



State of New Jersey

RONALD DEFILIPPIS
Chairman

STEPHEN M. HOLDEN
Commissioner

ERIC H. JASO
Commissioner

ELECTION LAW ENFORCEMENT COMMISSION

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/>

JEFFREY M. BRINDLE
Executive Director

JOSEPH W. DONOHUE
Deputy Director

DEMERY J. ROBERTS
Legal Director

STEPHANIE A. OLIVO
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

April 18, 2017

Chairman Ronald DeFilippis, Commissioner Stephen Holden, Commissioner Eric Jaso, Legal Counsel Edwin Matthews, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Legal Director Demery Roberts, Compliance Director Stephanie Olivo, Deputy Legal Director Amanda Haines and Director of Review and Investigation Shreve Marshall were present. Administrative Assistant Elbia Zeppetelli and Personnel Assistant Judy Sheridan were also present to record the minutes.

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 March 27, 2017

Commissioner Jaso commented that the minutes are being recorded in great detail. The Commissioner stated that *Robert's Rules of Order* require that actions taken by an organization be recorded. He added that *Robert's Rules of Order* does not require that a secretary record the proceedings word for word. He said that by doing so leaves open the possibility that individual comments can be misconstrued.

Executive Director Brindle said that it was timely for Commissioner Jaso to raise the issue of minutes and how they are to be prepared. He said that historically minutes have been completed in great detail. He indicated that he was going to ask the Commissioners of their thoughts on tape recording the minutes and having them transcribed in the future.

Compliance Director Olivo said that the *Robert's Rules of Order* should include that which occurred at the meeting and should be consistent with the actions taken.

Legal Counsel Mathews said that he would look into *Robert's Rules of Order* for taking minutes.

Commissioner Jaso asked Legal Counsel Mathews to look into the issue.

On a motion by Commissioner Holden, seconded by Commissioner Jaso, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of March 27, 2017.

3. Approval of Public Session Minutes of March 28, 2017

On a motion by Commissioner Holden, seconded by Commissioner Jaso, and passed by a vote of 3-0, the Commission approved the Public Session Minutes of March 28, 2017.

4. Executive Director's Report

- A. **New Employees** – Executive Director Brindle introduced three new employees. Ben Kachuriner, Scott Miccio, and Tia Dinh as Legal Counsel. He said that these employees have been employed since last year. Since the Commission could not meet, they are being introduced now. Executive Director Brindle said that these staff members have already made substantial contributions to the efforts of the Legal Section.
- B. **Pay-to-Play Analytical Press Release** – The Executive Director stated that political contributions made in 2016 by public contractors were down 11 percent, \$8.1 million from \$9.2 million in 2015. He noted that total contracts reached \$8.6 billion. Executive Director Brindle explained that political action committees (PACs), which are not subject to pay-to-play restrictions, received \$1.3 million from contractors. Independent groups, which do not have to disclose their activities and are not subject to pay-to-play, also received contributions from contractors. The Executive Director noted that the pay-to-play law has made matters less transparent. He mentioned that the Commission has recommended reforms for pay-to-play.
- C. **Assembly Budget Committee Hearing** – Executive Director Brindle reported to the Commissioners that the Department of Law and Public Safety's budget hearing is scheduled for April 19, 2017 while the Senate Budget Committee Hearing is scheduled for April 25, 2017. He mentioned that he has been asked to attend the hearings in the event questions are asked related to ELEC. He said that he does not anticipate any questions but if so they may be about public financing. He stated that the Commission is tentatively set to receive a regular budget of \$4.5 million for Fiscal Year 2018 and a special appropriation of \$19.7 million for the administration of the Gubernatorial Public Financing Program.
- D. **Lovinsky Joseph** – The Executive Director mentioned that Lovinsky Joseph recently resigned from the Commission for a better opportunity with Bank of America. He said that resignations and retirements have been arising more lately because employees are not getting increases. Executive Director Brindle said that moreover he anticipates that a temporary employee in the public financing staff will be leaving for a full-time opportunity. He said these resignations will set up a chain reaction. Executive Director Brindle said that he has received approvals to backfill all positions.

- E. **4423/S1404 – Weinberg** – Executive Director Brindle announced that A-4423/S-1404, sponsored by Senator Loretta Weinberg which requires Governmental Affairs Agents (lobbyists) hired by local governments to disclose their activity, is still awaiting Governor’s signature.
- F. **Ordinances** – The Executive Director informed the Commission that in addition to Princeton passing an ordinance which supports the Commission’s legislative proposals, Ewing Township, South Brunswick, and Lawrence Township have subsequently done likewise. These ordinances call on the Legislature to strengthen political parties and require disclosure by political parties.
- G. **Press Conference** – Executive Director Brindle mentioned that the Commission will hold a press conference on May 25, 2017 to unveil its new computer system and website. He mentioned that if any of the Commissioners are available to attend the press conference it will be around 10:30 or 11:00 am.
- H. **Reform** – The Executive Director reported that a comprehensive bill is being drafted containing provisions strengthening parties, disclosure of independent groups, and pay-to-play reform. He said that he has been working with the Office of Legislative Services on this bill. He also said that legislation has already been introduced by Assemblymen Jon Bramnick and Troy Singleton.
- I. **2016 Annual Report** – Executive Director Brindle presented the 2016 Annual Report.

On a motion by Chairman DeFilippis, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission approved the 2016 Annual Report.

- J. **Public Financing** – Executive Director Brindle mentioned that Compliance Director Olivo, Public Financing Analyst Chris Vigale, and Director of Information Technology Anthony Giancarli and others have been working overtime and on weekends to review gubernatorial submissions in order to disperse matching funds. He said that it hasn’t been easy because some of the submissions were very lengthy, with some of the donations of \$3.00 each.
- K. **Future Meetings Schedule**
- May 16, 2017 at 11:00 am in Trenton; and,
 - June 20, 2017 at 11:00 am in Trenton.

The Chairman thanked Executive Director for his report and welcomed the new attorneys.

5. **Report on 2017 Gubernatorial Public Financing Program**

Compliance Director Olivo reported that four candidates Jack Ciattarelli, Kimberly Guadagno, James Johnson, and John Wisniewski submitted for public funds.

Compliance Director Olivo said that Republican Candidate Jack Ciatarelli received \$650,996 on April 13, 2017.

Compliance Director Olivo stated that Republican Candidate Kimberly Guadagno received \$295,110 on April 10, 2017 and \$38,450 on April 13, 2017. She said the candidate has received a total of \$1,164,378.

Compliance Director Olivo further stated that Candidate James Johnson has been receiving public financing. She said he received \$183,554 on April 10, 2017 and \$106,760 on April 13, 2017. She said that his cumulative receipts total \$1,165,788.

Compliance Director Olivo additionally reported that Democratic Candidate John Wisniewski submitted for public financing on April 13, 2017 and received \$663,010.

Compliance Director Olivo said that the deadline to qualify for public financing was April 3, 2017. She said that the threshold to participate is \$430,000.

Chairman DeFilippis asked about the other candidates that didn't make the deadline for the primary debates. He asked if they are on their own for raising funds.

Compliance Director Olivo answered in the affirmative.

Compliance Director Olivo reported to the Commission on the gubernatorial primary debates. She mentioned that Stockton University scheduled two debates for May 9, 2017, one at 6:30 p.m. and the other at 8:00 p.m. She additionally reported that NJTV will hold a Democratic debate on May 11, 2017 and a Republican debate on May 18, 2017.

The Chairman thanked Compliance Director Olivo for her report.

6. Resolution Authorizing an Executive Session

Whereas, there exists a need to hold an Executive Session for the purpose of discussing the following matter/matters, which fall within the exceptions to the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq. to wit.

Matter/Matters (OPMA Exception)

- Approval of Executive Session Minutes for March 28, 2017;
- Review investigative reports;
- Consider Final Decision recommendations;
- Consider Consent Orders and Final Decision recommendations;
- Legal Section report – First Quarter 2017; and
- Pending Litigation.

Whereas, it is unknown at this time when such discussion to take place in Executive Session may be disclosed to the public.

Now Therefore Be It Resolved by the Election Law Enforcement Commission as follows:

1. This Executive Session Meeting of the Election Law Enforcement Commission shall be closed to the public for discussion of the aforesaid referenced matters.
2. The matters discussed during this Executive Session Meeting shall be disclosed to the public as such time when reason for discussing and acting on same in Executive Session shall no longer exist.

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission approved the format of the Resolution Authorizing an Executive Session.

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission resolved to enter 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.

Return to Public Session

7. Final Decision Recommendations

On a motion by Commissioner Holden, seconded by Commissioner Jaso, and passed by a vote of 3-0, the Commission approved the Final Decision Recommendations, items 1 through 9, as recommended by staff.

8. Consent Order and Final Decision Recommendation

On a motion by Commissioner Jaso, seconded by Commissioner Holden, and passed by a vote of 3-0, the Commission approved the Consent Order and Final Decision Recommendation in item 2.

9. Public Comments

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

10. Adjournment

On a motion by Commissioner Jaso, seconded by Commissioner Holden and passed by a vote of 3-0, the Commission resolved to adjourn at 1:30 p.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director

JMB/elz