

New Posting

Re: The Chronicle-Express 3-19-08 Article

On March 25, 2008, certain members of the YatesOUCHtax Steering Committee received a letter from Gwen Chamberlain, Editor of Penn Yan's Chronicle Express noting that the group's website contained a copy of the article published in the Chronicle-Express on March 19, 2008, entitled **"Group says their Constitutional rights violated by bed tax law."**

We had hoped to be able to share with the general public the article which appeared on that date, but could not do so without correcting two significant errors in the article. Specifically, we wrote and inserted into the text of the article the following two corrections, and we stand by these corrections:

1). In response to innuendo that our representative, Mr. Testa, had presented to the Yates County Legislature on one day, and then members of the group launched a lawsuit on the next, we resented the implication that we hadn't given the Legislature sufficient time to respond to our concerns, and felt it was grossly misleading to readers. As a matter of fact, we had given them far more time than they gave the taxpayers to respond to their new, ill-thought-out law. Because of these concerns, we added the following correction:

YatesOUCHtax Steering Committee Note:

The implication stated [in the Chronicle Express's article] is erroneous. Although Mr. Testa spoke to the Yates County Legislature on March 10, with a final plea, he received no responsive indication that they would give his plea any consideration at all, no hope of any resolution. Moreover, he had already spoken to a group that functions as the Occupancy Tax Enforcement Committee a week prior, and to the Finance Committee of the Yates County Legislature on Tuesday, February 5th when he read the full position statement of the YatesOUCHtax Steering Committee, including 15 urgent recommendations, and left copies. That this input was given is confirmed in Mr. Testa's letter of February 15th to every legislator, and which has been posted under the Correspondence button of the www.YatesOUCHtax website. He met again with them in February and again on March 4th to no avail in spite of his pleading with them to "do the right thing." Mr. Testa had absolutely no positive or hopeful response to his presentations, correspondence or requests to the Finance Committee of the Yates County Legislature, and 35 days after the initial meeting the Plaintiffs filed suit. To imply that the Legislature was given notice on one day, and sued the next, is both misleading and inflammatory and deserves retraction and apology.

2) Mr. Testa was further quoted in the Chronicle-Express article as saying that the occupancy tax might not seem to add a large amount to the total bills, but we believe that his words were taken out of context, making the burden of the occupancy tax appear minimal. We added the following correction:

Mr. Testa confirms that the first sentence of this paragraph is taken out of context. The amount is SO significant because it will lead to the loss of entire rental weeks,

and he was contrasting, and the Steering Committee agrees, that the likely implication of the tax is much larger than the dollars would indicate.

We have now been informed by Gwen Chamberlain, Editor, that we may not reproduce the Chronicle-Express article if we correct their errors, so we will forego publishing their article rather than mislead anyone that we believe the above issues are correct as reported. It should be noted in the interest of FULL DISCLOSURE, that Gwen Chamberlain works closely with the Chamber of Commerce, and it is her name on copies of Chamber minutes which we have received. Moreover, since the Chamber of Commerce is slated to receive about half of the occupancy tax revenues, we question whether or not the Chronicle-Express she edits can have the objectivity to report unbiasedly on these volatile matters.

Gwen Chamberlain adds in her letter to us: “We expect that you will discontinue the unauthorized use of our published material immediately. We intend to continue to monitor your website periodically to ensure compliance and we will not hesitate to take further action if we feel it is necessary.

Sincerely,
Gwen Chamberlain
Editor
Karen Morris
Publisher”

Given her request that YatesOUCHtax not publish the Chronicle-Express article with our corrections, we are herewith removing the article. The terms which we think she believes YatesOUCHtax violates under the “corporation’s Creative Commons License” include: **“You may not alter, transform, or build upon this work.”** We don’t actually believe we are in violation of these terms, since we didn’t change the words of the actual article in order to make them accurate. By using bolded red type we believe we made a substantial effort to show that our corrections were NOT part of the article, but our own. We believe that it is not dissimilar to someone in the diner reading the article, putting the paper down and saying aloud: “Well, THAT’S NOT TRUE!” We believe that our corrections get very close to our own rights of free speech, which a newspaper should honor. Nevertheless, we shall forego reprinting the article in question rather than diverting attention from this volunteer citizen action group’s efforts by disputing further.

For more information on what the original article said, please refer to the website for the Penn Yan Chronicle-Express or to other newspaper articles which contained the same substantive story, without the errors. In addition, comments on the portions of the occupancy tax law which are believed to be unconstitutional can be found on this website under “LAWSUIT”, a green button on the home page tool bar.

We still await an apology and retraction from the Chronicle-Express for its errors.