



State of New Jersey

ELECTION LAW ENFORCEMENT COMMISSION

THOMAS H. PROL
Chairman

RYAN PETERS
Commissioner

NORMA R. EVANS
Commissioner

JON-HENRY BARR
Commissioner

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JEFFREY M. BRINDLE
Executive Director

JOSEPH W. DONOHUE
Deputy Director

STEPHANIE A. OLIVO
Compliance Director

EDWIN R. MATTHEWS
Legal Counsel

PUBLIC SESSION MINUTES

September 19, 2023

Chairman Thomas H. Prol, Commissioner Ryan Peters, Commissioner Norma R. Evans, Commissioner Jon-Henry Barr, Executive Director Jeffrey Brindle, Deputy Director Joseph Donohue, Deputy Legal Director Amanda Haines, Compliance Director Stephanie Olivo, Review and Investigation Director Shreve Marshall, and Legal Administrator of Review and Investigation Theresa Lelinski were present. IT Specialist Elias Amaya participated via GoToWebinar.

A court reporter was available to record the proceedings.

The Public Session Minutes will be available online on the Commission's website at: <http://www.elec.state.nj.us>.

Chairman Prol convened the meeting at 11:00 a.m. in Trenton and explained meeting procedures.

1. Open Public Meetings Statement

Chairman Prol 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. It was also posted on the Commission's website.

Pledge of Allegiance.

2. Approval of Public Session Minutes for July 25, 2023

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission approved the Public Session Minutes for July 25, 2023.

3. Approval of Public Session Minutes for August 29, 2023

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission approved the Public Session Minutes for August 29, 2023.

4. Executive Director's Report

The Executive Director complimented Deputy Director Donohue for his work on the Big Six committees and the county party committees press releases.

The Executive Director stated that the Big Six committees for the first six months of the year raised \$3.6 million and spent \$2.2 million. He said that compared to 2022, they raised \$2.2 million and spent \$1.7 million. There was an overall 64 percent increase in fundraising by the Big Six committees and 29 percent increase in spending, according to the Executive Director.

He said that the county party committees also increased their activity as well. In 2023 \$4 million was raised by the county party committees and \$3.5 million spent, compared to 2022 where \$3 million was raised and \$3.2 million was spent. Overall in 2023 the county party committees raised 33 percent more than they did the previous year and 9 percent more spent the previous year.

Executive Director Brindle said that Finance and Administration Director Chris Mistichelli has begun the search process for the executive director position and legal director position.

Future Meetings Schedule

- September 19 at 11:00 a.m. in Trenton;
- October 17 at 11:00 a.m. in Trenton; and,
- November 21 at 11:00 a.m. in Trenton.

5. Service Award for Employees

Chairman Prol acknowledged the incredible work of some people that have been with ELEC for a considerable number of years. He recognized each employee for their exemplary service and long term commitment to the Commission. Chairman Prol handed out a certificate of appreciation to each employee.

- Elaine Salit, 56 years
- Shirley Bryant, 42 years
- Brenda A. Brickhouse, 41 years
- Kimberly A. Key, 41 years
- Brian Robbins, 40 years

6. Complaints Mailed on September 6, 2023

Legal Administrator of Review and Investigation Lelinski updated the Commissioners regarding sixteen 48-hour notice complaints that were issued on September 6, 2023.

7. Public Comments

No members of the public.

Chairman Prol stated that the meeting is close for public comment.

8. Chairman Prol Read Resolution Authorizing an Executive Session

Whereas, there exists a need to hold an Executive Session for the purpose of discussing the following matter/matters, which fall within the exceptions to the Open Public Meetings Act, N.J.S.A. 10:4-12 et seq. to wit.

Matter/Matters (OPMA Exception)

- Discussion of Executive Session Minutes for July 25, 2023;
- Discussion of Executive Session Minutes for August 29, 2023;
- Complaint Recommendations;
- Final Decision Recommendations for Non-Filer Complaints;
- Consent Orders and Final Decisions;
- Refunding Penalties in Closed Cases
- Update on Litigation.

Whereas, it is unknown at this time when such discussion to take place in Executive Session may be disclosed to the public.

Now Therefore Be It Resolved by the Election Law Enforcement Commission as follows:

1. This Executive Session Meeting of the Election Law Enforcement Commission shall be closed to the public for discussion of the aforesaid referenced matters.
2. The matters discussed during this Executive Session Meeting shall be disclosed to the public at such time when reason for discussing and acting on same in Executive Session shall no longer exist.

On a motion by Commissioner Evans, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission resolved to enter Executive Session to discuss anticipated litigation and current litigation, which will become public as follows:

- A. Final Decision Recommendations in complaint 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. Matters under current litigation, the substance of discussions of which will not become public in order to protect the attorney-client privilege and the deliberative process. However, any litigation in which the Commission is currently a party is a public matter and will become public subject to the above limitations and privileges.

Return to Public Session

Chairman Prol stated that the following items were discussed in Executive Session:

- Discussion of Executive Session Minutes for July 25, 2023;
- Discussion of Executive Session Minutes for August 29, 2023;
- Complaint Recommendations;
- Final Decision Recommendations for Non-Filer Complaints;
- Consent Orders and Final Decisions;
- Refunding Penalties in Closed Cases
- Update on Litigation.

9. Approval of Executive Session Minutes for July 25, 2023

On a motion by Commissioner Peters seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission approved the Executive Session Minutes for July 25, 2023.

10. Approval of Executive Session Minutes for August 29, 2023

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission approved the Executive Session Minutes for August 29, 2023.

11. Complaint Recommendations

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission approved the following complaints recommendations:

Item C1: ELEC v. CWA NJ Political Education Committee and Christian Esteves (Treasurer), C-T 0000 0005 33-Q2-21 (Continuing Political Committee)

Item C2: ELEC v. Damon Enriquez and Patricia Burch (Treasurer), C-9 1219 01 01-G2021, Borough of Sayreville, Middlesex County (Single Candidate Committee)

12. Final Decision Recommendations for Non-Filer Complaints

On a motion by Commissioner Peters, seconded by Commissioner Barr, and passed by a vote of 4-0, the Commission adopted the Final Decision Recommendations for Non-Filer Complaints in the following matters:

- 2017 Primary Election: 1. McGee;
- 2020 Primary Election: 2. Goodell, 3. Mirenda, 4. Davis;
- 2022 Primary Election: 5. Mesa, 6. Hollenstein, 7. MacPhail, 8. Drennan, 9. Ragonese,
10. Havardansky, 11. Galasso, 12. Hult, 13. Calhoun, 14. Schmelz,
15. Ayote, 16. Irwin, 17. Fasolo, 18. Chazotte, 19. Stout,
20. Stone, 21. Lavan.

13. Consent Orders and Final Decisions

On a motion by Commissioner Peters, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission approved the Consent Orders and Final Decisions in the following matters:

Item 1. ELEC v. Edward S. France, C-9 2121 03 02-P2020; and,

Item 2. ELEC v. Tom Downey, C-9 1343 02 02-P2022.

14. Request of Refunding Penalties

On a motion by Commissioner Peters, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to deny or reject the request for reimbursement including attorney's fees in the following cases:

Item 1. ELEC v. Dennis E. Riley, Richard Van Noord and John B. Francescone,
C-9 0324 03 02-P2014, C-9 0324 04 02-P2014
ELE 08921-2019S
Mount Laurel Township, Burlington County (Info. 07-15)

Item 2. ELEC v. Mount Laurel Republican County Committee, John B. Francescone, and
Linda Schwartz
C-I 0324 0001 22-Q2013-Q2014
ELE 10570-2020S
Mount Laurel Township, Burlington County (Info. 08-15)

15. Public Comments

No members of the public.

Legal Counsel Matthews thanked the Commissioners for his reappointment as ELEC's legal counsel and looks forward to working with them to fulfill the objectives that the Commission has ahead.

16. Adjournment

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission resolved to adjourn the meeting at 11:51 a.m.

Respectfully submitted as true
and correct,

Jeffrey M. Brindle
Executive Director