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Probe of DA sought by foe

Challenger asks state attorney general to investigate Soares for alleged "abuses"

By Robert Gavin Updated 12:21 pm, Tuesday, February 28, 2012



IMAGE 1 OF 4

Lee Kindlon candidate for Albany County DA speaks at a press conference in Albany, N.Y. Feb. 20, 2012, regarding allegations of wrongdoing by DA David Soares in relation to an investigation of NXVIM. (Skip Dickstein / Times Union)

ALBANY — **Lee Kindlon** on Monday asked state Attorney General **Eric Schneiderman** to investigate District Attorney **David Soares** — the man he wants to replace — for possible "misuse of taxpayer dollars and abuses of the grand jury process."

Kindlon, an Albany attorney challenging Soares in a Democratic primary this year, questioned why Soares allowed **Kristin Keeffe**, a top aide to NXVIM founder **Keith Raniere**, to come into the district attorney's office for several weeks to help build a criminal case against attorney **Joseph O'Hara**, an alleged NXVIM whistle-blower.

"Frankly, those are the questions that Mr. Soares needs to start to answer," Kindlon told reporters. "How much access was she given to the confidential grand jury? Where was she allowed to go? Where was she allowed to set up her office? And how much did she work?"

More Information

Kindlon said this is "not the way our criminal justice system is supposed to work."

Kindlon's remarks follow a four-part **Times Union** investigative series about Raniere and NXVIM, a Colonie-based personal growth company. Kindlon told reporters the series has "raised serious concerns that the district attorney acted unethically and perhaps illegally."

In his letter to Schneiderman, dated Monday, Kindlon wrote: "I respectfully request that your office formally investigate the district attorney's office for possible misconduct including, but not limited to, misuse of taxpayer dollars, abuse of the grand jury process and whatever dealings the Albany County district attorney's office has had with NXVIM. If these allegations are true, then it will have dire consequences."

Danny Kanner, a spokesman for Schneiderman, declined to comment.

Kathleen Campbell, the campaign spokeswoman for Soares, said there would be no comment from the district attorney.

In its series, the Times Union reported former Massachusetts Attorney General **Scott Harshbarger** — a partner in a law firm once used by NXVIM — contacted Soares' office and encouraged a criminal investigation into O'Hara, a former NXVIM business consultant. O'Hara had been involved in a legal dispute with Clare and **Sara Bronfman**, who are NXVIM followers and the heirs to the Seagram's fortune.

Soares' staff allowed Keffe, a non-lawyer, to enter the office as an legal intern for weeks to help build a case against O'Hara. In 2007, an Albany County grand jury indicted O'Hara on a charge of alleged grand larceny, which was later dismissed by now-state Supreme Court Justice Thomas Breslin for insufficient proof.

A Soares' spokeswoman, **Heather Orth**, has said Keffe was allowed access because she worked for an organization that had been an alleged victim of crime. She said Soares' office did not seek another indictment because there was no more evidence to prove intent to steal. Orth also said Harshbarger's contact — on behalf of the Bronfmans — did not influence Soares.

Prosecutors have said Keffe was allowed to work in the district attorney's office to assist in understanding allegations at an arm's-length relationship. They said Keffe brought reams of documents and devoted several days of effort.

O'Hara has questioned whether Keffe's presence in Soares' office tainted the investigation.

On Feb. 9, O'Hara filed a civil rights lawsuit in U.S. District Court in Albany against Raniere, Keffe, NXVIM leaders, the Bronfmans and 15 attorneys, including Harshbarger, as well as Soares and Albany County. O'Hara's lawsuit alleges Keffe was allowed to draft subpoenas for documents and records concerning O'Hara — and the preparation of exhibits for the then-sitting grand jury. The suit alleges Keffe provided copies of the records to Harshbarger's law firm, which at the time was representing NXVIM in a legal action against O'Hara. O'Hara's suit notes those exhibits were introduced as evidence against him in the legal action.

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