

FOR IMMEDIATE RELEASE
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FINDINGS IN THE COMPLAINT OF
. BRIAN STRATTON V. PETER GUIDARELLI
COMPLAINT 2003-4

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 31, 2003 to consider a complaint made by Brian Stratton against Peter Guidarelli, candidates for Mayor of Schenectady. Present were Hearing Panel members Barbara Thomas, Joan Elliott, Elizabeth Smith-Holmes, Terry Lowenthal, and Coordinator Betsey Swan.

Mr. Stratton complained that Mr. Guidarelli engaged in three unfair campaign practices by failing to provide contact information for the sponsor of lawn signs, submitting an incorrect certificate of service for the complaint he had filed against Mr. Stratton, and improperly using the Schenectady City Seal in campaign materials.

FINDING – NO UNFAIR CAMPAIGN PRACTICE. After hearing the facts in this complaint, the Hearing Panel determined that Mr. Guidarelli's lawn signs contained the name of his family's sign company and the phone number of the company as sponsoring the signs. This contact information was not technically correct because Mr. Guidarelli's campaign rather than his family business was the sponsor of the signs. The better practice would have been to list Mr. Guidarelli's campaign committee as the sponsor of the signs. However, the nature of this omission is not sufficiently egregious as to be inherently misleading and because Mr. Guidarelli indicated that anyone contacting the family business about the signs would be referred to his campaign headquarters, we find no unfair campaign practice.

Mr. Stratton complained that Mr. Guidarelli had served his complaint on an employee at Mr. Stratton's headquarters and completed a certificate of service indicating personal service on Mr. Stratton. Mr. Guidarelli stated that he had completed the certificate of service before serving the complaint. When he was unable to serve Mr. Stratton personally, a campaign worker for Mr. Guidarelli

served the complaint by leaving a copy at Mr. Stratton's campaign headquarters and completed a second certificate of service that reflected this fact. The second certificate of service was filed with the complaint, thereby reflecting the correct method of service.

With respect to the third claim that Mr. Guidarelli misused the Schenectady City Seal, there is no allegation that its use misled the voters in any way. Therefore, its use cannot be considered an unfair campaign practice. Mr. Guidarelli presented a letter from the City of Schenectady Department of Law that replication of the seal was only improper if done with intent to mislead or deceive. Whether use of the seal violated a Schenectady City ordinance is a legal matter considered outside of FCP's jurisdiction because such matters are more appropriately handled by the courts.

If a candidate or campaign wishes to quote from this Finding, FCP requires that the Finding be quoted in its entirety. FCP regards selective quotation of its Findings as an Unfair Campaign Practice.