

FOR IMMEDIATE RELEASE

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FINDINGS IN THE COMPLAINTS OF THE COMMITTEE TO ELECT TERENCE MURPHY AGAINST ROBERT KESTEN, IN THE RACE FOR NEW YORK STATE SENATE, DISTRICT 40

Elmsford, NY (April 6, 2018) - The Westchester County Fair Campaign Practices Committee met on April 5, 2018 to hear the complaints of incumbent Republican candidate Terrence Murphy against Democratic challenger, Robert Kesten in the race for New York State Senate, District 40. Mr. Murphy was represented by Christopher Arnold. Mr. Kesten represented himself.

COMPLAINT #1: Senator Terrence Murphy complains that Robert Kesten made the false and misleading statement that “Senator Murphy took nearly \$2.5 million in toxic campaign cash in hedge fund PAC money.”

FINDING: UNFAIR

The accusations made by Robert Kesten were not supported by facts. A candidate should make any data he/she presents in campaign literature (or other communications) as specific and detailed as possible. Claims must be accurate with regard to detail and context and clearly indicate the time-periods and the amounts involved, and the source of the information.

COMPLAINT #2: Senator Murphy complains that Robert Kesten made the false and misleading statement that “Senator Murphy...won’t close the carried interest tax loophole...”

FINDING: UNFAIR

There is no evidence that Senator Murphy is in opposition to the carried interest tax loophole. A candidate is urged to exercise great care when characterizing his/her opponent’s positions. In the absence of a specifically publicly stated position on an issue, a candidate should avoid attributing a position on this issue to his/her opponent. In this case, a statement in support of a piece of the issue is insufficient to declare a stance.

COMPLAINT #3: Senator Murphy complains that Robert Kesten held a press event with signage that read “MURPHY = CORRUPTION.” He contends that this was an unfair campaign practice.

FINDING: UNFAIR

Mr. Kesten attended, but did not hold the press event where he was photographed near a sign that said “Murphy = Corruption”. This photo was posted on Mr. Kesten’s Facebook campaign page. There was no evidence presented which substantiated the corruption charge.

FCPC Guidelines state, “The candidate will neither engage nor be involved with false or misleading attacks upon the character of the opponent.”

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Committee Members: Susan P. Guma, [Chair], Jennifer Mebes Flagg [Coordinator], Nick Beilenson, Elizabeth Bermel, Gisele Castro, Miriam Cohen, Daniel S. Franklin, Jr., Victor J. Goldberg, LaRuth Gray, Joan Grangenois-Thomas, Lee Kinnally, Robert C. Kirkwood, Polly Kuhn, Carole Princer Levy, Harry Phillips III, Joy Rosenzweig, Susan Schwarz, Evelyn M. Stock, William N. Walker
Party representatives (ex officio): Republican Party, Democratic Party, Conservative Party, Working Families Party, Independence Party, Green Party, Reform Party

The purpose of the Westchester County Fair Campaign Practices Committee is to help set an acceptable standard for political discussion by offering a forum for identifying unfair campaign practices and promoting a climate in which candidates conduct honest and fair campaigns. The Committee encourages candidates to conduct campaigns openly and fairly, to focus on issues and qualifications, to refrain from dishonest and defamatory attacks, and to avoid the use of campaign materials that distort the facts.

The Committee accepts written complaints from candidates about alleged unfair campaign practices. The Committee may then hold hearings to determine whether the action complained about is indeed unfair or whether it falls within acceptable political discourse. Among other things that the Committee will consider to be an unfair campaign practice is a misstatement of a material fact or any communication that misleads the public.

The Committee has no power to compel anyone or any group to stop doing what it has found to be unfair, nor does it have the authority or power to enforce election or other laws.

If the Committee acts on a complaint, it will release its findings to inform the public. The Committee may choose not to consider a complaint; in that case, a hearing is not held and the parties to the complaint are notified.

Statement of Principles of the Committee, as stated in its Manual, is available at www.faircampaignpractices.org. The Westchester County Fair Campaign Practices Committee believes that candidates should conduct their campaigns in accordance with the following principles:

- The Candidate will conduct a campaign for public office openly and fairly, focusing on issues and qualifications.
- The Candidate will not use or condone any campaign material or advertisement that misstates, misrepresents or distorts material fact or any communication that misleads the public. The Candidate will neither engage in nor be involved with false or misleading attacks

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upon the character of an opponent, nor in invasions of privacy unrelated to fitness for office.

- The Candidate will not participate in nor condone any appeal to prejudice.
- The Candidate will clearly identify by name the funding source of all advertisements and campaign literature published and distributed.
- The Candidate will not abuse the Westchester County Fair Campaign Practices Committee process in order to obtain political advantage. This includes, but is not limited to, announcing that he/she has filed a complaint, or quoting the Committee's Findings unless the individual Finding cited is quoted in its entirety.

The Candidate will publicly repudiate materials or actions from any individual or group that violates this Statement of Principles.