



FOR IMMEDIATE RELEASE
October 25, 2004

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FINDINGS IN THE COMPLAINT OF
DAVID SOARES V. ROGER CUSICK
COMPLAINT 2004-2

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 25, 2004 to consider a complaint made by David Soares against Roger Cusick. Both men are candidates for the office of Albany County District Attorney. Present were Hearing Panel members Joan Elliott, Therese Lowenthal, Barbara Thomas, and Elizabeth Smith-Holmes and Coordinator Betsey Swan. Mr. Soares appeared through his attorney Mark Mishler and Mr. Cusick appeared in person.

Mr. Soares complained that the following portion of a television advertisement aired by the Cusick campaign constituted an unfair, misleading and inaccurate characterization of David Soares and his campaign:

“Illegal campaign contributions to help David
Soares buy the election - \$120,000.”

The legality of donations to and expenditures by both the Soares campaign and the Working Families Party (WFP) was the subject of recent litigation. In his October 14, 2004 Decision and Order, New York State Supreme Court Justice Bernard J. Malone, Jr. held that all challenged donations to and expenditures by the Soares campaign were legal and appropriately disclosed under New York State Election Law. Judge Malone exonerated the Soares campaign of wrongdoing. However, the Court held that the WFP, while not having received illegal campaign contributions, did violate state election law by sending four mailings in support of David Soares to Albany County Voters in the two weeks prior to the primary.

FINDING: UNFAIR CAMPAIGN PRACTICE. Mr. Cusick’s television spot violated FCP Principles 2, which prohibits unfair and misleading attacks on an opponent’s character, and Principle 4, which prohibits the use of any campaign material that misrepresents, distorts, or otherwise falsifies a fact regarding the candidate or an opponent. By stating that illegal contributions were made and linking them to David Soares, Mr., Cusick both misrepresented the truth and erroneously impugned the character of Mr. Soares. As Judge Malone’s opinion made clear, no illegal campaign contributions were made to either the Soares campaign or the WFP.

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.

