

MINUTES FOR COMMISSION MEETING
June 17, 1974

IN ATTENDANCE

ABSENT

Frank P. Reiche, Chairman
Judge Sidney Goldmann, Vice-Chairman
Judge Bartholomew Sheehan
Josephine Margetts
Herbert Alexander
Edward J. Farrell, Esq.
David F. Norcross, Executive Director

1) Mr. Farrell reported on the status of litigation, and the matter of Commission v. DeVizio.

2) The Commission held a formal hearing in the matter of the non-filing of Russell Dodge-Candidate for Borough Council in the Borough of Riverton. By a vote of 4-0, the Commission found Mr. Dodge guilty of a willful violation of Section 16 of Chapter 83 of the Laws of 1973, and imposed a fine of \$25.00. (Goldmann motion, Sheehan second)

3) The Commission held a hearing on the matter of the Commission v. Thomas McSherry, and found Mr. McSherry guilty of a negligent, but not willful violation of Section 16 of Chapter 83 of the Laws of 1973 for his failure to file for the third reporting period (Nov. 21, 1973) in the General Election of 1973. The Commission imposed, by a vote of 4-0, a written reprimand on Mr. McSherry for his violation. (Sheehan motion, Margetts second)

4) The Commission granted the request for postponement of hearing of Candidate Olszewski and set a new date of June 26, 1974.

5) In view of their failure to appear as requested by a Commission notice, the following delinquent candidates will be subpoenaed for an appearance on July 11, 1974: Pescatore, Dramesi, Arturi, Kallimanis, Bernard, Flipping and Moses.

6) The minutes of the previous meeting were approved as submitted (4-0).

7) Linett v. The Taxpayers Association - Judge Goldmann disqualified himself from any consideration of this matter. The Executive Director was requested to have the matter investigated by staff.

8) In the matter of the Hearing of the North Wildwood School Board Candidates, Woolley, Barnes, Vance, Heston and Campaign Treasurer, Truitt - The Commission, sitting in formal hearing, heard testimony that the candidates were selected on January 22, with one exception, and that candidate was selected on January 23; that the candidacy of the candidates in question was announced on January 23 and that some funds were collected on January 22. Affidavits were filed by all candidates on February 12, 1974. The

defense offered was essentially that of ignorance of the existence of the law although the candidates contacted the School Board Secretary, the County Board of Elections, the County Superintendent of Schools, and an attorney in an unsuccessful effort to determine what requirements were imposed upon School Board Candidates.

Having heard the testimony of the candidates, the Commission, by a vote of 4-0, found a technical violation of the Act which was neither negligent nor willful, and for that reason declined to impose any penalty. (Goldmann motion, Sheehan second)

9) In the matter of Two Advertisements - One Dated March 25, 1974 and One Dated February 13, 1974 (Commission v. Rooney) - The report of Hearing Officer, Harold B. Wells, III, was accepted and a strong reprimand imposed as punishment for the negligent failure to properly disclose campaign expenditures as required by Chapter 83 of the Laws of 1973. 4-0 (Goldmann motion, Sheehan second)

10) The Executive Director reported to the Commission that his letter of inquiry to Chester Ligham had as yet been unanswered. The Commission determined that no further action would be taken at this time.

11) Kenilworth Republican Club v. Kenilworth Democratic Club - The Executive Director was directed to notify both parties that the Commission would hear it on July 11, 1974, and would decide the issue, and that either party could be present or represented by Counsel.

12) The Executive Director was directed to inform hearing officers that they are not to recommend specific amounts for fines, but may where appropriate, recommend the imposition of a fine and should, in all cases, express their feelings with respect to the seriousness of the violation in their findings.

13) Mr. Parks reported on the status of the Commission's investigation into the matter of funds transferred from Lawrence F. Kramer to Marion Rauschenbach and Sal Barone. Having heard Mr. Parks' report, the Commission ordered, by a vote of 4-0, that a hearing be held immediately after Mr. Parks had completed his investigation. (Goldmann motion, Sheehan, second)

14) Mr. Parks reported to the Commission on his investigation and the findings of that investigation relative to information supplied to this Commission about the Atlantic County Democratic Club, the Joint Democrat Campaign, the Atlantic County Committee and Mrs. Barbara Perskie. Mr. Parks reported that he could find no violation of the Act, other than a negligent failure to properly disclose the proceeds of a dinner. This failure to disclose has since been corrected. Mr. Parks recommended no further action and the Commission concurred.

15) The matter of Donald J. Sherman v. East Hanover Democratic County Committee, John Palmieri and Anthony Seneca - The Commission accepted the Hearing Officer's report, and imposed fines in the following amounts:

East Hanover Committee-	\$200.00
Palmieri	- 75.00
Seneca	- 75.00

4-0 (Goldmann motion, Sheehan second)

16) The Commission in the matter of Philip B. Robinson, Freeholder-Candidate, Atlantic County, directed the Executive Director to communicate with Mayor Robinson indicating to him the existence of technical violations and communicating an admonition to strictly observe the requirements of the Act in the future.

17) Summary of Municipal and Charter non-filers. (Attached hereto). The following determinations are made as to the actions to be taken with respect to the reason for non-filing:

- Category 4. No reprimand, but admonition against future failures to file.
- Category 6. Notification of error, but acceptance of one filing by the Commission.
- Category 7. Notification of error, but acceptance by the Commission.
- Category 10. Note of apology to be sent to candidate.

Respectfully submitted,



David F. Norcross
Executive Director