



*State of New Jersey*

## ELECTION LAW ENFORCEMENT COMMISSION

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Chair  
  
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FREDERICK M. HERRMANN, Ph.D.  
Executive Director  
  
JEFFREY M. BRINDLE  
Deputy Director  
  
NEDDA G. MASSAR  
Legal Director  
  
JAMES P. WYSE  
Counsel

### PUBLIC SESSION MINUTES

April 14, 2003

All of the Commissioners, Counsel Wyse, and Senior Staff 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 10:30 a.m. in Trenton, New Jersey.

#### 2. Approval of Public Session Minutes of February 24, 2003

On a motion by Commissioner Lederman, seconded by Commissioner Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of February 24, 2003.

Commissioner Franzese arrived at this point.

#### 3. Executive Director's Report

##### A. Staff Activities

Executive Director Herrmann expressed congratulations to Nedda Massar on being approved by the Department of Personnel as Legal Director.

The Executive Director noted that on February 19, 2003, he was a panelist on a program concerning the lobbying process held for a group of 18 delegates from countries that had comprised the former Soviet Union. He said that the program started with opening remarks by Trenton and Moscow entrepreneur Shelly Zeiger and that his comments were followed by some additional remarks from the panel's moderator John

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Sheridan, the Co-chairman of Riker Danzig. According to Executive Director Herrmann, the other panelist were:

- Former Congressman Bob Franks, who is now the President of the Healthcare Institute of New Jersey;
- Former Assemblyman Jose Sosa, who is now the Director of State Government Affairs for Johnson & Johnson;
- Senate Democrat staff Deputy Director Pat Gillespie;
- Riker Danzig Counsel Jim Harkness;
- Riker Danzig Senior Legislative Agent John Kohler; and,
- Riker Danzig Associate Rich Hamilton.

The Executive Director noted that Howard Rauch, the Deputy Treasurer of the 2001 Schundler for Governor Campaign, wrote him a very warm and kind letter praising the work of the entire staff and especially the efforts of Legal Director Massar, Director of Systems Administration Carol Neiman, and Computer Assistant Lou Solimeo.

Executive Director Herrmann mentioned that Deputy Director Brindle's School Board Campaign Financing White Paper received another highly favorable review, this time in the Winter, 2003 Edition of the COGEL Guardian.

The Executive Director added that on February 28, 2003, he was interviewed live by Jack Elery on WCTC (New Brunswick) radio about ELEC's lobbying news release. Executive Director Herrmann informed the Commission that he explained that the \$22.4 million spent in 2002 was the largest amount in State history and an increase of 17 percent from 2001. He said, however, that 86 percent of that figure was for lobbyist salaries not benefit passing. According to Executive Director Herrmann, the purchasing of meals, trips, gifts, and entertainment at \$91,000 represented less than one-half of one percent of the amount spent. He said moreover, that the figure was over 21 percent lower than it was the year before and the amounts passed by individual special interests to specific legislators dropped dramatically from the past. Executive Director Herrmann advised the Commission that overall, it was a pretty healthy report card.

The Executive Director noted that he was also interviewed by another radio station as well as numerous print journalists. He said that thanks must go to Director of Compliance and Information Evelyn Ford, Director of Systems Administration Neiman, and their staffs for the fine work they performed in compiling the lobbying statistics and placing them on the web site.

The Executive Director informed the Commission that on March 11, 2003, Legal Director Massar, Director of Compliance and Information Ford, Director of Review and Investigation Carol Hoekje, and Director of Systems Administration Neiman participated in an Institute of Continuing Legal Education (ICLE) seminar on the Open Public Records Act (OPRA) by speakerphone. Executive Director Herrmann noted that

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as a disclosure agency, ELEC staff is particularly interested in being knowledgeable about the new law.

Executive Director Herrmann advised the Commission that on March 16, 2003, he participated in the annual editorial board meeting of Public Integrity held in Washington, D.C. He mentioned that the Board accepted his proposal to allow COGEL to advertise in the journal membership and publications information at no charge. The Executive Director noted that he also offered with the approval of COGEL's publications Chair the help of the Guardian in promoting the annual Public Integrity Award.

The Executive Director added that on March 19, 2003, he met with Pennsylvania Representative Greg Vitali to discuss New Jersey's Public Financing Program. According to Executive Director Herrmann, Representative Vitali has been sponsoring a similar proposal in Pennsylvania. Executive Director Herrmann advised the Commission that Deputy Director Brindle and he have testified on numerous occasions over the years before the Pennsylvania House of Representatives State Government Committee on this issue.

Executive Director Herrmann drew attention to today's Star-Ledger. He said that an excellent opinion piece by Deputy Director Brindle argues that the low turnout in school board elections is letting a few interest groups decide crucial educational and taxation issues. He said that the piece concludes that the involvement of party and special interest activists should not be discouraged but that public officials should look for ways to heighten citizen awareness of these contests and participation in them.

B. Legislative Development

Executive Director Herrmann informed the Commission that on March 10, 2003, he participated in a discussion of 10 campaign finance reform bills sponsored by Assemblywoman Loretta Weinberg before the Assembly State Government Committee. The Executive Director noted that consecutive bills numbered A-3439 through A-3448 covered such topics as pay-to-play, clean elections, increased penalties, issue advocacy reporting, free airtime for candidates, and Internet reporting. At the meeting, the Executive Director stated that he answered a number of technical questions from the members of the committee.

Executive Director Herrmann advised the Commission that on March 17, 2003, he testified before the Senate State Government Committee in favor of the Senate Committee Substitute for S-2371 (Furnari/Adler) and S-2392 (Inverso/Kean) dealing with the regulation of pay-to-play activity. He said that the bill also contains an "anti-wheeling" provision that severely restricts contributions made by local political party committees to entities outside of their home areas. On March 20, 2003, the bill passed the Senate 34-1.

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C. 2002 Annual Report

Executive Director Herrmann expressed thanks to Deputy Director Brindle, the Project Manager, and all of the directors for their excellent work. He also praised Administrative Assistant Elbia Zeppetelli for her outstanding desktop publishing effort.

D. Ethics Forms

Executive Director Herrmann alerted the Commissioners to the fact that ethics forms are due April 30, 2003 with Mark Fleming in the office of the Governor's Counsel.

E. Spring Meeting Schedule

- May 19, 2003 at 11:00 a.m. in Trenton;
- June 18, 2003 at 11:00 a.m. in Trenton; and,
- July 16, 2003 at 11:00 a.m. in Trenton

4. Resolution to go into Executive Session

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman 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.
- 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 the identity of informants and maintain the 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.

5. Return to Public Session

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

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6. Public Hearing Concerning Proposed New Rules and Amendments to Commission Regulations

A public hearing was held to elicit public comment concerning proposed new rules and amendments to Commission regulations. No persons appeared to offer testimony. A Court Reporter was present to record the public discussion.

On a motion by Vice Chair Franzese, seconded by Commissioner Lederman and passed by a vote of 4-0, the Commission voted to close the public hearing.

7. Adjournment

On a motion by Commissioner Lederman, seconded by Vice Chair Franzese and passed by a vote of 4-0, the Commission voted to adjourn at 12:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz