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# 4 G.O.P. Senators in New York Also Got False Titles That Carry Extra Pay

By JESSE MCKINLEY MAY 12, 2017

Four Republican state senators were falsely identified as leaders of Senate committees in documents sent to the state comptroller by Senate payroll staff in March, authorizing tens of thousands of dollars in stipends earmarked for other lawmakers.

The arrangement was identical to one that benefited three of their Democratic allies in the chamber, and was heavily criticized after The New York Times disclosed it this week.

Documents obtained through a Freedom of Information request show that Senator Thomas F. O'Mara of the Finger Lakes region and Senator Patrick M. Gallivan of the Buffalo area were listed as chairmen of the transportation and education committees in two emails sent to the comptroller in March. The men do not hold those positions, though they are vice chairmen of the committees.

The emails, labeled "Senate Certifications," requested total pretax payments of \$15,000 for Mr. O'Mara and \$18,000 for Mr. Gallivan. Stipends for such positions were paid in March and early April, according to the comptroller's office.

In addition, Senator Pamela Helming, a first-term lawmaker from Central New York, is identified in the Senate payroll documents as the chairwoman of the crime victims, crime and correction committee, which Mr. Gallivan actually leads. A representative for Ms. Helming denied that she had accepted any payment connected to the crime committee, of which she is the vice chairwoman.

And Senator Patty Ritchie was identified as the chairwoman of the health committee. That position belongs to Senator Kemp Hannon of Long Island.

Requests were made for Ms. Ritchie, who represents a district that borders Lake Ontario, to be paid \$15,000. Her actual title is deputy vice chairwoman of the committee in question; as with other vice-chair positions, it does not come with any explicit statutory basis for a stipend.

The addition of four Republicans to the list of three Democratic committee vice chairmen receiving questionable stipends has widened the latest controversy to engulf Albany, which has an outsize reputation for corruption and has been buffeted in recent years by the convictions of two of its most powerful figures: Sheldon Silver, the former Assembly speaker, and Dean G. Skelos, the former Senate majority leader. Both were convicted on federal corruption charges in 2015.

Chairman of Senate committees are specifically entitled by law to extra pay, but vice chairmen are not. Mr. O'Mara, Mr. Gallivan and Ms. Ritchie all lead committees, but their positions pay less than those who lead the transportation, education and health chairmen receive.

The documents obtained from the comptroller's office this week also show that Senate payroll officials had falsely identified three Democratic senators who belong to the breakaway Independent Democratic Conference, which has helped Republicans maintain control over the chamber. The false titles, and accompanying requests for payments, were included in a series of emails from 2015 to March 2017.

In each case, the Democratic senators — Diane Savino of Staten Island, Jose R. Peralta of Queens and David J. Valesky of Syracuse — were identified and paid as

chairmen of Senate committees when they were actually second in command.

The leaders and ranking members of most of the Senate's nearly three dozen committees receive extra payments, commonly known as lulus, from \$9,000 to \$34,000 a year.

By state law, legislators can receive only one such stipend; they typically take the largest one if they hold multiple leadership positions. The law says nothing that would explicitly allow committee chairmen to funnel their stipends to other lawmakers.

Representatives of the breakaway Democrats have argued that there is legal language that can be interpreted to allow extra payments to committee vice chairmen. How exactly the documents with the false information came to be repeatedly included in communications from the Senate staff to the comptroller's office remained a mystery on Friday. The Senate's Republican leader, John J. Flanagan of Long Island, steadfastly declined to answer how the titles and stipends were assigned.

Mr. Flanagan's response to a barrage of questions was restricted to eight words, delivered by Scott Reif, his spokesman.

"Everything was done in accordance with the law," he said.

On Friday, two government watchdog groups called for investigations into the payroll requests and stipend payments, which seemed to potentially violate state law related to knowingly offering false documents to government officials or agencies. If done with an intent to defraud, such actions can be felonies.

Susan Lerner, the executive director of one of the groups, Common Cause New York, said that the filing of fraudulent documents "represents an egregious misuse of public monies, and potentially a more serious legal violation, which must be investigated by law enforcement."

"This is not a clerical error to be blamed on staff, or punted to the

comptroller,” she said.

Mr. Reif declined to answer whether Mr. Flanagan knew of or had authorized the payroll requests, or if the Senate leader knew that they were incorrect. Mr. Reif also would not suggest who else might have been in charge of drafting or overseeing those requests.

Candice Giove, a spokeswoman for the Independent Democratic Conference, said that Senator Jeffrey D. Klein, who represents parts of the Bronx and Westchester County and is the group’s leader, was not aware nor had he authorized the certifications for Mr. Peralta, Ms. Savino and Mr. Valesky that had been sent by the Senate staff. Ms. Giove added that Mr. Klein did not know that the requests had included incorrect information.

Calls seeking comment from Mr. Gallivan, Mr. O’Mara and Ms. Ritchie were not immediately returned.

Jennifer Freeman, a spokeswoman for the comptroller, Thomas P. DiNapoli, said that “the Senate determines who gets paid what stipend consistent with state law and the practices of the house.”

“When our office receives a payroll request that has been certified by the Senate, or any state entity, we make the payment,” she said, adding that “at this time, we have no basis to take back this money.”

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