



Fair Campaign Practices For The Capital Region, Inc.

NEWS RELEASE

October 31, 2009

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Findings in the Complaint of Mark S. Jordan v. Fernando "Fred" DiMaggio Emergency COMPLAINT 2009-5

Fair Campaign Practices for the Capital Region, Inc. (FCP) held an emergency hearing on October 30, 2009 to consider a complaint made by Mark S. Jordan against Fernando "Fred" DiMaggio. Both are candidates for Bethlehem Town Board. Present were hearing panelists: Chairperson Harriet Warnock-Graham, Helen MacDonald, George O'Connor, Gene Rowland, Barbara Thomas, and FCP coordinator, Aimee Allaud. Mark S. Jordan and Fernando "Fred" DiMaggio both appeared.

1. Mr. Mark Jordan complained that a flyer paid for by The Committee To Elect Fred DiMaggio was circulated in the Times Union in the Town of Bethlehem and contained misleading information that linked Mr. Jordan with an Albany City parking scandal that involved 116 "ghost parking tickets".
2. This flyer further alleged that the value of parking tickets issued to Mr. Jordan amounted to \$7,500 and Mr. Jordan "used his political connections to cheat the Albany treasury" although no fines were issued for these tickets.
3. The flyer said Mr. Jordan as an attorney for an assemblyman was "cashing in on the good old boy network" and should have known better.
4. The flyer lacked contact information.

The evidence included a copy of the flyer, a Times Union article, an excerpt from the Report of the Examination of No Fine Parking Tickets, and statement of Albany's parking ticket costs, and a section of the Report pertaining to the context of the complaint

Finding: Unfair Campaign Practice.

Violation of Principle 4: The flyer that charged that "Mark S. Jordan had 116 unpaid "ghost" tickets worth \$7,500" is false and misleading because the Comptroller's report did not state that the tickets were issued to Mr. Jordan. In fact, the report states that no-fine tickets were issued to a vehicle registered to Mark S. and Jeannette Jordan. Mrs. Jordan, a chief court officer for the 3rd Judicial District, was issued a parking placard by the Office of Court Administration, and it was her car that received the no fine tickets, according to Mr. Jordan. The Report of the Examination of No Fine Parking Tickets stated that these tickets were no fine tickets and consequently had no value. Consequently, the campaign flyer violated the principle that states "the candidate will not use, permit the use of or condone the use of any campaign material" that "misrepresents, distorts or otherwise falsifies a fact or the facts regarding his opponent."

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Finding: Unfair Campaign Practice.

Violation of Principle 2: The flyer's charge that "Attorney Jordan used his political connection to cheat the Albany treasury of over \$7,500" is a violation of Principle 2 that states that the candidate "will not engage in, permit, or condone unfair or misleading attacks upon the character of an opponent". The Comptroller's Report did not assign a value to the tickets nor did it attribute any wrong doing to the individuals cited since the report dealt with the City of Albany's practices regarding parking tickets; it did not require collections to be made on the no fine tickets.

No Finding.

Violation of Principle 5: Although the flyer contained "no address or contact information of the sponsor" this did not rise to the standard required in an emergency complaint.

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.

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