

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

December 20, 1978 Meeting

PRESENT

Frank P. Reiche, Chairman

\*Sidney Goldmann, Vice-Chairman

Josephine S. Margetts, Member

Archibald S. Alexander, Member

Lewis B. Thurston, III, Executive Director

Edward J. Farrell, Esq., General Legal Counsel

Gregory E. Nagy, Esq., Staff Counsel

\*Vice-Chairman Goldmann was in attendance except for the period beginning with item No. 4 and ending with item No. 11 of these minutes.

The chairman called the meeting to order and announced that pursuant to the Open Public Meetings Law, P. L. 1975, c.231, annual notice of the meetings of the Commission, as amended, was filed with the Secretary of State's office, copies posted in the State House Annex, copies mailed to the Newark Star Ledger, the Philadelphia Bulletin and the entire State House Press Corps.

The meeting convened at 10:15 a.m.

1. E.L.E.C. Schedule for 1979

The Commission discussed a meeting schedule for the Commission for 1979 and agreed upon meeting dates for 1979. Appropriate notice regarding this meeting schedule will be made pursuant to the Open Public Meetings Law.

2. Report on Annual Conference of "Public Officials of the Public Trust"

Chairman Reiche, the executive director, general legal counsel and staff counsel commented on this annual Conference which was held in Minneapolis, Minnesota from December 10 through 13, 1978. Chairman Reiche reported that generally the Conference had been successful and also that the attendees adopted an organizational proposal which had been proposed by the steering committee of which he was the chairman. He further indicated that a new 8 member steering committee had been elected and that Lewis Thurston had been elected a member of that committee for a 2-year period.

3. Report on Public Hearing on A744 (Revision of State Election Code, Title 19A)

The chairman, executive director and staff counsel reported on this public hearing held on December 19, 1978. The chairman summarized his and the executive director's testimony and staff counsel Nagy reported on the testimony of other witnesses at the hearing.

4. Advisory opinion Requests

0-25-78, Dennis Riley (Use of surplus campaign funds, Wm. Simon, Camden freeholder)

The Commission agreed on a response to question No. 3 in Mr. Riley's request and directed counsel to forward the answer to him. The Commission had previously agreed upon the answers to the first 2 questions in this request.

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4. Advisory Opinion Requests (cont'd.)

0-26-78, Walter L. Marshall, Jr. (Glassboro Republican Club, reporting proceeds of sale of real estate)  
The Commission agreed on an advisory opinion and directed counsel to refer it to Mr. Marshall.

0-24-78, William S. Singer, Esq., (L.E.G.A.L., reporting dues in reference to \$100 threshold for identity of contributor)  
The Commission agreed on a response to this advisory opinion and requested counsel to draft an advisory opinion for review at the next Commission meeting.

5. Review of Filing Status of Political Action Committee

The Commission reviewed correspondence with and excerpts of reports from the Johnson and Johnson Employees' Good Government Fund relative to the 1978 general election. The executive director and counsel indicated that a number of questions had been raised by the treasurer of the Fund as to whether the Fund had any filing obligations for this election and, if so, what should be reported. It was agreed that the executive director would direct the Fund to file amended 25 and 7-day pre-election reports for the 1978 general election and to file a final report for that election.

6. Review of Draft of Bill to Amend the Campaign Contributions and Expenditures Reporting Act

The Commission reviewed excerpts from a draft of a bill to amend the Campaign Contributions and Expenditures Reporting Act relative to compensation for Commission members, "continuing political committees" and permissible uses of surplus campaign funds. The language for each of these sections was agreed on and counsel will include it in the draft of the bill he is preparing.

The Commission discussed the concepts of continuing political committee in some detail. It was agreed that the definition as drafted probably would not apply to certain types of committees operating for political purposes on a continuing basis but not necessarily related to a specific election campaign in the immediate future. The Commission directed the staff to review this area and formulate a proposal for statutory amendment for the Commission to consider.

7. Minutes of Commission Meeting

The Commission discussed the public session minutes of the Commission meeting of November 22, 1978 and, on a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission approved these minutes. The vote was 3-0, with Vice-Chairman Goldmann absent. The Commission reviewed the minutes of the public session of the Commission meeting of December 1, 1978 and, on a motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission approved the minutes. The vote was 2-0, with Vice-Chairman Goldmann absent and Commissioner Margetts abstaining because she was not present at that meeting.

8. Reports by Executive Director

The executive director indicated that the audit of the Commission by the Division of State Auditing was completed and should be forwarded to the executive director very soon. He indicated also that no budget hearing before the Division of Budget and Accounting had been rescheduled and it now appeared that there would be no budget hearings for any of the agencies this year. Additionally, he reported that Dean Wyks had resigned effective January 5, 1979 as Director of Compliance and Review to take a position with a law firm in Philadelphia. He indicated that Mr. Wyks is an outstanding employee. The Commission expressed its regret on Mr. Wyks' termination of employment, its appreciation for his capable service with the Commission and best wishes in his new endeavor. The executive director also indicated that he anticipates hiring two assistant election finance analysts very soon.

9. Executive Session

On a motion by Chairman Reiche, seconded by Commissioner Margetts and a vote of 3-0, the Commission voted to go into executive session pursuant to the Open Public Meetings Law to discuss minutes of the executive session of the Commission meeting of November 22, 1978 and an investigative matter. Upon the conclusion of the matters discussed in executive session, the Commission returned to public session on a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 3-0.

10. Matter relating to Tongsun Park and Representative Edward Patten

This matter relates to two \$500 contributions made on August 8, 1975 and September 3, 1976 to the Middlesex County Democratic Organization in the name of Edward J. Patten and reported as such in reports of that Committee on October 9, 1975 and February 24, 1977. On a motion by Commissioner Alexander, seconded by Commissioner Margetts, the Commission directed the Middlesex County Democratic Committee to file amended campaign reports relative to these contributions to reflect the fact that the contributions were from Tongsun Park and not from Representative Edward Patten. The motion also indicated that the Commission on the basis of information developed through investigation, including information provided by the New Jersey Division of Criminal Justice and the United States House Ethics Committee, finds no basis on which to take further action relative to the allegations of the complaint filed with the Commission by Andre Gruber in this matter. Further, the Commission on the basis of the facts and circumstances known to the Middlesex County Democratic Organization and its appropriate officials relative to the two contributions in question at the time finds no basis for a <sup>finding</sup> violation of the Campaign Contributions and Expenditures Reporting Act by said organization and its responsible officials. The vote was 3-0, with Vice-Chairman Goldmann absent.

11. Executive Session

On a motion by Commissioner Alexander, seconded by Commissioner Margetts and a vote of 3-0, (Vice-Chairman Goldmann absent) the Commission voted to return to executive session to discuss an investigative matter relating to the 1978 primary election. Upon conclusion of the discussion in executive session, the Commission returned to public session on a motion by Commissioner Alexander, seconded by Chairman Reiche and a vote of 4-0.

12. E.L.E.C. vs. John Cryan, et al.

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission agreed to file a complaint against John Cryan, candidate for Essex County Executive in the 1978 primary election, and his campaign treasurer, William J. Leonardis, for violations of Sections 12, 16, 22 of the Campaign Contributions and Expenditures Reporting Act and appropriate regulations relating thereto for deficiencies in Mr. Cryan's 25 and 7-day pre-election reports and 15-day post-election report and subsequent post-election reports for the first three 60-day periods. The vote was 4-0.

13. Executive Session

On a motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission agreed to return to executive session to discuss an investigative matter relating to the 1978 primary election, to reconsider determinations for <sup>certain</sup> late filing cases previously acted upon, and to discuss determinations of late and non-filing cases in 1976 primary election, 1976 general election, 1977 primary election, 1977 general election and 1978 primary election. At the conclusion of the discussion of these matters, the Commission returned to public session on a motion by Vice-Chairman Goldmann, seconded by Commissioner Alexander and a vote of 4-0.

14. Determinations of Late and Non-Filing Cases for 1976 Primary Election, 1976 General Election, 1977 Primary Election, 1977 General Election and 1978 Primary Election

On a motion by Vice-Chairman Goldmann, seconded by Chairman Reiche, the Commission voted 4-0 for the determinations indicated on the attached sheets for the late and non-filing cases from the above-cited elections indicated thereon.

15. Adjournment - Commission adjourned the meeting at 4:10 p.m.

Respectfully submitted,



LEWIS B. THURSTON, III  
Executive Director