



*State of New Jersey*

## **ELECTION LAW ENFORCEMENT COMMISSION**

JERRY FITZGERALD ENGLISH  
Chair

PETER J. TOBER  
Vice Chair

ALBERT BURSTEIN  
Commissioner

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Executive Director

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Deputy Director

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Legal Director

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Compliance Director

JAMES P. WYSE  
Legal Counsel

### PUBLIC SESSION MINUTES

January 16, 2007

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

#### 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 December 19, 2006

On a motion by Commissioner Burstein, seconded by Chair English and passed by a vote of 2-0, the Commission approved the Public Session Minutes of December 19, 2006. Vice Chair Tober did not vote as he did not attend the December 19, 2006 meeting.

#### 3. Executive Director's Report

##### A. Staff Activities

Executive Director Herrmann reported that he has been named the Publishing Director of the Guardian, which is the Council on Governmental Ethics Law's electronic magazine now published three times a year. He said that he will also continue to serve as the publication's book review editor.

Executive Director Herrmann announced that thanks to the efforts of Director of Information Technology Carol Neiman and Associate Data Entry Technicians Barbara Counts and Pam Kinsey the ELEC Employee Charitable Campaign Committee raised and pledged \$5,803.00 with 63 percent of the staff contributing.

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The Executive Director mentioned that a former mayor told the Compliance Division staff in December that the ELEC Compliance Manual was great. He added that the three times that he called ELEC people always helped him out, and the Commission is the best State agency with which he has ever dealt.

Executive Director Herrmann advised the Commission that longtime Personnel Officer Donna Margetts will be retiring March 1, 2007. He said that she devoted many fine years of service to the Commission and will be missed by all.

The Executive Director informed the Commission that five members of the Information Technology staff of the New York City Campaign Finance Board visited ELEC on January 3, 2007, to see a demonstration of ELEC's Gubernatorial Public Financing Electronic Filing Program presented by the Information Technology Section. He indicated that Associate Systems Administrator Anthony Giancarli and Associate Computer Technician Lou Solimeo put together the session held in ELEC's high technical training room. According to Executive Director Herrmann, the Commission has a long history of working with its New York City sister agency and both bodies have mutually assisted each other in providing better services to their respective jurisdictions.

Executive Director Herrmann stated that the Special Programs Section has scheduled two pay-to-play training sessions in February and March. He said that so far over 100 people have registered and that pay-to-play information has also been updated on the website and special materials are being developed for the training program.

The Executive Director noted that the Compliance Division staff has made numerous important changes to the lobbyist information on the website. Executive Director Herrmann advised the Commission that Associate Compliance Officer Titus Kamal has developed a Power Point presentation for the Internet that contains an image of the report connected to instructional materials. He said, moreover, that the website has been reorganized to create one central place for all lobbying information.

The Executive Director mentioned that by the end of 2006, over 1,000 lobbyists were registered with ELEC and that this number represents a large increase over the only 600 lobbyists registered at the end of 2005. He indicated that this change was caused by the State's expansive new lobbying law and reflects a great increase in ELEC's workload in this important area.

Executive Director Herrmann reported that on January 9, 2007, he spoke before the New Jersey State Bar Association's School Law Committee where he reviewed ELEC's role in administering the Campaign Act and commented at length upon the Pay-to-Play Disclosure Law's impact on school boards.

B. Legislative Developments

Executive Director Herrmann stated that on January 4, 2007, Senate President Richard J. Codey announced a sweeping seven-point government reform plan. He said that four of the points impact ELEC:

- Prohibiting all gifts from lobbyists to legislators and their staffs;
- Requiring lobbyists to include on their quarterly reports budget modifications they have sought for a client;
- Barring public agencies from making campaign contributions; and,
- Allowing elected officials to donate campaign funds to charity but banning such contributions if the official or a family member is a director or an employee of the charity.

C. Winter Meeting Schedule

- March 6, 2007 at 10:00 a.m. in Trenton; and,
- March 20, 2007 at 10:00 a.m. in Trenton.

4. Resolution to go into Executive Session

On a motion by Commissioner Burstein, seconded by Vice Chair Tober 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. Adjournment

On a motion by Commissioner Burstein, seconded by Vice Chair Tober and passed by a vote of 3-0, the Commission voted to adjourn at 1:00 p.m.

Respectfully submitted,

Frederick M. Herrmann, Ph.D.  
Executive Director

FMH/elz