



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

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Chair

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Vice Chair

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Executive Director

JEFFREY M. BRINDLE
Deputy Director

GREGORY E. NAGY
Legal Director

JAMES P. WYSE
Counsel

PUBLIC SESSION MINUTES

April 18, 2002

All of the Commissioners, Counsel Wyse, Senior Staff, and Deputy Legal Director Nedda Gold Massar were present.

1. Open Public Meetings Statement

Chair Martin called the meeting to order and 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.

The meeting convened at 11:00 a.m. in Trenton, New Jersey.

2. Approval of Public Session Minutes of March 18, 2002

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved the Public Session Minutes of March 18, 2002.

3. Executive Director's Report

A. Commission News

Executive Director Herrmann mentioned that the Commissioners need to file their Personal Financial Disclosure Statements with the Executive Commission on Ethical Standards by April 29, 2002.

The Executive Director reported that a group of students from College Leadership New Jersey will be attending ELEC's next meeting on May 20, 2002. According to the Executive Director, he will preview the Commission's work for the students in the half hour before the meeting starts. Executive Director Herrmann said that it is anticipated that the staff will conduct a tour of the agency after the Public Session.

B. Staff Activities

Executive Director Herrmann announced that the president and the chair of the publications committee of the Council on Governmental Ethics Laws (COGEL) have encouraged him to produce a fifth edition of the COGEL Campaign Financing and Lobbying Bibliography. He added that he has begun work and hopes to complete it this summer. The Executive Director noted that the Bibliography has been a joint publication of COGEL and ELEC for over a decade.

Executive Director Herrmann advised the Commission that pursuant to Executive Order number 10, the staff has reviewed ELEC's Code of Ethics to insure the strictest conformity with the Conflict of Interest Law. He stated that it was determined that no changes were needed at this time.

According to Executive Director Herrmann, he could not attend the March 24, 2002 Editorial Board Meeting of Public Integrity held at the American Society for Public Administration's Annual Convention in Phoenix, Arizona because of budgetary restraints. The Executive Director added, however, that the COGEL president shared with the Board his suggestion that pages be reserved in each issue of the journal for advertising and marketing by the publication's four cosponsors, one of which is COGEL. He said that the suggestion was readily adopted.

C. Budget

Executive Director Herrmann reported that the Governor's recommended FY-2003 budget for ELEC is \$2.8 million or about 5 percent less than the adjusted budget for FY-2002. He informed the Commission that this percentage reduction is the same cut as other governmental subdivisions received. According to the Executive Director, the Commission lost the entire amount from its equipment account (\$360,000) in funding that was to be used for ongoing computer initiatives. He added that combined with last year's reduction in that account, ELEC has lost about \$750,000 of computer money. Executive Director Herrmann said that consequently the Commission will have to review very carefully any new additions to its workload that impact computer capabilities.

D. Annual Report

The Executive Director reported that staff has completed a draft of the Annual Report for 2001. Executive Director Herrmann noted that it needs to be submitted to the Legislature by May 1st. Executive Director Herrmann advised the Commission that Deputy Director Brindle was the Project Director. He added that the Section Directors and he did a great job putting the report together. Executive Director Herrmann added that Administrative Assistant Elbia Zeppetelli did her usual fine job with word processing and desktop publishing.

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission approved publication of the 2001 Annual Report.

E. Summer Meeting Schedule

May 20, 2002, at 11:00 a.m. in Trenton;
June 20, 2002, at 11:00 a.m. in Trenton; and
July 17, 2002, at 11:00 a.m. in Trenton.

4. Gubernatorial Public Financing Hearing

A court reporter was present to record the Gubernatorial Public Financing Hearing. The transcript will be available to the public upon request. The following individuals offered testimony:

- William Schluter, 2001 Gubernatorial Candidate;
- Harry Pozycki, Chair, New Jersey Common Cause;
- Sandra Matsen, League of Women Voters of New Jersey;
- Craig Holman, Brennan Center, New York University;
- Ingrid Reed, Eagleton Institute, Rutgers—The State University; and,
- Dena Mottola, New Jersey Public Interest Research Group.

5. Amendments to Public Disclosure Guidelines

Legal Director Nagy explained the staff recommendation to adjust the Commission “Guidelines on Public Disclosure of Commission Documents” to reduce the time periods for release of complaints, final decisions, and letters of correction to conform with the seven-day release mandate contained in recently enacted public records legislation. The existing guidelines currently set a minimum 30-day period after mailing for public release of Complaints, a 30-day period after mailing for releases of letters of correction, and a 15-day period after the mailing for release of Final Decisions. The proposed changes are detailed in a memorandum from Gregory E. Nagy, Legal Director to Frederick M. Herrmann, Ph.D., Executive Director, dated April 9, 2002.

On a motion by Commissioner Lederman, seconded by Vice Chair Franzese and passed by a vote of 4-0, the Commission approved the staff recommendation.

6. Resolution to go into Executive Session

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 4-0, the Commission resolved to go into Executive Session to discuss the following matters which will become public as follows:

- A. Final Decision Recommendations in violation 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.

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- B. 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 not later than seven business days after mailing to the named respondents.
- C. A report on requests from the public for investigations of possible violations, which report will not become public in order to protect identity of informants and maintain 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.

7. Return to Public Session

On a motion by Commissioner Tober, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to return to Public Session.

8. Adjournment

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to adjourn at 1:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.
Executive Director

FMH/elz