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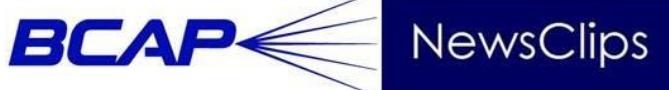


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October 7, 2020

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They liked each other enough when both were state lawmakers from York County, former colleagues say.

[Scott Perry](#), from the Dillsburg area, represented part of York's large Republican delegation in the state House of Representatives. [Eugene DePasquale](#), the token Democrat, represented the city of York in the House. "I think they both recognized the dynamics of what was politically possible and how we had to situate stuff to get things done," said Ron Miller, a former colleague of the two men. Miller said that was especially the case from 2007 through 2010, when DePasquale, though a minority in York County delegation, was part of a Democratic majority in the House. "We always recognized our differences, but also recognized where the person was coming from. You couldn't win the city seat being a super-conservative, and you couldn't win my seat being a super-liberal. So somewhere in between we had to get together and get along."

Perry and DePasquale played by those rules, Miller said. But that was then; and this is now. Nearly 20 years later, Perry is in a pitched battle to keep his 10th District Congressional seat for a fifth term, and DePasquale is his nemesis, trying to interrupt more than five decades of Republican representation of York and Cumberland Counties in Congress. (Dauphin County, which is also in the 10th, was represented by Democrat Tim Holden from 2002 through 2012.)

[National analysts](#) and [local polls](#) suggest it is probably the closest in the state and it's been considered one of the most compelling races in the country. And

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if you watch just one half-hour television newscast these days, you could only conclude that if these guys still have any traces of a personal friendship left, they are certainly professional enemies. Perry is portrayed as a tool of the insurance and pharmaceutical industries who is eager to make it harder for you to buy medical insurance for pre-existing conditions, when he's not being ruled by what's good for big business.

DePasquale is depicted as an uncaring bureaucrat who let the coronavirus rage unchecked through a Beaver County nursing home. "I really think what's happening here is you have two decent people killing each other," another former legislative colleague observed. Perry's ad campaign, in particular, has thrown a series of political haymakers at DePasquale, who has up until now generally succeeded in cultivating an image of being one of the good guys in state government, from the moment that he became one of the first state lawmakers to post his legislative expenditures online. "I think it's symbolic of his (Perry's) whole candidacy," DePasquale said in a telephone interview Friday. "He's a guy who has been in Washington for 10 years and can't run on any accomplishments because he doesn't have any."

At least one of those ads appears to have stretched reality to the breaking point. That's a commercial in which Perry's announcer ties the failure of DePasquale's office to complete a scheduled financial audit of a nursing home in Beaver County earlier this year to **a deadly outbreak of coronavirus there that would ultimately result in 82 deaths**. The home, Brighton Rehabilitation and Wellness Center, is under investigation from state and federal agencies for potential breakdowns in its virus response, but it is hard to see how DePasquale's review - one of 10 audits of Medicaid services his office announced in February - would have had any outcome on its struggles with the pandemic. The proposed audit at Brighton was intended to check on whether all expenditures of public medical assistance funds were in keeping with program rules.

At Brighton, it never got done: state records show DePasquale eased off in part because of representations from the home's owner that they needed all hands involved on the fight against the virus. DePasquale's office has also noted, however, that they weren't getting great cooperation from Brighton even before the outbreak.

But here's the thing: Whether the auditors' review of fiscal records at Brighton occurred this spring or not, they would have had no authority or ability to pass judgment on the home's medical decisions or its performance in the pandemic, said a former Auditor General staffer who commented on the condition that he not be identified. "I don't think it's a reasonable criticism," the former staffer said of Perry's ad. "They don't have the ability to look at quality of care - particularly in a routine audit. They're supposed to look at a governmental process, and see, 'Was that process followed or not?' But they're not there to make medical decisions and judge a facility's performance against that. "To me, it's like this. Just because the Auditor General does audits of school districts, you can't blame him for failing test scores."

Perry campaign spokesman Matt Beynon stood by the ad, arguing DePasquale has sought to portray himself as a protector of nursing home residents in the past - pointing to audits of the state Department of Health's oversight of homes in 2016 and 2019. It's impossible to say what auditors might have found had they started their work at Brighton, he contended. The air wars are only going to intensify in the last four weeks of the race for a seat that has been one that both parties see as competitive, due in no small part to **the court-ordered redrawing of the House district lines in 2018**.

Both campaigns had nearly \$1 million in cash on hand heading into the summer, according to their most recent Federal Election Commission filings. Outside groups are continuing to pour additional spending into the district - \$3.6 million in ad time has been reserved for the fall just from four major party-affiliated campaign committees alone, according to a tracker maintained by

Daily Kos, a left-leaning political blog. Millions more are being spent by Super-PACs being run by outside groups like the conservative-leaning Americans For Prosperity and House Freedom Action, and the more progressive Future Progress and EDF Action funds.

Kantar Media reports total spending on the Pa. 10th - including television, radio and satellite - is approaching \$10 million. Most of DePasquale's own advertising in this race has been of the biographical, "I'll fight for you" vein, though the House Democratic Congressional Campaign Committee has produced an ad that attempts to portray Perry's support for the 2017 federal tax cut bill - [which provided some level of tax cuts to most Americans](#) - as a giveaway to Big Pharma.

In fact, the pharmaceutical industry has benefitted - like much of corporate America - from lower business tax rates and a provision that allowed firms with cash stashed in overseas subsidiaries to repatriate that money at dramatically reduced tax rates. Beynon, speaking for Perry, said his boss is proud to have supported the tax cut that benefitted most middle-class families and industries, like the drugmakers, that employ hundreds of thousands of Pennsylvanians.

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One cites [a Federal Election Commission complaint lodged against DePasquale](#) for improperly using state campaign funds to seed his Congressional campaign in 2019, and the Auditor General's decision to use Gov. Tom Wolf as a fundraiser even as he's auditing the governor's pandemic business-closure waiver program. Federal law expressly bars candidates from transferring or using state-level campaign funds for federal races, in part because it could be used to circumvent often-stricter federal rules on the size and source of donations.

DePasquale's campaign has denied any wrongdoing, arguing that much of the money was spent during a period in 2019 when DePasquale had not made any decision on running for Congress and was considering running for other offices, including at the state level. Once he opted into the congressional race, his staff has said, the federal committee paid the state committee thousands of dollars to legally purchase materials that are relevant to the congressional campaign, to eliminate any concern about utilizing state campaign assets.

An FEC spokesman said Friday the complaint is still pending, but it won't be acted on before this election because of a lack of a quorum on the commission itself. Perry's ad then picks up the thread of [a story first published in The Penn Capital-Star this summer](#) that noted DePasquale accepted campaign contributions and fundraising help from Gov. Tom Wolf, even as his office is conducting an audit of the Wolf Administration's controversial waiver program that allowed businesses to appeal to stay open during the pandemic.

Beynon, the Perry spokesman, argues that is a flagrant conflict of interest that taints the audit of a very controversial program that was wracked with inconsistencies. The former Auditor General staffer reached for this story agreed the Wolf issue is a bad look for DePasquale, and one that could have easily been avoided if DePasquale had simply taken the effort to recuse himself from the business waiver audit and left it in the hands of a deputy. But he said it also is likely not going to substantively effect the report's findings, [which were previewed Tuesday by DePasquale](#).

DePasquale, after all, is not personally performing the review of the waiver decisions, the staffer said. He hardly has to worry about offending Wolf or losing his support, even if the audit is harshly critical. The governor, in his past statements on the programs, has conceded it was far from perfect, because it was an airplane being built mid-flight. DePasquale argues that he has been a fair examiner of the Wolf Administration throughout his two terms, and that the real concern would come into play if his office had decided to turn a blind eye to the business waiver program and not audited it at all.

Another swing at DePasquale's ethics is coming from an outside Super-PAC, Club For Growth Action Fund, which tagged DePasquale for installing powerful Philadelphia union leader and frequent Democratic campaign contributor John Dougherty as his designee on the board of the Delaware River Port Authority in 2014. Dougherty, the longtime president of Local 98 of the International Brotherhood of Electrical Workers, was charged in January 2019 along with Philadelphia city councilman Bobby Henon and six others with diverting hundreds of thousands of dollars intended for union use to enrich themselves.

Allegations detailed in the 116-count indictment range from claims that Dougherty and others embezzled more than \$600,000 between 2010 and 2016 to fund personal shopping sprees, restaurant dinners, and annual trips, to staggering claims of corruption and political vindictiveness. It does not allege any abuses by Dougherty involving DRPA. DePasquale defended his initial decision to work with Dougherty, noting he had little familiarity with the commission at the time, and Dougherty had served on the DRPA board as an appointee of former Gov. Ed Rendell and been useful in pressing for needed reforms there.

DePasquale also noted he revoked Dougherty's DRPA assignment and ended their professional association after the FBI investigation came to light in 2016. DRPA minutes show that Dougherty has not attended a commission meeting since March 2017. DePasquale's campaign has responded to the broad sweep of the attack ads airing against him by releasing a new piece last week that directly takes on the Perry's campaign's credibility, concluding "You just can't believe a word he says." Perry's team stands by its repertoire. "Eugene DePasquale is giving voters one side of his record," said Beynon. "We do not believe that is the complete story, and as long as he is not willing to tell the other side, the Perry campaign is." – **Pennlive**

