



FOR IMMEDIATE RELEASE

October 9, 2007

Contact:
Barbara Thomas
(518) 885-9769

FINDING IN THE COMPLAINT OF
JOSEPH McPHILLIPS v. JEFFREY McCABE
COMPLAINT 2007-1

Fair Campaign Practices For The Capital Region, Inc. (FCP) held a hearing on October 8, 2007 to consider a complaint made by Joseph McPhillips against Jeffrey McCabe. Both are candidates for Town Justice in the Town of Moreau. Present were Chair- Joan Elliott, Hearing Pool members Robert Turner, Therese Lowenthal, Libby Smith Holmes, Helen MacDonald, and Coordinator Betsey Swan. The findings of FCP are as follows.

1. Mr. McPhillips complains that Mr. McCabe distributed misleading campaign literature in which he claimed he would save taxpayers \$15,000 because he would not need Town health insurance if elected.

FINDING: Unfair Campaign Practice. On April 24, 2007, the Moreau Town Board voted to eliminate health insurance for certain part-time employees. Although Mr. McPhillips appeared before the Town Board to request reconsideration of this decision, Mr. McCabe admitted that the Board had not elected to reinstate health insurance. Consequently, neither candidate would have been eligible for health insurance if elected. It was a misrepresentation of fact in violation of FCP Principle 4 for Mr. McCabe to claim he would save taxpayers money by renunciation of a benefit for which he would not have been eligible if elected Town Justice.

2. Mr. McPhillips complains that Mr. McCabe erroneously implied he had breached the Code of Judicial Conduct, which regulates the behavior of judges and candidates for judicial office. At question is an article by Gordon Woodworth in the September 13, 2007 *Chronicle*, in which Mr. McCabe was quoted as saying that he would not have sat on a party committee, as Mr. McPhillips had, that questioned and endorsed candidates for the office Mr. McPhillips sought. The author of the article then went on to discuss the *Judicial Campaign Ethics Handbook*.

FINDING: No Unfair Campaign Practice. The article cannot reasonably be interpreted as an accusation by Mr. McCabe that Mr. McPhillips violated judicial campaign ethics. Had such a violation been alleged, we would have hesitated to issue a ruling because complaints alleging violations of the law are more appropriately handled through the courts or administrative bodies.

Candidates are advised not to misrepresent these findings. Misleading quotation or misrepresentation of FCP Findings constitute an unfair campaign practice.

Attachments for the Press Only: Statement of Purpose and Principles of FCP

Fair Campaign Practices For The Capital Region, Inc.