



FOR IMMEDIATE RELEASE  
October 31, 2006

Contact: Barbara Thomas  
(518) 885-9769

FINDINGS IN THE COMPLAINT OF  
BOB REILLY AGAINST PAULETTE BARLETTE  
COMPLAINT 2006-1

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 30, 2006 to consider a complaint made by Bob Reilly against Paulette Barlette. Both are candidates for the office of Assemblyman in the 109<sup>th</sup> Assembly District. Present were Hearing Panel members George O'Connor (Chair), Joan Elliott, Jill Nagy, Elizabeth Smith-Holmes, and Jean Wilkinson, along with Coordinator Betsey Swan. Mr. Reilly appeared in person. Mrs. Barlette neither appeared nor submitted a written response to the complaint.

Mr. Reilly complained that a mailing made by the New York Republican State Committee (NYRSC) on Mrs. Barlette's behalf contained unfair and misleading attacks upon his character, half-truths, distortions of fact, and unsubstantiated allegations of personal misconduct and failed to identify his opponent.

The flier contained the following language:

ASSAULT. RAPE. TAX LIENS. It's business as usual at Bob Reilly's bar.

Two times it had warrants issued for failure to pay taxes. Even worse, it has been the site of violence... rape and assault.

Once is a problem. Twice is alarming. But this was a consistent pattern of illegal – often violent – criminal activity.

Owner Bob Reilly did nothing. SURPRISED?

Bob Reilly was elected to pass laws to keep our neighborhoods safe – yet he couldn't keep his own bar safe.

Thankfully, Reilly's bar was closed this year. This November we can finish the job, by voting him out of the State Assembly.

BOB REILLY: NOT WHO YOU THINK HE IS.

In addition to the narrative, the flier contained excerpts of what appeared to be two newspaper articles, one with the headline, "Former bartender convicted of rape" and the other, "Rensselaer man, 29, indicted in rape case". In addition the flier contained a graphic that appeared to be a copy of a portion of a document entitled, "Certification of Tax Warrant."

Mr. Reilly explained that he had owned the Partridge Pub for 32 years. Approximately six months ago he sold the business. Although the new owner may have closed the Pub briefly for renovations, Mr. Reilly continued to operate the business until the time of sale. He stated that during the 32-year period of ownership, a manager had failed to pay state sales taxes on one or two occasions. Once this matter came to his attention, the manager was fired and the problem did not recur.

Mr. Reilly stated that a rape never occurred at his pub. In 1999 there was an incident in which a Pub bartender (identified in the press as a bouncer), while doing a closing inspection of the Pub, found a man and a woman in the men's room and heard the woman say, "No, don't rape me." He told the man to leave, and called a cab for the young woman, and talked to friends of the girl who were in the Pub. The girl elected to leave the Pub in a cab with the man in question. He raped her later that night. The man who admitted to having raped her had formerly been employed as a bartender. He had never been an employee of the Partridge Pub and had no association with the Pub other than as a customer.

Mr. Reilly stated that although the flier was sponsored by the New York Republican State Committee, he believed Mrs. Barlette's campaign had a hand in it because the statement, "BOB REILLY: NOT WHO YOU THINK HE IS" had been reiterated many times in brochures sponsored by Mrs. Barlette's campaign.

#### FINDING: UNFAIR CAMPAIGN PRACTICES.

The materials in the flier violate FCP principles 2, 4, 5, and 7.

The flier, read as a whole, constituted a misleading attack on Mr. Reilly's character, in violation of FCP principle 3. First, the flier misleadingly characterized a tax warrant as indicative of criminal activity, when in fact a tax warrant is a civil notice with which the State is able to enforce an obligation to pay taxes. It is not criminal in nature. Second, the flier falsely claimed that the Pub had been the site of violence, rape, and assault and the locus of "a consistent pattern of illegal – often violent- criminal activity." Information provided by Mr. Reilly indicated the young woman in question was drinking in his Pub on the night in question but that the rape did not occur there. Charges were never brought for criminal activity within his Pub. Third, the graphic headline, "Former bartender convicted of rape," when juxtaposed with discussion of a "consistent pattern of illegal – often violent – criminal activity" is inherently misleading because of the danger that readers will assume the bartender convicted of rape was a bartender for the Partridge Pub. But for the possibility that readers would draw this conclusion, it serves no purpose in the brochure. Fourth, the flier misleadingly implied that the bar was closed as the result of inappropriate activity during Mr. Reilly's ownership. It was not closed while he owned it. Mr. Reilly stated that it may have been closed briefly after the sale for renovation. While FCP supports the robust debate of issues, when the debate consists of misleading innuendo unsubstantiated by fact, it has crossed the line into the realm of the unfair campaign practice,

The flier distorted and falsified facts with respect to Mrs. Barlette's opponent Mr. Reilly, in violation of FCP principle 4. See discussion above.

Failure of the flier to identify that it was distributed on behalf of Mrs. Barlette violated FCP principle 5, which requires that campaign materials disseminated on a candidate's behalf clearly identify the candidate. Mrs. Barlette's name is not mentioned in the flier.

Because Mrs. Barlette's campaign had notice of the flier prior to its mailing, the violations are fairly attributable to her campaign.

Even if Mrs. Barlette had no hand in the preparation and distribution of this flyer, her actions would still violate FCP principle 7, which requires candidates to promptly and publicly disavow the materials of any group whose materials violate the FCP principles or whose materials would constitute a violation if disseminated by the candidate. Mr. Reilly's complaint, which Mrs. Barlette did not contest, indicated the Barlette campaign was notified of the NYRSC's intent to mail the flier. Failure to object to the flier prior to mailing or to repudiate it subsequent to distribution constituted a separate violation of principle 7.

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.