JANE CORWIN
Assemblywoman 144th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Corporations, Authorities and Commissions Committee

COMMITTEES
Education
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March 26, 2013

Hon. Mark Poloncarz,
Erie County Executive
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202

Dear County Executive Poloncarz:

I am writing to express my concern with regards to an article published in the *New York Times* on Friday, March 22, 2013, which noted that the Empire State Development Corporation agreed to accept a 12-seat luxury box at Ralph Wilson Stadium, as part of the recent lease agreement for the stadium. (Enclosed, please find a copy of the article referenced.)

While I am very supportive of exhausting all legitimate options of keeping such a regionally important, cultural and economic asset like the Buffalo Bills in Western New York, I have grave concern that luxury box seats for State usage may be extremely inappropriate, if not in violation of existing State ethics laws.

As a member of the New York State Assembly Committee on Corporations, Authorities and Commissions, I am writing to request that you provide my office with additional details and information surrounding this transaction. My colleague, Assemblyman Jim Brennan, Chairman of the Committee, has already reached out to the Empire State Development Corporation on this matter, but as another negotiating partner in the agreement, I am seeking information from Erie County regarding the lease agreement as well.

It would be of great benefit to my understanding if you could provide a full and detailed explanation as to why or how this arrangement does not violate the State Constitution or State ethics laws, including any legal memorandum addressing the issue, in addition to providing an explanation as to why a 12-seat luxury box is necessary to attract business to Western New York.

Furthermore, I respectfully request you provide my office with information on how this arrangement will be implemented. To be specific, who is entitled to ask for seats? Does this include State or county officials? Private parties? Business community members? Appointed officials? Companies with State contracts? All or specific State employees?

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What is the process or procedure for requesting or obtaining these seats, and which entity is responsible for establishing this criteria or procedure and is responsible for approving requests for the box?

Finally, is there a plan outlined in the lease agreement, defining reimbursement of costs per use by attendees, to the State and what safeguards have been included in the agreement to protect taxpayers from any violations of ethics laws regarding the box?

As I am sure you can understand, given the difficult economic climate for the residents of New York State, in light of the negotiation that includes a luxury box available for State use; many concerns have been raised by taxpayers and State officials regarding the agreement, and the potential for violations of State ethics laws.

I would like to re-confirm that I understand the importance of keeping the Buffalo Bills in Western New York, and I am very pleased that an agreement was reached ensuring that for the foreseeable future, Buffalo will continue to be the home of the Bills. However, under no circumstances should taxpayers be paying for ***any*** public official to attend a professional sporting event.

As this is a time sensitive matter, I would appreciate if you could apprise me of the details regarding this arrangement at your earliest convenience. If I can be of any assistance to you, or if you have any further questions, please do not hesitate to contact me.

Thank you.

Sincerely,

Jane L. Corwin
Member of Assembly
142nd District

cc: Bob Graber, Clerk of Erie County Legislature
Ed Rath, Erie County Legislator
Kenneth Adams, Chief Executive Officer, NYS Empire State Development Corporation
Christina Orsi, WNY Regional Director, NYS Empire State Development Corporation
Russ Brandon, President and Chief Executive Officer, Buffalo Bills

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The New York Times

March 21, 2013

Deal Will Give Cuomo Administration 12-Seat Suite at the Bills' Stadium

By DANNY HAKIM

ALBANY — The Buffalo Bills' renovated stadium will feature a new entrance plaza and an 8,000-square-foot team store, as well as more restrooms and large video screens.

And it will have a luxury suite for Gov. Andrew M. Cuomo's administration.

The 12-seat luxury box was negotiated by the state as part of a deal to keep the Bills in Buffalo. It is partly described in the fine print of state documents as an "I ♥ NY Hospitality Center" where public officials can promote New York State and its western region.

The box is part of the Cuomo administration's $130 million deal to renovate Ralph Wilson Stadium, where the Bills play, in an agreement to keep the team in Orchard Park, a suburb of Buffalo, for at least seven years. Under the terms of the deal, the state will pay $54 million, Erie County will pay $41 million and the Bills will pay $35 million.

The Cuomo administration says that because the stadium is publicly owned, using one of the luxury boxes to promote the state is legitimate. But critics have seen such deals as perks for elected officials or their top aides.

Cuomo administration officials said on Thursday that they would, in some circumstances, require public officials who used the stadium to pay the face value of a seat in a luxury box. But the specific details of when officials would be charged and how much they would pay would have to be worked out. Such payments are not detailed in the memorandum of understanding signed by the state and the Bills.

In a statement issued on Tuesday, the governor said that "the agreement protects taxpayer dollars and puts in place a long term plan for the team's continued presence in Buffalo."

The luxury box will be controlled by the Empire State Development Corporation, a state

authority that is controlled by the Cuomo administration and oversees its economic development policy.

In a statement, Kenneth Adams, the chief executive of Empire State Development, said the box "will be a great way to show off Buffalo and the region to businesses seeking to relocate to our state.

"We are proud of the Bills and western New York, and we want business leaders from around the country to know what a great place it is to invest and grow jobs."

Richard Brodsky, a former state assemblyman and longtime watchdog of state agencies and authorities, criticized the arrangement.

"No government agency needs to lease a luxury suite to market upstate New York," he said. "If they need to buy tickets, that's fine, then they buy them on an as-needed basis. The cost of the luxury suite is being paid by the taxpayer, remember that."

Mr. Brodsky was similarly critical of efforts by the Bloomberg administration to secure luxury suites at the new Yankee Stadium and Citi Field, where the Mets play — an episode that was revealed in embarrassing detail by e-mail traffic between city and Yankees officials.

The city now has no luxury suites at any of its major sports arenas, according to an aide to Mayor Michael R. Bloomberg and officials for sports teams.

Scott Berchtold, a spokesman for the Bills, would say only, "Our team policy is such that we do not comment regarding the details of the suites held by our suiteholders."

Requiring officials to pay for attending games in the suite could raise the thorny question of how much to fairly charge for a single seat in a luxury box. One factor: Luxury boxes are typically sold as an entire unit. Another: The Bills, who have not had a winning season since 2004, are not exactly a hot commodity.

Doron J. Segal, a co-owner of a business that resells unused seats in luxury boxes, said: "A 12-person suite, that's a small suite. You'd figure it's probably about $1,000 a person, though there are other things that come into it, like whether it's catered."

But he also added, "I don't get a lot of requests for the Bills."