



Fair Campaign Practices For The Capital Region, Inc.

October 29, 2009

FOR IMMEDIATE RELEASE

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FCP President 424-8787

**FINDINGS IN THE COMPLAINT OF
ROBERT GODLEWSKI AGAINST STEVEN A. TOMMASONE, JOSEPH SIGNORE, JOSEPH
SUHRADA, AND STANLEY MARCHINKOWSKI
COMPLAINT 2009.4**

Fair Campaign Practices for the Capital Region, Inc. (FCP) met on October 27, 2009, to consider the complaint of Robert Godlewski, Democratic candidate for Rotterdam Town Council, against Steven A. Tommasone, Republican candidate for Rotterdam Town Supervisor, and three Republican candidates for Rotterdam Town Council: Joseph Signore, Joseph Suhrada, and Stanley Marchinkowski.

Present were: Jill Nagy (Chair), Stevie Swire, Terry Lowenthal, Liz Cooke, Linda Ward, and Aimee Allaud (coordinator). Mr. Godlewski was not present but was represented by Mike Godlewski (no relation). None of the respondents attended. Mr. Tommasone submitted a written response on behalf of all of them. He also indicated, on the day of the hearing, that he could attend if the hearing were re-scheduled but was unable to arrange for anyone to appear on behalf of the respondents at the time the hearing was scheduled.

Mr. Godlewski's complaint focused upon two campaign signs, each of which said, "SAVE OUR E.M.S." followed by the names of two candidates. He alleged that:

1. The signs were misleading because they suggested that someone wanted to eliminate the town's Emergency Medical Service and that only the candidates named on the signs could save it; and
2. The signs lacked addresses and other contact information.

He alleged violations of Fair Campaign Principles Nos. 1, 3, 4, 5, and 7.

FINDING ONE: NO UNFAIR CAMPAIGN PRACTICE.

Principle No. 1 pertains to debates and discussions and really does not apply to these allegations.

That principle states:

The candidate will conduct a campaign for public office openly, fairly, and truthfully. Candidates will discuss the issues and participate in fair debate with respect to their views and qualifications.

FINDING TWO: NO UNFAIR CAMPAIGN PRACTICE.

The signs did not appeal to prejudice in the accepted sense of the term and, therefore, did not violate Principle No. 2, which states:

The candidate will not participate in, permit, or condone any appeal to prejudice.

FINDING THREE: UNFAIR CAMPAIGN PRACTICE.

The signs were misleading because they suggested an attempt to eliminate the town's E.M.S. system and it appears from the testimony that no such attempt has been made. One part of the

E.M.S. configuration, a contract for services provided by Rotterdam Emergency Medical Services, a non-profit agency, expires at the end of 2009. There is some controversy over whether to renew the contract or contract with a private ambulance company. Mike Godlewski was unable to articulate positions on that issue by either his client or the respondents and suggested that his client may favor putting the question to a townwide referendum. The panel found a violation of Principle No. 4, which states:

The candidate will not use, permit the use of, or condone the use of any campaign material or advertisement that misrepresents, distorts, or otherwise falsifies a fact or the facts regarding either the candidate of an opponent.

FINDING FOUR: UNFAIR CAMPAIGN PRACTICE.

The signs clearly identified candidates but did not contain the name and address or other contact information of the sponsor. Therefore, they violated Principle No.5, which states:

The candidate will ensure that his/her campaign materials and advertisements, which the candidate disseminates or which are disseminated on the candidate's behalf, clearly identify the candidate and contain the name and address, or other contact information, of the sponsor.

FINDING FIVE: NO UNFAIR CAMPAIGN PRACTICE.

Principle No. 7 does not apply. That principle states:

The candidate will promptly and publicly disavow support from and the materials/ actions of any individual or group whose activities violate this Statement of Principles or whose activities would violate this Statement of Principles if engaged in by the candidate or the candidate's campaign.

The panel directed that these findings be forwarded to the candidates and posted on the FCP website to provide a guide for candidates in the future.

Fair Campaign Practices for the Capital Region, Inc. was established to promote a climate of fair, open, and honest campaigns; encourage candidates to discuss the issues; encourage candidates to refrain from defamatory attacks on opponents; discourage use of campaign materials that distort facts; and expand the political debate by more fully informing the electorate about the use of unfair campaign practices. Information on FCP can be obtained at <http://www.faircampaignpractices.info>.

- END -

Note: If a candidate or campaign wishes to quote from this finding, it must do so accurately, particularly if it uses partial quotations or excerpts. Otherwise the use is an unfair campaign practice.