



Fair Campaign Practices For The Capital Region, Inc.

NEWS RELEASE

For Immediate Release
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Findings in the Complaint of
Paul Sausville V Suzanne Daley-Nolen
COMPLAINT 2009-3

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 14, 2009, to consider a complaint made by Paul Sausville against Suzanne Daley-Nolen. Both were candidates in the primary election for Malta Town supervisor. The hearing was held after the primary because the actions in the complaint occurred too close to the date of the primary to be heard before the election took place, and because Ms Daley-Nolen is currently conducting a write-in campaign for the office. Present were hearing panel members Barbara Bartoletti, Michael Foster, Beverly LaBarge, Faith Weldon, panel Chair Katherine Henrikson, and Coordinator Barbara Thomas. FCP Board member Aimee Allaud was also present. Mr. Sausville appeared. Ms. Daley-Nolen was invited, but did not appear. Mr. Brendan Quinn delivered documents on behalf of the Daley-Nolen campaign.

Mr. Sausville complained that Ms Daley-Nolen had distributed a brochure three days before the primary that violated several principles since it contained many distortions and falsifications about him. He further complained that the flyer did not include the name of the sponsoring person or organization, in violation of Principle 5, "The candidate will ensure that ...campaign materials...contain the name and address...of the sponsor."

FINDING 1: UNFAIR CAMPAIGN PRACTICE

The campaign flyer called "Have You Heard?" included a section titled "Paul Sausville's Real Malta Report Card" that contained six allegations that violate Fair Campaign Principles.

1. He "bailed out on a debate with his opponent". Mr. Sausville declined the invitation to debate because it was offered on short notice, for a date when he already had a speaking engagement at a Republican Party event. He did not accept the invitation, then cancel at the last minute. Violation of Principle 4, "The candidate will not...permit the use of ...material...that misrepresents, distorts, or otherwise falsifies...the facts regarding...an opponent."
2. He "opposed a new library for Malta residents". Mr. Sausville voted in favor of the library and funding (including a bond issue) for its construction at a Council meeting on September 12, 2007. Violation of Principle 4, "The candidate will not...permit the use of ...material...that ...distorts or otherwise falsifies..the facts regarding...an opponent."
3. He "Let his best friend dig up a Malta park to install a secret water line. Don't forget the Malta Nature Preserve!" Installation of the water line was not a secret, since it required action by the Town Council, in the form of a resolution invoking a temporary revocable license agreement between the Town and Saratoga Water Services. The Town Attorney, Tom Peterson, found that no ethical violation occurred. Violation of Principle 4, "The candidate will not...permit the use of ...material...that misrepresents, distorts, or otherwise falsifies..the facts regarding...an opponent."
4. He "gave his best friend a \$300,000 tax credit". A Town Supervisor has no control over tax assessments or credits. Violation of Principle 4, "The candidate will not...permit the use of ...material...that falsifies..the facts regarding...an opponent."
5. He "opposes lawful downtown development and what about senior citizen housing?". Mr. Sausville's letter to the Editor of the *Ballston Journal* proposes a downtown building moratorium to permit a public opinion survey and completion of a visioning study. He proposes limited development to retain

the small town character of Malta. In this matter he has an honest difference of opinion with some members of the Town Council, but he does not oppose downtown development. Violation of Principle 4, "The candidate will not...permit the use of ...material...that misrepresents, distorts, or otherwise falsifies..the facts regarding...an opponent."

6. He "voted to open private lakefront property to the public". Mr. Sausville questioned the proposed support by the Saratoga County Board of Supervisors for the Great Sacandaga Lake Protection Committee in its fight against new permit regulations, but he voted in favor at the County Board meeting. Violation of Principle 4, "The candidate will not...permit the use of ...material...that falsifies..the facts regarding...an opponent."

The same campaign flyer contains quotations from *The Daily Gazette* and the *Times Union* in which a headline has been altered and text is incomplete or taken out of context. The *Daily Gazette* headline is "Board seeks ethics investigation"; in the flyer the headline reads "Ethics review of Town Supervisor Paul J. Sausville". The flyer also contains a paragraph (without headline) dated July 6, 2009, from *The Daily Gazette* about the Town Board asking the Ethics Committee to review the circumstances around Deputy Town Supervisor Glenn Rockwood having installed a private water line to his home through town parkland in 2007. The flyer fails to note *The Daily Gazette* article two days later, on July 8, with the headline, "Ethics law not broken, official reports." The text of the first paragraph is: "The town ethics law wasn't violated when a private water line to Deputy Town Supervisor Glenn Rockwood's house was installed across town parkland in 2007, Town Attorney Tom Peterson said." Violation of Principle 4, "The candidate will not...permit the use of ...material...that misrepresents, distorts, or otherwise falsifies..the facts regarding...an opponent."

The reverse side of the campaign flyer says, "Paul J. Sausville An Ethics Challenged Supervisor". Three charges against Mr. Sausville were investigated by the Town Ethics Committee, which concluded that two charges were unfounded and the third, while questionable, did not warrant a penalty as an ethics violation. Further, the Town Ethics Committee (*Ballston Journal, July 10, 2008*) said that "The [Town] Board should refrain from unwarranted use of the Ethics Committee for purposes which are best left to the electorate." Violation of Principle 2, "The candidate will not ...permit unfair or misleading attacks upon the character of an opponent".

Mr. Sausville complained that the brochure was anonymously distributed. The brochure was also reproduced on Ms Daley-Nolen's Web site (since dismantled). In the *Daily Saratogian* of October 14, 2009, Ms Daley-Nolen claimed responsibility for the brochure.

FINDING 2: UNFAIR CAMPAIGN PRACTICE. Anonymous distribution of the flyer during the primary campaign was a violation of Principle 5 : "The candidate will ensure that...campaign materials... contain the name and address...of the sponsor."

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>

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