



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

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Compliance Director

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Legal Counsel

### PUBLIC SESSION MINUTES

November 21, 2006

Chair English, Vice Chair Tober, Commissioner Davis, Counsel Wyse, and Senior Staff were present. Commissioner Burstein was absent.

#### 1. Open Public Meetings Statement

Chair English 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 10:00 a.m. in Trenton.

#### 2. Approval of Public Session Minutes of October 17, 2006

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved the Public Session Minutes of October 17, 2006.

#### 3. Executive Director's Report

##### A. Staff Activities

Executive Director Herrmann announced that ELEC is again participating in the New Jersey Employees Charitable Campaign. He mentioned that Associate Data Entry Technicians Barbara Counts and Pam Kinsey are running the program under the direction of Director of Information Technology Carol Neiman. The Executive Director noted that the Commission has always had an outstanding rate of participation and the staff is looking forward to continuing that record.

Executive Director Herrmann reported that the Special Programs Section under Director Amy Davis will be holding Pay-to-Play training sessions at The Conference Center at Mercer found on the campus of the Mercer County Community College. According to the Executive Director, the auditorium at the Center holds over 200 people

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and is conveniently located with adequate parking. He said that day and night sessions are planned. Executive Director Herrmann advised the Commission that a notice has been sent out to 1,200 entities.

Executive Director Herrmann reported that the Compliance Division under Director Ford spent the month of September developing lobbying annual report forms for government affairs agents and represented entities as well as for persons engaging in grassroots lobbying. The Executive Director remarked that the Division is working on a Power Point presentation that will accompany the new forms. Executive Director Herrmann informed the Commission that there are now 979 registered agents and that the Division has issued 580 training certificates to candidate and Political Action Committee treasurers.

Executive Director Herrmann presented Webmaster Maryanne Garcia, stating that she has done a beautiful job redesigning the ELEC Intranet site. According to the Executive Director, the site is a key human resource tool for staff communication and is now more useful and user friendly than before thanks to Ms. Garcia's ability and efforts.

The Executive Director reported that on October 26, 2006, he lectured to the students in Professor Dan Weissman's media course at Rutgers University. He said that he spoke about ELEC's role in administering the Campaign Act and also participated in a mock press conference about pay-to-play reform. After his lecture, the students made use of the new pay-to-play section on the ELEC website to write their stories about the press conference.

Executive Director Herrmann reported that on November 16, 2006, three ELEC staff members hosted a consultant table at the League of Municipalities Convention in Atlantic City. He noted that Associate Compliance Officers Titus Kamal and Todd Wojcik were joined by Special Programs Analyst Laura Jurkiewicz, an expert in the pay-to-play laws. The Executive Director added that the table is a very useful outreach mechanism for communicating with municipal officials. The Executive Director advised the Commission that the presence of a Special Programs staff person is part of the Commission's educational efforts to communicate information about the recently enacted pay-to-play laws to affected communities.

B. Council on Governmental Ethics Laws (COGEL) News

Executive Director Herrmann commented that Director Neiman, as a member of the COGEL Technical Committee, played an important role in developing a new website for the international ethics organization. He stated that the new site is a vast improvement on its predecessor, and Director Neiman used the skills she acquired creating ELEC's outstanding site to help our COGEL colleagues in constructing theirs.

The Executive Director announced that on October 31, 2006, he participated in an international conference call of the COGEL Awards Committee. He reported that the committee voted to recommend to the Steering Committee, of which Legal Director Massar is a member, recipients for the COGEL Award, the COGEL Outstanding

Service Award, and the Honorary Membership Award. According to Executive Director Herrmann, the awards will be presented at this year's annual conference in New Orleans in December, 2006, and that Washington, D.C. lawyer Ken Gross was recommended for the COGEL Award, the organization's highest honor. The Executive Director noted that Mr. Gross has gained national prominence as a frequent featured guest expert on ethics laws for CNN, Fox News, National Public Radio, and other media outlets. He said also that Mr. Gross has published extensively in the field, taught at major universities, and contributed much to COGEL's work including the presentation of a lobbying update at COGEL's annual conference each year. Dr. Herrmann informed the Commission that Terry Draver of the United States Government Accounting Office was selected for the Outstanding Service Award recommendation and Bonnie Williams of the Florida Ethics Commission for the Honorary Membership Award recommendation.

C. Future Meeting Schedule

- December 19, 2006 at 11:00 a.m. in Trenton.  
(Post meeting Commissioner/Staff Reception)
- Staff presented the Commissioners with a schedule of next year's meeting for a vote and public posting.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission approved its 2007 meeting schedule.

4. Resolution to go into Executive Session

On a motion by Vice Chair Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss anticipated litigation and 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. 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.

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5. Public Hearing on Proposed New Rules to Implement “Pay-to-Play” Disclosure Legislation.

Chair English announced that a public hearing was being conducted to elicit public comment concerning proposed new rules to implement recently-enacted “pay-to-play” disclosure legislation. The new law requires two types of disclosure of contributions made by a business: to the government entity awarding a contract having a value in excess of \$17,500.00 where the contract is not awarded pursuant to a “fair and open” process, and to the Commission in an annual report if a business entity has received \$50,000.00 or more in a calendar year as a result of a contract or contracts to entities doing business at all levels of New Jersey government, including school boards and fire districts.

The following persons appeared and offered testimony:

- Amy Hansen, Policy Analyst, New Jersey Conservation Foundation; and,
- Karen Ali, In-house Counsel, New Jersey Hospital Association.

A court reporter was present to record the testimony. The transcript will be available to the public upon request.

On a motion by Commissioner Davis, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission adjourned the public hearing.

6. Adjournment

On a motion by Vice Chair Tober, seconded by Commissioner Davis and passed by a vote of 3-0, the Commission voted to adjourn at 12:30 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz