



FOR IMMEDIATE RELEASE
October 31, 2007

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FINDINGS IN THE COMPLAINT OF
CAROLINA LAZZARI AGAINST ANTHONY JASENSKI & ROBERT GODLEWSKI
COMPLAINT 2007.6

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 30, 2007 to consider a complaint made by Carolina Lazzari against Anthony Jasenski and Robert Godlewski. All are candidates for District 4, Schenectady County Legislature. Present were Hearing Panel members Joan Elliott (Chair), Katie Henrikson, Helen MacDonald, James Ruhl and Harriet Warnock-Graham, along with Coordinator Barbara Thomas. Carolina Lazzari represented herself at the hearing. Mr. Jasenski and Mr. Godlewski did not appear, but sent a written statement. In addition Brian Quail, chair of the Schenectady County Democratic Committee (SCDC), sent a written response to the complaint.

Ms. Lazzari complained about a piece of campaign literature distributed by the SCDC, consisting of one side showing a picture of pigs and asking how much pork she got, one side with both a picture of a barn and the statement, "Lazzari took \$25,000 of your tax dollars to fix her barn but advocated cuts to parks and senior programs. There was a separate mailer attacking Supervisor Tommasone but which included the statement, "meanwhile the big reval winner is County Legislator Carolina Lazzari. Her taxes are going down \$1500 because of the reval."

Ms. Lazzari complained that the implication of the pieces is that she engaged in criminal activity, that she received special treatment not available to the ordinary taxpayer, and that she and her husband were depicted as pigs. She disputed the amount of the tax reduction, and pointed out that most of the tax reduction was a result of taking the Homestead Exemption, newly passed by the board and her school district. She further complained that she applied for and received a grant of \$25,000 from NYS to preserve a pre-revolutionary war barn and to protect it with a preservation covenant. She produced a copy of the preservation covenant for the hearing panel, as well as copies of her tax bills. (She thanked her opponents for alerting her to the fact that the state had not filed the preservation covenant with the county, as was their duty.) While she admitted that she had stated in the context of a discussion about the essential functions of government, that the \$25,000 was pork, she pointed out that in accepting the grant she had to pay more than \$49,000 in additional restoration costs, the \$25,000 was taxable income, and that the preservation covenant reduced the value of her property. She complained that linking the \$25,000 she got for historic preservation in 2001 with her 1998 suggestion while on the Rotterdam Town Board (at a time that the Rotterdam Town Board was in dire fiscal shape) that they consider cutting some funds for parks and senior programs was misleading.

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Mr Godlewski and Mr. Jasenski both submitted identical statements in response, which are quoted in full: “As stated in Ms. Lazzari’s complaint in the mailings she is concerned about were sent by the Schenectady County Democratic Committee. I did not play any role in the approval process for these mailings, something which I have made clear in the media. None of my campaign conduct is at issue.”

The response from the SCDC states that the pigs represent pork, not people; that they could not find any record of the filing of an easement by NYS Parks and Historic Preservation with the County, and presents a different way of calculating the amount of Lazzari’s tax reduction.

FINDING: Unfair Campaign Practice. The FCP panel did not agree with Ms. Lazzari’s assessment that the campaign piece in question implied criminal activity on her part or that the pigs were meant to depict Mr. and Mrs. Lazzari. However the FCP panel did find that the piece was false, distorted and misleading in the following particulars: There is a clear implication that Lazzari received special treatment in the revaluation process which is not borne out by any evidence. Saying that she was “the big reval winner” implies that she received the most benefit from the revaluation, also not true. Stating that “Lazzari took \$25,000 of your tax dollars to fix her barn” was misleading, implying to voters that local property tax dollars were involved. Stating that “Lazzari took \$25,000 of your tax dollars to fix her barn but Lazzari advocated cuts to parks and senior programs” – even though the fine print showed that the consideration of cuts to parks and senior programs occurred three years before the grant for barn restoration- distorted the situation and made it seem like an either/or decision. This piece violates FCP’s Principle Four.

Although both Godlewski and Jasenski stated publicly that they played no role in the approval process for the mailings they had a duty, under FCP’s Principle Seven, to disavow any campaign action which would have been unfair if engaged in by the candidates themselves. Beyond the denial of prior approval, they should have gone on to say that they hoped that voters would not make the decision to vote for them based on the false or misleading information in the piece.

Ms. Lazzari complained that a Zogby push poll conducted on behalf of the candidates or the SCDC included the question, “Would you be more or less likely to vote for Carolina Lazzari if you know that she wanted to close the Glendale nursing home and do less for seniors?”

NO FINDING: There was no evidence presented to show that the polling had occurred.

Ms. Lazzari also complained about a mailer from the SCDC which had a sheriff’s patrol car and the words: “Attention Duanesburg and Princetown - Road Patrol cancelled by Carolina Lazzari – Your Sheriff’s road patrol is at risk!” The back of the mailer was from Sheriff Buffardi urging residents to save the road patrol for Princetown and Duanesburg by voting for Jasenski and Godlewski.

Ms. Lazzari stated that the idea of shifting four members of the road patrol to the county jail in order to comply with the state’s mandates for staffing at the jail was an idea that she brought up in a ways and means committee meeting, but was never a proposal for action, and in that same meeting she stated forcefully that she was not in any way proposing eliminating road patrols in the two towns.

SCDC countered that if the road patrol were cut in half it would have the effect of eliminating the road patrols in question.

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FINDING: Unfair Campaign Practice. The road patrol has not been cancelled by Carolina Lazzari, or anyone else. There has not even been a motion to reduce the size of the road patrol. Indeed, individual legislators have no power to force changes in sheriff’s procedures. Mr. Godlewski and Mr. Jasenski cannot claim that their campaign conduct is not at issue simply by stating that they did not give prior approval to the campaign literature at issue. They had a duty to disavow it, since not correcting the misinformation in the piece might convince voters to support them for the wrong reasons. Had this piece been issued by Mr. Godlewski and Mr. Jasenski it would have been a violation of FCP Principle Four, which proscribes false, distorted or misleading statements. Failure to disavow it is a violation of FCP Principle Seven.

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

FCP’s Principle 4 states that the candidate will not use, permit the use of, or condone the use of any campaign material or advertisement that misrepresents, distorts, or otherwise falsifies a fact or the facts regarding either the candidate or an opponent.

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.

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