



111 WASHINGTON AVE, SUITE 501  
ALBANY, NEW YORK 12207

[WWW.FWC-LAW.COM](http://WWW.FWC-LAW.COM)

PHONE: (518) 436-0786  
FAX: (518) 427-0452

## The Week That Was

06-22-18

### 1. Speeding to an End

#### *Our Spin:*

With time running out, Governor Cuomo met privately with legislative leaders throughout the final scheduled day of legislative session. Some insiders thought with the Governor in town, a deal would be brokered. Alas, that wasn't the case this time. Matter of fact, despite being in town, Mr. Cuomo mostly kept his public appearances to TV interviews on national cable networks and NY1 to discuss President Donald Trump ending his administration's family separation policy for migrants at the U.S. border. Just throwing it out there, I don't think Governor Cuomo likes The Donald so much...

#### *The Story:*

The legislative session drew to its scheduled close on Wednesday, with state lawmakers leaving a range of issues like renewing speed cameras for New York City, delinking teacher evaluations from state examinations and regulating sports betting, on the table.

It's not clear if the Legislature will return after Tuesday's congressional primaries to take up speed camera extension legislation; the program expires at the end of next month. It's a very narrow window that lawmakers would seek to come back in to take up the issue.

This would most likely not occur before the upcoming congressional primaries on Tuesday, which will include several of their members running in key House races. At the same time, the July 4 holiday week will almost certainly have some lawmakers on already scheduled vacations. That leaves a few days at the end of

next week to take up a potential renewal bill. Coming up with the votes has been shown to be easier said than done in the Senate.

And speaking of the state Senate: It was a slog to get anything through the Senate in the final weeks of the legislative session, the gears of progress gummed up partially by partisanship, but also simple math. It takes 32 votes to pass anything in the Senate; each conference had only 31 members.

However, lawmakers were able to notch victories on bills such as creating a prosecutorial conduct commission, and regulations aimed at protecting ticket purchasers, among others.

#### [State of Politics](#)

### 2. Separation of Powers

#### *Our Spin:*

As news reports came in of hundreds of children sent quietly to New York after being separated from their families at the southern border, Governor Cuomo immediately made it a top priority to step in. First, he announced earlier in the week that New York intends to file a multi-agency lawsuit against the Trump Administration to protect the children and ensure "our country remains true to its values." On Thursday, he wrote a letter to federal Department of Health and Human Services Secretary Alex Azar, requesting information on the children to ensure that appropriate mental health services are being provided. Lastly, he toured a childcare agency campus with a New

York Times reporter in tow, getting a rare glimpse at the conditions in which children separated from their parents are being held. I think it's safe to say his priority this week wasn't the end of the Legislative session.

*The Story:*

Following reports that hundreds of migrant children separated from their families at the U.S. border are being housed in New York State foster care facilities, Governor Andrew M. Cuomo issued a letter to the federal Department of Health and Human Services Secretary Alex Azar on Thursday, requesting information on the children to ensure that appropriate mental health services are provided.

Cuomo said Thursday that the young detainees have been traumatized from being separated from their parents as a result of the Trump administration's "zero tolerance" immigration policy that mandates that children at the U.S.-Mexico border be removed from their parents as they face prosecution.

"It's my constitutional responsibility to take care of the health and well being of the kids in my state," Cuomo said in a phone press conference on Thursday. "I believe legally, they must tell me where they are." Up to 700 children may be held across the state, based on his communication with state agencies, but the exact number is unclear because state agencies are under a federal gag order, he said.

"I'm not sure even HHS knows, because there has been such a shuffling of children," Cuomo said. "We don't even know if they are in custody of a foster care agency or if they have been placed in private residences."

While the Trump administration claims it has reversed its family separation policy through Executive Order, Cuomo said that the order will not effectively end the removal of children from their parents at the border, calling the tactic a "sham press release" and a "political pirouette." He said that HHS and Azar have not returned phone calls from the governor's office.

[Times Union](#)

### 3. Dr. K

*Our Spin:*

U.S. District Judge Valerie Caproni has got her hands full yet again. Thursday marked the fourth day of the Buffalo Billion trial and featured the testimony of former LPCiminelli Vice President, Kevin Schuler. Schuler is throwing his former boss and Dr. K under the bus, but even Caproni has admitted that the Buffalo Billion case is a difficult one for the government to prosecute. Schuler, facing a maximum of three years in prison, is hoping for

leniency. Two pertinent questions are as follows: will his testimony prove to be key in yet another prosecution judged by the heard-it-all before Caproni, and how long will it take for Lifetime to assemble some mediocre actors to film an underwhelming take on the story...

*The Story:*

With his former boss sitting just a few feet away, Kevin Schuler took the witness stand Thursday to talk about the crimes he committed and the people who he said helped him. Schuler, described by defense lawyers as the "government's star witness," testified that defendants Louis Ciminelli and Alain Kaloyeros joined him in a scheme to illegally influence and win a \$750 million state-funded project in Buffalo.

The former LPCiminelli vice president also picked Ciminelli and Kaloyeros out of a crowded courtroom when a federal prosecutor asked him to identify people who were part of the criminal conspiracy he took part in. "We had significant influence over the project, influence over the RFP and influence over the process that was going to select a winner," Schuler told the jury.

Schuler also testified about Ciminelli's personal interests in the business, including an obsession with important relationships. "Certainly, the relationship with Dr. K became an important one," he said of Kaloyeros. He also told the jury about Todd Howe, the Washington, D.C., lobbyist hired by LPCiminelli to help with its efforts at becoming the Buffalo Billion's preferred developer.

During his time on the stand, he said Howe also worked for SUNY Polytechnic Institute as part of an effort by Kaloyeros, president of the college, to improve relations with Cuomo.

He said Howe was recommended by former Syracuse Mayor Tom Young, and often boasted of being best friends with Howard Glaser and Joseph Percoco, two top aides to the governor at the time. Percoco was convicted of fraud and conspiracy charges earlier this year.

Howe, who also admitted guilt for his role in the scheme, testified at Percoco's trial but was arrested when he admitted violating his cooperation agreement. He is in federal prison.

[The Buffalo News](#)

