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EXCLUSIVE

Ethics panel works in secret

Commission keeping eye on legislators works behind closed doors, in consultation with lawmakers' counsel

By **IRENE JAY LIU**
Capitol bureau

ALBANY — A special commission that legislators claim is their “independent” ethics watchdog is anything but, a monthlong Times Union investigation has found.

In practice, the Legislative Ethics Commission is an extension of the legislators' own team of lawyers, particularly the counsels of the majorities — the Senate Republicans and Assembly Democrats.

The commission's staff is hired by and regularly consults with the legislative lawyers. They draft recommendations behind closed doors, long before the commission's appointed members sit down for an official vote.

The commission's co-chair, a Senate representative, signs the staff's paychecks. The commission is in a suite of Senate majority offices in the Alfred E. Smith state office building.

“Part of the problem here, since it's not independent and it's secret, it's the worst of both worlds,” said Blair Horner, legislative director for the New York Public Interest Research Group. “It's the legislators self-policing in New York, so that doesn't inspire confidence.”

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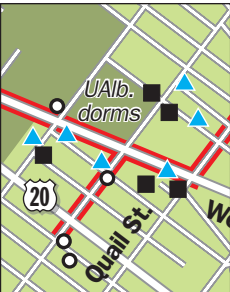
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Troubling ties

Investigators say ex-chief can be heard taking part in wife's phone call with alleged drug kingpin./E1

Crime and college



A **LONE WOMAN** makes her way up Ontario Street at 3 a.m. on Saturday. Albany has a half-dozen schools and about 25,000 students.



Inside

A4 ▶ Find out how many times University at Albany students were robbed on city streets.
▶ A slice of student nightlife.
▶ Crime statistics.

On the web

▶ Check out our interactive video and map at <http://timesunion.com>

Read & React

▶ Whose responsibility is it to keep students safe off-campus? Are school and city officials doing enough?
<http://timesunion.com/readandreact>



STUDENTS congregate in front of Michael's on Madison Avenue. Drunken revelers out late can become easy targets for muggers and rapists.

Off-campus incidents aren't always reported

By **MARC PARRY**
Staff writer

ALBANY — The footsteps behind her sounded like a jogger. Then Erica Quinn felt a hand grab her throat.

Her boyfriend, University at Albany senior Dariusz Ullicki, felt something worse: a gun jammed into his mouth.

He bled. His lips swelled. And at 6:30 p.m. one Sunday last year, Ullicki became yet another student whose name would appear as a victim in an Albany police report.

At least 65 UAlbany students were victims of off-campus robberies reported to city police between mid-2002 and mid-2007, according to a university report obtained by the Times Union under the Freedom of Information Law.

The crimes, like the attempted robbery of Ullicki and Quinn off Quail Street, often involved weapons or violence. And they often took place in the so-called “student ghetto” and its surrounding streets, a run-down area where naive kids can make easy prey.

The UAlbany study shows the 17,000-student SUNY school also experienced an alarming uptick in off-campus sexual assaults against its students from mid-2005 to mid-2007, with eight reported during that period. The analysis, based on city police data provided to the university, counts no sexual assaults reported the three prior years. In one 2005 knife-point attack, a 16-year-old broke into a student's South
Please see **UALBANY A4** ▶

Mother's Day salute for military moms

Grandmothers step in to help raise kids whose mothers are serving in Afghanistan

By **DENNIS YUSKO**
Staff writer

Warrant Officer Priscilla Burnah won't be getting pancakes in bed this Mother's Day morning. And Capt. Lynn Carrier will miss little things: going to a sporting event, riding bikes, sitting at home and having dinner.

Both are single mothers from Saratoga County who arrived in Afghanistan last



BURNAH

month after training with the National Guard's 27th Infantry Brigade Combat Team. And both will miss Mother's Day at home this year.

Each turned to her own mother to share the sacrifice of deployment and parenthood.

Burnah's mother, Judy Sorrell-Lynch, a retired Army nurse, has uprooted her Cadyville, Clinton County, life to raise her daughter's children — Melina, 6, and Ryan, 18 — in Waterford.

Carrier's mother, Elizabeth Melvin, re-

E8 ▶ Three generations in softball.

▶ Check out our channel on moms at <http://timesunion.com/moms>

cently moved from Vermont to be surrogate mother to her daughter's 12-year-old son, Brandon, in Ballston Spa.

With women now making up 15 percent of the Army, thousands of mothers have been removed from the family dinner table to help with America's twin conflicts in the Middle East. The result can be upheaval at home — felt sharply at times like Mother's
Please see **MOTHERS A6** ▶



JUDY SORRELL-LYNCH takes care of grandchildren Melina and Ryan Burnah as their mother, Warrant Officer Priscilla Burnah, is in Afghanistan.

SPECIAL TO THE TIMES UNION

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PANEL

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 - Patrick Bulgaro
 - Peter Coffey
 - Ellen Holtzman
 - John Nigro

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McEneny said that without confidentiality, lawmakers won't seek guidance.

NYPIRG's Horner said there's a simple solution: Create a single independent ethics body for the Legislature and everyone else, as 36 states have done.

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As for the notion that the commission enables lawmakers to bend the law, Lanza replied that its purpose is to foster and ensure ethical behavior.

"It's not going to prevent someone who is intent on breaking the law, but we hope that it will act as a deterrent," he said.

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"An independent commission should deter people from getting into trouble," he said. "Obviously, it hasn't worked."

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Times Union (Albany, N.Y.)

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A day or two before the meeting, binders with the agenda and related documents, including the draft advisory opinions, are hand-delivered to members. At the meeting, commission members and conference lawyers vote to accept or reject the opinions, or hold off voting if changes are needed.

According to Ryan and commission co-chair Sen. Andrew Lanza, R-Staten Island, about half the time advisory opinions are passed as is. Most changes are minor, Ryan said.

Not every draft opinion makes it to the commission.

After the legislative lawyers and Ryan finalize an opinion, the counsel will advise the legislator of the outcome. Legislators can withdraw their requests for any reason, including the prospect that they don't like what the draft says. Once the commission votes on the opinion, it is legally binding.

Since 2000, 15 out of 94 requests for opinions have been withdrawn.

"If it really stunk, their lawyer would tell them to withdraw the request," said Assemblyman Jack McEneny, D-Albany, a former co-chair of the Legislative Ethics Committee.

If an opinion has already been printed and put in the commission's binders and a legislator then asks to withdraw it before a vote, the draft is removed and replaced by a blank sheet of paper, according to a source familiar with the commission.

Ryan said the main reason opinions are withdrawn is because the question "becomes moot" and that "usually they get withdrawn before the opinion is drafted."

Lanza said the withdrawal of unfavorable opinions has "not been my experience at all."

Ryan says it is important that withdrawn opinions remain confidential. "We don't want them to fear that if they asked for an opinion and it said no, that it would come out," said Ryan.

A favorable opinion, on the other hand, has great value. Under state law, "such opinion ... may be introduced and shall be a defense in any criminal or civil action."

But while an opinion can be a strong defense, its strength depends on the integrity of the process that generated it, Columbia Law school professor and former assistant U.S. Attorney Daniel Richman said.

"Certainly to the degree that there was collusion between the legislator and the commission in the creation of the opinion, I wouldn't give it much faith in a good-faith defense," Richman said.

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