



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Vice Chairman

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PUBLIC SESSION MINUTES

JANUARY 17, 1995

Chairman Eldridge, Commissioner Linett, senior staff, Counsel Wyse, and Deputy Legal Director Nedda Gold Massar were present. Vice Chairman McNary participated by telephone.

Chairman Eldridge called the meeting to order and announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., special 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.

The meeting convened at 9:00 a.m. in the Edward J. Farrell Memorial Conference Room at the Commission offices, Trenton, New Jersey.

2. Approval of Public Session Minutes of December 13, 1994

On a motion by Vice Chairman McNary, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission approved the Public Session Minutes of December 13, 1994.

3. Executive Directors' Report

A. Introduction of Counsel James P. Wyse

Executive Director Herrmann introduced James P. Wyse as the new counsel. Mr. Wyse is a partner in the law firm of Schenck, Price, Smith & King.

B. Introduction of New Staff and Staff Activities

Executive Director Herrmann introduced Carol Hoekje, Irene Szedlmayer, Elbia Zeppetelli, and Ray Melendez.

Ms. Hoekje is the new Director of Review and Investigation. She worked for the State Commission of Investigation (SCI) for nine years and for the Federal Securities and Exchange Commission (SEC). Ms. Hoekje is a Cornell Law School graduate and a graduate of the University of Kansas, where she earned a Master of Science degree in education and post-secondary counselling.

Ms. Szedlmayer is the new Assistant Legal Director. She is a former Office of Administrative Law (OAL) clerk, where she worked on Election Law Enforcement Commission (ELEC) matters during the 1993 general election. Ms. Szedlmayer holds a law degree from Rutgers-Newark and a MCRP in City and Regional Planning from Rutgers University. She worked at various Human Services agencies including Legal Services of New Jersey.

Elbia Zeppetelli is the new Legal Secretary and Ray Melendez is the new Messenger.

Executive Director Herrmann added that Christopher Guear, formerly of the Public Financing staff has been hired as a Compliance Officer and will begin work on Monday, January 23, 1995. Mr. Guear has a Master of Arts in political science from Penn State.

Executive Director Herrmann expressed his appreciation to Director of Compliance and Information Evelyn Ford and Senior Compliance Officer Carol Neiman for their work on creating new quarterly reporting forms and PAC registration materials to implement the new law. Executive Director Herrmann noted that they also reworked the CPC manual and revised the lobbying forms. He said that all manuals will be revised for primary 1995.

The Executive Director reported that on December 15, 1994, Deputy Legal Director Nedda Massar and he attended a session of the Political Finance Forum in Washington, D.C. at which campaign reform in 1995 was the topic of discussion.

Executive Director Herrmann advised the Commission that it received a letter from an attorney practicing in Missouri who has been working on a national survey of contribution limit legislation. The attorney stated that staff at ELEC "were by far the most professional, helpful and friendly of any that he encountered.... Your employees were simply vastly more interested in being of assistance."

C. Computers

Executive Director Herrmann said that the Office of Management and Budget (OMB) is currently reviewing ELEC's request for funding to conduct a recomputerization implementation study based on a recommendation by the Office of Telecommunications and Information Systems (OTIS) in the Department of the Treasury.

The Executive Director mentioned that Greg Vitali, a member of the Pennsylvania House of Representatives, visited with him on January 12, 1995, to discuss computerization and the proper structuring of ethics agencies.

D. Legislation

Executive Director Herrmann said that on January 12, 1995, the Senate Judiciary Committee released A-2176 (Lance) with a technical amendment. He said that the bill, supported by ELEC, removes the statutory requirement to

name a campaign depository the "Election Fund of" He said that the requirement creates a great deal of confusion by leading candidates to believe that they must entitle their candidate committee in this way. The Executive Director noted that ELEC regulations only require that a candidate committee use the name of a candidate and the office sought.

E. Future Meetings

The Commission will meet on February 14, 1995 in Somerville at 9:00 a.m., and on March 21, 1995 in Maplewood at 9:00 a.m.

4. Public Hearing on False Political Advertising

The hearing was recorded by a Court Reporter. A transcript of the hearing will be made available.

5. Advisory Opinion Request No. 01-1995

This advisory opinion request was submitted by State Senator Peter A. Inverso and Assemblypersons Barbara W. Wright and Paul R. Kramer.

The requesters advised the Commission that a family in their district had been beset by a number of severe medical problems over the past two years and that the family had fallen through the cracks of the welfare support system due to technicalities in the eligibility guidelines. The requesters indicated that they would like to utilize campaign funds to assist the family. They asked for an advisory opinion as to the permissibility of such an effort.

In the draft response, staff concluded that the use of campaign funds for the above purpose is "an ordinary and necessary expense of holding public office" and therefore is permissible.

Staff indicated that the facts presented appear to be a case not explicitly addressed by the "ordinary and necessary" regulation, but within the spirit of its intent. Staff suggested that the omission in N.J.A.C. 19:25-6.7 of a specific category under which this type of expenditure by an officeholder can fit does not result in the conclusion that the expenditure is prohibited. The regulation states that the regulation shall "not be limited" to only those permissible uses that are specifically provided. Staff suggested that nothing in the 1993 amendments to the Reporting Act was intended to preclude an elected officeholder from using campaign funds to provide emergency financial assistance to a constituent faced with extraordinary medical expenses, provided the officeholder has no familial or financial interest in that constituent that could be construed as promoting the officeholder's personal interest.

Commissioner Linett said that any future regulation in this regard should include a prohibition against "political ties" to the family as well. Executive Director Herrmann said that as these types of questions are submitted staff would formulate ideas for a regulation.

On a motion by Vice Chairman McNany, seconded by Commissioner Linett and passed by a vote of 3-0, the Commission moved to accept the staff recommendation on the advisory opinion request.

6. Resolution To Go Into Executive Session

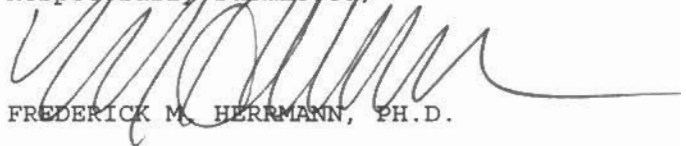
On a motion by Commissioner Linett, seconded by Chairman Eldridge and passed by a vote of 3-0, the Commission moved to go into closed Executive Session to discuss the following matters which will become public as follows:

1. Final Decision Recommendations in violation proceedings which will not become public. However, the Final Decisions resulting from those recommendations will become public 15 days after mailing.
2. Investigative Reports of possible violations, which reports will not become public. However, any complaint generated as the result of an Investigative Report will become public 30 days after mailing.
3. A report on written requests for investigations of possible violations, which report will not become public. However, any complaint which may be generated as a result of a request for an investigation will become public 30 days after mailing.

7. Adjournment

On a motion by Commissioner Linett, seconded by Vice Chairman McNany and passed by a vote of 3-0, the Commission voted to adjourn at 11:52 a.m.

Respectfully submitted,



FREDERICK M. HERRMANN, PH.D.

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