

NEW JERSEY LAW ENFORCEMENT COMMISSION

PUBLIC SESSION MINUTES

APRIL 12, 1984

PRESENT

Andrew C. Axtell, Chairman
Alexander P. Waugh, Jr., Vice Chairman
Haydn Proctor, Member
Scott A. Weiner, Executive Director
William R. Schmidt, Asst. Executive Director
Gregory E. Nagy, Staff Counsel
Edward J. Farrell, Counsel

Chairman Axtell called the meeting to order and announced that pursuant to the Open Public Meetings Law, P.L. 1975, c. 231, special 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 10:15 a.m. at the offices of the Commission, 28 West State Street, Trenton, New Jersey.

1. Approval of Minutes of Public Session of Commission Meeting of March 16, 1984

The Commissioners reviewed the minutes of the public session of March 16, 1984 and on a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission approved the minutes of the public session of March 16, 1984.

2. Approval of Minutes of Public Session of Commission Meeting of March 5, 1984

The Commissioners reviewed the minutes of the public session of March 5, 1984 which were distributed at the Commission meeting. On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission approved the minutes of the public session of March 5, 1984.

3. Advisory Opinion No. 07-1984 - Michael B. Ketes, Esquire

The Commission reviewed a draft advisory opinion addressed to Michael B. Ketes, Esquire and concerning the disposition of surplus campaign funds. On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote 3-0, the Commission approved the advisory opinion.

Advisory Opinion No. 08-1984 - Thomas Russo

The Commission reviewed a draft advisory opinion addressed to Thomas Russo who requested an advisory opinion concerning termination of post-election campaign reporting by former Atlantic City Mayor Michael Matthews.

Mr. Weiner explained that former Mayor Matthews was asking that he be relieved of having to file 60 day post-election reports because he was personally assuming the outstanding obligations for his campaign which totalled \$153,803.51. Mr. Weiner said that the draft advisory opinion does not approve of waiving the reporting requirement. Mr. Weiner said that in

the past the entity which has assumed outstanding obligations of a candidate has had a continuing filing obligation.

Mr. Farrell noted that there is a new waiver provision in the law signed by Governor Kean in January. Mr. Nagy said that he had originally included a reference in the draft advisory opinion but had taken it out because the new waiver provision is applicable for a different set of circumstances. Mr. Farrell suggested that a sentence be added to the advisory opinion, noting the new waiver provision and explaining why the new provision does not apply in the set of facts in this case.

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission approved the issuance of the advisory opinion with reference to the waiver provision.

5. Advisory Opinion No. 10-1984 - John A. Papparazzo

Mr. Weiner distributed an April 3, 1984 letter from Mr. Papparazzo who requested an advisory opinion concerning the disposition of \$125.56 representing surplus campaign funds from the Campaign Fund of Fried, Rolli and Palmer.

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission authorized Staff Counsel Nagy to issue an advisory opinion to the effect that the Commission is unable to express an opinion in regard to the inquiry, similar to Advisory Opinion No. 07-1984.

6. Pending Legislation

Mr. Weiner distributed a report dated March 29, 1984, concerning the status of bills introduced in the Legislature of concern to the Commission, including such topics as public financing, legislative contribution limits, personal use of campaign funds, amendments to the Reporting Act, personal financial disclosure, Title 19 and initiative and referendum. Staff Counsel Nagy is monitoring the status of these bills and will update the report as required.

Mr. Weiner reported that a bill may be introduced within the next week concerning gubernatorial public financing. He said that there is a recognition of the desirability of having the amendments to the public financing program in place by July 1 because serious candidates have already begun to organize and because the Fiscal Year 1985 appropriation will be acted on this Spring. He said that the Commission's staff will be participating in the analysis of the bill when it is introduced.

Concerning the issue of surplus campaign funds, Mr. Weiner reported that Senators Connors, Saxton and Russo introduced S-1399 which is patterned after former Senator Perskie's bill S-1195 introduced in the previous session of the Legislature. Mr. Weiner said the new bill may be considered later this year.

Mr. Weiner said there is increasing discussion about placing limits on contributions to legislative candidates. He noted that the Commission has no

public policy position on this issue, but the Commission staff will work with legislative staff in any analysis required.

7. Fiscal Year 1985 Budget

Mr. Weiner noted that the Governor's budget and the Commission's request are the same except for the proposed public financing appropriation for which the Governor requested \$4,000,000, while the Commission requested an amount based upon the 1981 experience. Mr. Weiner said that he has not received a request from the Joint Appropriations Committee for the Commission to appear before that committee.

Mr. Weiner said that the Commission will be receiving funds from the \$20,000,000 special data processing fund to enable the Commission to develop and implement a new data processing system. At present, pending Joint Appropriation Committee approval, the Commission has been allocated \$225,000 for the fund.

FEC Regional Conference

Mr. Weiner reported that the Federal Election Commission is holding a series of state conferences concerning the FEC and state financial disclosure requirements. The conferences have been scheduled in Virginia, Georgia and Washington State. He said that the FEC is very interested in holding a conference in New Jersey with the cooperation of the Commission for participants from New Jersey and the New York City and Philadelphia areas. Those who would be attending would be representatives of PAC's, election officials and federal candidates, among others. Mr. Weiner noted that the Commission itself has been reaching out aggressively by holding a series of candidate information sessions for candidates in the 1984 municipal and primary elections. He said the FEC has suggested holding a New Jersey meeting in early September in the Princeton area for an anticipated 100 to 150 people. The major contribution from the Commission would be in the form of staff time.

Mr. Weiner said he has been exploring possible locations and found that the Nassau Inn in Princeton and the Ramada Inn on Route 1 charge an amount that is sufficiently reasonable. He said the FEC is interested in a conference right after Labor Day.

The Commission approved Mr. Weiner's arranging for a joint FEC - Commission conference to be held during the first week of September.

9. Implementation of Reporting Act Amendments

Mr. Weiner reported that the proposed revised regulations were filed on Tuesday, April 10, 1984 and that they will be published in May. He said that a public hearing has been scheduled on Tuesday, June 12, 1984 in the Assembly Chambers.

He said that the Commission will be receiving comments and editorial corrections from the Office of Administrative Law. Furthermore, he said the Commission will be distributing the proposed revised Regulations to political party committees, PAC's, candidates, and contributors of more than \$10,000 in

the past, i.e. peripheral purpose political committees, for the purpose of securing their comments on the proposed Regulations.

Mr. Weiner said the staff has been holding candidate information sessions and will be arranging for information sessions for those committees which now have to file quarterly reports. He noted that on Saturday, April 14, 1984 he and Juana Schultz are holding such a session for the State Republican Committee and that a similar meeting will be held for PAC's in early May.

He said the new quarterly reporting form, along with instructions and a sample will be mailed on Tuesday, April 17 to municipal and county political party committees, PAC's and other political committees which in the past have filed annual reports.

10. Executive Session

On a motion by Commissioner Waugh, seconded by Commissioner Proctor and a vote of 3-0, the Commission voted to go into executive session to discuss enforcement and investigative matters, the results of which will be made public at their conclusion.

11. Meeting Schedule

The Commission decided to cancel its April 16, 1984 meeting and to schedule a meeting on Wednesday, May 2 at 10:00 a.m. in Trenton.

12. Adjournment

On a motion by Commissioner Proctor, seconded by Commissioner Waugh and a vote of 3-0, the Commission voted to adjourn.

Respectfully submitted,



SCOTT A. WEINER
Executive Director