

MINUTES OF THE COMMISSION MEETING

October 17, 1975

PRESENT

Frank P. Reiche, Chairman
Josephine S. Margetts, Member
Archibald S. Alexander, Member
David F. Norcross, Executive Director
Edward J. Farrell, Legal Counsel
Herbert Alexander, Consultant

ABSENT

Sidney Goldmann, Vice-Chairman

The meeting was convened at 10:20 a.m.

- 1) The minutes of September 10, 1975 meeting were approved.
- 2) The minutes of September 24, 1975 meeting were approved.
- 3) On September 10, 1975 the Commission discussed a meeting with the legislative leaders of both houses regarding amending Chapter 83 of the Laws of 1973. It was suggested that the Chairman, Vice-Chairman and Executive Director meet with the legislators. This was confirmed at the October 17, 1975 meeting. Mr. Reiche suggested to Mr. Norcross that he contact the leadership within the next two weeks to arrange the meeting.
- 4) Mr. Farrell reported on Commission vs. Gilroy, et al (C-298-75, C-300-75 and C-303-75). He suggested that a hearing be held and Gerald Miller be appointed Hearing Officer. He stated that a complaint would be drafted in the immediate future.
- 5) Advisory Opinions, numbers O-15, 16, 17 and 20-75 will be put on the Agenda for November 3, 1975, and will be sent in advance of the meeting to all Commissioners.
- 6) Gene Leporiere, Council Candidate, 6th Ward, Linden, New Jersey. Commission ordered an admonition for use of a personal checking account in violation of Section 12. Motion by Margetts, second by Commissioner Alexander. Vote 3-0.
- 7) Charles Sandman (insufficient 60-day report). The Director reported on the status of Mr. Sandman's 60-day filings. With respect to Mr. Sandman's presence in the Commission's offices on October 21, 1975, the Commission determined that (1) if the information requested is not presented or (2) if it is not sufficient to satisfy the Commission as to its content, a subpoena duces tecum will be issued to Mr. Sandman. Chairman Reiche suggested that Vice-Chairman Goldmann or Commissioner Alexander be consulted prior to the issuance of a subpoena if the Director was not satisfied with the information submitted.

8) Anthony Imperiale - Delinquent 60 day reports. The Director reported that Mr. Alexander Parks, Election Finance Analyst, had spoken to Mr. Imperiale at his office with reference to 60 day reports not filed by Mr. Imperiale. Mr. Imperiale stated that some records had been destroyed in a fire and that his accountant was out of state. Mr. Parks served a subpoena duces tecum requiring production of all books, records, receipts, checks and other documents pertaining to candidacy in the 1973 General Election for State Senate. This information is sought in connection with an investigation of alleged filing irregularities, willful failure to file as required by law and expenditures made other than as prescribed by law.

9) Commission vs. Starner (C-06-75). Exceptions to the Hearer's Report were sent to Mr. Harold B. Wells, Hearing Officer, for his response. The matter will be discussed at the November 3, 1975 Commission meeting.

10) The Commission discussed the matter of Buckley et als vs. Valeo et als.

11) Mr. Norcross reported on the filing procedures for the October 10th deadline. He noted that all coding, reviewing, and filing had been accomplished by Saturday, October 11 at 3:00 p.m. Commissioner Alexander moved that the Commission express its appreciation to the staff for its efforts. Commissioner Margetts seconded the motion and it carried 3-0.

Mr. Norcross stated that approximately 80% of the filing had been received. It was suggested that a press release be issued to show these figures and commenting in the satisfaction of the Commission with its staff.

The Executive Director suggested that a third computer category might be considered for the May Municipal Elections:

1) Filed 2) Filed (not complete) 3) Non-filing.

12) Frank J. Seney, Complaint (C-316-75). Candidate for Freeholder Warren County, 1973 General Election, allegedly did not file a final report. It was decided by the Commissioner that a hearing be held and that the Hearing Officer be either Donald Heeb or Barry Osmun.

13) Edward J. Starkus, John W. Finnimore and the Clementon Democratic Club, General Election 1974, Complaint (C-10-75 and C-09-75), respectively. With respect to the 1974 General Election in Clementon, it is alleged that the Clementon Democratic Club spent funds without designating a treasurer and depository in violation of Section 10. William Wood was appointed as Hearing Officer. No other action is to be taken on this matter.

14) Allen Rehling, Complaint C-30-75, C-71-75 and C-72-75, Candidate for the 1974 School Board Election, the 1974 General Election and the 1975 Municipal Election respectively. Non-filer in all three elections. Harold Wells, III, Esq. served as Hearing Officer and his report was discussed at length. It was directed that the Hearer's Report be sent to Mr. Rehling, Certified Mail, Return Receipt Requested, giving him ten days to file comments or exceptions. Commission action will be taken on November 19.

15) The matter of exempting fire commissioners from the coverage of the Act was held for the November 3 meeting.

16) Stafford Township. Mr. Alexander Parks' report was submitted to the Commissioners at this meeting. The Commission decided to hold the matter for the November 19, 1975 Commission meeting.

17) Point Pleasant Beach vs. Point Pleasant Beach Civic Association, (C-14-75). The Commission directed that the Hearing Officer's Report be remanded for further clarification. Specifically: (1) How did respondent get notice of the need to file? (2) What are the implications of the last sentence in the Hearing Officer's Report? (3) Is there any indication of joint membership or interlocking officers between C.A.R.E. and respondent? and (4) Is there any connection between these organizations?

18) The proposed revision of Regulations 19:25-12.2 (Testimonial Affairs) and 19:25-7.8 (Separate, Segregated Campaign Account) is to be placed on the Agenda for November 19, 1975 for public comment. The proposed revisions were sent to the Division of Administrative Procedure for inclusion in the November issue of the N.J. Register.

19) Discussion was held at this time with respect to A-3201 and consideration of sub-sections 21 and 22 of the Act.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,


David F. Norcross
Executive Director

DFN:skw