

MINUTES OF THE COMMISSION MEETING

October 10, 1974

PRESENT

Frank P. Reiche, Chairman
Sidney Goldmann, Vice Chairman
David F. Norcross, Executive Director

ABSENT

Josephine S. Margetts, Member
Herbert Alexander, Consultant
Edward J. Farrell, Counsel

- 1) The minutes of the meeting of September 12, 1974 were approved as submitted. (Motion, Reiche; second, Goldmann - Vote 2-0)
- 2) Mildred Pullin - Candidate for School Board, Lawnside. A hearing was held with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. After hearing the evidence, the Commission found a negligent, non-willful violation of the Act taking specific note of the candidate's failure to respond to two letters from the Commission. Accordingly, the Commission resolved to issue a letter of reprimand and impose a \$25 fine. (Motion, Goldmann; second, Reiche - Vote 2-0)

The candidates executed a waiver of formal notice of hearing and of hearing.

- 3) James Taliaferro - Candidate for Councilman, West Ward in Trenton. The Executive Director was directed by the Commission to have the candidate served with notice to appear on November 14, 1974.
- 4) Somerset County Employees Against Civil Service vs. N.J. Civil Service Association (C-20-73)
After reviewing the findings of the Hearing Officer, the Commission adopted the finding that respondent's activities with respect to the Somerset County Civil Service Referendum were such as to have required compliance with Sections 8, 13 and 16 of the Act. The Commission further found that the failure to comply with the requirements of those sections was negligent but not willful. Accordingly, the Commission determined to impose a severe reprimand and a fine of \$50.
- 5) James J. Sullivan - Candidate for Council, November, 1973 General Election, Mendham, New Jersey. Mr. Sullivan appeared in response to a Commission notice requiring his appearance in connection with late filing and failure to designate a campaign treasurer or depository. Mr. Sullivan testified that he became a candidate at the request of others and anticipated doing no campaigning; that he had no intention of expending any funds at the time he agreed to run for office because he felt others would pay his expenses. He then found he could not raise the money, so he finally paid for it himself from personal funds. He testified that he did not file any return until March 27, 1974 in response to Commission inquiries; that he did not remember whether he had been advised of the requirements by anyone although he recalled that the local municipal clerk did not tell him of the filing requirements.

He testified that he received no contributions from anyone and spent only personal funds. He further testified that his payments to Ophlode Advertising, 220 Monmouth Road, Oakhurst, New Jersey were in cash in the amount of \$1,477.25. The invoices of Ophlode Advertising were marked into evidence as R-1 through R-7 having been identified by Mr. Sullivan.

The Commission having considered the evidence before it and the testimony of Mr. Sullivan determined to order a hearing and directed that the Executive Director refer the matter to a hearing officer.

7) Chairman Reiche, explaining that a law partner of his, Homer Zink, Esq., was treasurer of the Bi-State Committee against Casino Gambling, disqualified himself from any participation in any matter relating to that committee.

8) Edward Rizzi - Candidate for Council, Paterson, New Jersey. Mr. Rizzi's absence after repeated notices and postponements was duly noted by the Commission. The Commission noted that the last correspondence to Mr. Rizzi directed him to respond on or before October 10 or to be present before the Commission on that date. As of October 10, the Commission had not received any communication from Mr. Rizzi and accordingly, the Executive Director was directed to notify Mr. Rizzi to appear, that no excuses would be accepted and that another failure to appear would result in appropriate court action to compel appearance.

9) James Rotunda - Candidate for Council, Newark, New Jersey. Mr. Rotunda's repeated absences were noted by the Commission and the Executive Director was directed to issue a subpoena compelling his appearance .

10) Lewis Moore - Candidate for School Board, Lawnside, New Jersey. Mr. Moore's failure to appear, although served with a Notice of Appearance, was noted by the Commission and the Executive Director was directed to correspond with Mr. Moore informing him that his absence had been noted, that no excuses for further absences would be accepted and that his failure to appear would result in court action compelling appearance.

11) Budget - The Executive Director reviewed with the Commissioners the security problems which arise as a result of space limitations which make dual filing systems impractical and financial limitations which at present make microfilming impossible. The Executive Director was advised to study all aspects of a microfilm program with particular attention to costs.

The Commission discussed the considerable space requirements occasioned by maintaining a duplicate records system.

The Executive Director advised the Commission that for the purposes of the 1974 General Election, the office would adopt a policy of duplicate filing systems with one copy of the return marked "duplicate" and that copy only being open to public scrutiny. In instances where candidates for committees had failed to file duplicate copies staff would produce a copy, mark it "duplicate", supply it to the public and return it to the file as a duplicate when inspection had been completed.

12) Burt Ross v. Arthur O. Levine, Donald Swarth and Lena Levinson - Candidates for Borough Council, Fort Lee (C-07-74)
The Commission found insufficient facts to establish a violation of the reporting provisions of the Act. As to the complainant's allegations with respect to a "green and white biocard" bearing the statement, "Paid for by De Pietro....", Commission records show that the committee of which Mrs. De Pietro was chairman did file. The Commission further found insufficient facts to establish a violation of the Act with respect to a flyer entitled "Promises Were Made - Promises Were Broken" which bore the statement, "Paid for by A. LaGuardia". Commission records show that LaGuardia did pay for such a flyer. With respect to allegations as to a newspaper "The Independent", the Commission found that it had been published and distributed both before and after election, contained ads and other non-political news. The Commission found that it was a newspaper within the meaning of the Act and accordingly could find no violation of the Act with respect to it. Accordingly, the Commission determined to dismiss the entire matter, it being noted that the complainant had been requested to supply additional facts, but had chosen not to do so. (Motion, Goldmann; second, Reiche - Vote 2-0)

13) Prail v. Mangino and Marra (C-19-74)
The Commission considered the complaint of Richard Prail with respect to Candidate Robert Mangino, Candidate for Council in West Orange. With respect to Mr. Mangino, the Commission found that he had not paid for the printing and distribution of a flyer entitled, "Former Editor endorses Mangino", that he neither approved nor authorized its printing and distribution, and did not in fact learn of it until after distribution had been accomplished. Accordingly, the Commission found no violation with respect to Mr. Mangino and determined to dismiss the complaint as to him. With respect to Eleanor Marra, the Commission found a non-willful violation of Section 11 and determined to issue an admonition unless formal hearing is demanded by the Respondent Marra. (Motion, Goldmann; second, Reiche (Vote 2-0)

14) Sherman v. Seneca, Palmieri and the East Hanover Democratic County Committee (C-17-73). The Commission considered the supplemental report of the Hearing Officer and the exceptions filed by respondents to the original report submitted by Hearing Officer Wells. The Commission affirmed its earlier findings, but in view of there being no further question with respect to potential violation of the expenditure limitations, determined to reduce the fines imposed upon the candidates to \$50. The Commission therefore imposed fines of \$50 on Candidates Anthony Seneca and John J. Palmieri and \$200 on the East Hanover Democratic County Committee. (Motion, Goldmann; second Reiche Vote 2-0)

Respectfully submitted,


David F. Norcross
Executive Director