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Asbestos case clouds Meola's run for office

Prosecutors won't grant immunity over air sampling

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Observer-Dispatch

Posted Oct 31, 2009 @ 04:18 PM

Last update Oct 31, 2009 @ 05:50 PM

UTICA — A city comptroller candidate finds himself in the middle of a controversy stemming from his alleged role in falsified asbestos air samples detailed at a recently concluded federal trial.

Democrat Frank Meola showed up at the federal courthouse in Syracuse during portions of the trial – in which brothers Paul and Steven Mancuso were found guilty of conspiracy. But he was never called to testify about his role in taking air samples for Paul Mancuso from spots where asbestos had been removed.

In his closing statements just one week before Election Day, Assistant U.S. Attorney Craig Benedict told a jury why not.

"Because Frank Meola is not going to be given immunity," Benedict said. "Period."

Meola and Conservative-Independence candidate Rocco Garro are seeking to unseat Comptroller Michael Cerminaro, a Republican.

Ironically, Cerminaro's father died in 1995 of asbestiosis, a lung disease he contracted from years of working with car products that contained asbestos.

Cerminaro said the allegations are disturbing to him personally.

"These people don't understand that asbestos kills people," Cerminaro said. "For anyone to be even remotely involved with tampering with such important documents is unconscionable in my view."

When O-D reporters showed up Thursday at Meola's Park Avenue business, Such a Car Wash, he was in the garage with the city's Democratic Committee chairman, Mitchell Ford.

Meola would not answer questions regarding the Mancuso trial, whether he himself might face federal prosecution or the effect the situation could have on his campaign.

"Absolutely not," Meola said. "I will only comment on issues concerning the city of Utica. That's it."

But the 45-year-old Meola's message of financial accountability risks being overshadowed as voters go to the polls, experts say. Until the Mancuso trial, Meola had been most known to voters this year as a critic of Cerminaro's handling of city finances as evidenced by findings in a state Comptroller's Office audit.

Utica-based pollster John Zogby said a number of factors are at play in situations such as Meola's – including his popularity, the office he's running for and factors surrounding his opponents, Zogby said.

"I've polled positions like this for many years ... and comptroller is not the kind of position people talk about around the water cooler," Zogby said. "But they are the person who monitors the finances, and if there are issues like integrity or competence that are being challenged here, it is certainly not a good thing."

The "businessman"

Meola, who lives on Nob Road in East Utica, described himself in an O-D questionnaire as a "self-employed businessman" and can often be found at his Park Avenue car wash.

In addition, Meola, who is married and has four children, has filed three other business certificates in Oneida County — for Advanced Environmental Testing and Consulting, Autos by Frank and Advanced Auto Appraisers, records show.

He's also been a council member since 2004 – representing the Fourth Ward until 2007 and working as an at-large member the last two years.

Meola's six years of consecutive public service will end if he doesn't win the three-way comptroller's race Tuesday.

Public records and trial testimony outline other sides to Meola's past:

* Shoddy samples. Meola's role in dealing with air samples taken from demolition sites, schools, health centers and residences was a point of focus by prosecutors in the Mancuso case, who said the tests were faked to obscure the slipshod nature of the asbestos removal work at such locations.

It was never stated at trial who falsified the samples, but another air sampler, Mark Yozzo, said he observed that Meola had not conducted tests properly. Yozzo also said his name was forged on documents he hadn't signed.

Said U.S. Justice Department attorney Todd Gleason in Tuesday's closing arguments: "Frank Meola was Paul Mancuso's guy to get passing results."

• Convicted felon. Meola received five years probation in 2000 for fourth-degree conspiracy, a felony. The case involved a Utica-based shoplifting ring that authorities said fenced more than \$35 million of retail goods from stores in an 11-county area.

• State sanction: The state Insurance Department took disciplinary action taken against Meola in 2003, when he was fined \$2,000 for "demonstrated untrustworthiness evidenced by a conviction for the criminal offense" of fourth-degree conspiracy in the shoplifting case.

According to the 2000 indictment, the shoplifting ring included "a pervasive and ongoing pattern of thefts from a wide variety of merchants located through Upstate and Central New York and selling the stolen merchandise."

The indictment only mentions Meola briefly, saying he received stolen property from Carmen Guarneiri on May 19, 1999.

'Public confidence issue'

City residents Tuesday will have to decide when they head to the polls if these issues will influence the way they vote.

"It's a public confidence issue," said George Hezel, a clinical professor of law at University at Buffalo Law School. "From a voter's point of view, it's extraordinarily tough to overcome an obstacle like that, but it's been done before."

During the Mancuso trial, Meola briefly answered an O-D reporter's questions, but said he could not comment directly on the case.

He said he would explain the situation after the case was completed, and left open-ended the question of whether he thought it would affect his election chances.

"I guess that's up to the people of the city of Utica," he said. "I'm going to run my election the best way I can."

Utica resident Frank Vomero, a registered Republican, said Thursday he still hadn't made up his mind about which candidate he would vote for, but was leaning toward Cerminaro.

The news lately about Meola's role with the Mancusos and asbestos left a sour taste in his mouth, the 80-year-old said.

"He had to do a job and he did it incorrectly and that may hurt him," Vomero said. "If he's going to pull some stuff like that, what's he going to do as a comptroller?"

But that's not the way Utica resident Dominick Colangelo, also a registered Republican, sees it. Nothing that came out in the trial relating to Meola plays a role in the kind of job he would do if elected, Colangelo said.

"It doesn't make any difference to me, I don't see any bearing that it has," the 67-year-old said. "I thought he's done an excellent job as councilman, and I think he'll do an excellent job as comptroller."

The competition

On Tuesday, Meola will face incumbent Cerminaro, who has won citywide office several times — both as Common Council president and now comptroller — and Garro, who worked in the deputy comptroller's office under former mayor Edward Hanna when Hanna was comptroller. Garro has called several times for Meola to step down from the race on account of his involvement with the Mancusos.

"The poor kid's got problems coming down the pipe," Garro said. "If he won he would not be able to serve objectively without this dark cloud hanging over his head."

Utica Republican Committee Chairman Wayne Brooks said he did not want to comment on the situation.

"Voters will have to draw those conclusions off candidates' records," he said. "When they do that they'll see Mike Cerminaro is the clear choice."

But Utica Democratic Committee Chairman Mitchell Ford said he didn't think Meola's past would create any negative political blowback.

"I don't see where this should negatively impact Frank as a candidate," Ford said. "He showed up to do his civic duty and answer the questions as honestly as he could."

Polls open at 6 a.m. Tuesday and close at 9 p.m.

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