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Investigation of Golisano to continue

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Billionaire B. Thomas Golisano's political organization remains under investigation for election law violations after a State Supreme Court justice last week dismissed his efforts to halt the probe of his Responsible New York committee and its chief operative, G. Steven Pigeon.

Erie County Republican Elections Commissioner Ralph M. Mohr said his office can now proceed with its complaint against Golisano and his committee. And Kristin Klein Wheaton, first assistant county attorney, confirmed her office won its motion to dismiss the Golisano case in action before Justice Ralph A. Boniello.

Golisano had demanded in his suit that Mohr and Democratic Elections Commissioner Dennis E. Ward return and destroy any financial information subpoenaed in the probe.

"The judge ruled that he didn't make enough statements of fact to show that we were arbitrary and capricious or that we were wrong in our investigation," Mohr said.

Accompanied by television cameras, Golisano stormed the board's downtown offices in October 2008 to call for the removal of Mohr and Ward. They had complained to the state Board of Elections that Pigeon illegally coordinated campaigns financed by Responsible New York.

The Golisano committee, which is called an unauthorized committee, is allowed to spend unlimited sums and avoid campaign contribution limits as long as it does not coordinate with the candidates it supports. Golisano has maintained all along that there was never any coordination.

Pigeon, the former Erie County Democratic chairman who at the time was director of Responsible New York, also worked on the campaign of Democratic State Senate candidate Joe Mesi in his unsuccessful race against Republican Michael H. Ranzenhofer. Responsible New York spent \$4.4 million of Golisano's money in 2008 state legislative elections.

The board subpoenas sought Pigeon's personal and political bank records, the Golisano complaint charged. The elections commissioners also obtained financial information from

subpoenas for Citizens for Fiscal Integrity and People for Accountable Government, two political action committees controlled by Pigeon.

Mohr and Ward, after studying the information, then charged that Pigeon failed to file information on tens of thousands of dollars in election contributions and expenditures, as required by law. After their complaints, David Pfaff, treasurer of the committees, filed reports last summer, most of them two years late, listing more than \$60,000 in contributions and expenditures.

Golisano wrote an op-ed piece in The Buffalo News last November, labeling as “categorically untrue” allegations that Pigeon and Responsible New York were coordinating with any other campaign.

Mohr said last week the ruling means that the board will continue its investigation into Responsible New York, Pigeon and Pigeon associate Gary D. Parenti. No charges have yet been filed.

Golisano attorney John P. Bartolomei did not return a call seeking comment. State Board of Elections spokesman John Conklin said a similar Golisano action filed against the state board remains active.

The ruling also means Pigeon and Parenti will remain the subject of even more scrutiny by legal authorities. State Attorney General Andrew M. Cuomo and federal prosecutors in Brooklyn are now jointly probing Pigeon’s boss, Senate Majority Leader Pedro Espada, and his dealings at Soundview, a group that the lawmaker founded in 1978.

Pigeon is also the subject of a separate complaint leveled last fall by former Assistant District Attorney Mark A. Sacha, who charged that two successive Erie County district attorneys gave Pigeon a political pass on election fraud. Gov. David A. Paterson’s chief counsel is weighing the appointment of a special prosecutor in that case. Pigeon has denied wrongdoing.

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