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State Sen. Valesky mum on scandal

Valesky won't talk about bonus pay flap

By Kyle Hughes, NYSNYS News

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ALBANY, N.Y. >> State Sen. David Valesky (D-Oneida) isn't saying a word about the latest scandal to hit the Legislature, the revelation that he and a handful of other senators collected bonus pay that may be illegal.

But there is no way Valesky is not hearing what others are saying about the allegations of wrongdoing by those sitting atop New York's \$163 billion state government.

"It's a real scandal," SUNY New Paltz professor Gerald Benjamin told WCNY's Capitol Pressroom radio show after the news broke last month. "I think the legality remains to be established, there are two investigations launched. But the ethical question is fundamental... You don't take money appropriated for one purpose and spend it for another purpose. It raises questions of mistrust of government and it provides additional basis for this mistrust and widespread cynicism in the citizenry."

"So I think it is a very serious matter, legal or not," said Benjamin, a highly respected longtime observer of state government. "Legal is

not the issue."

"The most brazen and tenacious gang of lawbreakers in New York is made up of our state legislators," the Glens Falls Post Star editorial page declared when the news broke. "The cast changes when members get caught and go to prison, but the offenses continue."

"They must just think we're all stupid," the Daily Gazette of Schenectady wrote. "That's the only reason one can come up with for state legislators defending their practice of lying about their committee positions and then accepting extra pay for the phony assignments. And if any of us falls for their explanation, then maybe we actually are stupid."

And the editorial board of Syracuse Media Group described it this way: "Entitled. Sloppy. Grasping. Tone-deaf. Possibly illegal."

Valesky has not been charged with any wrongdoing, but there are reports that the payments he and others took are under investigation by Attorney General Eric Schneiderman and the U.S. Attorney for the Southern

District, the same office that won convictions of former Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos.

Valesky did not respond to requests for an interview or a written response to the investigations this week. His aide Tracy Carman said Thursday he is not talking to the media about the matter.

The controversy is a blow to Valesky's reputation as one of the more clean-cut members of the Legislature. The only outside income he reports is playing music during Catholic church services, in contrast to other members who have lucrative law practices or business dealings piggybacking on their elected offices.

According to state budget records, Valesky received annual bonus payments of \$15,000 in 2015 and 2016 for serving as vice chairman of the Senate Health Committee -- a job that is not entitled to bonus pay under the Legislature's long established system of "lulus." The term is a catch-all for payments handed out to legislators on top of their base pay of \$79,500 a year. They are also eligible for lump sum payments to cover their expenses on days they are working outside their districts.

Valesky is now in his seventh term as a state Senator and has run unopposed in the last three elections. In 2011 he was one of the founding members of the Senate's Independent Democratic Conference, a group of breakaway Democrats who have partnered with Republicans to share power and influence. In doing so, they have kept the GOP majority in power and the New York City based Democratic Senate leadership in check. The group has grown to eight members in the 63-member Senate, and some see the stipends controversy as an outgrowth of that political feud.

But Senate Democrats say that is not the case, and the payments are simply illegal because they went to individuals in posts other than the ones specifically listed as eligible for bonuses under state law.

"This whole stipendgate is just a reminder that there is an outrageous ethics problem in Albany," Senate Democratic spokesman Mike Murphy said this week. "Public service should be about serving the the public and not lining ones pockets with taxpayer money."

The GOP and IDC response is that the money provided for leadership payments is under the control of Majority Leader John Flanagan (R-Suffolk County) who has the legal authority to dole out the money to members as he sees fit. "We are within the law," IDC leader Sen. Jeff Klein (D-Bronx) said in May.

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