



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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PUBLIC SESSION MINUTES

October 15, 2024

Chairman Thomas H. Prol, Commissioner Ryan Peters, Commissioner Jon-Henry Barr, Legal Counsel Edwin R. Matthews, Executive Director Amanda Haines, Deputy Director Joseph Donohue, Legal Director Theresa Lelinski, Deputy Legal Director Scott Miccio, Assistant Legal Counsel Ben Kachuriner, Information Technology (IT) Director Anthony Giancarli, IT Specialist Lou Solimeo, and Executive Secretarial Assistant Elbia Zeppetelli were present. Commissioner Norma R. Evans and IT Specialist Elias Amaya participated via Zoom. Review and Investigation Director Shreve Marshall was absent.

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 11:14 a.m. in Trenton.

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.

2. Pledge of Allegiance

3. Approval of Public Session Minutes for September 17, 2024

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, the Commission approved the Public Session Minutes for September 17, 2024. Commissioner Peters abstained because he was absent from this meeting.

4. **Executive Director's Report**

Executive Director Haines presented the Executive Director's Report.
Executive Director Haines introduced Scott Miccio as ELEC's Deputy Legal Director.

Next Commission Meeting

November 19, 2024 at 11:00 a.m.

5. **Public Hearing Concerning Proposed Campaign Cost-Index Adjustments for Gubernatorial and Non-Gubernatorial Candidates, Committees, and Political Party Entities and Proposed Independent Expenditure Committee Regulations and Amendments**

Chairman Prol announced the public hearing.

6. **Public Hearing Comments**

On a motion by Commissioner Barr, seconded by Commissioner Peters, and passed by a vote of 3-0, the Commission voted to open the meeting for public hearing comments. Due to an audio issue, Commissioner Evans did not participate in this vote.

No public comments.

On a motion by Commissioner Barr, seconded by Commissioner Peters, and passed by a vote of 3-0, the Commission voted to close the meeting for public hearing comments. Due to an audio issue, Commissioner Evans did not participate in this vote.

7. **Public Comments**

On a motion by Commissioner Barr, seconded by Commissioner Peters, and passed by a vote of 4-0, the Commission voted to open the meeting for public comments.

No public comments.

On a motion by Commissioner Barr, seconded by Commissioner Peters, and passed by a vote of 4-0, the Commission voted to close the meeting for public comments.

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 September 17, 2024;
- Final Decision Recommendations for Non-Filer Complaints;
- Complaint Recommendation;
- Investigations and the Statute of Limitations;
- Report Review Projects and Enforcement Initiatives;

- Consent Orders and Final Decision Recommendations; and,
- New Legislation Discussed in Executive Director's Report.

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 Peters, 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 September 17, 2024;
- Final Decision Recommendations for Non-Filer Complaints;
- Complaint Recommendation;
- Investigations and the Statute of Limitations;
- Report Review Projects and Enforcement Initiatives;
- Consent Orders and Final Decision Recommendations;
- New Legislation Discussed in Executive Director's Report.

9. Approval of Executive Session Minutes for September 17, 2024

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 3-0, the Commission approved the Executive Session Minutes for September 17, 2024. Commissioner Peters abstained because he was absent from this meeting.

10. Final Decision Recommendations for Non-Filer Complaints

On a motion by Commissioner Peters, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission approved the Final Decision Recommendations for Non-Filer Complaints as follows:

- 2022 Primary Election: 1. Sypher, 2. Mendoza, 3. Krafczek;
- 2022 General Election: 4. Germain;
- 2023 Primary Election: 5. Paul, 6. Hoffner, 7. Skidmore III, 8. Boguslavskiy, 9. Fetzer, 10. Hodson.

11. Consent Orders and Final Decision Recommendations

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 decision recommendations as follows:

Item 1. ELEC v. Plumbers & Pipefitters Local 9 PAC and Michael K. Maloney, Treasurer
C-T 0000 0004 33-Q2021

Item 2. ELEC v. Promoting Responsible Government and Renee Nicastro, Treasurer
C-K 1300 0012 22-Q2022 (Continuing Political Committee)

12. Public Comments

On a motion by Commissioner Barr, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to open the meeting for public comments.

No public comments.

On a motion by Commissioner Peters, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission voted to close public comments.

13. Adjournment

On a motion by Commissioner Peters, seconded by Commissioner Evans, and passed by a vote of 4-0, the Commission resolved to adjourn the meeting at 12:23 p.m.

Respectfully submitted as true
and correct,

Amanda S. Haines
Executive Director