

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

Minutes of Meeting  
January 22, 1976

PRESENT

Frank P. Reiche, Chairman  
Sidney Goldmann, Vice-Chairman  
Archibald Alexander, Member  
Edward J. Farrell, Legal Counsel  
David F. Norcross, Executive Director

ABSENT

Josephine S. Margetts, Member  
Herbert Alexander, Consultant

The Meeting was convened at 9:40 a.m.

- 1) This being the first meeting of the Commission after the effective date of the Open Public Meetings Law, P.L. 1975,c.231, Annual Notice of the meetings of the Commission was filed with the Secretary of State's office, copies posted in the State House Annex, copies were mailed to The Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.
- 2) The Minutes of November 3, 1975 were approved as amended.
- 3) The Minutes of November 26, 1975 were approved as amended.
- 4) The Minutes of December 18, 1975 were approved as amended: "Add item #10, John L. Vanderipe, Jr. - The Commission, after considering the facts in the matter determined that no further action was necessary and closed the file."
- 5) Welcome to Lewis B. Thurston, III, Executive Director Designate. Lewis B. Thurston having accepted the Commission's appointment as Executive Director, the Commission formally welcomed him. Mr. Thurston attended the meeting as a member of the public.
- 6) John P. Norek v. South Amboy Tavern Owners Assn., C-299-75  
The Commission determined to remand the Hearer's Report to Edward Adourian for further information. 1) When did Alexander Parks advise Lentz of the necessity for filing such reports, 2) Warren Wilentz, Esq. should be given the opportunity to appear and testify with respect to the details of his advice to the association and the date of his contact with them. Motion by Chairman Reiche, seconded by Commissioner Alexander. Vote 3-0.
- 7) Inclusion of A-2's (Guilty Pleas) with Notices of Hearing  
Although the Commission refused to reverse its earlier position that A-2's may be offered only by hearing officers, the Commission did determine to give the hearing officers the authority to recommend specific fines. Mr. Farrell is to develop guidelines for the hearing officers to use in recommending appropriate penalties to the Commission.
- 8) Discussion was now held with respect to draft Advisory Opinions submitted by Counsel:  
N.J. Harris for President Committee - Mr. Farrell will draft opinion; it will be placed on the February 9, 1976 Commission Agenda.  
0-29-75 - Opinion was approved as amended: (Paragraph 3) "In addition, involvement in election activities might subject the

publishers to the pre-election and ~~post~~-election requirements of the Act." Motion by Goldmann, seconded by Chairman Reiche. Vote 3-0.

0-30-75 - Opinion approved as amended: Add: "Although the facts set forth in your letter indicate there is no connection, it is difficult to imagine a situation in which a brunch conducted eight days prior to an election by the municipal committee to which the candidates of that party for election in that municipality are invited, would not necessarily constitute election activity as to these candidates. This being the case, the committee must file the pre-election and post-election reports called for by the Act, including information with respect to the proceeds of that brunch." Motion by Goldmann, seconded by Commissioner Alexander. Vote 3-0.

0-31-75 - Approved with slight language changes. Motion by Goldmann, seconded by Chairman Reiche. Vote 3-0.

0-32-75 - Counsel was directed to re-draft the opinion.

0-33-75 - Approved as amended with the elimination of paragraph 4. Motion by Alexander, seconded by Goldmann. Vote 3-0.

0-34-75 - Approved as amended: Strike the last paragraph. Motion by Goldmann, seconded by Reiche. Vote 3-0.

0-36-75 - Approved. Motion by Reiche, seconded by Alexander. Vote 3-0.

0-37-75 - Approved as amended: Delete paragraph in brackets. Second paragraph, line 4, after candidates, delete, "on whose behalf it is sent". Motion by Alexander, seconded by Reiche. Vote 3-0.

- 9) Commission v. Cape May Cty Republican Organ., D.Kelly, C-308-75  
Motion by Commissioner Goldmann to find negligent violation and impose a reprimand. Motion failed for want of a second. Chairman Reiche moves negligent violation with imposition of fine of \$100; seconded by Alexander. Vote 3-0.

There was also a motion to refer question of violation of 19:34-45 to the Attorney General. Motion by Goldmann, seconded by Reiche. Vote 3-0.

- 10) Commission v. Passaic Cty Dem. Comm., C-21-75  
The Commission found a negligent disregard of the disclosure requirements of Section 8. A fine of \$200 was imposed. Motion by Commissioner Goldmann, seconded by Chairman Reiche. Vote 3-0.
- 11) Commission v. Friends of Ben Danskin, W.F.Dowd, Treasurer, C-24-75  
The Commission found a negligent violation of Section 8 for failure to file the 25 day report, negligent violation as to the 7 day report

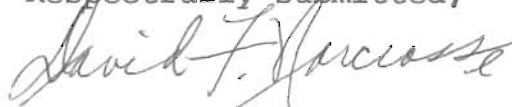
for failure to disclose dates of checks and omission of an expenditure and a negligent failure to designate a campaign treasurer and depository in violation of Section 10. A fine of \$100 was imposed against William F. Dowd, treasurer of Friends of Ben Danskin. Motion by Commissioner Goldmann, seconded by Chairman Reiche. Vote 3-0.

- 12) H. Gridley v. Middletown Twp. Rep. & Dem. Candidates, C-24-74  
Hold for Hearing Officer's Report on the Democratic Committee.
- 13) Commission v. Paterson Taxpayers Assn. C-05-76  
The Commission proposed the appointment of Donald Heeb as hearing officer.
- 14) Commission v. Committee to Elect D. Merino (Alleged over-expenditure)  
The Commission proposed the appointment of Edward Adourian as hearing officer.
- 15) Commission v. Haledon Democrat Club, R. Vervaet, C-324-75  
The Commission proposed the appointment of Bruce Banta as hearing officer.
- 16) Gerald Warner v. Republican Club of W. Long Branch, C-314-75  
Deferred until February 9, 1975 Meeting.
- 17) Commission v. Paul Erbach, et al, C-319, -323-75  
The Commission proposed the appointment of Gerald Miller as hearing officer; second choice B. Osmun.
- 18) Commission v. Ralph DeRose, C-01-76  
The Commission proposed the appointment of Harold Wells, III as hearing officer. (Commissioner Alexander not participating.)
- 19) Commission v. Hamilton Twp. Rep. Cmpgn Com.  
The Commission proposed the appointment of Barry Osmun as hearing officer.
- 20) Somerset Cty Republican Victory Dinner  
Deferred until the February 9, 1976 Commission meeting.
- 21) Henry Ricci v. Sr. Citizens Fed Up With Byrne, C-327-75  
The Commission proposed the appointment of Edward Adourian as hearing officer.
- 22) Proposed Memorandum to Governor Byrne regarding Election Law Revision Commission recommendations, which had been reviewed and approved by the Commission, will be submitted to the Governor within the next week.
- 23) Notice of re-scheduling of Commission meeting dates:  
February 5, 1976 rescheduled to February 9, 1976;  
February 19, 1976 cancelled;  
March 4, 1976 rescheduled to March 3, 1976

Notices will be sent out with respect to the meeting dates.

The Meeting was adjourned at 4:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "David F. Norcross".

DAVID F. NORCROSS  
Executive Director