

MINUTES OF THE MEETING

July 2, 1975

PRESENT

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

ABSENT

The meeting was convened at 9:40 a.m.

1. The following individuals were mentioned as new hearing officers: Daniel Golden, Esq., Michael Loprete, Esq., Daniel O'Hearn, Esq., William Campbell, Esq., and the Honorable William A. Considine.

2. Hearing Officers were assigned as follows: Jacques vs. Kuzniak (Barry Osmun, Esq.), ELEC vs. Friends of Ben Danskin (Edward N. Adourian, Esq.), ELEC vs. John Biehl (Barry Osmun, Esq.), ELEC vs. Marotta (Bruce Banta, Esq.), Gridley vs. Middletown Township Republican and Democratic Candidates (Michael Loprete, Esq. or Edward N. Adourian, Esq.), ELEC vs. Madsen (Donald Heeb, Esq.), and Scherer vs. Cundari (Barry Osmun, Esq. or the Honorable William A. Considine.)

3. Rosen vs. Cappiello (C-20-74). Bernard M. Cappiello appeared pro se on the matter of his request for reopening his case (See Minutes of June 2, 1975). He submitted a letter to the Commission, a copy of which is attached hereto, as Exhibit A. Having considered Mr. Cappiello's remarks as well as the letter submitted by him the Commission determined to deny the request for reopener. Motion Alexander, second Reiche. Vote 4-0.

4. NJELEC vs. Lounsbury (C-18-74). The Commission, on Motion of Vice-Chairman Goldmann, seconded by Chairman Reiche, determined to dismiss the complaint against Margaret Lounsbury for reason of insufficient evidence. Vote 4-0.

5. The Commission approved Hearing Officer Instructions prepared by Legal Counsel. A copy of these instructions is attached hereto as Exhibit B.

The Commission further determined that it was Commission policy to discourage the acceptance of guilty pleas but that such pleas could be accepted if in the opinion of the Hearing Officer the holding of the hearing would not adduce any additional evidence with respect to the matter charged in the complaint or other possible violations of the Campaign Contributions and Expenditures Reporting Act.

The Commission reiterated its policy that hearing officers should not make recommendations with respect to the imposition of or the amount of penalties but might set forth in the report matters of extenuation and mitigation or exacerbation.

6. Frederick Waring (O-03-75). The Commission approved counsel's draft as modified and directed counsel to promulgate the opinion as modified.

7. The Commission considered at length the report of the New Jersey Election Law Revision Commission and A-3334.

Specifically the Commission considered with general approval the desirability of a centralized state organization responsible for the administration of elections. While it was generally felt that the Election Law Enforcement Commission was a suitable vehicle for such responsibility, Vice Chairman Goldmann expressed some reservation because of the possible dilution of the Commission attention to matters of disclosure if it were made responsible for the general administration of elections.

The Commission considered the matter of compensation for commissioners in the event that responsibilities were materially increased by the passage of legislation such as A-3334. The Commission considered the possibility of full time commissioners, commissioners reimbursed on a per diem basis, a full time Chairman and non-paid commissioners, continuation of the present practice of no compensation or annual payment at less than a fully compensatory rate. General consensus favored reimbursement on a per diem basis for those days on which commissioners were engaged in Commission business. There was little discussion of the appropriate amount of such compensation and no agreement was sought or reached with respect to an appropriate level of compensation.

The panel touched briefly on the matter of the most advantageous number of commissioners, generally agreeing that an even number was more satisfactory in that it facilitated decision by consensus. There was general support for the retention of a four member commission.

It was noted that the present Act is ambiguous with respect to the time at which a governor may appoint a chairman and it was agreed to recommend that clarifying language be adopted.

Section 22(a) of the Campaign Contributions and Expenditures Reporting Act makes "any person charged with the responsibility under the terms of this Act for the filing of reports or other documents" subject to the imposition of civil penalties for failure, neglect or omission to file such reports. It was the sense of the body that this provision should apply to "any person who violates any provision of this Act" through failure, neglect or omission rather than be limited to persons charged with the responsibility for filing.

8. The Minutes of the Meeting of May 8 and May 19 were approved as submitted.

Respectfully submitted,

  
DAVID F. NORCROSS  
Executive Director