



FOR IMMEDIATE RELEASE
October 23, 2007

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FINDINGS IN THE COMPLAINT OF
GORDON BOYD AGAINST VALERIE KEEHN
COMPLAINT 2007.4

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 22, 2007 to consider a complaint made by Gordon Boyd against Valerie Keehn. Both are candidates for the office of Mayor in Saratoga Springs. Present were Hearing Panel members Jill Nagy (Chair), Aimee Allaud, Ruth Dinowitz, Harriet Warnock-Graham and Jean Wilkinson, along with Coordinator Barbara Thomas. Mr. Boyd represented himself at the hearing. Ms. Keehn appeared through her representative Albert Ormsby.

Mr. Boyd complained about a reprint of an August 30th Metroland article, which was distributed to many homes, perhaps only to homes with Boyd signs on the lawn, on or about September 10th. The reprint reported unattributed allegations that Thomas McTygue was being investigated by the FBI, and had a hand written, unsigned, note that stated that Boyd "was closely allied with T. McTygue." There was no indication on the piece about who had distributed it, but Mr. Boyd charged that witnesses had seen David Bronner distributing it. Mr. Boyd asserted that David Bronner was a Keehn volunteer campaign worker.

Mr. Ormsby read a statement from Valerie Keehn that David Bronner "is not now, nor has he ever been, a campaign worker for my campaign." She went on to state that she disclaimed any responsibility for Mr. Bronner or his actions. Mr. Ormsby similarly stated that the piece in question had not been produced or distributed by the Keehn campaign.

Mr. Bronner was present in the audience and answered questions from the panel. He corroborated Ms. Keehn's statement that he was not a Keehn campaign volunteer, but he refused to state whether or not he had distributed the sheet in question.

FINDING: Unfair Campaign Practice. Even if Valerie Keehn's first knowledge of the piece with the reprint was this week when she received a copy of Gordon Boyd's complaint, she had a duty to promptly and publicly disavow the unattributed distribution of the reprint with the anonymous handwritten comment. She should have issued a press release stating that her campaign had not prepared or authorized the

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distribution of the piece. In addition, she should have said that, because there was no attribution on the piece it is a violation of Fair Campaign Principles; that she deplors the violation, and that the violation makes the reprint an unreliable source of campaign information. She could have gone on to say that Gordon Boyd had alleged that the piece was distributed by David Bronner, and gone on to assert that even if that were true, the distribution still was not an action of her campaign as Mr. Bronner has never been one of her campaign volunteers.

Mr. Boyd complained about a second piece of campaign literature, a reprint of a letter from Police Chief Edward Moore attacking Gordon Boyd for his position with regard to construction of a Public Safety Building. Boyd charged that the piece was misleading because it implied that the entire letter had been published in the Saratogian newspaper in the column *Saratogian City Beat* and also that it lacked the attribution required by FCP.

Mr. Ormsby produced Ms. Keehn's response that this was "a copy of Chief Moore's email to Gordon Boyd which was taken from a Saratogian blog entitled, *Saratogian City Beat*." Ms. Keehn stated that the letter was reproduced by her campaign, with the permission of Mr. Moore, and inserted into a four page newsletter type campaign flyer, that also included another insert. Ormsby showed the panel all three pieces.

FINDING: No Unfair Campaign Practice. Using the heading *Saratogian City Beat* is not inherently misleading since both the blog and the newspaper column have the same name, and further the heading closely resembles that of the blog. It is clear that there is nothing on the Moore letter that identifies who was responsible for its reproduction and distribution. However, the panel found that the inclusion of the Moore letter inside the four-page flyer, in the company of another sheet, both of which clearly stated that they were paid for by Friends of Valerie, minimally met the requirement for attribution. It would have been a better campaign practice to have the attribution printed on each discrete piece of the literature drop or to have all the pieces firmly attached to each other.

Candidates are reminded that misrepresentation of FCP findings in order to obtain political advantage constitutes an unfair campaign practice.

FCP's Principle 5 states that the candidate will ensure that his/her campaign materials and advertisements, which the candidate disseminates or which are disseminated the candidate's behalf, clearly identify the candidate and contain the name and address, or other contact information, of the sponsor.

FCP's Principle 7 states that the candidate will promptly and publicly disavow support from and the materials/actions of any individual or group whose activities violate this Statement of Principles or whose activities would violate this Statement of Principles if engaged in by the candidate or the candidate's campaign.

-End-

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