



State of New Jersey

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Chairman

WALTER F. TIMPONE
Vice Chairman

AMOS C. SAUNDERS
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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Compliance Director

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Legal Counsel

PUBLIC SESSION MINUTES

June 16, 2015

Chairman DeFilippis, Vice Chairman Timpone, Legal Counsel Matthews, and senior staff were present. Director of Review and Investigation Shreve Marshall and Associate Legal Director Michelle Levy were also present. Special Programs Analyst Scott Fagerty was present for the purpose of recording the minutes. Commissioner Saunders participated by telephone.

The Public Session Minutes will be available online on the Commission's website at: <http://www.elec.state.nj.us>.

The meeting convened at 11:00 a.m. in Trenton.

1. Open Public Meetings Statement

Chairman DeFilippis called the meeting to order. Executive Director Brindle announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., adequate notice of the meeting of the Commission had been filed with the Secretary of State's Office and distributed to the entire State House Press Corps.

It was also posted on the Commission's website.

2. Approval of Public Session Minutes of May 26, 2015

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of May 26, 2015.

3. Executive Director's Report

- A. Director of Compliance – Executive Director Brindle introduced to the Commission Stephanie Olivo as the new Director of Compliance. Director Olivo comes to the Commission from the Casino Control Commission, where she was Senior Counsel. Previously, she was an associate at Kavanagh & Kavanagh and was an Assistant Solicitor for Atlantic City.

B. Lobbying Activity Analytical Report – The Executive Director informed the Commission that for the first time, staff has issued a report analyzing lobbying activity. The report explores lobbying activity in five areas:

- Bills, issues most lobbied – paid sick leave and State budget;
- Top 10 categories – health care, education, and insurance;
- Top 10 lobbyists – the NJ League of Municipalities, Jersey Nurses Economic Security Organization, and the NJ Builders Association;
- Top 10 most lobbied executive agencies – the Department of Human Services, the Department of Environmental Protection, and the Governor’s Office; and,
- Top 10 most lobbied independent authorities – NJ Economic Development Authority, NJ Transit, and the NJ Turnpike Authority.

Executive Director Brindle stated that the report has received a positive reception and generated a great deal of comment. He attributed the success of the report to the work done by intern Kyle Morgan, under Deputy Director Joe Donohue’s tutelage

C. 11-Day Legislative Report – Executive Director Brindle reported that candidates for legislative office have raised a total of \$12.5 million, while spending \$6.9 million. The Executive Director noted the continuing trend of significant independent spending, highlighting the \$125,000 spent in the 20th district by the Realtor’s Association and the expenditures made by labor organizations in Morris County and Parsippany.

D. Personal Financial Disclosure Analysis – The Executive Director stated that the overall compliance rate of candidates required to file the Personal Financial Disclosure is 91 percent. He stated that 100 percent of incumbents filed the disclosure, and that it was filed by 84 percent of challengers

E. Assembly Judiciary Committee – Executive Director Brindle announced that on June 4, 2015, A-1003, the mirror bill of S-1530 moved out of committee. The bill requires Government Affairs Agents that are hired by municipalities, counties, and State government or authorities, to disclose activity on quarterly and annual reports. The bill also requires that the governmental unit file an annual report which justifies the reasons for utilizing outside governmental affairs agents.

F. Ethics Training – Executive Director Brindle notified the Commissioners that they will be asked to undergo in-person ethics training following the meeting of September 15, 2015.

G. U.S. Supreme Court – Executive Director Brindle stated that the Supreme Court will hear a case which explores the manner in which congressional districts are apportioned. The case, Evenwel vs. Abbot is brought by two challengers seeking to have congressional apportionment determined by the number of eligible voters, as opposed to the total population as it is currently determined.

The Executive Director also informed the Commission of Arizona State Legislature vs. Arizona Independent Redistricting Commission, et. al., in which challengers have asked the Court to determine that redistricting decisions made by panels created by legislatures,

rather than by the Legislature itself are unconstitutional. The Executive Director stated however, that implicit in the creation of a redistricting panel by a Legislature is the Legislature's consent to the panel's decision.

H. Offsite Treasurer Training

Executive Director Brindle informed the Commissioners that two offsite informational treasurer training were conducted by Assistant Compliance Officer Danielle Hacker. He said that the sessions were well attended.

- Ocean County – April 22, 2015; and,
- NJ Federation of Republican Women – April 24, 2015.

I. Future Meetings Schedule

- July 21, 2015 at 11:00 am in Trenton;
- August 18, 2015 at 11:00 am in Trenton (if needed);
- September 15, 2015 at 11:00 am in Trenton; and,
- October 20, 2015 at 11:00 am in Trenton.

4. Adoption of Proposed Amendment Regarding Annual Fee for Governmental Affairs Agents

Associate Legal Director Michelle Levy provided a summary for the adoption of the proposed new amendment concerning an increase in the annual fee for Governmental Affairs Agents (GAAs). The proposed amendment was published in the March 2, 2015 edition of the New Jersey Register and is also posted on the Commission's website.

No members of the public appeared to testify at the public hearing held on May 26, 2015. One written comment was received from Donald Sico of Donald Sico & Co. LLC.

Associate Legal Director Michelle Levy stated that the comment provided by Mr. Sico suggested that future increases in fees be structured in tiers, based on the amount of payment received by the Governmental Affairs Agent.

Chairman DeFilippis responded that the annual fee can be regarded as a license, and as such, only one fee amount should be imposed.

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission approved the new amendment concerning an increase in the annual fee for Governmental Affairs Agents.

5. Public Comments

Chairman DeFilippis asked if any members of the public wished to comment. Seeing none, he asked for a motion to enter Executive Session.

6. Resolution to go into Executive Session

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders, and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and current litigation, which will become public as follows:

- A. Final Decision Recommendations in complaint proceedings, which will not become public. However, the Final Decisions resulting from those recommendations will become public not later than seven business days after mailing to the named respondents.
- B. Investigative Reports of possible violations, which reports will not become public. The reports will not become public in order to protect the identity of informants and maintain the integrity of investigative procedures and priorities. However, any complaint alleging violations, which complaint may be generated as a result of a request for investigation, will become public not later than seven business days after mailing to the named respondents.
- C. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.
- D. Personnel matters concerning the hiring of outside legal counsel, which will become public upon appointment of such counsel.

Return to Public Session

7. Adjournment

On a motion by Vice Chairman Timpone, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to adjourn at 12:12 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz