



How Much Fraud is Sufficient?

Volpe still denies responsibility & misrepresents Judge's opinion Appellate Court to rule on Election Law violations

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In recent weeks the Independence Party of Westchester had pursued the disqualification of Independence Party petitions for Thomas DeVaul of Peekskill for the office of County Legislator District 1. As a result of the objections filed by the Independence Party to the specific signatures that were faulty or inappropriately obtained, our claims were upheld and the petitions disqualified.

Also at question was how a number of these signatures for DeVaul's petitions were obtained fraudulently by a candidate for the same office, Domenic Volpe. Volpe is a Democratic Party registrant who obtained the signatures without an Independence Party member present and subsequently had his son, who is a member of the Independence Party, sign as the witness at a later date. On August 5, 2009 our complaint was heard in Westchester County Court. The results of that hearing have since been purposely misrepresented by the Volpe campaign for political gain and the facts of the hearing have unfortunately been inaccurately reported by the North County News.

The official transcript will refute the false reports and political posturing Mr. Volpe has engaged in. Among them is that the Independence Party maliciously attacked Mr. Volpe's family as part of this case, nothing is further from the truth. There has been no attack on his family. Mr. Volpe's wife was never a party in this matter and their son was only involved because he was the one who fraudulently signed the petition as the witness to the signatures in question. He was not offered as a witness and never appeared before the Court. He was never attacked or treated in a negative way. Our focus has been, and will continue to be on the actions of the Democratic Party candidate, Domenic Volpe. In fact, the one who is being viciously and unfairly attacked is our endorsed candidate John Testa.

The Volpe campaign and the North County News report have conveniently left out a number of important facts revealed in court. One witness, under oath, described how Domenic Volpe spoke to her the evening before and asked her to not to come to the hearing on the 5th. He assured her nothing would happen to her if she stayed home. The details of this disturbing fact are included in the official record. Because of this willful deception by Mr. Volpe and his supporters, the Independence Party will hold a press conference next week to explain exactly what transpired in court on August 5th and will provide the press with the official transcript. The sworn statements by the witnesses were detailed, honest and clearly show that Mr. Volpe was the only person present when he obtained their signatures. In fact the opposition offered not a single witness or offer of proof to counter or rebut these sworn statements. Why

didn't Mr. Volpe make a statement under oath that the witnesses who testified were mistaken? Why were no other witnesses offered to do the same?

The official record will show the truth. To be clear: In his opinion today, Judge Loehr, declared that he felt there was not "sufficient fraud" to attack the "candidacy" of Volpe's petitions that are "not directly involved in the case." There was never a question as to whether fraud has been committed, of course it was! The question has always been whether a candidate for office can violate election law, be held accountable and disqualified for committing fraud on candidate petitions other than his own.

This is presently a civil matter, not a criminal one and will be ultimately determined by the NY State Appellate Court on August 18, 2009.

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