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The Week That Was

05-04-18

1. Silver Lining?

Our Spin:

Was Shelly Silver illegally lining his pockets or merely doing the people's business? That is the central question in the recently commenced retrial of former Speaker of the State Assembly, Sheldon Silver. Lawyers were almost at war with one another after Federal prosecutors called a surprise witness to the stand, Mary Hesdorffer. Hesdorffer testified that she warned her former boss Dr. Robert Taub, who is one of the prosecution's key witnesses, that "they were going to take him out in handcuffs" for referring patients to the ex-Assembly Speaker... Now on the stand, Silver's friend of 40 years, lobbyist Brian Meara.

The Story:

On Monday, the retrial of former Speaker of the New York State Assembly, Sheldon Silver, on public corruption charges began in Federal District Court. Mr. Silver was convicted in November 2015, after a five-week trial, on charges that included honest services fraud, extortion and money laundering. Two weeks later, Dean G. Skelos, the former Republican Majority Leader of the State Senate, was convicted in a separate corruption trial.

But the convictions of Mr. Silver and Mr. Skelos were overturned last year on appeal, after the Supreme Court, in vacating the conviction of a former governor of Virginia, Bob McDonnell, narrowed the kind of quid-pro-quo actions that could constitute corruption. The Supreme Court held that official action must involve concrete and formal government actions or decisions and not mere political courtesies, like setting up a meeting.

A prosecutor told the jury in an opening statement that Mr. Silver had obtained nearly \$4 million in allegedly illicit fees in exchange for using his official position to benefit a cancer researcher, Dr. Robert N. Taub, at Columbia University, and two real estate developers. "Remember, the money that Silver sent to Dr. Taub, it wasn't his own money," the prosecutor, Damian Williams, told the jury, referring to state grants that Mr. Silver had steered to Dr. Taub. "It was the people's money. He used that money to make a fortune for himself."

Mr. Silver's lawyer, Michael S. Feldberg, in his opening statement, said the evidence would show that there was no corrupt agreement, quid-pro-quo or bribe involving his client. "Everything that happened in this case was not only legal," Mr. Feldberg said, "it was designed to — and did — help people."

"It is just not a crime to be a politician, even a powerful one," Mr. Feldberg added.

[The New York Times](#)

2. Bar Fight

Our Spin:

Muscles McInnis vs. Growling Gerstman. The union vs the union buster! Does it get any better than this in Albany? But seriously, what's next on the undercard? Will we see 90 year-old, "Battling Bill Larkin," vs. 75 year-old, "Fighting Joe Lentol."

The Story:

According to a story reported by the NY Daily News, State Senator Tim Kennedy wanted no part of a heated exchange between a former union boss and a lobbyist that unfolded in front of him. Kennedy was chatting with lawyer/lobbyist Brad Gerstman at the Renaissance Hotel restaurant bar when, according to one source, former Carpenters Union boss Steve McInnis approached them both and said to Kennedy "Is that Brad Gerstman? He's a f---g piece of s--t scumbag."

According to the Daily News' witness, Gerstman was headed to the bathroom when he stopped to greet Kennedy. McInnis appears to have overheard Gerstman introduce himself and stepped in. We're told that a confused Kennedy quickly removed himself from the situation. "Whoa, I don't want anything to do with this," our witness heard Kennedy say before walking away from the bar.

The News was told that a heated exchange between Gerstman and McInnis ensued in which McInnis blamed Gerstman for killing union jobs while advocating for non-union workers on construction projects over the past couple of years. "Do you know how many jobs you cost me?" McInnis allegedly growled at Gerstman who replied "I'm not going to kick the s--t out of you here, let's go outside."

Then two men walked outside the hotel with a couple followers and were "nose to nose" when McInnis accused Gersman of working to bust up Local 157, which he ran before resigning in February "due to an infraction of personnel policy," according to a union official. Gerstman, who appeared agitated, was heard informing McInnis that "time for political debate was over" once they stepped outside and now it was fight time.

When McInnis told him "I'm a 45-year-old guy, I don't do this anymore," according to the Daily News source, Gerstman sneered "I'm a 50-year-old guy and I do do this — it's kind of my thing."

Eventually both men calmed down and went back inside. Gerstman wouldn't confirm details, but admitted he and McInnis had an "impolite conversation." He added "I don't go looking for fights, but if someone wants to challenge me I'm always game."

[NY Daily News](#)

3. Fab Five or Magnificent Seven?

Our Spin:

For the last couple months, the word on the street has been Senator Tom Croci would not be seeking re-election and indeed he announced this week that he is returning to the United States Navy, anchors away Tom. The

announcement of Senator Bill Larkin's retirement saddens us all at FWC. Senator Larkin has been a tireless advocate for veterans, in particular New Yorkers in general. We are reminded of General MacArthur's iconic saying "Old Soldiers never die, they just fade away." With Croci and Larkin's announcements, the number of retiring Republican senators to five. In the coming weeks could it grow to a magnificent seven?

The Story:

Republican Senator Tom Croci on Wednesday announced his plans to leave office and not run for re-election. Speaking with reporters, Croci pointed to his Navy deployment ruling out a bid for re-election. "You can't be mobilized for active orders and be a candidate for public office, between the DOD rules and the Hatch Act, you can't do that," Croci said.

Just a day later, Republican state Senator Bill Larkin announced his retirement from the chamber after nearly 28 years in office. Larkin, 90, became the fifth lawmaker in the State Republican conference in recent weeks to officially announce he would not see another term in Albany.

But even as Democrats plot a push to flip the seat to their column, Larkin, a 90-year-old veteran of World War II and the Korean War, received accolades from members of both parties.

"I congratulate Senator Bill Larkin on his decades of service to our state and nation, and I wish him well," said Democratic Senate Minority Leader Andrea Stewart-Cousins. "Senator Larkin has always been a gentleman and a friend, I hope he enjoys his retirement and this opportunity to spend time with family, friends, and loved ones."

Larkin's military career didn't just stop at overseas wars. As a lieutenant colonel, he provided protection to the Reverend Martin Luther King and thousands of demonstrators who participated in the historic civil rights march from Selma to Montgomery. Senate Majority Leader John Flanagan also praised Larkin, saying his retirement was well-deserved.

"After decades helping others, Colonel Larkin has earned the right to leave this place on his own terms and by his own choosing," Flanagan said. "He has been our protector, our Senator and our friend. His country, his state, and his community are forever in his debt, and each of us are eternally grateful for his counsel and his friendship. Every single member of the Senate will miss him dearly.

[State of Politics](#)

