

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION  
P.O. Box 185  
Trenton, New Jersey 08625-0185

NEW JERSEY ELECTION LAW  
ENFORCEMENT COMMISSION,

COMPLAINT AND NOTICE OF  
OPPORTUNITY FOR A HEARING

Complainant,

v.

RAS BARAKA  
Candidate for Mayor,  
City of Newark,  
Essex County, and

C-G 0714 04 04-M2014

FREDERICK MURPHY  
Treasurer,

Respondents.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (**Commission**) hereby files a Complaint against Ras Baraka (**Respondent Baraka**) and Frederick Murphy (**Respondent Murphy**) (collectively, **Respondents**) and offers Respondents the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to determine whether Respondents failed to comply with the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., (**Campaign Act**) and N.J.A.C. 19:25-1 et seq., (**Commission Regulations**), and whether penalties provided by the Campaign Act should be imposed.

The Commission by way of Complaint alleges:

## COUNT ONE

### **Late Filing of Form D-1**

#### PROPOSED FINDINGS OF FACT:

1. Respondent Baraka sought election to the office of mayor in the City of Newark, Essex County, in the 2014 municipal election held on May 11, 2014 (**municipal election**).

2. On February 1, 2013, Respondent Baraka transferred \$5,075.46 from a campaign account used for his 2014 municipal office candidacy (**prior campaign**) into a separate campaign account used for his 2014 mayoral office candidacy, described in paragraph 3.

3. On April 15, 2013, Respondent Baraka filed a Single Candidate Committee – Certificate of Organization and Designation of Campaign Treasurer and Depository (**Form D-1**) reporting the establishment of a candidate committee, “Committee to Re-elect Ras Baraka for Mayor” for the municipal election. The Form D-1 designated an account maintained at Valley National Bank as the campaign depository account (**campaign account**), and named Respondent Murphy as the campaign treasurer. Both Respondents certified the Form D-1.

4. On July 15, 2013, Respondents filed a certified Report of Contributions and Expenditures (**Form R-1**) as a 2013 first quarter report (**2013 Q1 report**), reporting contributions received and expenditures made from the inception of the campaign through March 31, 2013 (**2013 Q1 report period**).

5. On the 2013 Q1 report, Respondents reported that \$5,075.46 was transferred from a prior campaign.

#### PROPOSED CONCLUSIONS OF LAW:

6. Respondent Baraka was at all times relevant to this Complaint a candidate, as defined at N.J.S.A. 19:44A-3c, for the office of mayor in the City of Newark, Essex County, in the municipal election, and was therefore subject to the requirements of the Campaign Act and Commission Regulations.

7. Respondent Murphy was at all times relevant to this Complaint, the campaign treasurer for Respondent Baraka’s single candidate committee for the office of mayor in the municipal election and was therefore subject to the requirements of the Campaign Act and Commission Regulations.

8. Respondent Baraka was required by N.J.S.A. 19:44A-9 and N.J.A.C. 19:25-4.1A to file a certified Form D-1 for the municipal election, no later than February 11, 2013, that is within 10 days of the \$5,075.46 deposit of funds transferred from a prior campaign.

9. Respondent Baraka violated N.J.S.A. 19:44A-9 and N.J.A.C. 19:25-4.1A by filing the Form D-1 on April 15, 2013 (63 days late).

10. Respondent Baraka is subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## COUNT TWO

### **2013 Q1 - Contributions**

#### **PROPOSED FINDINGS OF FACT:**

11. The Proposed Findings of Fact contained in Count One are repeated and incorporated herein.

12. During the 2013 Q1 report period, Respondents deposited into the campaign account 17 contributions in excess of \$300.00, totaling \$20,000.00.

13. On the 2013 Q1 report, Respondents reported 15 contributions in excess of \$300.00, totaling \$12,000.00.

14. Respondents received a \$3,000.00 contribution from Josh G. Wertentheil which was deposited into the campaign account on or about March 29, 2013.

15. On the 2013 Q1 report, Respondents reported two contributions, totaling \$3,000.00, as follows:

- a. \$1,500.00 from Josh G. Wertentheil; and
- b. \$1,500.00 from Arielle T. Wertentheil.

16. Respondents did not deposit into the campaign account a \$1,500.00 contribution from Josh G. Wertentheil and a \$1,500.00 contribution from Arielle T. Wertentheil.

17. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 14.

18. Respondents received a \$5,000.00 contribution from Juanita Fuller which was deposited into the campaign account on or about March 5, 2013.

19. On the 2013 Q1 report, Respondents reported two contributions, totaling \$5,000.00, as follows:

- a. \$2,500.00 from Cienford Fuller; and
- b. \$2,500.00 from Juanita Fuller.

20. Respondents did not deposit into the campaign account a \$2,500.00 contribution from Cienford Fuller and a \$2,500.00 contribution from Juanita Fuller.

21. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 18.

22. As of the date of this Complaint, Respondents have failed to report the occupation of the contributor and name and address of the contributor's employer (**occupation and employer information**) for three contributions, totaling \$2,500.00, as follows:

- a. \$1,000.00 from Nnamdi F. Okoro;
- b. \$1,000.00 from Shabeer Bacchus; and
- c. \$500.00 from Wayne M. Parks.

23. On or about March 18, 2013, Respondents received a \$700.00 Transfer From CK XXXXXXXXX9209 by electronic transfer and deposited into the campaign account.

24. As of the date of this Complaint, Respondents have failed to report the contribution described in paragraph 23.

25. On or about February 25, 2013, Respondents deposited into the campaign account \$630.00 in currency.

26. As of the date of this Complaint, Respondents have failed to report the contributor(s) for the currency described in paragraph 25.

27. On the 2013 Q1 report, Respondents reported the sum of contributions of \$300.00 or less, totaling \$2,470.00.

#### PROPOSED CONCLUSIONS OF LAW:

28. The Proposed Conclusions of Law contained in Count One are repeated and incorporated herein.

29. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, to file a certified Form R-1 on April 15, 2013, reporting all contributions received and all expenditures made during the 2013 Q1 report period.

30. For each contribution exceeding \$300.00 and for all contributions received in currency, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

31. For each contribution received by check, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)1, to report as the contributor, the individual signing the check if that individual is solely or jointly the account owner.

32. The Respondents were prohibited, pursuant to N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6, from accepting any contribution in the form of currency in excess of \$200.00, in the aggregate from one source, in the municipal election.

33. Respondents were required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.3 to report the sum of contributions of \$300.00 or less received during the 2013 Q1 report period.

34. Respondents violated N.J.S.A. 19:44A-16 by reporting funds transferred from a prior campaign, in the amount of \$5,075.46, described in paragraph 5, on July 15, 2013 (91 days late).

35. Respondents violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by reporting contribution information relevant to 15 contributions, totaling \$12,000.00, described in paragraph 13, on July 15, 2013 (91 days late).

36. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report correct contribution information for the two contributions, totaling \$8,000.00, described in paragraphs 14 and 18.

37. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A by failing to report complete occupation and employer information for three contributions, totaling \$2,500.00, described in paragraph 22.

38. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.16 by failing to report contribution

information for receipt by electronic transfer of a \$700.00 “Trnsfer Frm CK XXXXXXXXX9209” described in paragraph 23.

39. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.6 by failing to report the contributor(s) for the \$630.00 in currency described in paragraph 25.

40. Respondents violated N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6 by receiving and depositing into the campaign account during the 2013 Q1 report period, \$630.00 in currency, which amount exceeded, by \$430.00, the \$200.00 currency contribution amount the Respondents were permitted to accept from an individual contributor in the municipal election.

41. Respondents violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.3 by reporting the sum of contributions of \$300.00 or less, totaling \$2,470.00, on July 15, 2013 (91 days late).

42. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT THREE**

#### **Excessive Contribution - Josh G. Wertentheil**

##### **PROPOSED FINDINGS OF FACT:**

43. The Proposed Findings of Fact contained in Counts One and Two are repeated and incorporated herein.

44. On March 29, 2013, Respondents received a \$3,000.00 contribution from Josh G. Wertentheil, described in paragraph 14.

45. Respondents did not refund to the contributor within 48 hours of receipt, any portion of the \$3,000.00 contribution described in paragraphs 14 and 44.

##### **PROPOSED CONCLUSIONS OF LAW:**

46. The Proposed Conclusions of Law contained in Counts One and Two are repeated and incorporated herein.

47. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit, from the same contributor per election.

48. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

49. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository a \$3,000.00 contribution from Josh G. Wertentheil. This \$3,000.00 contribution exceeds the contribution limit by \$400.00.

50. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund \$400.00, the excessive portion of the \$3,000.00 contribution, within 48 hours of receipt.

51. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$400.00 amount of the \$3,000.00 contribution.

#### **COUNT FOUR**

##### **Excessive Contribution - Juanita Fuller**

##### **PROPOSED FINDINGS OF FACT:**

52. The Proposed Findings of Fact contained in Counts One through Three are repeated and incorporated herein.

53. On March 5, 2013, Respondents received a \$5,000.00 contribution from Juanita Fuller, described in paragraph 18.

54. Respondents did not refund to the contributor within 48 hours of receipt, any portion of the \$5,000.00 contribution described in paragraphs 18 and 53.

##### **PROPOSED CONCLUSIONS OF LAW:**

55. The Proposed Conclusions of Law contained in Counts One through Three are repeated and incorporated herein.

56. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit, from the same contributor per election.

57. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

58. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository a \$5,000.00 contribution from Juanita Fuller. This \$5,000.00 contribution exceeds the contribution limit by \$2,400.00.

59. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund \$2,400.00, the excessive portion of the \$5,000.00 contribution, within 48 hours of receipt.

60. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$2,400.00 amount of the \$5,000.00 contribution.

## **COUNT FIVE**

### **2013 Q1 – Expenditures**

#### **PROPOSED FINDINGS OF FACT:**

61. The Proposed Findings of Fact contained in Counts One through Four are repeated and incorporated herein.

62. Respondents reported 26 expenditures, totaling \$7,291.51, on the 2013 Q1 report.

63. As of the date of this Complaint, Respondents failed to report full payee addresses for two expenditures, totaling \$585.33, as follows:

- a. \$500.00, on March 21, 2013, to Allen Campbell; and
- b. \$85.33, on March 26, 2013, to Amazon.Com.

#### **PROPOSED CONCLUSIONS OF LAW:**

64. The Proposed Conclusions of Law contained in Counts One through Four are repeated and incorporated herein.

65. For each expenditure made during the 2013 Q1 report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, to report the (1) date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

66. Respondents violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2 by reporting on the 2013 Q1 report 26 expenditures, totaling \$7,291.51, described in paragraph 62, 91 days late.

67. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2 by failing to report full payee addresses for two expenditures, totaling \$585.33, described in paragraph 63.

68. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## COUNT SIX

### **2013 Q2 – Contributions**

#### **PROPOSED FINDINGS OF FACT:**

69. The Proposed Findings of Fact contained in Counts One through Five are repeated and incorporated herein.

70. On July 15, 2013, Respondents filed a certified Form R-1 as a 2013 second quarter report for the municipal election (**2013 Q2 report**), reporting contributions received and expenditures made from April 1, 2013 through June 30, 2013 (**2013 Q2 report period**).

71. During the 2013 Q2 report period, Respondents deposited 27 contributions in excess of \$300.00, totaling \$22,300.00, into the campaign account.

72. On the 2013 Q2 report, Respondents reported 25 of the 27 contributions, described in paragraph 71, totaling \$16,100.00.

73. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the 25 contributions, totaling \$16,100.00.

74. As of the date of this Complaint, Respondents have failed to report the date of receipt for one of the 25 contributions, in the amount of \$500.00, from “Lucinda Williams-Eason.”

75. Respondents received a \$1,000.00 contribution from John A. Brennan, MD, which was deposited into the campaign account on or about April 1, 2013.

76. On the 2013 Q2 report, Respondents reported two contributions, totaling \$1,000.00, as follows:

- a. \$500.00 from John A. Brennan, MD on April 1, 2013; and
- b. \$500.00 from Mary Brennan on April 1, 2013.

77. Respondents did not deposit into the campaign account a \$500.00 contribution from John A. Brennan, MD and a \$500.00 contribution from Mary Brennan.

78. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 75.

79. Respondents received a \$5,200.00 contribution from Rahim Islam, which was deposited into the campaign account on or about June 28, 2013.

80. On the 2013 Q2 report, Respondents reported two contributions, totaling \$5,200.00, as follows:

- a. \$2,600.00 from Rahim Islam on June 19, 2013; and
- b. \$2,600.00 from Resee Islam on June 19, 2013.

81. Respondents did not deposit into the campaign account a \$2,600.00 contribution from Rahim Islam and a \$2,600.00 contribution from Resee Islam.

82. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 79.

83. On the 2013 Q2 report, Respondents also reported six contributions in excess of \$300.00, totaling \$7,000.00, each received by check and drawn on the account of a limited liability company (LLC). Respondents reported the contributor for each of these six contributions as the LLC.

84. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for these six contributions, totaling \$7,000.00, described in paragraph 83.

85. During the 2013 Q2 report period, Respondents received an additional 25 contributions, each in excess of \$300.00, either individually or aggregated with prior contributions from the same contributor, or in currency, totaling \$13,872.00, which were deposited into the campaign account.

86. As of the date of this Complaint, Respondents have failed to report the 25 contributions, totaling \$13,872.00, described in paragraph 85.

**PROPOSED CONCLUSIONS OF LAW:**

87. The Proposed Conclusions of Law contained in Counts One through Five are repeated and incorporated herein.

88. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, to file a certified Form R-1 on July 15, 2013, reporting all contributions received and all expenditures made during the 2013 Q2 report period.

89. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, and for all contributions received in currency, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

90. The Respondents were prohibited, pursuant to N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6, from accepting any contribution in the form of currency in excess of \$200.00, in the aggregate from one source, in the municipal election.

91. For each contribution received by check, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)1, to report as the contributor, the individual signing the check if that individual is solely or jointly the account owner.

92. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

93. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

94. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A by failing to report complete occupation and employer information for 25 contributions, totaling \$16,100.00, described in paragraph 72.

95. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report the date of receipt for the \$500.00 contribution described in paragraph 74.

96. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report correct contribution information for the two contributions, totaling \$6,200.00, described in paragraphs 75 and 79.

97. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report contribution information for the contributing member or members for the six contributions, totaling \$7,000.00, each drawn on the account of an LLC, described in paragraph 83.

98. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.16 by failing to report contribution information for 25 contributions, totaling \$13,872.00, described in paragraph 85.

99. Respondents violated N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6 by receiving and depositing into the campaign account during the 2013 Q2 report period, three currency contributions, totaling \$7,497.00, each exceeding the \$200.00 permitted amount.

100. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## **COUNT SEVEN**

### **Excessive Contribution – Rahim Islam**

#### **PROPOSED FINDINGS OF FACT:**

101. The Proposed Findings of Fact contained in Counts One through Six are repeated and incorporated herein.

102. Respondents received a \$5,200.00 contribution from Rahim Islam on June 19, 2013, as described in paragraph 79.

103. Respondents did not refund to the contributor within 48 hours of receipt, any portion of the \$5,200.00 contribution described in paragraph 102.

#### PROPOSED CONCLUSIONS OF LAW:

104. The Proposed Conclusions of Law contained in Counts One through Six are repeated and incorporated herein.

105. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3, N.J.A.C. 19:25-11.1, and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

106. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

107. Respondents violated N.J.S.A. 19:44A-11.3, N.J.A.C. 19:25-11.1, and 19:25-11.2 by knowingly accepting and depositing into the campaign depository a \$5,200.00 contribution from Rahim Islam. This \$5,200.00 contribution exceeds the contribution limit by \$2,600.00.

108. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund \$2,600.00, the excessive portion of the \$5,200.00 contribution, within 48 hours of receipt.

109. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$2,600.00 amount of the \$5,200.00 contribution.

### **COUNT EIGHT**

#### **2013 Q2 – Expenditures**

#### PROPOSED FINDINGS OF FACT:

110. The Proposed Findings of Fact contained in Counts One through Seven are repeated and incorporated herein.

111. Respondents reported 17 expenditures, totaling \$6,807.05, on the 2013 Q2 report.

112. As of the date of this Complaint, Respondents failed to report full payee addresses for the 17 expenditures, totaling \$6,807.05, described in paragraph 111.

#### PROPOSED CONCLUSIONS OF LAW:

113. The Proposed Conclusions of Law contained in Counts One through Seven are repeated and incorporated herein.

114. For each expenditure made during the 2013 Q2 report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, to report the (1) date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

115. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2 by failing to report full payee addresses for 17 expenditures, totaling \$6,807.05, described in paragraph 111.

116. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### COUNT NINE

#### **2013 Q3 – Contributions**

#### PROPOSED FINDINGS OF FACT:

117. The Proposed Findings of Fact contained in Counts One through Eight are repeated and incorporated herein.

118. On October 15, 2013, Respondents filed a certified Form R-1 as a 2013 third quarter report for the municipal election (**2013 Q3 report**), reporting contributions received and expenditures made from July 1, 2013 through September 30, 2013 (**2013 Q3 report period**).

119. On the 2013 Q3 report, Respondents reported a \$1,000.00 contribution from Elbin Garnier, received on September 18, 2013.

120. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the contribution from Elbin Garnier.

121. Respondents received a \$1,000.00 contribution from Beverly Lomax which was deposited into the campaign account on or about August 6, 2013.

122. On the 2013 Q3 report, Respondents reported a \$1,000.00 contribution from Walter P. Lomax Jr., received on August 6, 2013.

123. Respondents did not deposit into the campaign account a \$1,000.00 contribution from Walter P. Lomax Jr.

124. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 121.

125. Respondents received a \$750.00 contribution from John H. Bracey Jr. which was deposited into the campaign account on or about August 6, 2013.

126. On the 2013 Q3 report, Respondents reported two contributions, totaling \$750.00, as follows:

- a. \$375.00 from John Bracey; and
- b. \$375.00 from Ingrid Babb Bracey.

127. Respondents did not deposit into the campaign account a \$375.00 contribution from John Bracey and a \$375.00 contribution from Ingrid Babb Bracey.

128. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 125.

129. On the 2013 Q3 report, Respondents reported six contributions in excess of \$300.00, totaling \$7,600.00, each received by check and drawn on the account of an LLC. Respondents reported the contributor for each of these six contributions as the LLC.

130. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for these six contributions, totaling \$7,600.00, described in paragraph 129.

131. On the 2013 Q3 report, Respondents reported two contributions from Kings Family Restaurant & Catering, totaling \$900.00, as follows:

- a. \$500.00 on July 1, 2013; and
- b. \$400.00 on September 17, 2013.

132. Upon information and belief, Kings Family Restaurant & Catering is a sole proprietorship.

133. As of the date of this Complaint, Respondents have failed to report the contributing individual, who is the sole proprietor, for the two contributions, totaling \$900.00, described in paragraph 131.

134. Respondents received 18 contributions, each in excess of \$300.00, either individually or aggregated with prior contributions from the same contributor, totaling \$10,642.50, which were deposited into the campaign account during the 2013 Q3 report period as follows:

- a. \$200.00 from Gary M. Holmes;
- b. \$200.00 from Courthouse Pizza Inc. Toscana Grill;
- c. \$300.00 from SEIU Local 617 Cope Committee;
- d. \$1,132.50 from Eventbrite;
- e. four contributions, totaling \$2,600.00, from As Per F. Murphy;
- f. \$300.00 from As Per Customers Request;
- g. six contributions, totaling \$2,800.00, received by electronic transfer; and
- h. three currency contributions, totaling \$3,110.00 (\$2,410.00, \$100.00, and \$600.00 deposited on August 15, 2013, August 22, 2013, and September 18, 2013, respectively).

135. As of the date of this Complaint, Respondents have failed to report the 18 contributions, totaling \$10,642.50, described in paragraph 134.

#### PROPOSED CONCLUSIONS OF LAW:

136. The Proposed Conclusions of Law contained in Counts One through Eight are repeated and incorporated herein.

137. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, to file a certified Form R-1 on October 15, 2013, reporting all contributions received and all expenditures made during the 2013 Q3 report period.

138. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, and for all contributions received in currency, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

139. The Respondents were prohibited, pursuant to N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6, from accepting any contribution in the form of currency in excess of \$200.00, in the aggregate from one source, in the municipal election.

140. For each contribution received by check, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)1, to report as the contributor, the individual signing the check if that individual is solely or jointly the account owner.

141. For each contribution received by check drawn on the account of a sole proprietorship, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)6, to report as the contributor, the individual account owner who is the sole proprietor of the unincorporated business entity.

142. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

143. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

144. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A by failing to report complete occupation and employer information for the \$1,000.00 contribution, described in paragraph 119.

145. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, and 19:25-10.2 by failing to report correct contribution information for the \$1,000.00 contribution, described in paragraph 121.

146. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, and 19:25-10.2 by failing to report correct contribution information for the \$750.00 contribution, described in paragraph 125.

147. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report

contribution information for the contributing member or members for the six contributions, totaling \$7,600.00, each drawn on the account of an LLC, described in paragraph 129.

148. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2 by failing to report the contributing individual who is the sole proprietor for each of the two contributions, totaling \$900.00, described in paragraph 131.

149. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, 19:25-10.6, and 19:25-10.16 by failing to report contribution information for 18 contributions, totaling \$10,642.50, described in paragraph 134.

150. Respondents violated N.J.S.A. 19:44A-11 and N.J.A.C. 19:25-10.6 by receiving and depositing into the campaign account during the 2013 Q3 report period, two currency contributions, totaling \$3,010.00, described in paragraph 134h, each exceeding the \$200.00 permitted amount of currency contributions.

151. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## **COUNT TEN**

### **2013 Q3 – Expenditures**

#### **PROPOSED FINDINGS OF FACT:**

152. The Proposed Findings of Fact contained in Counts One through Nine are repeated and incorporated herein.

153. Respondents reported six expenditures, totaling \$595.98, on the 2013Q3 report as follows:

- a. \$200.00, on August 5, 2013, to Terrell;
- b. \$23.98, on September 3, 2013, to Amazon.Com;
- c. \$1.00, on September 3, 2013, for an ATM Service Charge;
- d. \$270.00, on September 27, 2013, to NNT Newark;
- e. \$1.00, on September 27, 2013, for an ATM Service Charge; and

f. \$100.00, on September 21, 2013, to Kings Family.

154. As of the date of this Complaint, Respondents failed to report the full payee name for the expenditure described in paragraph 153a.

155. As of the date of this Complaint, Respondents failed to report full payee addresses for the two expenditures, totaling \$24.98, described in paragraph 153b and c.

156. As of the date of this Complaint, Respondents failed to report payee purpose for the three expenditures, totaling \$371.00, described in paragraph 153d, e, and f.

#### PROPOSED CONCLUSIONS OF LAW:

157. The Proposed Conclusions of Law contained in Counts One through Nine are repeated and incorporated herein.

158. For each expenditure made during the 2013 Q3 report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, to report the (1) date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

159. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2 by failing to report complete expenditure information for six expenditures, totaling \$595.98, described in paragraphs 153 through 156.

160. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT ELEVEN**

#### **2013 Q4 – Contributions**

#### PROPOSED FINDINGS OF FACT:

161. The Proposed Findings of Fact contained in Counts One through Ten are repeated and incorporated herein.

162. On January 15, 2014, Respondents filed a certified Form R-1 as a 2013 fourth quarter report for the municipal election (**2013 Q4 report**), reporting contributions received and expenditures made from October 1, 2013 through December 31, 2013 (**2013 Q4 report period**).

163. On the 2013 Q4 report, Respondents reported six contributions in excess of \$300.00, totaling \$4,900.00, as follows:

- a. \$1,500.00 from Thomas R. Ashley on October 21, 2013;
- b. \$500.00 from Raymond Armour on October 24, 2013;
- c. \$500.00 from Gaston Adriens on November 1, 2013;
- d. \$1,000.00 from William R. Dwyer on November 1, 2013;
- e. \$400.00 from Dorian Herrell on November 7, 2013; and
- f. \$1,000.00 from LaSean Conaway on December 3, 2013.

164. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the six contributions, totaling \$4,900.00.

165. Respondents received a \$1,300.00 contribution from Dean Serratelli which was deposited into the campaign account on or about October 28, 2013.

166. On the 2013 Q4 report, Respondents reported two contributions, totaling \$1,300.00, as follows:

- a. \$700.00 from Dean Serratelli on October 28, 2013; and
- b. \$600.00 from Christina Serratelli October 28, 2013.

167. Respondents did not deposit into the campaign account a \$700.00 contribution from Dean Serratelli and a \$600.00 contribution from Christina Serratelli.

168. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 165.

169. Respondents received a \$1,000.00 contribution from Arthur Turner Jr. which was deposited into the campaign account on or about December 4, 2013.

170. On the 2013 Q4 report, Respondents reported a \$1,000.00 contribution from Emma Herron, on December 4, 2013.

171. Respondents did not deposit into the campaign account a \$1,000.00 contribution from Emma Herron.

172. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 169.

173. On the 2013 Q4 report, Respondents reported two contributions, totaling \$1,000.00, as follows:

- a. \$400.00, from Under Pressure Auto LLC on November 7, 2013; and,
- b. \$600.00 from Intra Capital Holdings on November 7, 2013.

174. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for each of the two contributions, totaling \$1,000.00, described in paragraph 173, drawn on the account of an LLC.

175. On the 2013 Q4 report, Respondents reported two contributions, totaling \$750.00, as follows:

- a. \$350.00 from Damours Dry Cleaners Valet Service on November 1, 2013; and,
- b. \$400.00 from Kings Family Restaurant & Catering on November 7, 2013.

176. Upon information and belief, each of the two reported contributors, described in paragraph 175, is a sole proprietorship.

177. As of the date of this Complaint, Respondents have failed to report the contributing individual of the sole proprietorship for each of the two contributions, totaling \$750.00, described in paragraph 175, drawn on the account of a sole proprietorship business.

178. Respondents received a \$2,000.00 contribution from Newark Cab Association Inc. which was deposited into the campaign account on or about November 1, 2013.

179. On the 2013 Q4 report, Respondents reported a \$500.00 contribution from Newark Cab Association Inc on November 1, 2013.

180. Upon information and belief, the contribution from Newark Cab Association Inc. was in the amount of \$2,000.00, not \$500.00. Respondents did not deposit into the campaign account a \$500.00 contribution from Newark Cab Association Inc.

181. As of the date of this Complaint, Respondents have failed to report the \$2,000.00 contribution from Newark Cab Association Inc., described in paragraph 178.

182. During the 2013 Q4 report period, Respondents deposited into the campaign account an additional 22 contributions, each in excess of \$300.00, either individually or aggregated with prior contributions from the same contributor, totaling \$9,195.00.

183. As of the date of this Complaint, Respondents have failed to report the 22 contributions, totaling \$9,195.00.

## PROPOSED CONCLUSIONS OF LAW:

184. The Proposed Conclusions of Law contained in Counts One through Ten are repeated and incorporated herein.

185. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, to file a certified Form R-1 on January 15, 2014, reporting all contributions received and all expenditures made during the 2013 Q4 report period.

186. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, and for all contributions received in currency, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

187. For each contribution received by check drawn on the account of a sole proprietorship, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)6, to report as the contributor, the individual account owner who is the sole proprietor of the unincorporated business entity.

188. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

189. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

190. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report contribution information for the contributing member or members for each of the two contributions, totaling \$1,000.00, described in paragraph 173.

191. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A by failing to report

complete occupation and employer information for six contributions, totaling \$4,900.00, described in paragraph 163.

192. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report correct contribution information for two contributions, totaling \$2,300.00, described in paragraphs 165 and 169.

193. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2 by failing to report the contributing individual who is the sole proprietor for each of the two contributions, totaling \$750.00, described in paragraph 175.

194. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report the correct contribution amount for the \$2,000.00 contribution described in paragraph 178.

195. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-10.2 by failing to report the 22 contributions, totaling \$9,195.00, described in paragraph 182.

196. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## **COUNT TWELVE**

### **2013 Q4 – Expenditures**

#### **PROPOSED FINDINGS OF FACT:**

197. The Proposed Findings of Fact contained in Counts One through Eleven are repeated and incorporated herein.

198. Respondents reported on the 2013 Q4 report a \$72.11 expenditure on October 29, 2013, as a DBT Purchase.

199. As of the date of this Complaint, Respondents failed to report the payee name, address, and purpose for the expenditure described in paragraph 198.

PROPOSED CONCLUSIONS OF LAW:

200. The Proposed Conclusions of Law contained in Counts One through Eleven are repeated and incorporated herein.

201. For each expenditure made during the 2013 Q4 report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, to report the (1) date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

202. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2 by failing to report the payee name, address, and purpose for the \$72.11 expenditure, described in paragraph 198.

203. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

**COUNT THIRTEEN**

**29-day Report– Contributions**

PROPOSED FINDINGS OF FACT:

204. The Proposed Findings of Fact contained in Counts One through Twelve are repeated and incorporated herein.

205. On April 14, 2014, Respondents filed a certified Form R-1 as a 29-day preelection report for the municipal election (**29-day report**), reporting contributions received and expenditures made from January 1, 2014 through April 11, 2014 (**29-day report period**).

206. On the 29-day report, Respondents reported 18 contributions, totaling \$16,050.00.

207. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the 18 contributions, totaling \$16,050.00.

208. Respondents received a \$2,000.00 contribution from Deborah Sagner which was deposited on or about March 10, 2014. Deborah Sagner signed the check.

209. On the 29-day report, Respondents reported a \$2,000.00 contribution from Alan and Deborah Sagner on March 10, 2014.

210. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 208.

211. Respondents received a \$500.00 contribution from Elizabeth Mitchell Diaz which was deposited on or about March 18, 2014. Elizabeth Mitchell Diaz signed the check.

212. On the 29-day report, Respondents reported a \$500.00 contribution from Elizabeth and Ulises Diaz on March 18, 2014.

213. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 211.

214. Respondents received a \$500.00 contribution from either Thomas R. Ortiz or Myrna C. Ortiz, which was deposited on or about March 18, 2014.

215. On the 29-day report, Respondents reported a \$500.00 contribution from Thomas and Myrna Ortiz on March 18, 2014.

216. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 214.

217. Respondents received a \$1,000.00 contribution from Barry Mandelbaum which was deposited on or about March 27, 2014. Barry Mandelbaum signed the check.

218. On the 29-day report, Respondents reported two contributions, totaling \$1,000.00, as follows:

- a. \$500.00 from Barry Mandelbaum on March 27, 2014; and
- b. \$500.00 from Leslie Mandelbaum on March 27, 2014.

219. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 217.

220. Respondents received a \$5,000.00 contribution from Richard J. Codey which was deposited into the campaign account on or about March 27, 2014. Richard J. Codey signed the check.

221. On the 29-day report, Respondents reported two contributions, totaling \$5,000.00, as follows:

- a. \$2,500.00 from Richard J. Codey on March 27, 2014; and
- b. \$2,500.00 from Mary Jo Codey on March 27, 2014.

222. As of the date of this Complaint, Respondents have failed to correctly report the contribution described in paragraph 220.

223. On the 29-day report, Respondents reported ten contributions in excess of \$300.00, totaling \$10,362.67, each received by check and drawn on the account of an LLC. Respondents reported the contributor for each of these six contributions as the LLC.

224. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for these ten contributions, totaling \$10,362.67, described in paragraph 223.

225. On May 5, 2014, Respondents filed a certified Form R-1 as a 11-day preelection report for the municipal election (**11-day report**), reporting contributions received and expenditures made from April 12, 2014 through April 29, 2014 (**11-day report period**).

226. On the 11-day report, Respondents reported an additional 25 contributions, each in excess of \$300.00, totaling \$32,699.00, which were received during the 29-day period.

227. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for 12 of the 25 contributions, totaling \$11,400.00.

228. Respondents reported the contributor as an LLC for four of the 25 contributions, totaling \$5,950.00, each received by check and drawn on the account of an LLC.

229. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for these four contributions, totaling \$5,950.00.

230. Respondents reported three of the 25 contributions, totaling \$3,349.00, as follows:
- a. \$350.00 from Chinne Construction Co. on April 7, 2014;
  - b. \$1,999.00 from DBA Choices Auto Sales on April 7, 2014; and
  - c. \$1,000.00 from Camille D. Yarbrough – DBA Ancestor House Productions on April 8, 2014.

231. Upon information and belief, each of the three reported contributors, described in paragraph 230, is a sole proprietorship.

232. As of the date of this Complaint, Respondents have failed to report the contributing individual, who is the sole proprietor, for the three contributions, totaling \$3,349.00, described in paragraph 230.

233. During the 29-day report period, Respondents deposited into the campaign account an additional 70 contributions, each in excess of \$300.00, totaling \$45,012.02.

234. As of the date of this Complaint, Respondents have failed to report the 70 contributions, totaling \$45,012.02.

#### PROPOSED CONCLUSIONS OF LAW:

235. The Proposed Conclusions of Law contained in Counts One through Twelve are repeated and incorporated herein.

236. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, to file a certified Form R-1 as a 29-day report on April 14, 2014, reporting all contributions received and all expenditures made during the 29-day report period.

237. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

238. For each contribution received by check, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)1, to report as the contributor, the individual signing the check if that individual is solely or jointly the account owner.

239. For each contribution received by check drawn on the account of a sole proprietorship, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)6, to report as the contributor, the individual account owner who is the sole proprietor of the unincorporated business entity.

240. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

241. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

242. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report contribution information for the contributing member or members for 14 contributions, totaling \$16,312.67, each drawn on the account of an LLC, as follows:

- a. ten contributions, totaling \$10,362.67, described in paragraph 223; and
- b. four contributions, totaling \$5,950.00, described in paragraph 228.

243. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, 19:25-10.2, and 19:25-10.2A by failing to report occupation and employer information for 30 contributions, totaling \$27,450.00, as follows:

- a. 18 contributions, totaling \$16,050.00, described in paragraph 206; and
- b. 12 contributions, totaling \$11,400.00, described in paragraph 227.

244. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report correct contribution information for five contributions, totaling \$9,000.00, described in paragraphs 208, 211, 214, 217, and 220.

245. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2 by failing to report the contributing individual who is the sole proprietor for each of the three contributions, totaling \$3,349.00, described in paragraph 230.

246. Respondents violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by reporting on the 11-day report, 25 contributions, totaling \$32,699.00 received during the 29-day report period and described in paragraph 226, on May 5, 2014 (21 days late).

247. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report contribution information for 70 contributions, totaling \$45,012.02, described in paragraph 233.

248. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## COUNT FOURTEEN

### **Excessive Contribution – Newark Cab Association Inc.**

#### PROPOSED FINDINGS OF FACT:

249. The Proposed Findings of Fact contained in Counts One through Thirteen are repeated and incorporated herein.

250. Respondents received three contributions, totaling \$4,500.00, from Newark Cab Association Inc. as follows:

- a. \$1,500.00 on June 25, 2013;
- b. \$2,000.00 on November 1, 2013, as described in paragraphs 178 through 180;  
and
- c. \$1,000.00 on February 20, 2014.

251. Respondents did not refund to the contributor within 48 hours of receipt, any amount of the \$4,500.00 aggregate contribution described in paragraph 250.

#### PROPOSED CONCLUSIONS OF LAW:

252. The Proposed Conclusions of Law contained in Counts One through Thirteen are repeated and incorporated herein.

253. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

254. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00, in the aggregate, to the contributor within 48 hours of its receipt.

255. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions, totaling \$4,500.00, from Newark Cab Association Inc. The contributions, totaling \$4,500.00, exceed the contribution limit by \$1,900.00.

256. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to the contributor, within 48 hours of receipt, \$900.00, which represents the difference between the \$3,500.00 aggregate contribution and the \$2,600.00 contribution limit, as of November 1, 2013.

257. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to the contributor, within 48 hours of receipt, \$1,900.00, which represents the difference between the \$4,500.00 aggregate contribution and the \$2,600.00 contribution limit, as of February 20, 2014.

258. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$1,900.00 amount of the \$4,500.00 aggregate contribution.

### **COUNT FIFTEEN**

#### **Excessive Contribution – Shabeer Bacchus**

##### **PROPOSED FINDINGS OF FACT:**

259. The Proposed Findings of Fact contained in Counts One through Fourteen are repeated and incorporated herein.

260. Respondents received two contributions, totaling \$3,000.00, from Shabeer Bacchus as follows:

- a. \$1,000.00 on March 29, 2013, described in paragraph 22; and
- b. \$2,000.00 on February 2, 2014.

261. Respondents did not refund or return to the contributor within 48 hours of receipt, any amount of the \$3,000.00 aggregate contribution, described in paragraph 260.

##### **PROPOSED CONCLUSIONS OF LAW:**

262. The Proposed Conclusions of Law contained in Counts One through Fourteen are repeated and incorporated herein.

263. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

264. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00, in the aggregate, to the contributor within 48 hours of its receipt.

265. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions, totaling \$3,000.00, from Shabeer Bacchus. The contributions, totaling \$3,000.00, exceed the contribution limit by \$400.00.

266. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to Shabeer Bacchus, within 48 hours of receipt, \$400.00, the excessive portion of the \$3,000.00 aggregate contribution.

267. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$400.00 amount of the \$3,000.00 aggregate contribution.

### **COUNT SIXTEEN**

#### **Excessive Contribution – Emma Herron**

##### **PROPOSED FINDINGS OF FACT:**

268. The Proposed Findings of Fact contained in Counts One through Fifteen are repeated and incorporated herein.

269. Respondents received three contributions, totaling \$3,200.00, from Emma Herron as follows:

- a. \$200.00 on or about April 9, 2013; and
- b. \$1,500.00 on June 21, 2013; and,
- c. \$1,500.00 on March 5, 2014.

270. Respondents did not refund or return to the contributor within 48 hours of receipt, any amount of the \$3,200.00 aggregate contribution described in paragraph 269.

##### **PROPOSED CONCLUSIONS OF LAW:**

271. The Proposed Conclusions of Law contained in Counts One through Fifteen are repeated and incorporated herein.

272. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

273. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

274. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions totaling \$3,200.00, from Emma Herron. The contributions, totaling \$3,200.00, exceed the contribution limit by \$600.00.

275. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to Emma Herron, within 48 hours of receipt, \$600.00, the excessive portion of the \$3,200.00 aggregate contribution.

276. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$600.00 amount of the \$3,200.00 aggregate contribution.

### **COUNT SEVENTEEN**

#### **Excessive Contribution – Deborah Sagner**

##### **PROPOSED FINDINGS OF FACT:**

277. The Proposed Findings of Fact contained in Counts One through Sixteen are repeated and incorporated herein.

278. Respondents received two contributions, totaling \$3,000.00, from Deborah Sagner as follows:

- a. \$2,000.00 on March 10, 2014, described in paragraph 208; and
- b. \$1,000.00 on March 10, 2014.

279. Respondents did not refund or return to the contributor within 48 hours of receipt, any amount of the \$3,000.00 aggregate contribution described in paragraph 278.

##### **PROPOSED CONCLUSIONS OF LAW:**

280. The Proposed Conclusions of Law contained in Counts One through Sixteen are repeated and incorporated herein.

281. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit, from the same contributor per election.

282. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

283. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions totaling \$3,000.00, from Deborah Sagner. The contributions, totaling \$3,200.00, exceed the contribution limit by \$400.00.

284. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to Deborah Sagner, within 48 hours of receipt, \$400.00, the excessive portion of the \$3,000.00 aggregate contribution.

285. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$400.00 amount of the \$3,000.00 aggregate contribution.

## **COUNT EIGHTEEN**

### **Excessive Contribution – Richard J. Codey**

#### **PROPOSED FINDINGS OF FACT:**

286. The Proposed Findings of Fact contained in Counts One through Seventeen are repeated and incorporated herein.

287. On March 27, 2014, Respondents received a \$5,000.00 contribution from Richard J. Codey, described in paragraph 220.

288. Respondents did not refund to the contributor within 48 hours of receipt, any portion of the \$5,000.00 contribution described in paragraph 287.

#### **PROPOSED CONCLUSIONS OF LAW:**

289. The Proposed Conclusions of Law contained in Counts One through Seventeen are repeated and incorporated herein.

290. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3, N.J.A.C. 19:25-11.1, and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit, from the same contributor per election.

291. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00 to the contributor within 48 hours of its receipt.

292. Respondents violated N.J.S.A. 19:44A-11.3, N.J.A.C. 19:25-11.1, and 19:25-11.2 by knowingly accepting and depositing into the campaign depository a \$5,000.00 contribution from Richard J. Codey. This \$5,000.00 contribution exceeds the contribution limit by \$2,400.00.

293. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to Richard J. Codey, within 48 hours of receipt, \$2,400.00, the excessive portion of the \$5,000.00 contribution.

294. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$2,400.00 amount of the \$5,000.00 contribution.

## **COUNT NINETEEN**

### **Excessive Contribution – New Jersey State Laborers’ Political Action Committee**

#### **Federal Account**

#### **PROPOSED FINDINGS OF FACT:**

295. The Proposed Findings of Fact contained in Counts One through Eighteen are repeated and incorporated herein.

296. Respondents received two contributions, totaling \$10,800.00, from New Jersey State Laborers’ Political Action Committee Federal Account as follows:

- a. \$2,600.00 on March 14, 2014;
- b. \$8,200.00 on March 14, 2014.

297. Respondents did not refund or return to the contributor within 48 hours of receipt, any amount of the \$10,800.00 aggregate contribution described in paragraph 296.

## PROPOSED CONCLUSIONS OF LAW:

298. The Proposed Conclusions of Law contained in Counts One through Eighteen are repeated and incorporated herein.

299. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$8,200.00 contribution limit from the same continuing political committee contributor per election.

300. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$8,200.00, in the aggregate, to the contributor within 48 hours of its receipt.

301. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions totaling \$10,800.00, from New Jersey State Laborers' Political Action Committee Federal Account. The contributions, totaling \$10,800.00, exceed the contribution limit by \$2,600.00.

302. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to the contributor, within 48 hours of receipt, \$2,600.00, the excessive portion of the \$10,800.00 aggregate contribution.

303. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$2,600.00 amount of the \$10,800.00 aggregate contribution.

## COUNT TWENTY

### **11-day Report– Contributions**

#### PROPOSED FINDINGS OF FACT:

304. The Proposed Findings of Fact contained in Counts One through Nineteen are repeated and incorporated herein.

305. On May 5, 2014, Respondents filed the 11-day report reporting contributions received and expenditures made from April 12, 2014 through April 29, 2014 (**11-day report period**).

306. On the 11-day report, Respondents reported 11 contributions, each in excess of \$300.00, totaling \$6,300.00.

307. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the 11 contributions, totaling \$6,300.00.

308. On the 11-day report, Respondents also reported seven contributions in excess of \$300.00, totaling \$6,710.00, each received by check and drawn on the account of an LLC. Respondents reported the contributor for each of these seven contributions as the LLC.

309. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for these seven contributions, totaling \$6,710.00, described in paragraph 308.

310. On the 11-day report, Respondents reported the receipt on April 15, 2014, of a \$2,500.00 contribution from Elza's Restaurant Café & Grill.

311. Upon information and belief, Elza's Restaurant Café & Grill is a sole proprietorship.

312. As of the date of this Complaint, Respondents have failed to report the contributing individual, who is the sole proprietor, for the \$2,500.00 contribution, described in paragraph 310.

313. During the 11-day report period, Respondents deposited an additional 20 contributions, each in excess of \$300.00, either individually or aggregated with prior contributions from the same contributor, totaling \$8,440.00.

314. As of the date of this Complaint, Respondents have failed to report contribution information for the 20 contributions, totaling \$8,440.00.

#### PROPOSED CONCLUSIONS OF LAW:

315. The Proposed Conclusions of Law contained in Counts One through Nineteen are repeated and incorporated herein.

316. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, to file a certified Form R-1 as an 11-day report on May 2, 2014, reporting all contributions received and all expenditures made during the 11-day report period.

317. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2)

contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

318. For each contribution received by check drawn on the account of a sole proprietorship, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)6, to report as the contributor, the individual account owner who is the sole proprietor of the unincorporated business entity.

319. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

320. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

321. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report contribution information for the contributing member or members for the seven contributions, totaling \$6,710.00, each drawn on the account of an LLC, described in paragraph 308.

322. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report occupation and employer information for 11 contributions, totaling \$6,300.00, described in paragraphs 306 and 307.

323. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2 by failing to report the contributing individual who is the sole proprietor for the \$2,500.00 contribution, described in paragraphs 310.

324. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report 20 contributions, totaling \$8,440.00, described in paragraph 313.

325. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT TWENTY-ONE**

#### **Excessive Contribution – Dente Bros. Towing Co Inc.**

##### **PROPOSED FINDINGS OF FACT:**

326. The Proposed Findings of Fact contained in Counts One through Twenty are repeated and incorporated herein.

327. Respondents received three contributions, totaling \$2,800.00 , from Dente Bros. Towing Co Inc. as follows:

- a. \$1,000.00 on July 9, 2013;
- b. \$800.00 on March 17, 2014; and
- c. \$1,000.00 on April 18, 2014.

328. Respondents did not refund to the contributor within 48 hours of receipt, any amount of the \$2,800.00 aggregate contribution described in paragraph 327.

##### **PROPOSED CONCLUSIONS OF LAW:**

329. The Proposed Conclusions of Law contained in Counts One through Twenty are repeated and incorporated herein.

330. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

331. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00, in the aggregate, to the contributor within 48 hours of its receipt.

332. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions, totaling \$2,800.00, from Dente Bros. Towing Co Inc. The contributions, totaling \$2,800.00, exceed the contribution limit by \$200.00.

333. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to the contributor, within 48 hours of receipt, \$200.00, which represents the difference between the \$2,800.00 aggregate contribution and the \$2,600.00 contribution limit.

334. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$200.00 amount of the \$2,800.00 aggregate contribution.

### **COUNT TWENTY-TWO**

#### **20-day Report– Contributions**

##### **PROPOSED FINDINGS OF FACT:**

335. The Proposed Findings of Fact contained in Counts One through Twenty-One are repeated and incorporated herein.

336. On June 4, 2014, Respondents filed a certified Form R-1 as a 20-day postelection report for the municipal election (**20-day report**), reporting contributions received and expenditures made from April 30, 2014 through May 30, 2014 (**20-day report period**).

337. On the 20-day report, Respondents reported 24 contributions in excess of \$300.00, totaling \$18,550.00.

338. As of the date of this Complaint, Respondents have failed to report complete occupation and employer information for the 24 contributions, totaling \$18,550.00, described in paragraph 337.

339. On the 20-day report, Respondents also reported a \$1,000.00 contribution received on May 9, 2014, by check and drawn on the account of C & C Architecture, an LLC. Respondents reported the contributor for this contribution as the LLC.

340. As of the date of this Complaint, Respondents have failed to report contribution information for the contributing member or members for the \$1,000.00 contribution, described in paragraph 339.

341. On the 20-day report, Respondents reported a \$1,000.00 contribution, received on May 2, 2014, from Newark Auto Body & Service.

342. Upon information and belief, Newark Auto Body & Service is a sole proprietorship.

343. As of the date of this Complaint, Respondents have failed to report the contributing individual, who is the sole proprietor, for the \$1,000.00 contribution, described in paragraph 341.

344. During the 20-day report period, Respondents deposited an additional 31 contributions, each in excess of \$300.00, either individually or aggregated with prior contributions from the same contributor, totaling \$72,115.00.

345. As of the date of this Complaint, Respondents have failed to report the 31 contributions, totaling \$72,115.00.

#### PROPOSED CONCLUSIONS OF LAW:

346. The Proposed Conclusions of Law contained in Counts One through Twenty-One are repeated and incorporated herein.

347. Respondents were required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, to file a certified Form R-1 as an 20-day report on June 2, 2014, reporting all contributions received and all expenditures made during the 20-day report period.

348. For each contribution exceeding \$300.00, either individually or aggregated with prior contributions from the same contributor, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt; (2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

349. For each contribution received by check drawn on the account of a sole proprietorship, Respondents were required, pursuant to N.J.A.C. 19:25-10.15(a)6, to report as the contributor, the individual account owner who is the sole proprietor of the unincorporated business entity.

350. LLCs are not permitted to make contributions as entities, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10. For each contribution drawn on the account of an LLC, Respondents were required, pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10, to determine the individual contributing member or members and maintain a record of contributor information.

351. For each contribution received in excess of \$300.00 from a contributing member of an LLC, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, to report the (1) date of receipt; (2) contribution amount; (3)

contributor's name; (4) contributor's address; (5) contributor's occupation; and (6) name and address of contributor's employer.

352. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report occupation and employer information for 24 contributions, totaling \$18,550.00, described in paragraph 337.

353. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2, 19:25-10.2A, and 19:25-11.10, by failing to report contribution information for the contributing member or members for the \$1,000.00 contribution, drawn on the account of an LLC, described in paragraph 339.

354. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-10.2 by failing to report the contributing individual who is the sole proprietor for the \$1,000.00 contribution, described in described in paragraph 341.

355. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-10.2 by failing to report contribution information for 31 contributions, totaling \$72,115.00, described in paragraph 344.

356. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT TWENTY-THREE**

#### **Excessive Contribution – Thomas Ashley**

##### **PROPOSED FINDINGS OF FACT:**

357. The Proposed Findings of Fact contained in Counts One through Twenty-Two are repeated and incorporated herein.

358. Respondents received two contributions, totaling \$3,000.00, from Thomas Ashley as follows:

- a. \$1,500.00 on October 21, 2013; and
- b. \$1,500.00 on May 6, 2014.

359. Respondents did not refund to the contributor within 48 hours of receipt, any amount of the \$3,000.00 aggregate contribution described in paragraph 358.

PROPOSED CONCLUSIONS OF LAW:

360. The Proposed Conclusions of Law contained in Counts One through Twenty-Two are repeated and incorporated herein.

361. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$2,600.00 contribution limit from the same contributor per election.

362. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$2,600.00, in the aggregate, to the contributor within 48 hours of its receipt.

363. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions, totaling \$3,000.00, from Thomas Ashley. The contributions, totaling \$3,000.00, exceed the contribution limit by \$400.00.

364. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund to the contributor, within 48 hours of receipt, \$400.00, which represents the difference between the \$3,000.00 aggregate contribution and the \$2,600.00 contribution limit.

365. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$400.00 amount of the \$3,000.00 aggregate contribution.

**COUNT TWENTY-FOUR**

**Excessive Contribution – Newark Teachers Union COPE Fund**

PROPOSED FINDINGS OF FACT:

366. The Proposed Findings of Fact contained in Counts One through Twenty-Three are repeated and incorporated herein.

367. Respondents received four contributions, totaling \$10,243.75, from Newark Teachers Union COPE Fund as follows:

- a. \$2,000.00 on April 4, 2013;
- b. \$450.00 on or about June 19, 2013;

- c. \$7,653.75 on May 6, 2014; and,
- d. \$140.00 on or about May 7, 2014.

368. Respondents did not refund to the contributor within 48 hours of receipt, any amount of the \$10,243.75 aggregate contribution described in paragraph 367.

#### PROPOSED CONCLUSIONS OF LAW:

369. The Proposed Conclusions of Law contained in Counts One through Twenty-Three are repeated and incorporated herein.

370. Respondents were prohibited pursuant to N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 from knowingly accepting and depositing contributions that exceed the \$8,200.00 contribution limit from the same continuing political committee contributor per election.

371. Respondents were required, pursuant to N.J.A.C. 19:25-11.8, to return the excessive portion of any contribution exceeding \$8,200.00, in the aggregate, to the continuing political committee contributor within 48 hours of its receipt.

372. Respondents violated N.J.S.A. 19:44A-11.3 and N.J.A.C. 19:25-11.1 and 19:25-11.2 by knowingly accepting and depositing into the campaign depository contributions totaling \$10,243.75, from Newark Teachers Union COPE Fund. The contributions, totaling \$10,243.75, exceed the contribution limit by \$2,043.75.

373. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund or return to the contributor, within 48 hours of receipt, \$1,903.75, which represents the difference between the \$10,103.75 aggregate contribution and the \$8,200.00 contribution limit, as of May 6, 2014.

374. Respondents also violated N.J.A.C. 19:25-11.8, by failing to refund or return to the contributor, within 48 hours of receipt, \$2,043.75, which represents the difference between the \$10,243.75 aggregate contribution and the \$8,200.00 contribution limit, as of May 7, 2014.

375. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22e and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$10,000.00 for willfully and intentionally accepting, retaining and not returning or refunding within 48 hours of receipt, the \$2,043.75 amount of the \$10,243.75 aggregate contribution.

## COUNT TWENTY-FIVE

### **20-day – Expenditures**

#### **PROPOSED FINDINGS OF FACT:**

376. The Proposed Findings of Fact contained in Counts One through Twenty-Four are repeated and incorporated herein.

377. Respondents reported 79 expenditures, totaling \$7,800.00, on the 20-day report.

378. Respondents reported “YFRB” as the payee purpose for each of the 79 expenditures, described in paragraph 377.

379. As of the date of this Complaint, Respondents failed to report correctly the payee purpose for these 79 expenditures, totaling \$7,800.00.

380. Respondents reported a \$10,000.00 expenditure to Berlin Rosen Ltd., on the 20-day report.

381. Respondents reported “wire transfer” as the payee purpose for this \$10,000.00 expenditure, described in paragraph 380.

382. As of the date of this Complaint, Respondents failed to report correctly the payee purpose for this \$10,000.00 expenditure.

#### **PROPOSED CONCLUSIONS OF LAW:**

383. The Proposed Conclusions of Law contained in Counts One through Twenty-Four are repeated and incorporated herein.

384. For each expenditure made during the 20-day report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-12.2, to report the (1) date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

385. For all expenditures made to individuals, Respondents were required, pursuant to N.J.A.C. 19:25-12.6, to report the purpose of the expenditure, including itemization of the specific services provided by the individual-payee.

386. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 and 19:25-12.2 by failing to report complete expenditure information, including payee purpose, for 80 expenditures, totaling \$17,800.00, described in paragraphs 377 and 380.

387. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT TWENTY-SIX**

#### **2014 Q3 Report – Contribution**

##### **PROPOSED FINDINGS OF FACT:**

388. The Proposed Findings of Fact contained in Counts One through Twenty-Five are repeated and incorporated herein.

389. During the period of time from May 31, 2014 through September 30, 2014 (**2014 Q3 report period**), a \$500.00 contribution was received by electronic transfer, Transfer Frm Ck XXXXXXXXX9209, and deposited into the campaign account on June 10, 2014.

390. On July 15, 2014, Respondents filed a certified Form R-1 designated as a 2014 second quarter report for the municipal election (**2014 Q2 report**), reporting contributions received and expenditures made.

391. On the 2014 Q2 report, Respondents reported the \$500.00 contribution, described in paragraph 389.

392. As of the date of this Complaint, Respondents have failed to report contributor information for this \$500.00 contribution.

393. As of the date of this Complaint, Respondents have not filed a certified Form R-1 as a 2014 third quarter report (**2014 Q3 report**).

##### **PROPOSED CONCLUSIONS OF LAW:**

394. The Proposed Conclusions of Law contained in Counts One through Twenty-Five are repeated and incorporated herein.

395. Respondents were required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, to certify as correct and file a Form R-1 as a 2014 Q3 report on October 15, 2014, reporting all contributions received and expenditures made during the 2014 Q3 report period.

396. For each contribution exceeding \$300.00, Respondents were required, pursuant to N.J.S.A. 19:44A-16 and 19:44A-11.8 and N.J.A.C. 19:25-10.2, to report the (1) date of receipt;

(2) contribution amount; (3) contributor's name; and (4) contributor's address. Where the contributor was an individual, N.J.A.C. 19:25-10.2A requires the reporting of (5) his or her occupation and (6) the name and address of his or her employer.

397. Respondents violated, and continue to violate as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 by failing to file a certified 2014 Q3 report, described in paragraph 395.

398. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.16, by failing to report contributor information for the \$500.00 contribution, described in paragraph 389, received and deposited during the 2014 Q3 reporting period.

399. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 et seq., which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

## COUNT TWENTY-SEVEN

### **2014 Q3 Report – Expenditure**

#### **PROPOSED FINDINGS OF FACT:**

400. The Proposed Findings of Fact contained in Counts One through Twenty-Six are repeated and incorporated herein.

401. During the 2014 Q3 report period, Respondents made a \$1,281.63 expenditure, on or about July 7, 2014, as a closeout from the campaign account.

402. As of the date of this Complaint, Respondents have not filed a certified 2014 Q3 report, reporting the \$1,281.63 expenditure, described in paragraph 401.

#### **PROPOSED CONCLUSIONS OF LAW:**

403. The Proposed Conclusions of Law contained in Counts One through Twenty-Six are repeated and incorporated herein.

404. For each expenditure made during the 2014 Q3 report period, Respondents were required, pursuant N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, to report the (1)

date expenditure was made; (2) full name and address of payee; (3) purpose; (4) amount; and (5) check number.

405. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.3 and 19:25-12.2, by failing to report the \$1,281.63 expenditure, described in paragraph 401.

406. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

### **COUNT TWENTY-EIGHT**

#### **Failure to File Final Report**

##### PROPOSED FINDINGS OF FACT:

407. The Proposed Findings of Fact contained in Counts One through Twenty-Seven are repeated and incorporated herein.

408. As of the date of this Complaint, Respondents have not filed a certified Form R-1 as a final election fund report (**final report**) for the municipal election.

##### PROPOSED CONCLUSIONS OF LAW:

409. The Proposed Conclusions of Law contained in Counts One through Twenty-Seven are repeated and incorporated herein.

410. Respondents were required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.7, to file a certified Form R-1 as a final report for the municipal election to certify that there is no remaining balance in the campaign account, that there are no remaining outstanding obligations, and that the candidate committee has been dissolved and wound-up its business, or to continue to file quarterly reports thereafter until a final report is filed.

411. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.7 by failing to file a certified Form R-1 as a final report for the municipal election.

412. Respondents are each subject to imposition by the Commission of the penalties prescribed by N.J.S.A. 19:44A-22 and N.J.A.C. 19:25-17.1 *et seq.*, for failing to file a final report

for the election, which penalties may not be more than \$7,600.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

**OPPORTUNITY FOR HEARING:**

Pursuant to N.J.A.C. 19:25-17.1, Respondents shall have the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 *et seq.* and N.J.A.C. 1:1. Respondents may appear personally or by attorney. However, if Respondents fail to file a written answer with the Commission within 20 days after service of this Complaint, the Commission may enter a Final Decision, including imposition of a monetary penalty.

NEW JERSEY ELECTION LAW  
ENFORCEMENT COMMISSION

BY: \_\_\_\_\_

Gail L. Shanker, Esq.  
Assistant Legal Counsel

DATE: October 27, 2017

Ras Baraka, Candidate  
CERTIFIED MAIL NO. 7017 0530 0000 0653 6225  
RETURN RECEIPT REQUESTED

Frederick Murphy, Treasurer  
CERTIFIED MAIL NO. 7017 0530 0000 0653 6232  
RETURN RECEIPT REQUESTED