

MINUTES OF THE COMMISSION MEETING

September 12, 1974

PRESENT

Frank P. Reiche, Chairman
Judge Sidney Goldmann, Vice-Chairman
Josephine S. Margetts, Member
Herbert E. Alexander, Consultant
David F. Norcross, Executive Director

ABSENT

Edward J. Farrell, Esq.,
Counsel

- 1) The minutes of the July 11, 1974 Commission Meeting were approved as submitted. (Motion, Goldmann; second Margetts-Vote 3-0)
 - 2) The minutes of the August 8, 1974 Commission Meeting were approved as submitted. (Motion, Goldmann; second, Margetts - Vote 3-0)
 - 3) The Executive Director was directed to select a Hearing Officer for the matter of the New Jersey Republican Finance Committee. This officer is to be selected from the following persons:
 - 1) Judge Waugh
 - 2) Judge Kingfield
 - 3) Judge LaBreque
 - 4) Judge Mintz
 - 4) Edward S. Wynne - Candidate for School Board, Egg Harbor Township. A hearing was held with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. After hearing the evidence, the Commission found a negligent, non-willful violation of the Act, taking specific note of the candidate's failure to respond to two letters from the Commission. Accordingly, the Commission resolved to issue a letter of reprimand and impose a \$25 fine. (Motion, Goldmann; second, Margetts - Vote 3-0)
 - 5) Richard Rabeau - Candidate for School Board, Bellmawr. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act, and noted the candidate's repeated failure to respond to Commission correspondence. Accordingly, the Commission resolved to issue a stern reprimand and impose a fine of \$25.00. (Motion, Goldmann; second, Margetts Vote 3-0)
- On the matter of the fine, the vote was 2-1, Reiche negative.
- 6) Felix Acevedo - Candidate for School Board, Hammonton. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent, non-willful violation and noted the existence of extenuating circumstances and evidence of an intention and attempt to comply with the Act. Accordingly, the Commission resolved to issue a written reprimand, but levied no fine. (Motion, Goldmann; second, Margetts, Vote 3-0)

- 7) Gerald Faller - Candidate for School Board, Stratford. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation, characterized by an absence of intent to violate the Act and noted the candidate's positive attitude toward future compliance and candor in his explanation for failure to file for the recent School Board election. Accordingly, the Commission resolved to issue a letter of reprimand with no fine to be levied. (Motion, Goldmann; second, Margetts - Vote 2-1, Reiche, negative)
- 8) John Davies, III - Freeholder candidate Mercer County, 1973. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act, in that he failed to timely file for the third reporting period in the 1973 General Election. The Commission found that while the candidate had filed on time in previous reporting periods, his third filing was not accomplished until December 4, 1973. Having heard the evidence, the Commission found a negligent violation of the Act, noted an absence of any intent to violate the Act, and accordingly, resolved to issue a letter of reprimand. (Motion, Goldmann; second, Reiche - Vote 3-0).
- 9) John C. Wood - Candidate for School Board in Alexandria. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent, non-willful violation of the Act, and noted the candidate's repeated failure to respond to Commission correspondence with respect to his failure to file. Accordingly, the Commission resolved to issue a letter of reprimand and impose a \$25.00 fine. (Motion, Goldmann; second, Reiche - Vote 3-0)
- 10) Marguerite Page - Candidate for School Board in Passaic. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent, non-willful violation of the Act, and noted the candidate's repeated failure to respond to Commission correspondence with respect to her failure to file. Accordingly, the Commission resolved to issue a letter of reprimand and impose a \$25.00 fine. (Motion, Goldmann; second, Reiche - Vote 3-0)
- 11) Patricia Pepe - Candidate for School Board in Wayne. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act, though that violation was found to be not willful. Commission noted the candidate's repeated failure to respond to Commission correspondence. Accordingly, the Commission resolved to issue a letter of reprimand and impose a fine of \$25.00. (Motion, Margetts; second, Reiche - Vote 3-0)
- 12) George Pinheiro - Candidate for School Board in Franklin Township. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act and noted the candidate's failure to respond to Commission inquiries. Accordingly, the Commission resolved to issue a letter of reprimand and impose a fine of \$25.00 (Motion, Goldmann; second, Reiche - Vote 3-0)

- 13) Donald R. Cassidy - Candidate for School Board in Lafayette Township. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act and noted the candidate's failure to respond to Commission inquiries. Accordingly, the Commission resolved to issue a letter of reprimand and impose a fine of \$25.00 (Motion, Margetts; second, Goldman - Vote 3-0)
- 14) Dolores B. Johnson - Candidate for School Board in Lawnside. The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act and noted the candidate's failure to respond to Commission inquiries. Accordingly, the Commission resolved to issue a letter of reprimand and impose a fine of \$25.00 (Motion, Goldman; second, Reiche - Vote 3-0)
- 15) Moises Jimenez - Candidate for Council in Newark. The Commission held a preliminary hearing on the candidate's alleged failure to comply with reporting requirements on August 8. At that time, the candidate refused to execute a waiver of formal notice of hearing and of formal hearing and his hearing was re-scheduled for September 12. Candidate Dennis Speed was present with Mr. Jimenez, who apparently has a limited comprehension of English. Mr. Jimenez indicated his assent to the hearing continuing with Mr. Speed present to assist him. The Commission proceeded with a hearing on the matter of the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act, characterized by an attitude of indifference although there was evidence that the candidate had received information with respect to the Act and its requirements. Accordingly, the Commission resolved to issue a strong reprimand and impose a fine of \$75. (Motion, Reiche; second, Goldman - Vote 3-0)
- 16) Dennis Speed - The Commission held a hearing with respect to the candidate's alleged failure to comply with the reporting requirements of the Act. The Commission found a negligent violation of the Act, occasioned by the candidate's failure to consider seriously the requirements of the Act, although warned by campaign staff to do so. Accordingly, the Commission resolved to issue a strong reprimand and impose a fine of \$75. (Motion, Reiche; second, Goldman - Vote 3-0)
- 17) Warren County Democratic Committee - Gloria Decker, Chairman, Melville Carty, Treasurer. Alleged failure to file in timely fashion an Annual Report as required by Section 8 of Chapter 83 of the Laws of 1973. The Committee waived formal notice of hearing and formal hearing and agreed that the matter be immediately determined and concluded by the Commission. After hearing evidence presented on behalf of the committee by the chairman and the treasurer, considering relevant facts and reviewing the records of the Commission, the Commission determined that the Warren County Democratic Committee had been filing 60-day reports since the November, 1973 General Election, which reports contained all details which would have been reported in an Annual Report.

The Commission determined to accept the several 60-day reports in lieu of the Annual Report. The Commission further advised the committee, in the future, to comply with the requirements of the Act with respect to an Annual Report. Accordingly, no violation was found. (Motion, Goldmann; second, Margetts - Vote 3-0)

18) Cumberland County Democratic Committee - Joseph Riley, Chairman; Alfred Gallner, Treasurer. The Commission held a hearing with respect to the alleged failure to file in timely fashion an Annual Report as required by Section 8 of Chapter 83 of the Laws of 1973. The committee waived formal notice of hearing and formal hearing and agreed that the matter be determined and concluded by the Commission. The Commission found a negligent, non-willful violation of the Act, and further found that the Committee had been aware of the existence of the Law and its requirements. It was also noted that the committee had complied before receiving the second notice from the Commission. Accordingly, the Commission resolved to impose a penalty of \$100. (Motion, Reiche; second, Goldmann - Vote 2-0, Mrs. Margetts absent and not voting.)

19) All candidates (items 4 through 16) executed waivers of formal notice of hearing and of hearing.

Meeting adjourned at 3:30 p.m.

Respectfully submitted,


David F. Norcross
Executive Director