

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

MINUTES - November 18, 1976 Meeting

PRESENT

ABSENT

Frank P. Reiche, Chairman  
Sidney Goldmann, Vice-Chairman  
Josephine S. Margetts, Member  
Archibald S. Alexander, Member  
Lewis B. Thurston, III, Executive Director  
Edward J. Farrell, Legal Counsel  
Herbert Alexander, Consultant

The meeting convened at 10:35 a.m.

Pursuant to the Open Public Meetings Law, P.L. 1975, c.231, annual notice of the meetings of the Commission, as amended, was filed with the Secretary of State's office, copies were posted in the State House Annex, copies were mailed to the Newark Star Ledger and the Philadelphia Bulletin and the entire State House Press Corps.

1. Ricci vs. Senior Citizens Fed Up With Byrne Democrats, et al.  
C-327-75

Charles Reilly, a respondent in this matter, appeared and asked the Commission to reconsider its previous denial of his request for a reopening of the hearing. Mr. Reilly presented an affidavit signed by Mayor Fiorelli of Vineland and indicated that he would like Mr. Fiorelli to testify in this matter. Mr. Reilly asked why the complainant, Mr. Ricci, did not testify at the hearing. He also asked why his request for reopening of the hearing, conveyed in a telephone conversation to the Executive Director on November 4, 1976, was denied. The Chairman and Counsel indicated that that telephone call was treated as an application to reopen and was denied for lack of evidence in support thereof.

At this point, pursuant to C.10:12-4 of the Open Meetings Law, the Commission went into executive session to discuss the determination of this case. Upon completion of the discussion, the Commission returned to public session.

On separate motions for each of the following named respondents by Chairman Reiche, seconded by Commissioner Alexander, the Commission found violations of the Act and imposed penalties by votes of 4-0 as specified in the attached order in regard to Charles Reilly, Nello Mellini, George Luciano, Jr., and Anthony Chinnici.

Commissioner Alexander moved that Philip Lipman be reprimanded by the Commission for a lack of care in this matter. This motion failed for lack of a second.

On a motion by Chairman Reiche, seconded by Commissioner Margetts, the Commission found no violation of the Act in regard to Philip Lipman and, therefore, dismisses the complaint in regard to him, although it was determined that he should have exercised greater care. Vote was 3-1 with Commissioner Alexander opposing because he favored a reprimand.

Commissioner Alexander moved that Lawrence Pepper be reprimanded for his conduct in this case, but the motion failed for lack of a second. On motion by Chairman Reiche, seconded by Vice-Chairman Goldmann, the Commission found no violation by Mr. Pepper and voted to dismiss the complaint in regard to him. Vote was 3-1 with Commissioner Alexander opposing and favoring a reprimand.

On a motion by Chairman Reiche, seconded by Commissioner Alexander, the Commission found no violation of the Act and voted to dismiss the complaint in regard to respondent Harry Triantos. The vote was 4-0.

The Commission agreed to deny Mr. Reilly's request for reconsideration of its denial of his original application to reopen the hearing.

The Commission agreed to issue the attached order in this case immediately. Counsel's draft of an opinion in this matter will be reviewed and redrafted after counsel receives comments from the Commission members. It will be issued as soon as it is in final form.

2. Personnel Matters

The Commission remained in executive session to discuss personnel matters relating to new staff to be hired for the public financing of the gubernatorial election in 1977.

3. Report by Executive Director

The Executive Director reported that Chairman Reiche, Mrs. Letts, and he appeared at the Commission budget hearing before the director of the Division of Budget and Accounting, and his staff on November 17, 1976. He indicated that he felt that the hearing went well. He also reported that it was indicated that the Attorney General's office has been requested to render an opinion as to the legality of the one dollar checkoff provision for public financing of the gubernatorial election contained in the income tax law in view of the recently-approved constitutional amendmnet dedicating funds from the income tax to property tax relief.

4. Commission vs. Essex County Democratic Committee, et al (C-14-76)

Pursuant to C.10:12-4 of the Open Public Meetings Law, the Commission went into executive session to discuss the determination of this matter. At the conclusion of the discussion, the Commission returned to public session.

On separate motions regarding each of the points contained in the order regarding the Essex County Democratic Committee, on motion by Commissioner Alexander, seconded by Chairman Reiche, the Commission voted 4-0 in each case to find the violations in regard to said Committee contained in the attached order.

On motion of Commissioner Alexander, seconded by Commissioner Margetts, the Commission found the violation of the Act by and imposed the penalty on Kenneth Clark, Treasurer, as specified in the attached order. The vote was 3-1 with Vice-Chairman Goldmann opposing and favoring a \$1,000 fine as more appropriate.

On a motion by Commissioner Alexander, seconded by Vice-Chairman Goldmann, the complaint in regard to Essex County Democratic Board of Governors, Inc. and the Essex County Democratic Committee General Election Campaign 1975 was dismissed.

The Commission agreed on the attached order to be made public immediately. A number of suggestions for change in the counsel's draft of the opinion in this matter were agreed upon. That opinion will be issued as soon as it is redrafted and typed.

5. E.L.E.C. Evaluation

Reference was made to the previous Commission discussion of this matter. Chairman Reiche suggested that the initial evaluation of the Commission's operations and procedures be undertaken by consultant Herbert Alexander. The Commission agreed that this would be desirable and directed Herbert Alexander to proceed on this basis.

6. Advisory Opinions

The Executive Director reported that he had received a telephone call from John Tarantino on behalf of the Essex County Democratic Committee requesting an advisory opinion regarding an opinion survey planned by the committee which, at least in part, will relate to the 1977 gubernatorial election. The executive director indicated that he informed Mr. Tarantino that a written request would be necessary. Mr. Tarantino indicated that that would be forthcoming, but as yet it has not been received. The matter was deferred until receipt of such written request for an advisory opinion.

7. Adjournment - The Commission adjourned the meeting at 5:00 p.m.

Respectfully submitted,

*Lewis B. Thurston III*

LEWIS B. THURSTON, III  
Executive Director