

Digital Gadgets sues Hochul administration over COVID test contracts

WSKG | By [Vaughn Golden](#)

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Pixabay

Digital Gadgets, a firm scrutinized for its owners' involvement in Gov. Kathy Hochul's campaign at the same time the company secured \$637 million in contracts to deliver COVID-19 tests, is now suing the administration arguing it didn't follow rules for competitive bidding for subsequent test orders.

In a [lawsuit](#) filed in Albany County Supreme Court, Digital Gadgets alleges the state Department of Health violated state law when it advertised a request for bids to procure COVID-19 test kits, but later invoked an executive order when the firm protested the denial of its bid.

"Digital Gadgets brought this lawsuit to ensure the state complies with the rules they established along with the bid process. The DOH is blocking Digital

Gadgets' ability to demonstrate that the winning bidders do not meet the specifications issued by the department," Digital Gadgets' spokesperson, John Gallagher, said.

Between December 2021 and March 2022, Digital Gadgets had been contracted by the state to deliver around 52 million COVID-19 test kits as part of efforts to combat the omicron wave of the virus. New York Division of Homeland Security and Emergency Services Commissioner Jackie Bray executed those purchase orders under Executive Order 11, a directive allowing the state to circumvent normal procurement procedures amid the COVID-19 emergency. Those contracts cost the state nearly \$637 million.

The Albany Times Union [reported](#) in July that around the same time the state was negotiating those contracts, Hochul received \$300,000 in contributions to her reelection campaign from Digital Gadgets' owner Charlie Tebele and his family. Hochul has [denied](#) knowing the Tebele family and said she wasn't aware of the specifics of the purchase orders with Digital Gadgets.

Throughout April, May and June, the lawsuit alleges, state officials including Bray were negotiating another purchase order with Digital Gadgets. In the middle of those talks, Charlie Tebele and his wife contributed another roughly \$40,000 to the governor's campaign.

On July 12, the Department of Health then issued an invitation for bids (IFB) "virtually identical" to the parameters being negotiated between Digital Gadgets and the state the month prior, the firm's lawsuit alleges. The IFB was posted a week before the Times Union published its first story on Digital Gadgets.

Digital Gadgets and 119 [other firms](#) ultimately then submitted bids under the IFB over the summer. At the same time, [details](#) into the Tebele family's [associations](#) with the Hochul campaign continued coming to light.

After it had been denied the contract in August, Digital Gadgets requested a debrief from Department of Health officials explaining why the company was not awarded the bid. Such debrief was allowed based on the original IFB documents. Digital Gadgets' attorney at the time wrote in a [subsequent letter](#) included in court filings that the Department of Health official involved indicated any protests to the bid award should be filed with the state comptroller, as is normal procedure.

“During the debrief with DOH on August 31, 2022, I asked Ms. Keefe, point blank, to confirm that this meant that protests were to be filed directly with OSC rather than any internal bid protest officer at DOH. She looked me in the eye and told me yes, bid protests must be made to [the state comptroller],” Benjamin Neidl, Digital Gadgets’ attorney at the time wrote.

Upon protesting the bid to Director of Contracts at the Comptroller’s office, Digital Gadgets [was told](#) that the contract had actually been awarded pursuant to Executive Order 11, thus rendering moot the procedures prescribed in the IFB.

After [several letters](#) between Digital Gadgets, the comptroller’s office and an official with the Department of Health, the latter indicated that the original IFB wasn’t being used for consideration of the bids.

“The Department published that procurement out of an abundance of caution, to obtain pricing and related information from responsible and responsive bidders in order to be good stewards of taxpayer dollars,” DOH’s procurement manager Eryn Keefe [wrote](#) in an letter to Digital Gadgets’ attorney.

When asked for comment, the comptroller’s office referred WSKG to the Department of Health.

“DOH cannot comment due to pending litigation,” Department of Health spokesperson Jeffrey Hammond wrote in response to questions from WSKG.

Upon reviewing Digital Gadgets’ legal complaint Bill Hammond, Senior Fellow for Health Policy at the Empire Center, said the situation is complicated, but it’s possible to see political motivations impacting the state’s decisions around the IFB.

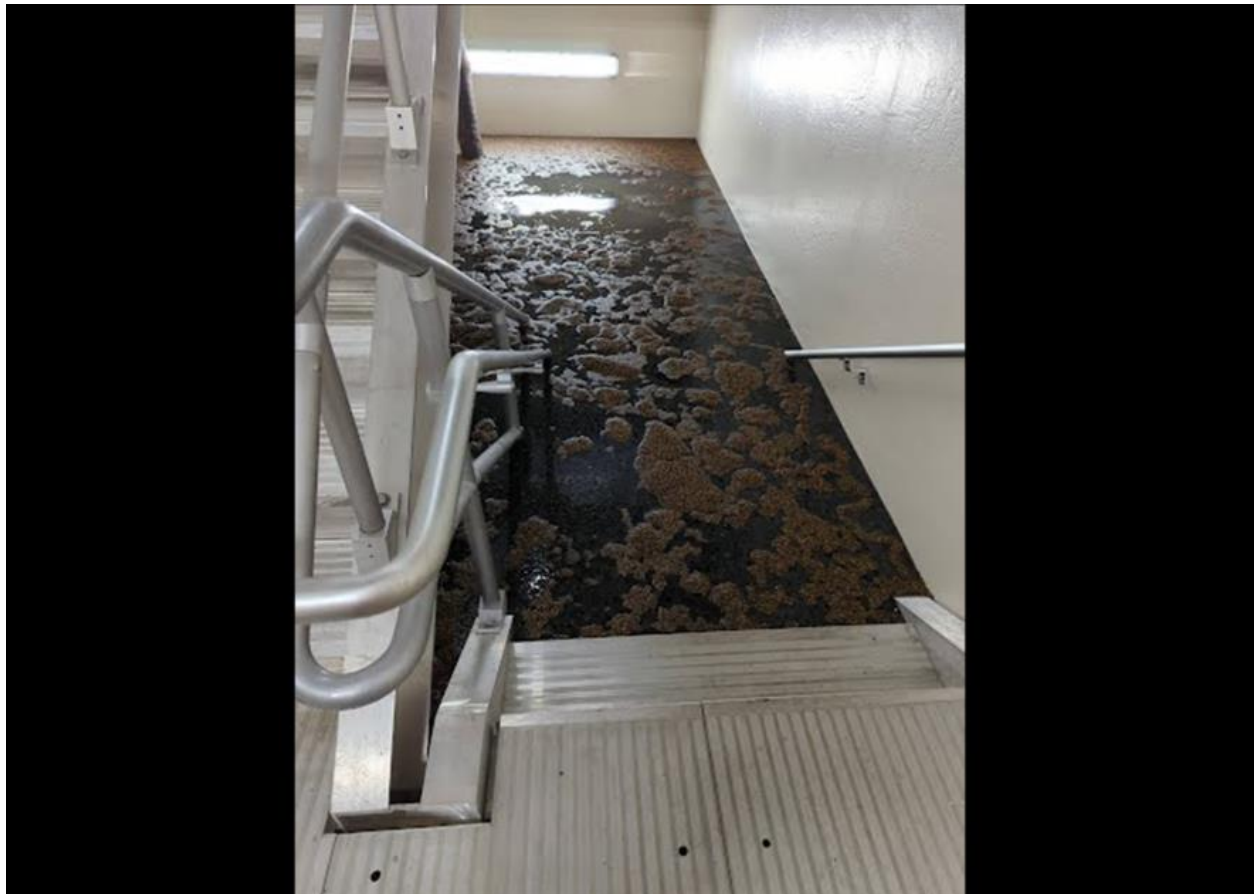
"It seems like the state was acting a little squirrely here," Hammond said. "First, they were negotiating under the emergency order. Then, they issued what appeared to be a competitive bidding document. Then, they're back to saying 'no, we're buying under the emergency order.'"

The lawsuit is currently pending in Albany County Supreme Court.

Binghamton-Johnson City sewage treatment plant flooded following incident

By [Vaughn Golden](#)

Published February 18, 2022 at 6:25 AM EST

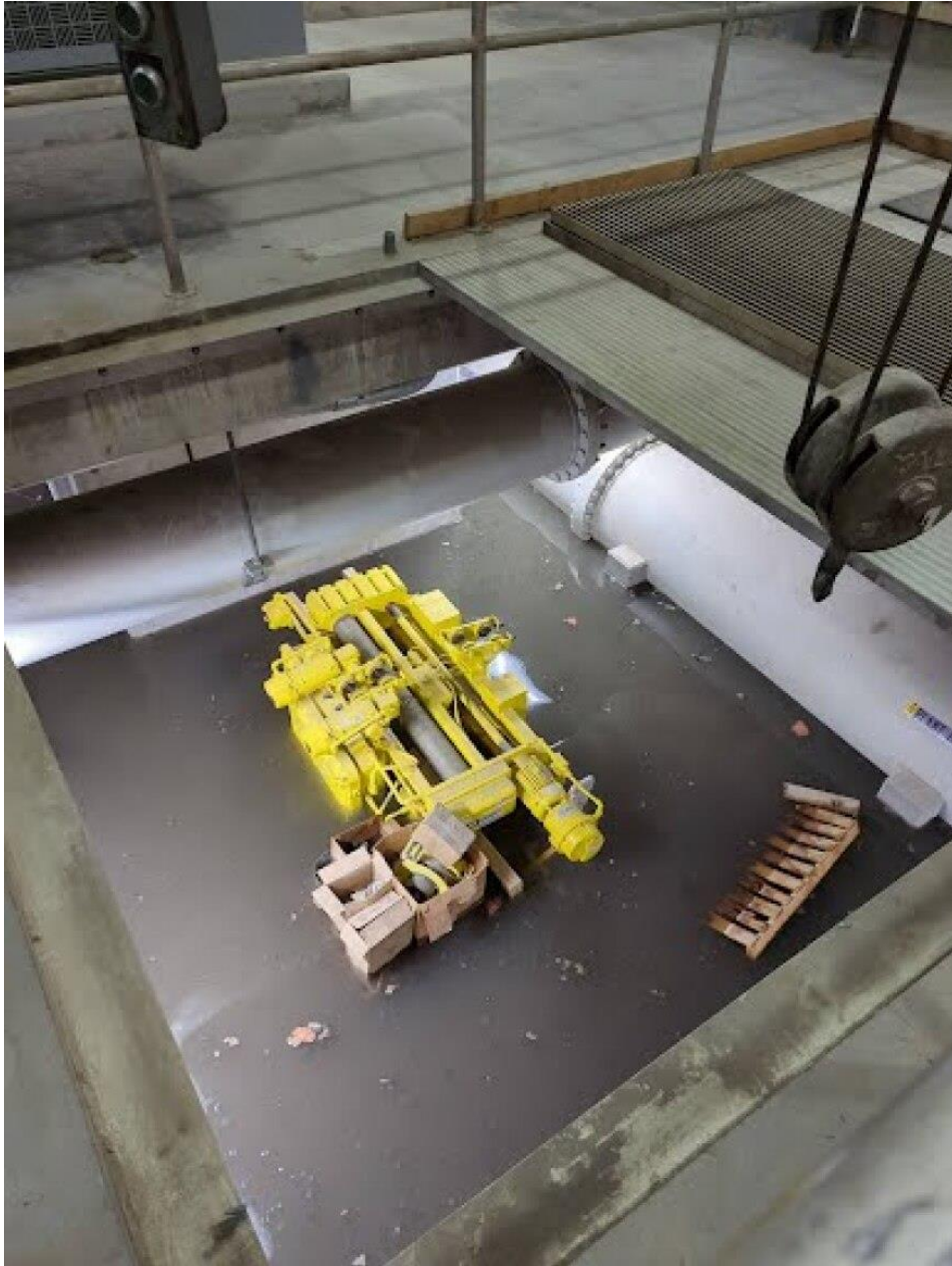


Untreated sewage flooded a portion of the Binghamton Johnson City Joint Sewage Treatment Plant Friday. (Photo provided by a sewer plant employee who requested to remain anonymous out of fear of retribution.)

Updated: 2/23/22 – 3:15 P.M.

VESTAL, NY (WSKG) — Officials at the Binghamton Johnson City Joint Sewage Treatment plant say a large pipe appeared to burst in the facility Friday morning causing partially treated wastewater to flood part of the facility.

Joint Sewage Board Chairman George Kolba said an apparent pipe burst occurred shortly after 5 a.m. Friday and was quickly contained by plant staff. Kolba also said that effluent coming from the plant is being “dispersed in the correct way.”



A flooded portion of the Binghamton-Johnson City Joint Sewage Treatment Plant. (Photo provided by a sewer plant employee who requested to remain anonymous out of fear of retribution.)

“Right now, they're isolating everything, making sure the electricity and everything is off so it's safe for our people to go in there and start doing the cleanup process, which is probably going to take us into the nighttime until we can get somebody and that's it,” Kolba said. “And after that we'll go from there.”

The New York State Department of Environmental Conservation (DEC) said in a [statement to WSKG](#) that it's conducting an inspection of the facility Friday.

“[Binghamton Johnson City Sewage Treatment Plant] staff took immediate action to bypass the affected infrastructure and make required notifications, including issuing a NYAlert,” the DEC's statement read in part. “Screening, primary treatment, and disinfection of wastewater prior to entering the Susquehanna River is continuing, as it did during the recent construction upgrade, and the release is not anticipated to cause any impacts to public drinking water supplies.”

Kolba, who spoke to WSKG shortly after 9 a.m. Friday said several feet of “media”— untreated or partially treated sewage – still need to be cleaned up before plant staff can assess the exact cause of the problems.

“What's happening now is anybody's guess because it's going to take- it's isolated and it's got to turn around and it's going to be hours and hours of cleanup before anybody can go in there and assess what really did happen,” Kolba said.

Photos sent to WSKG by a plant employee who preferred not to be named due to fear of retribution show several feet of wastewater pooling in parts of the facility.

The joint sewage treatment plant had been under a consent order with the DEC until earlier this month.* The facility is wrapping up its nearly [\\$278 million](#) restoration and rehabilitation capital project, which has been ongoing for much of the past decade.

The capital project involved a massive overhaul of most of the plant's facility following a catastrophic wall collapse in May 2011 and the flood following Tropical Storm Lee later that year.

Most of the physical work on the project at the facility has been completed. But the city, which serves as the lead agency overseeing the project, is still working to finish processing invoices and other administrative [aspects](#). Former

Binghamton Mayor Rich David said in his 2022 [budget address](#) in September that the project was “recently completed.” But the city has extended employment contracts with [part time project analysts](#) to process invoices and handle other accounting work several times since then.

Kolba, who represents Johnson City on the joint sewage board, said it’s too soon to know for sure if Friday’s situation involved work done as part of the restoration and rehabilitation project.

Kolba said the plant’s superintendent, Elliott Wagner, is on vacation this week. Binghamton City Engineer Ron Lake, who oversees the capital project as part of his role, said at a previous meeting of the sewage board that he would also be on vacation throughout February.

The city is still in litigation with contractors associated with the 2011 wall collapse. Last week, the sewage board voted to [encumber](#) \$900,000 from its 2021 budget to cover legal fees as the case heads to trial in September.

**This story has been updated to reflect that the consent order on the Joint Sewage Treatment Plant is no longer in place.*

Broome County Conservative Party endorses Battisti in district attorney race

WSKG | By [Vaughn Golden](#)

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Republican Paul Battisti is making another bid for Broome County district attorney, setting up a rematch of 2019's GOP primary for the office.

Paul Battisti will appear on the Conservative Party's ballot line in his bid for Broome County district attorney, following a vote by the party's executive committee last month.

The move ensures that Battisti will appear on the ballot in the general election in his attempt to unseat incumbent District Attorney Michael Korchak.

Battisti and Korchak are vying for the Republican nomination, a repeat of their 2019 primary race. In that contest, Korchak was defeated in the primary by Battisti, but succeeded in the general election after securing the Libertarian Party's nomination.

"I'm honored to have our local Conservative Party's support in my campaign for District Attorney," Battisti wrote in a statement to WSKG. "In my interview with the Executive Committee, we discussed our shared concerns about the drastic uptick in crime over the past several years in Broome County. We need new leadership and a real plan to turn things around, and I'm ready to get the D.A.'s Office back to focusing on Public Safety."

Battisti also submitted designating petitions to appear on the Conservative Party line. Broome County Conservative Party Chairman Aaron Martin appeared as the contact person on Battisti's designating petitions for those lines. Korchak only submitted petitions for the Republican Party nomination.

Korchak, who frames himself as a foil to the Republican establishment, wrote in a statement to WSKG that he'd asked the Conservative Party's executive committee to hold a primary for its ballot line.

"I met with the Broome County Conservative Party Committee and requested that a primary be held to allow all the conservative voters to choose their

candidate,” Korchak wrote in a statement to WSKG. “Unfortunately, the six people on the committee denied my request. They believed that the party was better served by not endorsing the incumbent DA who for 25 years has fought for justice for victims of crime and endorsed a criminal defense attorney who has never prosecuted a single case and has a history of tax liens, judgments, failed businesses and current financial problems. They must believe he represents their ideals.”



Vaughn Golden
/
WSKG

Incumbent Broome County District Attorney Michael Korchak is facing a Republican primary by Paul Battisti.

Martin, speaking to WSKG in an interview Thursday, indicated a number of factors played into the executive committee's decision to make an endorsement into the race instead of letting it go to a primary.

"The executive committee members were weighing all the factors that go into it," Martin said. "Certainly there's a history of the candidates and what they stand for, if they align themselves with parties that don't share the values of

the Conservative Party. That might be an issue for some of them. I don't want to speak for them, but it certainly could be a factor. But I think that the committee made the decision based on the whole, the whole factors that they're weighing. So I don't want to say that there's one particular issue that led an individual to vote a certain way or to make a certain determination. But certainly, all that plays into the various decisions that they make."

Martin said he recused himself due to his employment with the county and relationships with both Korchak and Battisti.

Last month, Korchak told reporters that he was focused on winning the Republican primary, but wouldn't rule out seeking other ballot lines, including an independent nomination. To do so, Korchak would need to secure 1,500 signatures from registered Broome County voters to appear on the ballot under an independent line.

Korchak also requested a meeting with the Broome County Democratic Committee earlier this year, though party leaders shut down his request for a cross endorsement. This was partially due to the entry of former Binghamton Mayor Matt Ryan to the race for district attorney on the Democratic line around the same time.

Some rank-and-file Conservative Party members objected to the decision to endorse early. Broome County Legislator Stephen Flagg said he supports Korchak and believes party leaders shouldn't try to influence elections.

"I'm a purist," Flagg told WSKG. "I just don't like thumbs on the scale for any primaries. Let the process play out and the best candidate gets everybody's support. It doesn't always seem to work that way."

Flagg added that he believes Korchak should seek an independent ballot line.

New ethics panel pursuing charges against Cuomo over book deal, former governor suing in response

WSKG | By [Vaughn Golden](#)

Published April 25, 2023 at 6:09 PM EDT

Former Gov. Andrew Cuomo is suing New York's new ethics panel, which is pursuing ethics charges related to his pandemic-era book deal.

The new iteration of New York's ethics watchdog is pursuing ethics charges against Andrew Cuomo, leading the former governor to sue the panel in response.

The Commission on Ethics and Lobbying in Government (COELIG) is picking up ethics charges first levied by its predecessor panel, the Joint Commission on Public Ethics (JCOPE). The original charges allege Cuomo used false pretenses to secure permission to write his memoir "American Crisis", and later ordered state employees to work on the book.

Cuomo, who continues to maintain that senior employees appropriately indicated their work on their timesheets, filed a lawsuit in Albany County Supreme Court Tuesday asking courts to deem COELIG unconstitutional.

Cuomo's [lawsuit](#) argues that the structure of the new ethics panel removes powers allowed to the governor by the state constitution, specifically surrounding the process of appointing and removing members of COELIG.

"In this way, the Act recognizes (even as it transgresses) the dictates of separation of powers that inhere when one branch of government is subjected to the disciplinary authority of another," attorneys for Cuomo write in the complaint. "Indeed, in light of those separation of powers principles, a constitutional amendment was required to empower the Commission on Judicial Conduct, a body composed of a hybrid of executive, legislative, and judicial appointees, to impose disciplinary sanctions against members of the judiciary for ethics violations."

As remedy, Cuomo is asking courts to stop COELIG from continuing any investigative or enforcement actions.

“The lawsuit speaks for itself, but there’s clearly been politics behind all of this,” Rich Azzopardi, a spokesman for the former Governor, told WSKG.

A spokesperson for COELIG declined to comment on the pending litigation.

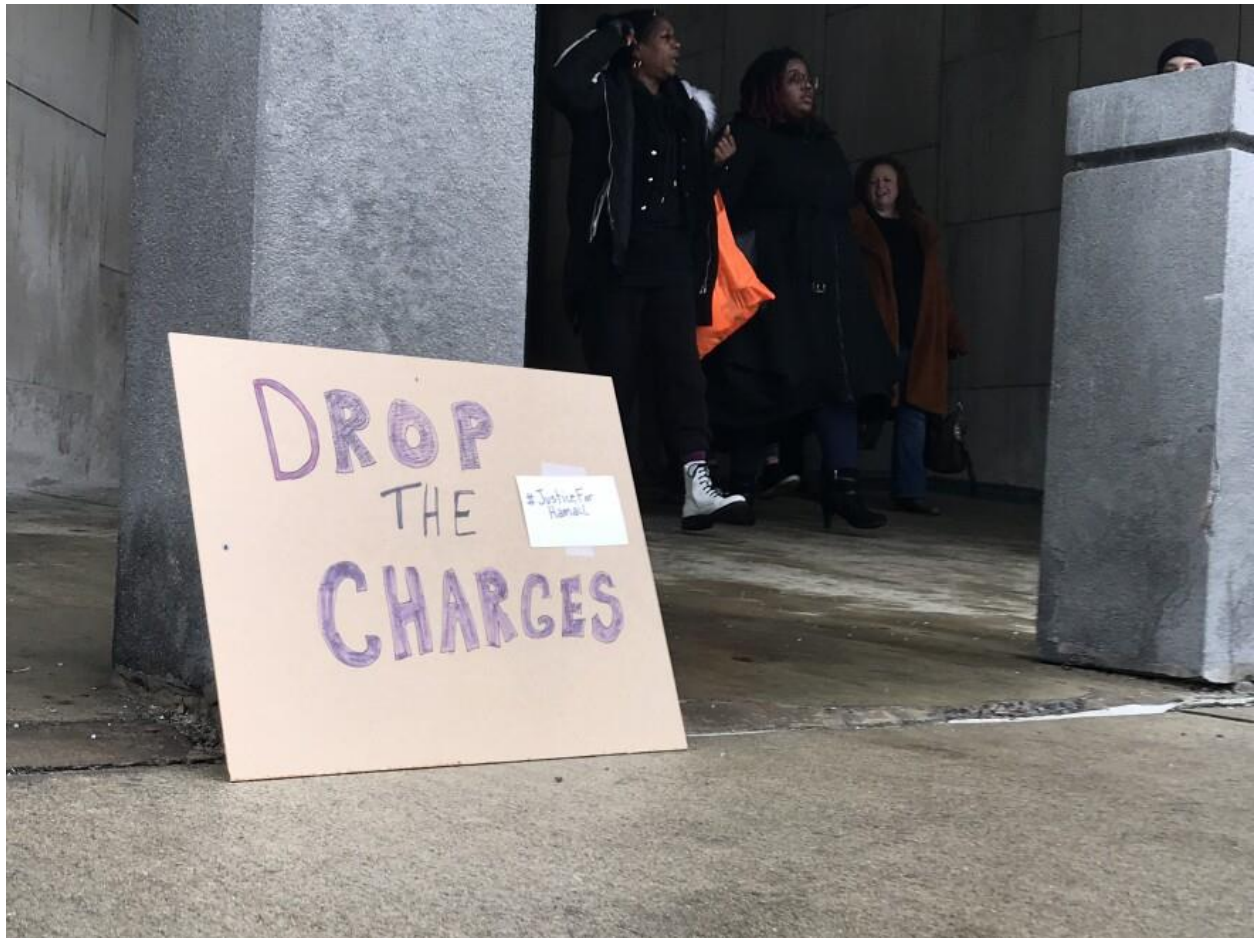
Last year, a [court ruled](#) that JCOPE did not allow Cuomo proper due process after it reversed the decision to approve his memoir and ordered him to return the proceeds from it. Still, the judge in that case left open the possibility for COELIG to pick the case back up. According to Cuomo’s complaint, COELIG staff has been in communication with his attorneys as early as September of last year.

According to the complaint, the matter is set to go before an adjudicatory hearing on June 12.

Assault allegations made against Binghamton police officer years before violent 2023 arrest

WSKG | By [Vaughn Golden](#)

Published March 8, 2023 at 12:08 AM EST



Vaughn Golden

/
WSKG

In January, a coalition of activists demanded charges be dropped against Hamail Waddell. The New York attorney general's office is investigating the violent arrest of Waddell.

Allegations of assault were made against the Binghamton police officer seen kneeling on a man's neck during a January arrest in court cases that are still pending nearly a decade later.

In 2013, Carlos Vazquez sued the city of Binghamton and Officer Brad Kaczynski, among others, alleging police used excessive force and later assaulted him while in custody, according to court records. A separate lawsuit filed in 2015 reiterates many of the same claims, but does not name Kaczynski specifically.

Vazquez's attorney, Kurt Schrader, told WSKG that both cases are still pending but declined to discuss them further.

City of Binghamton Deputy Mayor Megan Heiman told WSKG in a written statement that Binghamton police conducted an internal investigation that found no wrongdoing on the part of the officers.

"This lawsuit was filed 10 years ago, and there's been almost no meaningful action by either party since. The litigation has been dormant for the better part of a decade," Heiman wrote.

The internal investigation, Heiman wrote, was completed in 2011 under the administration of former Mayor Matt Ryan. Ryan, a Democrat, [announced](#) his candidacy for Broome County district attorney last week.

Kaczynski has been on administrative duties after he was filmed kneeling on Hamail Waddell's neck during an arrest in the early morning hours of New Year's Day in downtown Binghamton. Waddell [pleaded not guilty](#) to charges of disorderly conduct and resisting arrest in city court.

Binghamton police and the New York attorney general's office are currently [conducting investigations](#) into Waddell's arrest.

Hamail Waddell's sisters and mother speak before Binghamton City Council following their brother's arrest.

According to Vazquez's 2013 lawsuit, he was arrested while walking along Court Street in Binghamton on Oct. 29, 2011. Vazquez alleges he was struck by an officer after being handcuffed. He further alleges that after being transported to the Binghamton Police Department, he was "stripped of his pants and then struck, punched, kicked and beaten by several Binghamton

police officers including Officer Kaczynski” for several minutes, according to the court records.

It’s unclear what Vazquez was charged with following the October 2011 arrest. WSKG requested copies of court records from Binghamton City Court, but was told Binghamton police were in possession of files related to the case. A Freedom of Information Law request for the files is pending.

In a subsequent filing on Vazquez’s 2015 lawsuit, however, the city of Binghamton notes in its reply that Vazquez had been convicted following the 2011 arrest in February of 2014. But, the city notes, that conviction was later overturned by then City Court Judge William Pellella and affirmed by Broome County Court in early 2015.

In neither of Vazquez’s lawsuits are there any documents indicating the proceedings moved past the city’s replies denying his complaints.

It’s unclear how, if at all, Vazquez’s lawsuits may play into the ongoing investigations into Waddell’s arrest.