2021. The increases are contingent upon the Legislature agreeing with Cuomo to adopt a budget by the fiscal year start of April 1 – giving the governor even more sway than he already has over the Legislature on fiscal decision-making. The pay panel's report also sharply curtails annual stipends – used by Senate and Assembly leaders to, partly, reward loyalty – given to leaders of committees and holders of leadership titles. The stipends are worth between \$9,000 and \$41,000 annually. Additionally, new restrictions on outside incomes for lawmakers – not for the governor – are being put in place in one year that will force a number of legislators to either drop their outside jobs or leave their legislative position. Cuomo said on a radio interview Friday that the pay raise and other changes are fair. But he raised concerns about the "rhetoric" coming from some Assembly Democrats who

have publicly called the pay panel's work unconstitutional. "I believe the law is going to be upheld, but I believe the rhetoric has made the lawsuit more problematic," Cuomo said. He dismissed the lawsuit as coming from "ultra-conservative" groups with "an agenda." He did not specifically define their agenda. The Government Justice Center was formed last year and is based in Albany; its board includes individuals associated with the Manhattan Institute, the Empire Center for Public Policy, Reclaim New York and Robert S. Smith, a former judge who was appointed to the state's top court by Republican Gov. George Pataki in 2003. "I do believe the lawsuit will be moot. I do believe the commission acted within their authority," Cuomo said. Michael Whyland, a spokesman for Assembly Speaker Carl Heastie, took to Twitter shortly after Cuomo made his comments. "It's not rhetoric to question the legal authority of the committee! The Assembly has never said it is opposed to reforms. Hope the Governor applauds just as loud-

ly when proposals to reform executive agencies are being considered in light of what has happened over the last two years," he said in a clear reference to corruption problems that have hit the Cuomo administration. Heastie, a Democrat like Cuomo, this week blasted the pay panel's work. "They were only supposed to look at salaries," Heastie said this week at the Capitol after emerging from an hours-long private meeting with Assembly Democrats. Macdonald, the head of the group seeking to block the salary hikes from kicking in on Jan. 1, declined to identify who funds his Government Justice Center. Macdonald said voters in 1947 changed the state constitution to permit lawmakers to vote on their own salary levels. The pay panel idea was created several years ago as a way to help lawmakers and the governor to not have to directly take the politically tricky path of boosting their own pay. The pay panel's ideas become law on Jan. 1 unless lawmakers return to Albany before then to reject its report.

Green Party candidate still owes \$53,000 in fines

Stein campaign blames software, lack of staff for late financial disclosures

By DAVE LEVINTHAL
CENTER FOR PUBLIC INTEGRITY

Jill Stein is flush with cash left over from both her 2016 Green Party presidential campaign and a subsequent vote recount effort. But Stein has yet to use a dime of it to clear about \$53,000 in outstanding fines levied on her campaign for habitually submitting financial disclosures after federal deadlines, a Center for Public Integrity analysis of Federal Election Commission records indicates. Stein, who captured 1.1 percent of the presidential vote two years ago – about 1.42 million votes nationally – used public matching funds to help bankroll her campaign and has long been an advocate of strict campaign finance laws. So has the Green Party. Its 2016 party platform calls for aggressive measures to strengthen election money laws and compel compliance, including, "Replace the Federal Election Commission with a vigorous watchdog empowered to enforce federal campaign finance laws." Why, then, hasn't the Stein campaign, which last month reported having about \$164,000 in reserve after subtracting debts and loans, paid any of its nine outstanding FEC fines, six of which are overdue? The oldest Stein fine is from February 2015, the most recent from November, according to FEC records. Two are five-figure penalties: a \$14,587 fine from November 2017 and an \$11,162 fine from October 2018, both past the FEC's 40-day payment deadline. (Stein's 2012 and 2016 presidential campaigns have paid off nine separate fines totaling about \$30,000.) Asked about their scofflaw status,



Tribune News Services

Jill Stein speaks to Bernie Sanders supporters at a rally during the 2016 Democratic National Convention in Philadelphia.

the Stein campaign basically said it's racking up fines faster than it can manage to deal with them. "The campaign typically considers these kinds of items collectively, which can cause delay while awaiting the documentation from more recent penalties," Stein spokesman David Schwab said. "Given our limited staff and operations under these kinds of activity, it can further delay the process while staff is tasked with other responsibilities." Schwab also asserted that the FEC uses inadequate campaign finance software, which has caused the campaign to routinely file overdue campaign finance reports – and trigger FEC fines for tardiness. The FEC makes free disclosure software, known as FECFile, available to smaller campaigns that don't have in-

dustrial-strength accounting operations. But this software comes with "technical issues that create serious obstacles," Schwab said. Pressed for specifics, the Stein campaign said the software was slow, would freeze or contain other glitches. It called on Congress to better fund the FEC so it could develop better software. FEC commissioners countered in a joint statement that the agency's software is "equipped to handle the committee's reporting needs, as many high-dollar and high-volume committees successfully use FECFile to file their reports." The commission also noted that the agency's Reports Analysis Division and Electronic Filing Office are available to provide assistance to the Stein campaign – or any political committee – experiencing technical

difficulties. So, when will the Stein campaign pay? "We expect to make payment before the end of the year," Schwab said. FEC Chairwoman Caroline Hunter, a Republican, urged Stein to hurry up. "Certainly, we're very interested in her paying fines, and we hope she pays the fine in short order," Hunter said. FEC Vice Chairwoman Ellen Weintraub, a Democrat, declined to comment. The FEC's power to force payment of outstanding fines is limited. A Center for Public Integrity analysis of federal data last year revealed that more than 160 political committees and similar groups had simply ignored efforts by the FEC and the U.S. Treasury's Bureau of the Fiscal Service to collect on more than \$1.3 million in fines combined – with little or no recourse. The federal government rarely sues scofflaw political committees or otherwise takes further action against them when they don't pay fines levied by the FEC, a six-member, bipartisan body that serves as the civil enforcer and regulator of campaign finance laws. Generally, the cost of collection efforts begins to quickly eclipse the fines themselves. During late 2017 and early 2018, the Stein campaign simply didn't file required monthly campaign finance reports at all – not doing so until June. The missed filings prevented the public from knowing how the Stein campaign was spending some of the several millions of dollars it raised toward a vote recount effort immediately after the 2016 election, in which Republican Donald Trump defeated Democrat Hillary Clinton by narrow margins in several states. A multi-state vote recount never materialized, with a lone completed recount in Wisconsin adding to Trump's vote total. Stein's campaign kept the money anyway, and to this day, continues paying staff and funding other expenses, though Stein is not actively running for any office.

Fair is still a bargain, fans say

FAIR • from B1

bers on Firefighters Day, Aug. 9, and for veterans, active military and auxiliary members on Veterans Day, Aug. 11. For a limited time, fairgoers can also purchase a 12-day pass to the fair (one admission each day) for \$35. Underberg said costs have been rising for the fair. Last year, an entertainment act the fair was thinking of booking cost \$75,000. This summer the cost of the act had jumped to \$300,000. "Moving forward, these adjustments will greatly help the Erie County Fair better serve fairgoers due to increasing labor costs as well as the rising prices for public safety, emergency services, grounds infrastructure, fair production and entertainment," she said. Compared to other leisure activities, the fair is a bargain, supporters say. "When you come to the fair, it's \$12, but it's an all-day experience," Underberg said.

Lottery Picks /

Winning numbers for Friday
N.Y. Evening Number: 678
N.Y. Midday Number: 059
Win Four Evening: 6116
Win Four Midday: 1374
Take Five: 14 17 19 25 27
Pick 10: 3 7 16 18 19 21 26 27 30 33 45 48 50 53 57 61 62 67 76 79
Mega Millions: 5 22 26 43 49
Mega Ball: 23
Megaplier: X4
Pick 3 Evening: 995
Pick 3 Day: 674
Pick 4 Evening: 6570
Pick 4 Midday: 4762

Late numbers for Thursday
Take Five 1 10 25 31 37
These numbers are unofficial.
For official New York Lottery results go to buffalo.com/lottery or your lottery retailer.

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Volunteers helped out while truck was being repaired

NEEDIEST • from B1

noisy. They go to businesses because no one lives there." Thieves are after the metal in the converter, which can bring \$25 to \$200 at scrapyards depending on the type of vehicle from which the part was taken, said Sliwinski. "Converters from foreign vehicles go for more money," he said. Samson was donated to the pantry in August 2017 by an anonymous patron. During the 10 days the truck was out of commission, deliveries and pickups were made by a small army of pickups and vans driven by volunteers. "Seniors are most vulnerable when it comes to going out and getting food," said Reynolds. "We go to five different low-income senior apartments twice a month." In addition, 974 families rely on the pantry for supplemental emergency food, said Reynolds, who said poverty is spreading to Buffalo's inner-ring suburbs. "As Buffalo's boom continues to happen, we have gentrification and an upgrading of residential properties," said Reynolds. "It creates an influx of middle-class families, shifting the poverty to inner-ring suburbs of Lackawanna, Cheektowaga and Tonawanda."



John Hickey/Buffalo News

Volunteer Louie Gallo poses with Samson, Resurrection Life Fellowship's truck, which picks up and delivers thousands of pounds of food each week.

Resurrection Life Food Pantry at 2145 Old Union Road, in operation for 22 years, is a registered distribution center for the Food Bank of Western New York. It is staffed by 140 volunteers and has 20 corporate partners

including The Buffalo News Neediest Fund. The Buffalo News Neediest fund is in its 37th campaign, with donated toys distributed to needy families through the Holiday Partnership,

which is administered by 211 WNY-Olmsted Center for Sight. Monetary donations go to the Food Bank of Western New York, which provides extra holiday food for clients at certain Erie County food pantries. "We want to focus on the families who want a hand up, not a handout," said Reynolds. "Those are the folks you know will get out of the cycle of poverty. They just need a little push. "We vet our folks, but we don't discriminate," said Reynolds. "Everyone who has a need and who shows they meet the requirement will get assistance for food or toys." Donations may be sent by check to The News Neediest Fund c/o The Buffalo News, P.O. Box 2667, Buffalo, NY 14240-9873 or at BuffaloNews.com/newsneediest. Gifts of new, unwrapped toys will be accepted at: The Buffalo News lobby; Wegmans stores; Shea's Performing Arts Center; Erie County Fairgrounds Festival of Lights; Mattress Firm (all Western New York locations); Hunt Real Estate's Western New York offices; Jim Murphy Buick/GMC (3000 Walden Ave., Depew); Excuria Salon & Spa (5725 Main St., Williamsville); Canisius College Koessler Athletic Center (1829 Main St.); and U.S. Marine Corps Reserve "Toys for Tots" locations (see list at buffalo-ny.toysfortots.org). More information is available at BuffaloNews.com/newsneediest.