



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH  
Chair

PETER J. TOBER  
Vice Chair

ALBERT BURSTEIN  
Commissioner

AMOS C. SAUNDERS  
Commissioner

Respond to:  
P.O. Box 185  
Trenton, New Jersey 08625-0185

(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)

Website: <http://www.elec.state.nj.us/>

FREDERICK M. HERRMANN, Ph.D.  
Executive Director

JEFFREY M. BRINDLE  
Deputy Director

CAROL L. HOEKJE  
Legal Director

EVELYN FORD  
Compliance Director

JAMES P. WYSE  
Legal Counsel

### PUBLIC SESSION MINUTES

March 5, 2009

Chair English, Vice Chair Tober, Commissioner Burstein, Commissioner Saunders, and Legal Counsel Wyse participated by telephone. Executive Director Herrmann, Legal Director Carol L. Hoekje, Director of Review and Investigation Leonard Gicas, and Administrator Elbia Zeppetelli were present.

#### 1. Open Public Meetings Statement and Approval of Special Meeting

Chair English called the meeting to order, and Executive Director Herrmann announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., notice of this special telephonic meeting of the Election Law Enforcement Commission was announced for March 5, 2009, at 10:00 A.M., at the Commission's offices, and was distributed at approximately 11:00 A.M. on March 3, 2009 to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website.

Executive Director Herrmann said that the meeting is necessary to act expeditiously upon an investigative matter of importance and of concern to the public interest about the 2009 gubernatorial election. The Commission could not have foreseen the need for this meeting at a time when adequate notice could have been provided. He remarked that the agenda of the special meeting will be limited to discussion in Executive Session of the investigative matter.

In light of the fact that notice for this special meeting was not given 48-hours prior to the meeting, Executive Director Herrmann suggested that there be a motion and vote to enact a resolution authorizing the holding of this special meeting to establish that a delay for the purpose of providing adequate notice would result in substantial harm to the public interest.

On a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission voted to authorize the holding of the special Commission meeting for the described reasons.

Public Session Minutes

March 5, 2009

Page 2

The meeting convened at 10:00 A.M. in Trenton.

2. Resolution to go into Executive Session

Pursuant to N.J.S.A. 10:4-12b(6), on a motion by Vice Chair Tober, seconded by Commissioner Burstein and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss an investigative report of an allegation of possible violations of the New Jersey Campaign Contributions and Expenditures Reporting Act, which report will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint which may be generated as a result of this report will become public not later than seven business days after mailing to the named respondents.

Return to Public Session

3. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 4-0, the Commission voted to adjourn at 11:15 a.m.

Respectfully submitted as true  
and correct,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz