



State of New Jersey

## ELECTION LAW ENFORCEMENT COMMISSION

JERRY FITZGERALD ENGLISH  
Chair

PETER J. TOBER  
Vice Chair

ALBERT BURSTEIN  
Commissioner

AMOS C. SAUNDERS  
Commissioner

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Executive Director

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Deputy Director

CAROL L. HOEKJE  
Legal Director

EVELYN FORD  
Compliance Director

JAMES P. WYSE  
Legal Counsel

### PUBLIC SESSION MINUTES

April 14, 2009

Chair English, Commissioner Burstein, Commissioner Saunders, and Legal Counsel Wyse participated by telephone. Executive Director Herrmann, Legal Director Hoekje, and Director of Special Programs Amy Davis were present. Vice Chair Tober was absent.

#### 1. Open Public Meetings Statement and Approval of Special Meeting

Chair English called the meeting to order, and Executive Director Herrmann announced that pursuant to the "Open Public Meetings Act," N.J.S.A. 10:4-6 et seq., notice of this special telephonic meeting of the Election Law Enforcement Commission was announced for April 14, 2009, at 2:00 P.M., at the Commission's offices, and was distributed at approximately 4:15 P.M. on April 9, 2009, to the entire State House press corps and was filed with the Secretary of State's Office. It was also posted on the Commission's website.

Executive Director Herrmann said that the Commission believes that it is in the public interest to act expeditiously upon an urgent matter of importance and of concern to the public interest about the 2009 primary election gubernatorial public financing program. The Commission could not have reasonably foreseen the need for this meeting at a time when adequate notice could have been provided. He remarked that the agenda of the special meeting will be limited to consideration in Executive Session of allegations of possible violations of the law.

In light of the fact that notice for this special meeting was not given 48-hours prior to the meeting, Executive Director Herrmann suggested that there be a motion and vote to enact a resolution authorizing the holding of this special meeting to establish that a delay for the purpose of providing adequate notice would result in substantial harm to the public interest.

On a motion by Commissioner Saunders, seconded by Commissioner Burstein and passed by a vote of 3-0, the Commission voted to authorize the holding of the special Commission meeting for the described reasons.

The meeting convened at 2:00 P.M. in Trenton.

Public Session Minutes

April 14, 2009

Page 2

2. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission resolved to go into Executive Session to discuss allegations of possible violations of the New Jersey Campaign Contributions and Expenditures Reporting Act, which report will not become public in order to maintain the integrity of investigative procedures and priorities and to protect the identity of informants. However, any complaint which may be generated by the Commission as a result of this report will become public not later than seven business days after the mailing to the named respondents.

Return to Public Session

3. Adjournment

On a motion by Commissioner Burstein, seconded by Commissioner Saunders and passed by a vote of 3-0, the Commission voted to adjourn at 3:30 p.m.

Respectfully submitted as true  
and correct,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz