

1 THE NEW YORK STATE SENATE
2 STANDING COMMITTEE ON FINANCE

3 THE SENATE FINANCE COMMITTEE
4 WILL CONSIDER THE FOLLOWING NOMINATIONS:

5 RISA S. SUGARMAN AS CHIEF ENFORCEMENT COUNSEL OF THE
6 STATE BOARD OF ELECTIONS
(TO APPEAR)

7 LAWRENCE J. WALDMAN AS TRUSTEE OF THE STATE
8 UNIVERSITY OF NEW YORK BOARD OF TRUSTEES
(NOT APPEARING)

9
10 ERIC CORNGOLD AS A TRUSTEE OF THE STATE UNIVERSITY OF
11 NEW YORK BOARD OF TRUSTEES
(NOT APPEARING)

12 IRIS WEINSHALL AS A MEMBER OF THE METROPOLITAN
13 TRANSPORTATION AUTHORITY
(NOT APPEARING)

14

15
16 Senate Capitol Building
17 172 State Street
18 Room 332 CAP - Off The Floor
Albany, New York 12247

19 June 20, 2014
4:30 p.m. to 5:30 p.m.

20
21 PRESIDING:

22 Senator John A. DeFrancisco
23 Chairman
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COMMITTEE MEMBERS PRESENT:

Senator John J. Bonacic
Senator John J. Flanagan
Senator Martin Golden
Senator Timothy M. Kennedy
Senator Liz Krueger (RM)
Senator Andrew J. Lanza
Senator William J. Larkin, Jr.
Senator Kenneth P. LaValle
Senator Betty Little
Senator Carl L. Marcellino
Senator Jack M. Martins
Senator Michael F. Nozzolio
Senator Thomas F. O'Mara
Senator Bill Perkins
Senator Diane J. Savino
Senator Daniel J. Squadron
Senator Toby Ann Stavisky

1 SENATOR DEFRANCISCO: I would like to call
2 the Finance Committee meeting to order, and I would
3 like to take these out of order because Ranker has
4 asked a question about Mr. Waldman.

5 And Risa Sugarman is on her way. She will be
6 here momentarily.

7 So, with that said, I'd like to raise the
8 nomination of Eric Corngold as trustee of the
9 State University of New York Board of Trustees.

10 It's my understanding he's an existing
11 member, so this will be a reappointment.

12 SENATOR MARCELLINO: Move it.

13 SENATOR DEFRANCISCO: Any questions or
14 comments?

15 Moved by Senator Marcellino, seconded by
16 Senator Savino.

17 All in favor?

18 (Those in favor say "Aye.")

19 SENATOR DEFRANCISCO: Opposed?

20 The nominee is approved, it will be sent to
21 the full floor.

22 Next nominee, Iris Weinshall, is a member of
23 the Metropolitan Transportation Authority.

24 She is not here.

25 And, is there a question or a comment?

1 Senator Krueger.

2 SENATOR KRUEGER: I have known Iris Weinshall
3 for many years in many different capacities,
4 including being the City Department of
5 Transportation Commissioner, now the head of the
6 CUNY Construction, is it, Authority?

7 SENATOR STAVISKY: No.

8 She's the vice chancellor of CUNY for
9 construction.

10 SENATOR KRUEGER: "For construction."

11 Thank you.

12 And, also, in her capacity as having --
13 happens to be married to one of our key
14 U.S. Senators.

15 UNKNOWN SPEAKER: Which one?

16 SENATOR LARKIN: Schumer.

17 SENATOR KRUEGER: She lives in Brooklyn.

18 And I think that she is enormously respected
19 in the very professional positions.

20 She's married to Senator Schumer, for those
21 of you who don't get it.

22 And I think she's been professionally
23 respected from all of the work that she has done
24 (inaudible).

25 I would be happy to nominate her.

1 SENATOR DEFRANCISCO: Is there a second?

2 SENATOR STAVISKY: Second.

3 SENATOR DEFRANCISCO: Okay, I don't know --
4 Senator LaValle.

5 SENATOR LAVALLE: Iris is incredibly smart.

6 She, as was mentioned, is vice chancellor for
7 facilities and planning. And what she has done in
8 CUNY has been nothing short of miraculous.

9 It's like having 2 fish, and she can produce
10 100.

11 She is just a terrific individual, and she
12 will be a really good member.

13 Inquisitive, dynamic, and, her partner could
14 probably learn something on the spot.

15 [Laughter.]

16 SENATOR NOZZOLIO: Move to nomination.

17 SENATOR DEFRANCISCO: Moved by
18 Senator Krueger, and seconded by Senator Stavisky.

19 I don't know her at all, but I know she must
20 be a very tolerant individual.

21 [Laughter.]

22 SENATOR LARKIN: She must be.

23 SENATOR STAVISKY: No, no, she's incredibly
24 smart.

25 SENATOR LARKIN: But she's tolerant.

1 SENATOR DEFRANCISCO: She's tolerant as well.
2 All in favor?

3 (Those in favor say "Aye.")

4 SENATOR DEFRANCISCO: Opposed?

5 The nominee is approved, it will be sent to
6 the full Senate.

7 We have with us today, Risa S. Sugarman, is
8 the chief enforcement counsel for the State Board of
9 Elections.

10 As all of you know, this is a new position
11 that was created at the end of the budget process
12 for the Board of Elections.

13 And, I'm just going to ask her -- everybody's
14 got your resume, but ask if her, just give us a
15 little background about herself, and we'll open it
16 up to questions.

17 RISA SUGARMAN: Good afternoon, and thank you
18 for having me here.

19 Just very briefly, I was a graduate of
20 St. John's Law School.

21 SENATOR STAVISKY: Ah, good.

22 RISA SUGARMAN: 20 years in the
23 Bronx District Attorney's Office, where my last
24 assignment was as chief of homicide for 10 years.

25 I was in private practice. I was the chief

1 attorney for children's rights in Orange County.

2 And, then, as an assistant attorney general
3 in the AG's Office in New York State, handling
4 "sex-offender civil management" litigation.

5 I went to the Division of Criminal Justice
6 Services, where I also handled
7 sex-offender-management issues.

8 And then, in March of 2013, I went to
9 New York State Tax and Finance, where I headed a
10 criminal investigations division. I supervised
11 attorneys, investigators, and auditors.

12 I've been a candidate for district attorney
13 in Orange County, a treasurer.

14 I've carried petitions.

15 And, I think a combination of all those makes
16 me well-suited for this position.

17 Thank you.

18 SENATOR DEFRANCISCO: Any questions?

19 Senator Larkin.

20 SENATOR LARKIN: No questions.

21 It's good to see you again.

22 RISA SUGARMAN: Thank you, Senator.

23 SENATOR LARKIN: This young lady here, she
24 talked about the campaign. When somebody tried to
25 make an issue of something that would -- John, you

1 as an attorney would say, "Next case."

2 But this lady is well-respected.

3 I talked to the bar association, and they had
4 asked me to make sure I supported her.

5 SENATOR DEFRANCISCO: Senator Little.

6 SENATOR LITTLE: Just a question, out of
7 curiosity, I guess.

8 On the appointment process (inaudible), is
9 there no compensation for this position?

10 [Laughter.]

11 RISA SUGARMAN: Oh, my.

12 SENATOR LARKIN: They didn't tell you that?

13 [Laughter.]

14 RISA SUGARMAN: No, they didn't tell me that.

15 SENATOR MARCELLINO: The budget is very
16 tight.

17 SENATOR LITTLE: That was a thing that
18 I noticed.

19 SENATOR DEFRANCISCO: Not set in statute,
20 which means she'll have to argue for her salary.

21 Do you have any reasonable expectation of
22 what your salary will be?

23 RISA SUGARMAN: I do.

24 SENATOR DEFRANCISCO: Okay.

25 Can you -- well, since the question was

1 raised, can you give us an idea of what the salary
2 is, so --

3 RISA SUGARMAN: It was posted between
4 one forty and one fifty.

5 SENATOR DEFRANCISCO: Anyone?

6 Senator Nozzolio?

7 SENATOR NOZZOLIO: Welcome.

8 RISA SUGARMAN: Thank you, sir.

9 SENATOR NOZZOLIO: I have, certainly, the
10 utmost respect for your resume, and that, although
11 I don't know you or have crossed paths with you in
12 the past, certainly, you are well-qualified for this
13 position.

14 One of the things that I'm concerned about is
15 that, how are you going to translate your excellent
16 criminal justice experience, prosecutorial
17 experience, with the need to forge compliance at the
18 Board of Elections?

19 That, to me, there is a large amount of room
20 for statutory interpretation within the board, in
21 the laws that govern the board. And that it's not
22 as black-and-white as other areas of the law.

23 You've been involved in election law. You
24 know, certainly, there are certain deadlines, and
25 things like that, that are black-and-white.

1 Compliance requirements, that you either
2 comply or don't comply, and that's black-and-white,
3 in terms of yes or no.

4 But, the issue of assisting those who are
5 involved in the political process with complying
6 with election law, what is going to be the role of
7 this new position?

8 And how are you going to bring your skill set
9 to, maybe, have to alter that skill set, somewhat,
10 based on your past experience?

11 RISA SUGARMAN: I think that the role of the
12 enforcement counsel is to handle the egregious
13 criminal violations of the election law.

14 And that's how I view that role.

15 I think that my skill set is very
16 well-equipped to do that.

17 I also think that there is a need for the
18 compliance unit to handle those situations that you
19 describe.

20 I think that the compliance unit needs to
21 understand that there are mistakes that are made,
22 and those mistakes should be handled by education of
23 the treasurers, the candidates, and those who carry
24 petitions.

25 Mistakes are mistakes, and in my view,

1 they're not criminal.

2 There needs to be education, there needs to
3 be training, and there needs to be training that
4 doesn't require people to lose a day's work to go to
5 training.

6 I think that we need to leverage the
7 technology that we have today, by either setting up
8 webinars or podcasts, so that people can learn how
9 to become a treasurer, how to become a candidate;
10 how to not make the mistakes, that the compliance
11 requirements are needed, so that they can learn not
12 to make the mistakes again.

13 And if they make the mistake again, to
14 counsel them again in how not to do that.

15 It's not a criminal violation to make a
16 mistake, in my estimation.

17 SENATOR NOZZOLIO: Well, or to, as you've
18 seen (inaudible) in the past, and other reviewers,
19 contend that a lack of a ZIP code was, in fact, an
20 egregious violation.

21 RISA SUGARMAN: I've heard that in the last
22 few days.

23 I don't believe that when you -- when a
24 ZIP code is missing, that's a criminal violation,
25 and that should come to my attention.

1 SENATOR NOZZOLIO: I guess the other, as you
2 develop this, compliance, I think it's wrong for
3 people not to comply with filing their documents on
4 time, or within, certainly, a reasonable period of
5 time. That it -- that sort of thing we've seen too
6 much of in the past.

7 But it would be very helpful, that the
8 compliance unit has been understaffed.

9 We've had -- under Senator O'Mara's
10 direction, we've had hearings, reviewing the Board
11 of Elections, over the last year.

12 Having a review of advisory opinions, so that
13 it's -- maybe this gets to your training mission,
14 and not just training (unintelligible) groups, but,
15 candidates, and those who are certainly entrusted
16 with these documents.

17 Tell us, I guess you're saying you do plan to
18 have that kind of training process?

19 SENATOR SQUADRON: I think that what I would
20 like to do, is go in -- I don't know what goes on at
21 the Board of Elections. I haven't been there.
22 I don't know how it functions.

23 What I would plan to do is go in and look,
24 and work with the people that are there.

25 I think that silos are not good, so that

1 going in and building a silo around me would not be
2 a good thing.

3 I would like to go in and break down silos,
4 if they're there, to work together, to make things
5 better that are working okay, to make them work
6 well, and, look at things that work not so well, to
7 make them work better.

8 I think that if all the parts of the Board of
9 Elections work together to make things work better,
10 I think that the public at large will have a better
11 confidence level of what the electoral process does,
12 and that people who work within that process are
13 doing the right things, and, to give the candidates
14 and the people who work within the system a
15 confidence level, that they can work within their
16 campaigns, to run a campaign, and do what's right,
17 and do it well.

18 SENATOR NOZZOLIO: With clear direction --

19 RISA SUGARMAN: Right.

20 SENATOR NOZZOLIO: -- and clear understanding
21 of the statutes, through the help of the board.

22 RISA SUGARMAN: I think so. I think that's
23 what's needed.

24 SENATOR NOZZOLIO: I think that's important.

25 And that, certainly --

1 RISA SUGARMAN: You also need the courts to
2 give that -- the direction, but that's the courts,
3 and the Legislature, perhaps.

4 SENATOR NOZZOLIO: And I guess, just to leave
5 you with it, we hope that you work with the
6 Legislature in developing these types of protocols
7 and these types of additional training dynamics, and
8 educational dynamics, so that there is a clear
9 understanding of what the law requires.

10 RISA SUGARMAN: And I've saying that over the
11 past couple of days.

12 I will always want to hear from people who
13 are experienced in what needs to be done better, to
14 come and talk with me. And I'm always willing to
15 listen to that.

16 SENATOR NOZZOLIO: Thank you very much.

17 Thank you, Mr. Chairman.

18 SENATOR DEFRANCISCO: Senator O'Mara.

19 SENATOR O'MARA: Yes, thank you.

20 And thank you for coming around earlier this
21 week, introducing yourself, and for making yourself
22 accessible and responsive to our staff in going
23 through this vetting process.

24 We certainly appreciate that, as, when we
25 met, and we discussed, you know, things at the

1 Board of Elections have been highlighted in recent
2 years, a need for improvement.

3 There has been a consistent, I think, lack of
4 budget for the Board of Elections to appropriately
5 do things with auditors and investigators, and
6 that's led to a long period of time where I think,
7 for a lot of the members that have been around for a
8 long time, things have just gotten a little
9 lackadaisical, because there hasn't been any dotting
10 of i's and crossing of t's.

11 And, I just want to know what your approach
12 is going to be in coming in, and, you know, say,
13 looking back for these technical-type compliance
14 issues.

15 I'm not talking about criminal activity, or
16 anything like that, but, as far as compliance.

17 And, obviously, with your role in this
18 position, there's going to be some more clarity,
19 I think, coming forward, with what's expected, and
20 what's going to be demanded, on our filings, which
21 is completely appropriate, and well-needed, I think.

22 But, you know, we want to avoid, you know,
23 "gotcha."

24 You know what I'm saying?

25 RISA SUGARMAN: I understand.

1 And that's not my intent, and I don't think
2 that's the -- what this statute was designed to do.

3 It's not what I did as a prosecutor, and it's
4 not what I envision this office to be.

5 I don't -- as I read the statute, the statute
6 is complaint-driven. It's not to go in and create
7 the investigations on my own.

8 It's not to go and read the newspaper, and to
9 say, Oh, that's interesting, let's look at that.

10 It's not to go and say, Oh, I think I'll do
11 this today, and start that investigation.

12 I believe the statute is written as a --
13 complaint-driven investigations, to look at it and
14 to see, pursuant to how the statute is written, Does
15 it follow, this? Is there enough to begin an
16 investigation?

17 I don't intend to rewrite the law.

18 I don't intend to write new parts of the law.

19 I intend to follow the law as it's written.

20 SENATOR O'MARA: And with your experience in
21 prosecution, and I'm a former prosecutor myself,
22 obviously, you get a broad range of discretion in
23 the District Attorney's Office, in the AG'S Office,
24 on how you're going to approach something, if you're
25 going to take something on.

1 And I think, based on the positions you've
2 had in your resume, you've obviously had a great
3 deal of that personal discretion in the roles that
4 you've held, I think, from looking at your resume
5 here, and I think that's going to be critical.

6 We're going into a political realm here,
7 where you've really been in a criminal kind of
8 setting before, and, politics comes into play.

9 Oftentimes complaints are filed for
10 political-maneuvering reasons.

11 And, can you give me your thoughts on how
12 you're going to approach those types of things, in
13 weighing and using your discretion on what to pursue
14 or not pursue, given that it's, sometimes, the
15 system is used to make a candidate look bad in the
16 media.

17 RISA SUGARMAN: In my estimation, politics
18 has no place in an investigation.

19 I know that there are complaints that are
20 filed by, perhaps, one candidate against another.

21 I think that any complaint has to be at least
22 looked at on a superficial, initial level, with the
23 understanding that there's always in the background
24 a motive that's being used to -- to review that
25 complaint.

1 A superficial review does not mean a
2 deep-dive investigation.

3 So, I don't see myself as being partisan or
4 political in any investigation.

5 I don't intend, nor have I ever, investigated
6 anything in the press.

7 I don't see myself, nor would I ever, issue a
8 press release, or issue a -- have a press
9 conference, that an investigation is being
10 conducted, or is being contemplated, or will be
11 begun, or a complaint will be filed.

12 That's not what this statute is designed to
13 do, nor does it have any benefit in an
14 investigation.

15 I don't intend to interfere with the
16 political process or campaign, and I will not allow
17 a political process to interfere with what I do in
18 my investigations.

19 SENATOR O'MARA: Since you -- you know
20 generally what range your salary might be in.

21 Do you have any general idea what your budget
22 of your office would be, or what your thoughts or
23 plans are for staffing, or how you're going go about
24 that?

25 RISA SUGARMAN: I know what was in the

1 budget, or I've been told, but I don't know whether
2 that has to be shared with compliance.

3 So I know I would like to hire investigators,
4 attorneys, auditors, and analysts, but I can't say
5 until I get there, to know what I would like to
6 hire.

7 SENATOR O'MARA: Thank you.

8 SENATOR DEFRANCISCO: Senator Squadron.

9 SENATOR SQUADRON: Thank you.

10 Just a follow-up from Senator O'Mara who was
11 asking (inaudible) questions.

12 There have been good people who have come to
13 the board of elections (inaudible) to people there
14 now, people have often found to be a frustrating
15 place.

16 What do you think is going to be different,
17 both, in about this role, or (inaudible) this role
18 [inaudible] going to make it, that may make you able
19 to carry out sort of non-political, objective
20 enforcement mechanism that (inaudible)?

21 RISA SUGARMAN: I'm sorry, I'm not sure that
22 I understand.

23 Compared to what I've done in the past?

24 SENATOR SQUADRON: No, compared to the
25 Board of Elections, to the extent you're familiar

1 with the Board Of elections.

2 RISA SUGARMAN: You know, I really am not
3 familiar with the workings. I don't know the people
4 there.

5 I think that going in there with a clean
6 slate is a benefit, because I don't have
7 preconceived notions of what's -- what's gone on
8 there before.

9 I hope to go in and look, and work with the
10 people who are there, to help me, and get myself
11 acclimated to what's going on there.

12 I -- when I went into the criminal
13 investigations division at tax, it was -- it was a
14 place that was facing an inspector general's report,
15 so it was somewhere that was in disarray.

16 It was a place that people looked upon that
17 was not a good place to work. That people didn't
18 trust the people who worked there.

19 And in the last 15 months, I worked with my
20 director to turn that around. To work with the
21 people who knew what was going on, to make it clear
22 that the people who were the subject of that report
23 were only a few of the over 160 people that worked
24 in that division.

25 And I was successful in doing that.

1 We took an approach, that the people who
2 worked here were good and hard-working, and that
3 they were -- they were committed to the work that
4 they do, and they did a good job.

5 And I think that that's what needs to be done
6 in any job that I've ever done, and I've had --
7 I didn't have a problem doing that anywhere that
8 I worked.

9 So, I think that I can take that experience
10 in turning around that unit at tax, and do the same
11 thing, if need be, to do it there.

12 So, going in and working with people who are
13 committed to the work that they do at that
14 organization, is something that I have done just
15 recently. And I have no problem, and I have
16 confidence that I can do it.

17 SENATOR SQUADRON: And to the extent there
18 are structural statutory limitations that make that
19 more difficult than it's been in the past, or
20 impossible, despite the experience (inaudible),
21 I hope that you see part of your role as coming back
22 to the Legislature, regularly, to ask that you,
23 both, identify for us areas which the law more
24 broadly could be fixed, needs to question, and, ways
25 the structure of your role, especially, can better

1 (inaudible).

2 I just want to make sure that you see part of
3 your role, as you help build this to work, but also
4 to make it more effective.

5 RISA SUGARMAN: Okay.

6 SENATOR DEFRANCISCO: Senator Kennedy.

7 SENATOR KENNEDY: Thank you very much.

8 I look forward to casting a vote in favor of
9 you.

10 Your resume is extraordinary.

11 I'm glad that Senator O'Mara brought up some
12 of the things that he did, you know, and I think
13 Senator Squadron dovetailed on it as well.

14 You know, oftentimes, when you get into --
15 you know, we are trained to separate the politics
16 from the government. We have to, by law.

17 The Board of Elections, oftentimes those
18 lines get blurred.

19 And, how do we -- and, you know, as
20 Senator O'Mara had mentioned, you know, in your
21 position, you are going to be the chief enforcer of
22 the law, which is black-and-white, in an agency, if
23 not even just at the state level, going down to the
24 local levels, that line between politics and
25 government gets blurred.

1 How can we be sure that there won't be --
2 that you will bring a sort of professionalism that
3 will help to dictate, at every level; not just in
4 the state, but, again, down to the various counties
5 that we represent, that same professionalism, that
6 same black-and-white, where we can unblur the lines,
7 and where we're not having witch hunts set off
8 because there's a political attack on someone
9 publicly?

10 SENATOR DEFRANCISCO: Can you repeat the
11 question?

12 SENATOR KENNEDY: Sure.

13 Let me start over.

14 UNKNOWN SPEAKER: No, don't start over.

15 [Laughter.]

16 RISA SUGARMAN: I think that when I was
17 chief -- the way that I can answer that is, that
18 when I was the chief of homicide, one of my roles
19 for the district attorney, and it didn't happen
20 often, but one of the responsibilities that I had
21 was to decide if there wasn't sufficient evidence to
22 hold someone in custody after an initial arrest for
23 a homicide.

24 That decision fell to me; so, that, if we
25 made the -- there was a decision made that there

1 wasn't probable cause enough, and not sufficient
2 evidence, to go forward, at the arrest stage, on a
3 homicide case, it was my responsibility to tell the
4 police department, You have to release this person
5 and get more evidence.

6 Now, that, very often, didn't sit well with
7 both the police department and the family of the
8 decedent.

9 So, the pressure -- and it's not the
10 political pressure that you're talking about -- but
11 the pressure that was put upon me for the district
12 attorney, and he relied on me to make that decision
13 because of my experience, it was my responsibility
14 to make that. And, I followed the law.

15 It wasn't -- I very often had police
16 officers, detectives, lieutenants, captains,
17 deputy inspectors, yelling at me: I don't care what
18 you say. We're going to bring this person in and
19 we're going to process him and we're going to bring
20 him to central booking.

21 And it was, like, Well, you're not getting
22 further than central booking, because my people are
23 not going to write up the complaints.

24 And then the families of the victims would
25 say, Well, how can you possibly do that?

1 The other situations that were my
2 responsibility were investigations of custody
3 deaths.

4 So, in those situations where people died in
5 custody, we had the families of the victims, the
6 police departments, and, many times, community
7 representatives.

8 And those also fell to me to make the
9 determinations of whether or not the cases would
10 immediately proceed to grand jury, and what would
11 happen in the grand jury.

12 So, in those 10 years, during the course of
13 when I was chief, I was called upon to make those
14 determinations.

15 So, I think that I've had the experience.

16 I tell people that I have my Wonder Woman
17 bracelets, and that's how I have been called upon to
18 make those decisions.

19 I have that experience.

20 SENATOR KENNEDY: That was a great answer.

21 And the -- I suppose, just to further that,
22 the dialogue here, I know we're pressed for time
23 here, but, you know, when those things were
24 happening, did you see -- was this a public
25 pressure, or simply internal?

1 RISA SUGARMAN: It was both.

2 SENATOR KENNEDY: Because everything we do is
3 public.

4 RISA SUGARMAN: It was both.

5 I have had people go on television and say
6 that the police officers killed their loved ones in
7 cold blood.

8 And cases proceeded into the grand jury, and
9 the officers were found justified in what they did
10 on those particular nights.

11 So those -- and there were -- I was in the
12 DA's Office, I was hired by Marian Roloff (ph.),
13 I worked for Robert Johnson (inaudible).

14 So, it was in both situations.

15 SENATOR KENNEDY: Thank you.

16 SENATOR DEFRANCISCO: Senator Flanagan.

17 SENATOR FLANAGAN: In listening to part of
18 your answer, to kind of oversimplify, who do you
19 believe that you report to, or who do you work for?

20 SENATOR DEFRANCISCO: In the new job.

21 RISA SUGARMAN: Well, I think that it's an
22 independent appointment, so I'm not sure that what
23 the reporting -- I don't think I report to any
24 person.

25 It's an independent assignment.

1 I'm not sure that I -- I don't think I have a
2 boss.

3 My hiring is independent, so, I mean, I don't
4 report to the Legislature. I don't report to the
5 Governor. I don't report -- you know, I don't think
6 that I have a reporting chief.

7 I think that the decisions that I make,
8 I make referrals to the Board of Elections as to
9 whether a referral should go.

10 They vote.

11 If it's tied, then I untie them.

12 SENATOR FLANAGAN: And then, as a follow-up,
13 just relating to personnel, based on your answer,
14 I'm assuming that you feel that you have
15 appropriated, if not full discretion, on all --

16 RISA SUGARMAN: I'm given that by statute.

17 It says in the statute that I have the sole
18 responsibility for hiring.

19 SENATOR FLANAGAN: In that capacity, can you,
20 for example, hire one attorney at 150,000, and one
21 for 20,000?

22 Is that all within your discretion?

23 RISA SUGARMAN: I -- I don't -- I'm not --
24 I don't know enough about the budgetary, how that
25 would go, but, I guess I could.

1 I don't know.

2 I don't think I would.

3 SENATOR FLANAGAN: One comment, just sort of
4 dovetails on some of the things my colleagues said.

5 I chaired election boards, and I'm also the
6 Co-Chair of the Ethics Committee.

7 I think that, "gotcha," nobody really wants
8 to see that, and we talked about that.

9 To me, one of the appropriate functions of
10 the Board of Elections can be guidance, and setting
11 the appropriate tone, because, particularly, we've
12 had candidates who have never run before. They're
13 the ones who tend to make the most routine or
14 consistent mistakes.

15 So, to the extent that you can help
16 facilitate some of that, in a practical way, I think
17 it would be extremely helpful.

18 RISA SUGARMAN: I can tell you, my next-door
19 neighbor was (inaudible).

20 So, I had never run before, and I had my
21 next-door neighbor (inaudible), so, I agree with
22 you.

23 SENATOR DEFRANCISCO: Senator Krueger.

24 SENATOR KRUEGER: Senator Flanagan actually
25 closed off right where I was going start.

1 I had the opportunity to meet with
2 Ms. Sugarman, and had exactly that discussion
3 about how you balance a responsibility to enforce
4 the law, with the need, in my opinion, to offer
5 guidance and education to candidates, people who are
6 involved with election committees, elected officials
7 themselves.

8 I come to my perspective, after 12 years
9 here, in believing that the vast majority of us, and
10 the people who hope to hold elected office in state,
11 do so with the best of intentions, but, that the
12 requirements are extraordinarily complicated, and
13 they can be relatively "not English" for those who
14 are not familiar with the concepts of election law,
15 which I have learned over the years aren't really
16 like others.

17 There's enormous amounts of precedent, as
18 opposed to court determinations.

19 And I was very impressed with the nominee's
20 credentials, overall, but, also, her perspective of
21 believing that her job was to, you know, go "gotcha"
22 when necessary, but, mostly, try to make sure that
23 people understood what the law is, where the gray
24 area is, how not to step over the bounds.

25 And I thought that the creation of this,

1 which we were smart enough to put into statute,
2 would help assure that, in the future, those who are
3 in office, and those hoping to go into office, will
4 have much clearer -- a much clearer road map to
5 follow, and access to information, to make sure that
6 they do understand what the law allows and doesn't
7 allow.

8 And the only, I suppose, point I would make,
9 in response to your explaining your own history with
10 homicide: In politics, it's much more likely to be
11 suicide than homicide.

12 [Laughter.]

13 SENATOR KRUEGER: So it may be a -- there may
14 be a new set of issues for you.

15 And I look forward to being (inaudible).

16 SENATOR DEFRANCISCO: Anyone else?

17 I just wanted to, I think -- I know I used
18 the same word when we met: the "gotcha" mentality.

19 I mean, anybody that runs for office has got
20 either a genetic defect or a screw loose, because
21 it's always -- you do one little thing, and it's
22 amplified, and it's usually done the last two weeks
23 of the election.

24 And, of course, there's a full investigation
25 being claimed by one member of the Board of

1 Elections, if it's a local one, or otherwise.

2 So, that, to me, is the most important thing.

3 And, this is a piece of cake, this job for
4 you, if you were in your position in the Bronx on
5 homicides, supervising cowboys and cowgals who were
6 doing homicide cases, and dealing with the police
7 and everyone else.

8 So, that balance is why I think you're an
9 excellent nominee by the Governor, because I think
10 you've put everything in perspective, because you've
11 had to do that.

12 And that's my only point.

13 The only other question I had is:

14 One of the biggest problems we have all the
15 time in elections law, is petitions; whether good
16 petitions, bad petitions, some even have filed, you
17 know, objections, and so forth.

18 Don't you think it would be a great idea to
19 eliminate the petition process; if a party nominates
20 you, you don't have to file petitions?

21 Don't you think it would be a great idea?

22 SENATOR NOZZOLIO: I advise you not to
23 answer.

24 [Laughter.]

25 SENATOR NOZZOLIO: But I do have a question,

1 I think a little more serious than
2 Senator DeFrancisco's constant pitch for his
3 agenda.

4 SENATOR DEFRANCISCO: This is only for the
5 Senate, people that volunteer, that have to just
6 carry --

7 [Laughter.]

8 SENATOR NOZZOLIO: I also served as an
9 electional chair.

10 I'm now Chairman of the Codes Committee.

11 You have much different definitions in
12 criminal law than we do in the election law.

13 And that's, I guess, if there's one message,
14 I could leave you with that experience, is that
15 they're so different areas of the law.

16 One gives you a very finite blueprint from
17 which to work, which you are, obviously, skilled at
18 doing.

19 The election law is much more different,
20 much -- and we talked about this at my first
21 question.

22 Please understand that gray area.

23 And as Senator Krueger says, the road map is
24 out there, while the problem is, the tire tracks are
25 over everybody when that happens.

1 So, we want to work with you.

2 We want to help you develop appropriate
3 compliance-education processes.

4 And that -- with that, Mr. Chairman, thank
5 you for allowing me that last comment.

6 SENATOR DEFRANCISCO: Thank you very much.

7 I didn't allow it, you just jumped in.

8 [Laughter.]

9 SENATOR DEFRANCISCO: Senator Larkin.

10 Oh, do you want to move the nomination?

11 Moved by Senator Larkin, seconded by
12 Senator O'Mara.

13 All in favor?

14 (All in favor say "Aye.")

15 SENATOR DEFRANCISCO: Opposed?

16 The nominee is -- the nomination is moved to
17 the full floor.

18 Congratulations.

19 We have one more nomination, and this is --
20 this is Lawrence Waldman as trustee of SUNY.

21 Senator Krueger raised an issue, and I would
22 like her to state it.

23 I think maybe Senator LaValle has some
24 information that might shed some light on the issue,
25 it would be great.

1 SENATOR KRUEGER: Thank you.

2 Thank you.

3 Yes, when I was reviewing the resume --

4 SENATOR LAVALLE: Senator Krueger, could you
5 wait until --

6 SENATOR KRUEGER: Certainly.

7 SENATOR DEFRANCISCO: Ms. Sugarman, I don't
8 want to kick you out, but I really do, because we
9 want to continue.

10 All right?

11 I want to get home tonight.

12 Okay, Senator Krueger.

13 SENATOR KRUEGER: Yes, Mr. Waldman is not a
14 paid nominee, and, so, does not need to appear.

15 When I was reviewing his resume materials, he
16 is, among his other roles, of the -- the treasurer
17 of something called the "Advanced Energy Research
18 Technology Center at Stony Brook."

19 Now, I am actually familiar with the center,
20 and I think it does extraordinary work, and it's a
21 consortium of both private businesses and
22 universities and research centers from around the
23 state, the entire region.

24 My concern, and question is: If he has
25 fiduciary responsibilities as the treasurer of a

1 private-public partnership center on one SUNY
2 campus, is there, potentially, a conflict for him in
3 making decisions on the SUNY board?

4 And, does there need to be some clarification
5 that he would recuse himself for decisions involving
6 this entity which he is the treasurer of?

7 And I could not figure out, to make it all
8 one question, Senator LaValle, whether the AERCC
9 was, technically, a division of SUNY, a separate
10 not-for-profit corporation, and whether they owned
11 or lease the building?

12 SENATOR LAVALLE: It's a center of
13 excellence --

14 SENATOR KRUEGER: Yes.

15 SENATOR LAVALLE: -- within SUNY.

16 SENATOR KRUEGER: Yes.

17 SENATOR LAVALLE: It was created with public
18 dollars.

19 And I -- if there -- we have a SUNY board
20 member that is on the fundraising, the foundation.
21 And when he went on the SUNY board, the question
22 was: Did he have to step down from the foundation?

23 And the answer was "no."

24 Mr. Waldman is gubernatorial appointment.

25 As you probably saw, this is the second

1 appointment for him from the Governor.

2 He served as chairman of the LIPA board.

3 He is an accountant.

4 I don't know if anyone ever lived with or was
5 very good friends with an accountant.

6 I lived in the home of an accountant, and
7 they make sure that every "i" is dotted and every
8 "t" is crossed.

9 He is probably one of the more prestigious
10 members of the Nassau Suffolk County region.

11 You can see he serves in a number of
12 positions with the LIA, which is like a partnership,
13 the Chamber of Commerce for Long Island.

14 And this experience, and the other
15 experiences that he has, which is diverse, you see
16 he's on the Hofstra -- he's an adjunct professor at
17 Hofstra, he is on the Dean's Council at Hofstra.

18 And at the time when we have Start-Up NY, and
19 we have a major issue at SUNY, which Mr. Waldman
20 would be -- with his accounting experience,
21 financial experience, would be an excellent person.

22 So -- so to end up kind of where I started,
23 was that, if it was found that it would be a
24 conflict, in a nanosecond, Mr. Waldman would --
25 would probably leave that position, because he's the

1 kind of person that, given the broader
2 responsibility of the SUNY board, and the time that
3 that requires, he probably would even step down,
4 would be my guess.

5 SENATOR KRUEGER: So I appreciate the
6 analysis of his credentials.

7 I think his credentials are extraordinary.
8 That was never a question for me. His credentials
9 were excellent.

10 And I am extraordinarily impressed with the
11 entity, the AERTC, and what it's doing.

12 And, again, what I wanted to make sure went
13 on the record in this room, before we confirmed him,
14 was that, if there were conflicts, that he would
15 actually not be voting in that situation on the SUNY
16 board.

17 But I -- there was another question in there.

18 Is it a separate legal entity?

19 Because it appears to have its own board, its
20 own foundation.

21 So, you described it as a center of
22 excellence within SUNY, Stony Brook.

23 SENATOR LAVALLE: Within Stony Brook.

24 SENATOR KRUEGER: But is it also a separate
25 corporate entity?

1 SENATOR LAVALLE: No.

2 No, it is not.

3 SENATOR KRUEGER: Is that, even though it
4 describes having a --

5 SENATOR LAVALLE: It is a public entity, part
6 of the State University of New York. It is a center
7 of excellence.

8 SENATOR KRUEGER: And is that consistent with
9 other centers of excellence, where they have their
10 own board of directors and foundations that are
11 not -- I guess, if there's money in their
12 foundation, is that SUNY money, or is that some
13 separate entity, foundation --

14 SENATOR LAVALLE: Each campus has a
15 foundation.

16 So there is a SUNY, Stony Brook foundation.

17 SENATOR KRUEGER: But when I went on the
18 website for this entity, it appeared to have its own
19 foundation, separate from a SUNY, Stony Brook
20 foundation, that seemed to have a list of board
21 members, with titles, separate from a SUNY board or
22 a Stony Brook board.

23 So I was -- and what I could not find any
24 clarification of, is it legally a separate corporate
25 structure?

1 SENATOR LAVALLE: I don't believe so.

2 SENATOR KRUEGER: Okay.

3 So, I would just like to say on the record,
4 I'm assuming everything Senator LaValle and the
5 Governor's Office did in vetting, in recommending
6 him, is all good.

7 Because, again, his credentials appear
8 extraordinary, and appropriate to be a SUNY board
9 member, trustee.

10 And the work of this entity also appears to
11 be extraordinary.

12 So, work I have actually done with somebody
13 working with them.

14 I just want to go on the record, that it is
15 my hope that if, at some time, there was some
16 decision being made by the SUNY board, that appeared
17 to be specific to the funding or decision-making
18 about this center and their relationship with SUNY,
19 that that might be somewhere he would need to recuse
20 himself.

21 I'm certainly not suggesting that he needs to
22 step down from this center.

23 SENATOR DEFRANCISCO: We run into those
24 questions all time, was, recusal by Senator Breslin.

25 So I'm sure, based on his record, and his

1 background, I can't imagine he wouldn't have the
2 same response.

3 SENATOR STAVISKY: I want to agree with what
4 Senator Krueger said.

5 Has staff, in any way, checked either the
6 990 form or any of the forms that the foundations
7 are required to file, to make sure that they are
8 totally separate, particularly in terms of the SUNY
9 foundation?

10 SENATOR DEFRANCISCO: I'm sure we haven't.
11 This is first it was raised, maybe an hour
12 ago.

13 SENATOR LAVALLE: Senator Krueger?

14 SENATOR DEFRANCISCO: Do you want to say
15 something?

16 Excuse me, Senator.

17 Could you let Senator Krueger --
18 Senator Marcellino, he hasn't had the chance yet.

19 SENATOR STAVISKY: But I haven't had an
20 answer to my question.

21 SENATOR LAVALLE: I just wanted to say that,
22 under the Public Officers Law, which they go, SUNY,
23 they file the whole disclosure.

24 He would have to recuse himself, under the
25 Public Officers Law.

1 SENATOR STAVISKY: I mean, I'm sure that
2 I can take Senator LaValle's word that he's -- you
3 know, and I know he's not going to jeopardize his
4 standing as an accountant you know, a licensed CPA.

5 SENATOR DEFRANCISCO: Senator Marcellino.

6 SENATOR MARCELLINO: My comment is, why don't
7 we just submit Liz's question to the gentleman?

8 What's our time frame tonight?

9 SENATOR STAVISKY: Well, let's do it.

10 SENATOR DEFRANCISCO: I think they've already
11 agreed that they believe that he will recuse
12 himself.

13 SENATOR STAVISKY: Yeah.

14 SENATOR MARCELLINO: But he might not have
15 to.

16 SENATOR KRUEGER: I just wanted to be on
17 record that this was a concern raised, that
18 I assumed everyone would be -- would assure, in the
19 future, was addressed.

20 I don't want to delay his confirmation.

21 SENATOR STAVISKY: Neither do I.

22 SENATOR KRUEGER: I don't have any basis to
23 want to do that.

24 SENATOR STAVISKY: Neither do I.

25 SENATOR LARKIN: Move to confirmation.

1 SENATOR DEFRANCISCO: There's a motion by
2 Senator Martins to move the confirmation --

3 SENATOR LARKIN: Seconded.

4 SENATOR DEFRANCISCO: -- move the nomination,
5 and seconded by Senator Larkin.

6 All in favor?

7 (All in favor say "Aye.")

8 SENATOR DEFRANCISCO: Opposed?

9 The nominee is approved to go before the full
10 Senate.

11 And, the meeting is adjourned.

12 (The New York State Senate Standing
13 Committee on Finance adjourned at approximately
14 5:17 p.m.)

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