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Cuomo donor Lou Ciminelli gets 28-month sentence in bid-rigging scheme

Prison term follows construction mogul's conviction with two others for working to get inside access to shape upstate tech-focused projects worth nearly \$1 billion.



Buffalo developer Lou Ciminelli in July as he left a federal courthouse in Manhattan. Photo Credit: Charles Eckert

By John Riley
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Multimillionaire construction mogul Lou Ciminelli, a major political donor to Gov. Andrew M. Cuomo, was sentenced to 28 months in prison Monday by a Manhattan federal judge for conspiring to rig bids for the state's lucrative Buffalo Billions economic development project.

"I hope this sentence will be heard around the state," said U.S. District Judge Valerie Caproni. "When you're competing for state projects you're competing for taxpayer money and you should be purer than Caesar's wife . . . If you can't live with that squeaky-clean standard, stick with private projects."

Despite her stern words, Caproni's sentence was below the 3 years urged by probation officials. She said any actual financial loss suffered by the state was speculative, and freed Ciminelli during appeal because prosecutors' "right to control" legal theory — that it was still fraud to deprive the state of information about special treatment in the bidding — might well be overturned.

Ciminelli, 63, was convicted with Cuomo's former development guru Alain Kaloyeros and two Syracuse developers of working with federal witness Todd Howe, a lobbyist and ex-Cuomo aide, to get inside access to shape specifications on upstate tech-focused projects worth nearly \$1 billion.

A longtime civic leader in Buffalo, Ciminelli ran the city's largest construction company, and along with family members, has given more than \$100,000 to Cuomo. He also allegedly hosted a \$250,000 fundraiser for the governor during bidding in 2013. Cuomo was not accused of wrongdoing.

Ciminelli's lawyer Paul Shechtman asked for leniency based on Ciminelli's broad support from Buffalo friends, his community contributions, and his health. He is suffering from bone marrow cancer and is expected to live only eight more years, Shechtman said.

In remarks to the judge, Ciminelli did not dispute the importance of public corruption cases.

"Prosecuting it sends a message that needs to be sent. You will get no argument from me," he said.

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Ciminelli said he had rejected a plea deal because he wasn't guilty and still insisted his interactions with Kaloyeros weren't a crime.

"I plan to keep fighting to clear my name," he told Caproni. "I hope you will not hold that against me."

Among government's strongest evidence at trial were records that emails between Ciminelli and Kaloyeros discussing the project had been deleted after a federal investigation surfaced. Caproni cited the emails when Ciminelli reacted to her remarks about his conduct.

"You can cock your head and act like you don't know what I'm talking about, but you do know what I'm talking about," she said. "That's why you deleted your Gmail account."

She called Ciminelli's behavior "inexplicable" because the company his father founded, L.P. Ciminelli, was prosperous enough to not need any particular project, and said it was corrosive to public trust because it raised questions about government contracting generally.

"It leaves everyone wondering," she said. "What projects are done on the merits and what aren't done on the merits?"

In two other Albany corruption cases, Caproni previously sentenced former Assembly Speaker Sheldon Silver to seven years in prison for taking payoffs in the form of legal referrals in return for legislative action, and sentenced former Cuomo aide Joe Percoco to six years for taking bribes. Kaloyeros and Howe have not yet been sentenced.

Shechtman said after the sentencing that Caproni's decision to leave Ciminelli out on bail

while he appeals was nearly as important as the sentence itself.

“It will be a strong appeal,” he said, “and the fact that he will be a free man until the Court of Appeals speaks makes a difficult day a much better one.”

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