

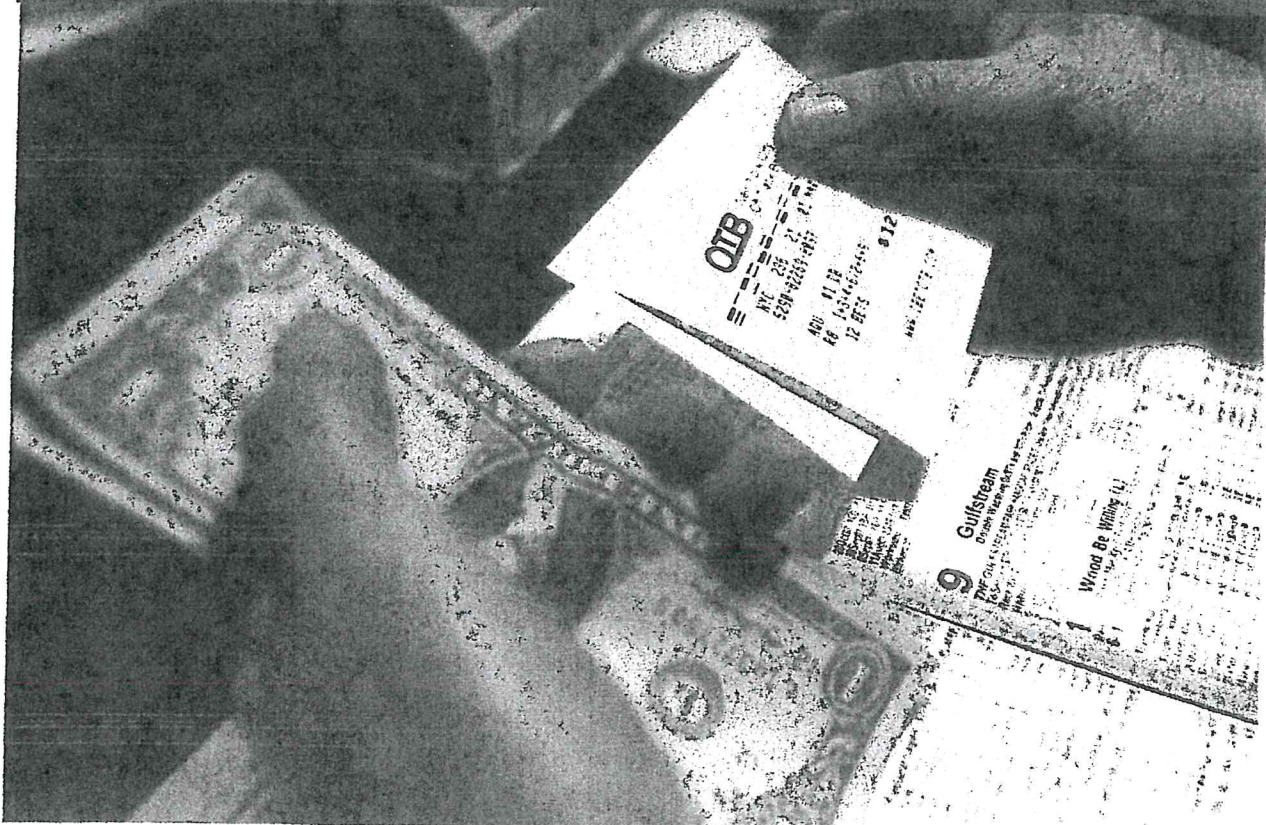
The New York Review

A Study in American Kleptocracy

Jim Shultz

A public-owned agency that controls gaming in Western New York is supposed to fund local governments. Instead, a local elite has turned it into a master class in graft.

April 6, 2022



Mario Tama/Getty Images

Betting slips and cash at an off-track gaming parlor in New York City, 2008

The Batavia Downs gambling complex spreads out like a giant fortress at the western edge of the small city of Batavia, New York. At its center is a half-mile-long oval horse-racing track, the brainchild of a 1930s era sports promoter named William "Lefty" Goldberg. He was a man who saw opportunity in mixing horses and betting in the middle of nowhere, halfway between the state's second and third largest cities, Buffalo and Rochester. The Batavia Downs track opened in 1940 to a crowd of 2,500 people. Today, from July to early December, it still draws a steady following of spectators and gamblers.

In the years since the track opened, Batavia Downs has grown into a vast gambling empire. Its current operations now include a huge casino jammed with more than 850 brightly lit slot machine screens, an eighty-four-room hotel with four restaurants, and a dozen off-track betting parlors and more than two dozen "easy-bet" kiosks set up in local bars and restaurants across Western New York. These outposts give people the chance to bet in their own neighborhood on races from across the nation. By any measure, the Batavia Downs complex is a formidable money machine, generating revenue of around \$50 million every year. Over the past five decades, it has reported taking in more than \$6.4 billion in wagers and has kept more than \$1 billion of that sum.

Batavia Downs is also ostensibly owned by the public. Since 1973, Batavia Downs and its various enterprises have been the property of Western Regional Off-Track Betting, a public benefit corporation chartered under New York law that belongs collectively to seventeen Western New York local governments, which share its profits. Such quasi-governmental entities are common nationwide. They run everything from toll bridges and power generating stations to public libraries and hospitals, and, in this case, a race track, a casino, and a network of betting parlors. In New York State in particular, they were pioneered by the master builder Robert Moses, who favored the idea of their relative independence from government oversight.

Thanks to that autonomy, though, Batavia Downs Gaming (also known as Off-Track Betting, or WROTB) has also been converted into a fortress of another kind. Inside its walls, the small band of people who run the agency have created a set of arrangements that now cream off at least a half-million dollars a year in dubious benefits for themselves. These range from opulent box seats for sporting events to gold-plated health plans for some of the agency's board members.

Corruption in the public sphere is a corrosion that undermines people's faith not only in government, but in democracy itself. Usually, however, when political corruption is in the news, the focus is on the high-end variety, in Washington or in state capitals, where a system of exchange of campaign contributions for political favors is already standard practice. Batavia Downs Gaming, in contrast, involves graft of the old-school variety, a master class in how a group of small-town political operatives have converted a public agency into their private dispensary of perks and privileges, which they also use to fend off demands for accountability.

Now, however, that carefully constructed fortress is under attack as never before and the question is: Will those barricades of old school corruption still hold?

The ardent fans of the Buffalo Bills are legendary for the harsh conditions they are willing to endure to cheer on their beloved team. Neither blizzards nor bone-chilling cold can keep them away. For the Bills' playoff game against the New England Patriots this past January, a packed stadium of regular spectators sat through three hours of football at temperatures of 4 degrees, with a wind chill well below zero.

The executives and board members of Batavia Downs Gaming, along with their families and political friends, do not have to suffer such hardship. According to an audit released last fall by the New York State Comptroller, Thomas P. DiNapoli, the agency spent more than \$1.3 million for heated luxury boxes and thousands of tickets to Bills games, together with Buffalo Sabres hockey games and other expensive events in less than two years.

That \$1.3 million for luxury seats is just one of the expenditures tucked into the agency's annual marketing budget of \$5.8 million—an amount that is double what the agency passes on each year as income to the local governments that own it. In theory, the marketing purpose is to lure gamblers with rewards to return to the Batavia casino and gamble more: make a bet and win a chance to watch the Bills play from a luxury box. But according to the Comptroller, the agency did not keep complete records of who received a good portion of those tickets, and at least \$120,000-worth did not go to gambling customers but to others, including many to agency board members, executives, and their families and friends.

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Michael Nolan, a former volunteer firefighter and town supervisor in Elma, New York, joined the executive team at Batavia Downs Gaming in 2011, and served as its chief operating officer from 2016 to 2020. He was on the receiving end of insiders' requests for those tickets. "I would have board members calling me to ask for eight tickets to take their grandkids and their kids," he told me.

"Board members would just ask, 'Hey, do you have any tickets for Sunday's Bills game,'" said Phil Barnes, a retired sheriff deputy and a board member representing Schuyler County, "and they would get tickets." One recipient was Richard Bianchi, chairman of the board of directors and a long-time member. According to the Comptroller's audit, Bianchi seemed a particular fan of hockey and of taxpayer-funded drinks and refreshments. In November 2018, Bianchi asked the marketing office for six tickets to see the Buffalo Sabers, an outing that ran up a \$1,300 tab for snacks and drinks. The next month, he asked for four Sabers box tickets for a gathering that cost \$1,800 in food and alcohol.

Nolan told me that another board member who made use of the luxury boxes is Richard Siebert, Genesee County's representative on the board for nearly thirty years. He said that Siebert's requests included seats for himself and his grandchildren. When news of the luxury box giveaways broke, upon release of the Comptroller's audit, Siebert offered a novel explanation in a local media interview. He insisted that board members and executives who use the luxury boxes are there effectively on janitorial duty, just to keep things tidy for the gamblers who win seats. "The host has to make sure it's clean," he said. "They have to make sure the food is served...we have to have staff members at every single event to do the housekeeping."

Unlike board members, those who work at the parlors do not get health coverage for their families. With a few grandfathered exceptions, they are offered a policy only for themselves. "If they want a family plan they have to pay for it, but it would cost them \$1,800 per month," said Nolan. In the agency's current negotiations with the workers' union, the board is also seeking reductions in that health coverage, citing the need to cut costs.

"They are trying to take away the benefits of employees who have been there for twenty-plus years," Antonella Rotilio, their union representative, told me. "A lot of our members are really upset, because the board gets to keep their own health insurance." One twenty-year employee told me, "I could go to Mighty Taco if I wanted and make more than my regular wage, but I stay for the health insurance."

Last year, as news of the Batavia board's expensive health plans was making local headlines, the board tried to minimize the controversy by voting to eliminate health coverage for any new members, while retaining it for themselves. Siebert told a local paper that "no one raised an issue with it" until it became public, which he blamed on politicking.

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Politics is involved, but not in the way Siebert meant. The man at the center of Batavia Downs Gaming is its president and chief executive, Henry F. Wojtaszek. Wojtaszek has worked in the executive office of the agency since 2010, first as its general counsel and, since 2016, also in the top job. He is, by reputation, both charming and clever. "He could sell the Brooklyn Bridge to somebody if he wanted," Barnes, the Schuyler County board member, told me.

Wojtaszek's path to his roughly \$200,000 per year post runs through the close-knit world of the Western New York Republican Party, as is the case with many of those overseeing the agency. He began his career as the city attorney of the small Buffalo suburb where he grew up. He later advanced to become the powerful chairman of the Niagara County Republican Party, and the junior partner in a legendary Western New York political machine, led by State Senator George Maziarz. Wojtaszek is also half of a well-known power couple in Western New York: his wife, Caroline, served for three years as Niagara County's elected district attorney and in 2020 was voted in as a county judge.

"Henry's paws are as deep as you can get into politics," said Nolan, who served under Wojtaszek for nine years. For years, Wojtaszek and Maziarz cultivated a vast web of allies and favors until the two had a spectacular public falling-out in 2018 after both came under investigation by the New York attorney general on political corruption charges. Wojtaszek agreed to testify against his former mentor and was later allowed to plead guilty to a single campaign finance charge that came with a fine of \$1,000. The scandal eventually pushed Maziarz to abandon the senate seat he had held for twenty years.

Under proper circumstances, the oversight of a public benefit agency's CEO would come from its board of directors. But luxury box seats and opulent health plans can buy a good deal of slippage in real scrutiny. In Wojtaszek's case, there is much he might wish the board to overlook.

Aside from ready access to sporting event seats for his friends, Wojtaszek has discovered other ways to divert agency resources into his own pockets. The 2021 State Comptroller audit found that he had used an agency car for years without keeping track of his personal use, as well as an agency phone. But the more substantial benefit Wojtaszek has secured is the use of the agency's considerable contracting power to give lucrative work to close partisan allies.

One of those contracts went to a Republican political operative named Glenn Aronow. In 2012, Aronow lost his job as a staffer in the New York Senate when he was charged with sexual harassment of another legislative employee, an accusation he has consistently denied. Eventually, taxpayers were forced to pay out a \$90,000 settlement to his accuser. After his dismissal from Albany, Aronow found a safety net doing public relations at Batavia Downs under Wojtaszek. "We hired him on a contract basis...and paid him \$73,000," said Nolan. Another GOP operative closely linked to Wojtaszek, Rick Winter, was awarded a contract worth more than \$120,000 on leaving the agency's board, according to Nolan, to lobby state lawmakers on the agency's behalf. Soon after Winter's departure from the board, Republican legislators in Niagara County bequeathed his lucrative seat to his son, Elliot Winter. When I sought comment on the allegation of political favoritism, an agency spokesman, Ryan Hasenauer, insisted that everyone employed by Batavia Downs Gaming is hired "because they are deemed the best person for the job."

These were just a few of the taxpayer-funded contracting deals that Wojtaszek funneled to his GOP friends. Barnes, who is himself a Republican, told me: "I quickly learned that the OTB is nothing more than political appointments." I heard the same from Dennis Virtuoso, a twenty-year veteran of the Niagara County Legislature.

"It is actually a money-maker for the Republican Party, and a patronage thing," he said. Virtuoso, a Democrat who retired from the legislature earlier this year, also said that Wojtaszek regularly directs Batavia Downs Gaming business to local vendors who support his chosen local candidates. "Take care of your friends, that's how you stay in power," he told me.

Doing so, though, requires the board to look the other way. According to both Barnes and Nolan, defending the health plans in particular has been central to maintaining board members' loyalty to Wojtaszek and Bianchi, and their selective blindness. "They knew they weren't supposed to have the insurance, though they may say different," Nolan told me. "Henry would just tell them everything they wanted to hear and the board just kept everything in place so they could keep their insurance."

In 2018, the *Investigative Post* confronted Wojtaszek with the attorney general opinion calling the board health plans illegal. After claiming that he was unaware of the legal advice, he defended the health plans: "The benefits they [board members] receive are hard-earned and well-deserved." He went on to argue that the ruling does not apply to the Batavia Downs Gaming board because it was issued for a different public off-track betting agency. Finally, he said he would seek an attorney general opinion specifically for his agency, which he never did. Wojtaszek's spokesman told me in an email that the agency is currently "engaged with the Attorney General's office" on the issue.

In February 2019, the issue of the health plans came to a head, thanks to an attack from an unexpected source, Wojtaszek's jilted political mentor, former Senator Maziarz. In an angry, televised news conference, Maziarz laid his own set of corruption charges against Wojtaszek and Batavia Downs Gaming.

"It happened to be a board meeting time and we watched Maziarz go after everything—and the insurance was a big factor," said Barnes. He told me that the chairman, Bianchi, was out of town at the time; with both him and Wojtaszek absent, the other members of the board decided to finally exercise some oversight. "We didn't trust the opinions we'd been getting," Barnes explained. "The board directed Mike Nolan and me to get an independent attorney's opinion." In other words, an opinion from outside Western New York and Wojtaszek's sphere of influence.

The two reached out to a former prosecutor in Albany, and to a law firm in Syracuse, Barclay Damon, which specializes in state and federal rules, and fraud. "The opinion spelled out very clearly that the board should not have health insurance," said Nolan, "and if they continued, could most likely be liable for payback."

The meeting that heard the opinion delivered was on a Thursday the next month. The following Monday morning, Bianchi called the executive staff into his office to issue new orders. Nolan recounted to me what the board chairman said. "We need to be a team. You keep this up and the Gaming Commission is going to be after us. People are going to come after us," he said, according to Nolan, who added, "From that point on, I was ostracized."

Bianchi and Wojtaszek immediately stripped him of his duties, both as the agency's freedom of information officer, which cut off his ability to share information with outside groups, and as its procurement officer, "to keep me from seeing the contracts," he explained.

After the conflict over the health plans exploded within the agency, Barnes said he started to question other things about Wojtaszek's and Bianchi's activities, especially the contracts handed out to their political friends. "I couldn't understand why we were paying all these lobbyists," he said. "We were paying out horrendous amounts. Some of it was \$200,000 per year, some of it was \$50,000 per year." That's when the retired lawman decided to take matters further: "I'm the one who called the FBI, and I'm proud of it."

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In theory, when the staff and board of a public agency are so deeply compromised by conflicts of interest and misdealings, one might expect the local governments that own the agency to take some corrective action. It is, after all, those local governments—which, in this case, include the municipalities of Rochester and Buffalo and fifteen western counties, that appoint the board and share the agency's revenue. But there, as well, Wojtaszek had constructed some powerful defenses, nowhere more than in Niagara County, his home turf.

In 2019, as more allegations and evidence surfaced about corruption within Batavia Downs Gaming, Republican county legislators moved to protect their former party chairman. A resolution calling for the state to audit the agency was batted down on a party-line vote. One GOP legislator, John Syracuse, called it a witch hunt. "I just want to encourage you to continue on with what you're doing," he said, addressing Wojtaszek. Even after the State Comptroller's audit was complete, with its report of financial malfeasance, Republican legislators buried another resolution, which called for the replacement of Wojtaszek and the county's board representative.

"Henry [Wojtaszek] can call a party committee member and say, 'Hey, you want to go to the Bills game. We've got a suite. You want to sit in a suite?'" explained Virtuoso, the former county legislator. "Henry is the king. If they don't do what Henry says, they're going to get primaried."

Today, though, the fortress of political patronage around the gambling empire is under assault from multiple sides at once. FBI investigators continued as recently as March to interview corruption witnesses (though, as is the agency's standard procedure, declined to comment on the status of their investigation). The State Comptroller is reportedly working on an additional audit of the agency, but also won't comment on the record.

Nolan, first frozen out, was then, in December 2020, summarily fired after he cooperated with FBI investigators. He later filed a multimillion-dollar suit against Batavia Downs Gaming. In a statement, the agency maintained Nolan's dismissal was "100 percent performance related." Nolan told me his performance reviews over the nine years he worked there were exemplary, up until the moment he raised issues about the legality of board members' health plans and when Wojtaszek and Bianchi learned that he had spoken with the FBI.

In January, the agency's leaders were hit with news of a package of state bills introduced by Senator Tim Kennedy, a Democrat from Buffalo, that would completely overhaul the makeup of the board. If this legislation passes in Albany, it would diminish the board representation of the small Republican counties that make up Wojtaszek's power base and increase the board seats allotted to the more populous Democratic counties and cities, as well as award board appointments to the governor, senate, and assembly.

Casting this effort as a party power grab, the agency has lawyered up and issued new lobbying contracts, this time to Albany operatives with strong connections to both parties, costing taxpayers nearly \$30,000 per month.

As I investigated the story of Batavia Downs Gaming over the past months, I was reminded of something I heard once from an anticorruption activist in Uganda: "Sometimes our public officials are confused between what is their money and what is the people's money." The same could be said of those who have taken charge of the publicly owned gambling enterprise in Western New York.

In a 2020 Pew Research poll, nearly three quarters of respondents said that they did not believe elected US officials face any serious consequences for corrupt conduct. What does it actually

take to bring accountability into the dark corners where public corruption thrives? What will it take to finally bring accountability to Batavia Downs Gaming?

It may well be that those who have benefited from all this misdealing have met their match at last in the powerful combination of state audits, FBI investigation, whistleblower testimony, and legislative efforts to clean house. The machinery of accountability may at last be kicking in to do that neglected job. But this is by no means guaranteed.

If the carefully constructed political ramparts guarding the Batavia Downs fortress really do crumble, it will be because the arrogant entitlement of those who run it will have become too grossly apparent to hide from public view. The citizens of New York will have had enough and accountability will follow. If that can happen here, where graft of the old-school variety is so deeply embedded, it might offer a guide to how it can be fought everywhere—especially when those entrusted with public trust confuse the people's money as their own.

More by Jim Shultz

The Renewable Energy Rebels

December 3, 2020

A Small Vote, a Giant Lesson

July 7, 2020

A Liberal in Trump Land

February 13, 2020

Jim Shultz

Jim Shultz is the founder and executive director of The Democracy Center, a nonprofit that tackles issues of social, economic, and environmental justice, and serves as a global advocacy adviser to UNICEF. He is a co-author and co-editor of *Dignity and Defiance: Stories from Bolivia's Challenge to Globalization* (2008), the author of the memoir *My Other Country: Nineteen Years in Bolivia* (2020), and writes opinion columns for the *Lockport Union-Sun and Journal*.

modest, only in New York City hit of a song called "Motorcycle." It was a doowop tune about a motorcycle, recorded in 1961, and it peaked at Number 101 on the Billboard magazine chart in early 1962, a listing which technically only includes 100 selections. It is available on YouTube, and if you go there, listen to the lead singer crooning about the virtues of his motorcycle. He used the stage name of Jerry Landis.

Jerry Landis was Paul Simon, who soon got together with Art Garfunkel — who used the stage name Artie Garr for a while — then recorded "Hey

who follow in their wake, the brilliant and culturally relevant Paul Simon got his start singing about motorcycles. With doowop backup singers.

It's an indication of how to get started on the road to being significant: start small, start anywhere. Get noticed. Then be brilliant, whether you have a Garfunkel or not.

Boomers placed high emphasis on music. Many anecdotes about growing up in the Sixties center on record stores, places where you actually purchased music. Unlike the streaming concept of today, the

sound like their more famous counterparts, but something was off. It was cheaper to produce such merchandise, and that was factored into the lower price to the customer. Most buyers avoided soundalike records; others bought them to shut their kids up, and some never noticed the difference.

A notable album of this stuff was Pickwick's "Soundsville!" anthology of debased versions of the hits, issued around 1964, and an uncredited musician on that album was Lou Reed, who several years later founded the immensely influential band

on display, and featured all the winner and cheese squares you could handle — and met the artist a few days later. She was operating a cash register at a Target store. Nonetheless, she had her start in the art world, presumably the place she would rather be. I wonder if Paul Simon was thinking about parsley, sage, rosemary and the sounds of silence while harmonizing his way through that motorcycle song.

Contact Ed Adamczyk at EdinKenmore@gmail.com.

A Public Letter to Henry J. Wojtaszek

Note: Mr. Wojtaszek is CEO of Western New York Regional Off Track Betting, a public agency owned by the taxpayers of Western New York. It operates a race track and casino in Batavia along with a network of off-track betting parlors. By law its profits are supposed to be distributed to local governments to benefit the public.

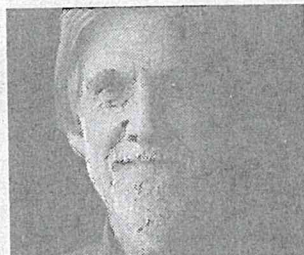
Dear Mr. Wojtaszek,
In my 40 years of work around politicians and political operatives I have seen many who were skilled in the art of using public agencies for their personal benefit. But I have never seen any more talented at this than you.

Making Western Regional Off-Track Betting (WROTB) the base for your political operations was genius. Tens of millions of dollars of takings from gamblers flows through its coffers each year. That creates huge opportunities to steer funds to you and your friends and you have used those opportunities like a master.

Let's begin with your personal salary. Under the new contract you engineered last April you now get more than \$272,000 per year plus benefits. That's more than the governor of New York makes, more than the vice president of the United States. You now make more money off WROTB in a year than 12 of the western New York counties that actually own it.

That is one sweet deal for managing a casino and a race track in a town of 16,000 people.

The way you got that giant



Jim Shultz
COMMENTARY

contract is a true master class in political manipulation. Just days before New York lawmakers passed legislation to replace the WROTB board because of its questionable financial dealings, the old board suddenly boosted your salary by almost \$70,000 (an increase of nearly 40%) and then locked it in for three years.

It was like saying to the New York Legislature, "Hey, you really think you can take away power from me, Henry J. Wojtaszek? Hold my martini and watch this."

What do you do with that much money? Is it a yacht, a Ferrari, a luxury vacation home? How many pairs of \$1,200 Louis Vuitton shoes does one family need to be content?

Every extra dollar you take in exorbitant salary comes directly out of the funds going to local governments for public use. Imagine how that \$70,000 could be used to help real people here in Niagara County. It could help keep families from becoming homeless. It could support our high school gradu-

ates who can't afford college or trade school.

But no, you decided that it would be better spent by adding another giant pile of the people's money onto what was already one of the highest public employee salaries in the state of New York.

This kind of raw greed and arrogance takes a political fortress to defend and here is where your political skills have really been on full display.

The responsibility to keep things at the agency honest and well-run lies with its board of directors. But there is good reason that the WROTB board never seriously questioned how you run the agency. A majority of its members received one of the finest perks anywhere — an illegal, luxury health plan in exchange for attending a meeting two days a month at the track. Your fierce defense of those illegal health plans bought you a great deal of loyalty — enough to hand you more than three quarters of a million dollars in pay over the next three years.

Then there are the big-money contracts you have doled out to your political friends and allies. Under your direction WROTB has handed out hundreds of thousands of dollars in contracts to lobbyists, public relations people, and lawyers. This is a terrific 2 for 1 deal for you. It has allowed you to hand out lucrative work to your top supporters while also creating an entire taxpayer-funded defense system against all calls for accountability. This really is

political genius.

Sprinkle on top of that all those luxury box seats to Bills and Sabers games that you've handed out like candy. It is hard to imagine a more well-oiled loyalty operation, and all at our expense as taxpayers.

And then we have our brave Niagara County legislators. The new state law shaking up the OTB board actually increases our county's voting power. But the Republican majority, your friends, recently voted to spend even more of our tax money to hire high-priced lawyers and try to overturn the law. This is not about protecting the interest of county taxpayers. It is about protecting your power. You've turned our legislators into puppets.

Now on top of all this you are using even more of our money to run TV ads telling us how much we should all love you.

The people of Western New York are not idiots. We know what greed and arrogance looks like, especially when it is coming out of our pockets. The way in which you are fleecing an agency owned by the taxpayers to your personal benefit is shameful. But here's the thing Mr. Wojtaszek. Not even the most powerful political fortress can stand forever. Not even yours.

Jim Shultz is the founder and executive director of the Democracy Center and a father and grandfather in Lockport. He can be reached by email at: jimshultzthewriter@gmail.com.

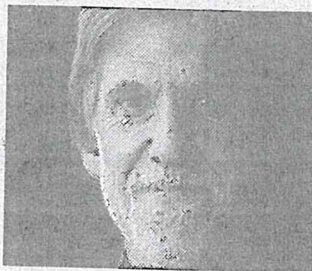
Spending our money to defend corruption

There are all kinds of worthwhile things that our Niagara County legislators could spend money on this summer if they thought there was some extra cash on hand. They could fund summer activities for our children and teenagers. They could fix some roads or sewer pipes that have been neglected. But instead, last week, 10 Republican members of the legislature voted to spend our tax dollars on high-priced lawyers to defend the corruption at Western Region OTB.

Anyone who has been paying attention knows the story of how a small group of Republican political operatives have turned the taxpayer-owned gambling enterprise into their personal ATM of luxury perks. There are the Cadillac health plans that board members gave themselves for a job that consists of going to a two-day meeting once a month at Batavia Downs. There are the tens of thousands of dollars' worth of luxury box seats for Bills games and other events doled out to agency executives, \$1,000-plus booze and food tabs included.

All this and more has been well-documented through investigations by the New York State Comptroller and others.

Western Region OTB has been turned into a political fortress manned by one of the region's most powerful party bosses, its CEO, Henry Wojtaszek. Wojtaszek, who is also the husband of county judge Caroline Wojtaszek and the former chairman of the Niagara County Republican Committee, doles out jobs, lobbying contracts, free Bills seats and



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more to ensure a wall of loyalty around him.

Now Niagara County legislators have demonstrated that same blind loyalty to Wojtaszek, by voting to spend our tax money to help him and his political friends hold onto power and the taxpayer-funded benefits that come with it.

Their target is a package of Western Region OTB reforms that were included in the recently approved New York State budget. These reforms reduce the power of the handful of tiny counties that keep Wojtaszek in control. State lawmakers tried to pass legislation that also included limits on the perks that WROTB directors could give themselves, but with the help of powerful lobbyists hired by the agency with taxpayer money, that legislation was scuttled.

As the reforms were moving forward, Wojtaszek moved fast. First he got the board to hand him a new three-year contract worth more than \$600,000, plus perks. Then he rallied his Republican allies to try and undo the reforms.

Let's be quite clear about what these 10 Republican Niagara

County legislators are seeking to defend here.

First, the state reforms have no effect on the portion of WROTB revenues that Niagara County receives. That is set by law and based on how many people live in each county. Second, the state reforms don't weaken Niagara County's voting power on the WROTB board. Those reforms actually increase the county's voting power by nearly double.

The only thing that these county legislators are using our tax money to defend is Wojtaszek's hold on the agency, and outrageous taxpayer-funded perks like the expensive, lifetime health plan given out to Elliot Winter, Niagara's representative on the WROTB board.

I try to imagine what goes through Mr. Winter's mind when he uses the men's bathroom at the Batavia casino and sees the woman who comes in to scrub the toilet that Winter has just flushed. Does he think, "She has an easy job. She just has to scrub toilets and bathroom floors five days a week. Why should she get a health plan that covers her kids? But me, my job is hard. I have to sit through two days of meetings a month. Of course I should get a lifetime health plan paid for by taxpayers!"

This is the arrogance of Wojtaszek, Winter and the other officials who are using our tax money to fund their expensive freebies. It is shameful. And it is equally shameful that 10 Niagara County legislators are now going to use more of our tax money to protect that arrogance and abuse of public funds.

These are the legislators who

voted to use our tax dollars to defend the Wojtaszek regime at Western Region OTB: Rebecca Wydysh, Jesse Gooch, Richard Andres, David Godfrey, Anthony Nemi, William Collins, Richard Abbott, Shawn Foti, Christopher Voccio and Irene Myers.

When you see them asking for votes this year, ask them how they justify spending our tax dollars on high-priced lawyers to defend executives who have lined their pockets with illegal and undeserved health plans, and luxury box seats to Bills games. If they come back with a bunch of rhetoric about power grabs, just remember that the real power grab here is the one engineered long ago by Wojtaszek and his political allies — the very thing they are now spending our money to defend.

Not every local Republican elected official has fallen in line behind Wojtaszek. A year ago as I researched this scandal I spoke with Phil Barnes, a retired Schuyler County deputy sheriff, and his county's representative on the WROTB board. When he witnessed all this siphoning of public funds up close, he didn't vote to use taxpayer money to defend it. He did something else. "I'm the one who called the FBI and I'm proud of it," he told me.

Why should we accept any less integrity from the county legislators who represent us?

Jim Shultz is the founder and executive director of the Democracy Center and a father and grandfather in Lockport. He can be reached by email at: jimshultzthewriter@gmail.com.

I will not be bullied by Henry F. Wojtaszek

Earlier this month I published a front-page series in the Lockport Union-Sun & Journal and the Niagara Gazette, examining corruption allegations against Batavia Downs Gaming. That is the public agency that owns and operates the Batavia race track and casino and the Off-Track Betting parlors in western New York. I published a similar exposé earlier in the national magazine New York Review.

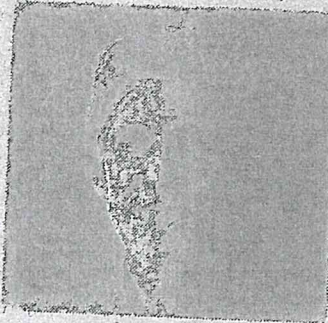
I wrote about how part-time board members give themselves expensive health plans at taxpayer expense, in violation of state law. I wrote about how board members and agency executives treat themselves to expensive Buffalo Bills tickets and other luxury perks, again at taxpayer expense.

After writing about this I received a letter from an expensive law firm representing Batavia Downs and its CEO, Henry F. Wojtaszek. They threatened me with legal action if I did not retract my reporting. Mr. Wojtaszek's lawyer wrote:

"Your articles include several inaccurate and misleading statements, including outright falsehoods about WROTB's leaders, accusing them of 'graft' and 'corruption.' You are accusing them of crimes. This is defamation."

Let me make this clear to Mr. Wojtaszek and the others involved: I will not be bullied into silence.

Let's start with the charge that Mr. Wojtaszek's lawyer threatened against me, "defamation." Mr. Wojtaszek is himself a lawyer, and I presume a smart one. So he certainly



JIM SHULTZ

THE WRITER

understands the three things he would have to prove in order to support a defamation charge under New York law.

First, what I wrote would have to be a lie. Second, I would have to have known it was a lie. Third, I would have to have published that lie with malicious intent to damage Mr. Wojtaszek's reputation.

What I wrote, however, is both the truth and rigorously documented. Before publication my articles were reviewed by multiple editors, by fact-checkers, and by lawyers. And the intent of my writing on this issue has been to inform taxpayers about the mismanagement of a public agency that we own.

In other words, Mr. Wojtaszek has nothing even close to a credible case of defamation here. So why make the threat?

The answer is intimidation. After I made Mr. Wojtaszek's threat public, the Buffalo-based Investigative Post wrote about it this way: "This is lawyer talk for: stop or my client may sue you. My client, by the way, who is not shy about spending

money on lawyers."

Batavia Downs Gaming hires a lot of lawyers, and it uses our tax dollars to pay for them. According to the Investigative Post, the agency spent \$333,684, just in the past year, for various legal services, "much of it dealing with investigators probing claims of malfeasance or efforts by state legislators to pass laws to reform the agency."

Every dollar that Batavia Downs spends on high-priced lawyers is a dollar less that it distributes to our local governments to help pay for local services, which is what the agency is supposed to do with its earnings. Batavia Downs pays out more to lawyers in a year than it does to the taxpayers of Niagara County, and now Mr. Wojtaszek has hired lawyers to come after me.

By any measure, Mr. Wojtaszek is a very powerful man. He was a close partner in the notorious Republican political machine of former state senator George Maziarz. He has a web of close political loyalties that stretches across western New York. His wife, Caroline Wojtaszek, is the former Niagara County district attorney and now a county judge. And as CEO of Batavia Downs Gaming he has figured out a way to hire all the lawyers he wants and make taxpayers pick up the bill.

All I have are facts and words.

Yet Mr. Wojtaszek is apparently so afraid of those facts and words that he is threatening me and my family with financial wreckage for the sin of telling the truth, and using the public's money to do it.

Think about that.

I did make one change in my reporting at Mr. Wojtaszek's request.

On top of his \$200,000 annual salary, state pension, health coverage, and 47 paid days off per year, Mr. Wojtaszek added one more benefit for himself. For nearly two years he used an expensive agency vehicle (paid for by taxpayers) for his personal and political travel. His lawyers demanded that I point out that, after auditors caught what he was doing, Mr. Wojtaszek paid the agency \$3,484.09 in restitution. I'm not sure that detail really makes him look more saintly, but I was happy to oblige.

I replied to Mr. Wojtaszek's threat letter, refuting its claims point by point. Then I wrote: "I will not be making any of the retractions you have asked for because what I have written and published is factually correct and well-documented." Afterwards I shared his lawyer's letter and mine with every journalist and investigative agency looking into the dealings of the agency Mr. Wojtaszek runs.

Most of us learned when we were young that the way to deal with bullies is to stand up to them. Mr. Wojtaszek's legal threat is just another form of bullying — one paid for with our money. If he or any of the others at Batavia Downs Gaming think that I am going to be bullied into silence, they have definitely bet wrong.

Jim Shultz is the founder and executive director of the Democracy Center and a father and grandfather in Lockport. He can be emailed at jimshultzthewriter@gmail.com.

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