

MINUTES OF THE COMMISSION MEETING

November 14, 1974

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Edward J. Farrell, Esq., Legal Counsel
David F. Norcross, Executive Director

ABSENT

Herbert Alexander, Consultant

- 1) Consideration of the Minutes of the Meeting of September 23, 1974 was postponed.
- 2) The Minutes of November 1, 1974 were approved as presented.
- 3) The Executive Director was empowered to issue a subpoena compelling the presence of James Rotunda on December 12, 1974.
- 4) Leon N. Williams - Candidate for School Board, Lawnside, N.J., Camden County. A hearing was held with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. After hearing the evidence, the Commission found a negligent, non-willful violation of the Act, taking specific note of the candidate's failure to respond to Commission correspondence. Accordingly, the Commission resolved to issue a letter of reprimand and impose a \$25 fine. (Motion, Goldmann; seconded, Margetts - Vote 3-0)

The candidate executed a waiver of notice of formal hearing and a waiver of formal hearing.

- 5) Barbara Brown - Candidate for School Board, Fieldsboro, N.J., Burlington County. A hearing was held with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. After hearing the evidence, the Commission found a negligent, non-willful violation of the Act, taking specific note of the candidate's failure to respond to correspondence from the Commission. Accordingly, the Commission resolved to issue a letter of reprimand. The Commission declined to impose a fine because of extenuating circumstances with respect to the respondent's non-receipt of communications from the Commission. (Motion, Margetts; seconded, Goldmann -Vote 3-0)

The candidate executed a waiver of notice of formal hearing and a waiver of formal hearing.

- 6) The Commission directed that the proposed amendments to the Campaign Contributions and Expenditures Reporting Act be placed on the agenda for the meeting of December 12, 1974. It was determined to hold a special meeting on December 16 for the purpose of further consideration of the matter of the Commission vs. Kramer, Complaint #(C-13-74). Likewise the matter of the Commission vs. Kramer was placed on the agenda for January 9, 1975 and the Executive Director was asked to avoid placing other matters on the agenda for January 9, 1975 if possible.
- 7) The Commission discussed payment for Judge Harold Price in consideration of his work as Hearing Officer in the matter of the Commission vs. Kramer, Complaint #(C-13-74). On Motion of Vice-Chairman Goldmann, seconded by the Commissioner Margetts, the Commission determined to waive the regular rate schedule in view of the special demands of the Kramer case and determined to pay Judge Price at the rate of \$150 per day for 7 days, at the rate of \$50 per hour for 23.5 hours with respect to the report and \$450 for the services of Willard Bergman, Esq. as required by Judge Price. The total remuneration is \$2,675. (Vote 3-0) Vice-Chairman Goldmann noted for the record his disapproval of the extra compensation in consideration of the services of Willard Bergman, Esq.
- 8) James Taliaferro - Candidate City Council, Trenton, N.J., May, 1973. Mr. Taliaferro's failure to appear was noted by the Commission and the Executive Director was empowered to issue a subpoena compelling his appearance.
- 9) Thomas O'Neil vs. The Mercer County Democratic County Commission. The Commission considered the allegations of the Complainant O'Neil that the Respondent had been late in reporting on three of the four October reports due during the years 1973 and '74.

While the Commission found that the Respondent had not, in all instances, met the deadline imposed and found that filing on the date required is absolutely necessary, the Commission did not find sufficient evidence to support a finding of a negligent violation of the Act.

The Executive Director was directed to communicate with the Respondent and to admonish the Respondent to adhere strictly to the filing requirements of the Act in the future. (Motion, Goldmann; seconded, Margetts - Vote 3-0)

10) The Executive Director was requested to consider the possibility of promulgating a new rate schedule for hearing officers which would reimburse them at a rate of \$150 per day for hearings and \$50 per hour for preparation of report and for the report and would be consistent with the rates of the Department of Law and Public Safety.

11) The Executive Director was directed to refer the matter of the Commission vs. The Cape May County Republican Organization to a hearing officer. Judge Joseph Stamler was designated as the Hearing Officer and Mr. Farrell was requested to contact him.

12) Commission vs. N.J. Republican Finance Committee, Complaint (C-23-74). Mr. Farrell advised the Commission that Judge Stamler had disqualified himself because of the potential conflict involving a witness in the matter. The hearing was then assigned to the Honorable John B. Wick and the Executive Director requested to contact Judge Wick immediately.

13) After a brief discussion of the County Charter Study Commission reporting question it was referred to Counsel for the drafting of regulations.

14) The Commission considered the matter of costs of fund raising as they impinge on expenditure limits. The Executive Director pointed out that the new Federal Act permitted candidates up to 20 percent of their expenditure limit as an excludable expense for fund raising. The Executive Director was requested to determine what history or evidence was considered by Congress in adopting such a figure.

15) The Executive Director reported that of 2,589 Board of Education candidates filing with the Commission 2,578 were reporting expenditures of \$1,000 or less. In view of these facts, the Executive Director requested that Board of Education candidates be relieved from the obligation to file with the Commission unless expenditures exceeded, or were anticipated to exceed \$1,000. It was also suggested that contributions in excess of \$100 be reported to the Commission regardless of the level of expenditure. After discussion, on Motion of Commissioner Goldmann, seconded by Commissioner Margetts the Executive Director was requested to draft appropriate legislation and consult with counsel so that such legislation could be immediately introduced in the Legislature so as to take effect prior to the 1975 School board elections.

16) The Commission reopened the matter of the Commission vs. Stanley Wainwright, Candidate for School Board in Greenbrook. The Executive Director related his telephone conversation with Ms. Terry Nagel in

which she indicated that she had no recollection of the affidavit in question and could not state whether she had or had not mailed it.

Reviewing the testimony of the Respondent and the Executive Director the Commission determined that there was insufficient evidence on which to base a finding of a negligent violation of the Act. The Executive Director was directed to issue such an order. (Motion, Margetts; seconded, Goldmann - Vote 2-0) The Chairman, who was absent from the initial hearing, did not participate.

17) The meeting adjourned at 3:00 p.m.

Respectfully submitted,


David F. Norcross
Executive Director