

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,

C-H 1307 0003 01-Q2012-Q2013

v.

BELMAR DEMOCRATIC COMMITTEE,
a Municipal Political Party Committee,

and

LUIS B. PULIDO
Organizational Treasurer,

Respondents.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (**Commission**) hereby files a Complaint against Belmar Democratic Committee (**Respondent Committee**) and Luis B. Pulido (**Respondent Treasurer**) (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

PROPOSED FINDINGS OF FACT:

1. On August 10, 2016, Respondent Committee filed a Political Party Committee – Designation of Organizational Treasurer and Depository (**Form D-3**), for the time period from July 1, 2012 through June 30, 2013 (**2012 reporting period**). The Form D-3 designated an account maintained at Kearny Federal Savings Bank as the campaign depository account and named Respondent Pulido as the campaign treasurer. The Form D-3 was not certified.

2. On September 6, 2016, Respondent Committee filed an amended Form D-3 for the 2012 reporting period. The amended Form D-3 was certified by Respondent Pulido.

PROPOSED CONCLUSIONS OF LAW:

3. At all times relevant to this Complaint, Respondent Committee was a municipal political party committee, as the term is defined at N.J.S.A. 19:44A-3p, and therefore was subject to the requirements of the Campaign Act and Commission Regulations.

4. At all times relevant to this Complaint, Respondent Pulido was the organizational treasurer for Respondent Committee and therefore was subject to the requirements of the Campaign Act and Commission Regulations.

5. Respondent Committee was required, pursuant to N.J.S.A. 19:44A-10 and N.J.A.C. 19:25-4.6, to file a certified Form D-3 for the 2012 reporting period on July 10, 2012.

6. Respondent Committee violated N.J.S.A. 19:44A-10 and N.J.A.C. 19:25-4.6 by filing a certified Form D-3 for the 2012 reporting period on September 6, 2016 (1,519 days late).

7. Respondent Committee 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

COUNT TWO

PROPOSED FINDINGS OF FACT:

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

9. On August 10, 2016, Respondent Committee filed a Form D-3 for the time period from July 1, 2013 through June 30, 2014 (**2013 reporting period**). The Form D-3 designated an account maintained at Kearny Federal Savings Bank as the campaign depository account and named Respondent Pulido as the campaign treasurer. The Form D-3 was not certified.

10. On September 6, 2016, Respondent Committee filed an amended Form D-3 for the 2013 reporting period. The amended Form D-3 was certified by Respondent Pulido.

PROPOSED CONCLUSIONS OF LAW:

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

12. Respondent Committee was required, pursuant to N.J.S.A. 19:44A-10 and N.J.A.C. 19:25-4.6, to file a certified Form D-3 for the 2013 reporting period on July 10, 2013.

13. Respondent Committee violated N.J.S.A. 19:44A-10 and N.J.A.C. 19:25-4.6 by filing a certified Form D-3 for the 2013 reporting period on September 6, 2016 (1,154 days late).

14. Respondent Committee 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 THREE

PROPOSED FINDINGS OF FACT:

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

16. On July 16, 2014, Respondents filed a certified Receipts and Expenditures Quarterly Report (**Form R-3**) as a 2013 first quarterly report (**2013-Q1 report**), reporting contributions received and expenditures made from January 1, 2013 through March 31, 2013 (**2013-Q1 reporting period**).

17. On the 2013-Q1 report, Respondents reported nine expenditures totaling \$429.97.

PROPOSED CONCLUSIONS OF LAW:

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

19. Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1, to file a certified Form R-3 as a 2013-Q1 report on April 15, 2013, reporting all contributions received and expenditures made during the 2013-Q1 reporting period.

20. For each expenditure made during the 2013-Q1 reporting period, Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2, to report the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check.

21. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2 by reporting the expenditures in paragraph 17 on July 16, 2014 (457 days late).

22. 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 FOUR

PROPOSED FINDINGS OF FACT:

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

24. On July 16, 2014, Respondents filed a certified Form R-3 as a 2013 second quarterly report (**2013-Q2 report**) reporting contributions received and expenditures made from April 1, 2013 through June 30, 2013 (**2013-Q2 reporting period**).

25. On the 2013-Q2 report, Respondents report a \$1,087.61 contribution received on June 27, 2013 from “Jen & Connie for Council 2012.”

26. Upon information and belief, the contribution described in paragraph 25 was received from “Nicolay for Council.”

27. On the 2013-Q2 report, Respondents also report the following:

- a. Contributions of \$300.00 or less totaling \$200.00; and
- b. Nine expenditures totaling \$239.97.

PROPOSED CONCLUSIONS OF LAW:

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

29. Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1, to file a certified Form R-3 as a 2013-Q2 report on July 15, 2013, reporting all contributions received and expenditures made during the 2013-Q2 reporting period.

30. Pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-10.2, for each contribution exceeding \$300.00, Respondents were required 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 required Respondents to include (5) his or her occupation and (6) the name and address of his or her employer.

31. Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-10.3, to report the sum of contributions of \$300.00 or less received during the 2013-Q2 reporting period.

32. For each expenditure made during the 2013-Q2 reporting period, Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2, to report the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check.

33. Respondents violated N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-10.2 by reporting the incorrect contributor information for a contribution of \$1,087.61. Respondents continue to violate by failing to report the correct information as of the date of this Complaint.

34. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-10.3 by reporting the information in paragraph 27(a) on July 16, 2014 (366 days late).

35. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2 by reporting the expenditures in paragraph 27(b) on July 16, 2014 (366 days late).

36. 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 FIVE

PROPOSED FINDINGS OF FACT:

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

38. On July 16, 2014, Respondents filed a certified Form R-3 as a 2013 third quarterly report (**2013-Q3 report**) reporting contributions received and expenditures made from July 1, 2013 through September 30, 2013 (**2013-Q3 reporting period**).

39. Respondents' 2013-Q3 reported the following:

- a. A \$1,000.00 contribution;
- b. Contributions of \$300.00 or less, totaling \$300.00; and
- c. Nine expenditures totaling \$1,229.97.

PROPOSED CONCLUSIONS OF LAW:

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

41. Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1, to file a certified Form R-3 as a 2013-Q3 report on October 15, 2013, reporting all contributions received and expenditures made during the 2013-Q3 reporting period.

42. Pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-10.2, for each contribution exceeding \$300.00, Respondents were required 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 required Respondents to include (5) his or her occupation and (6) the name and address of his or her employer.

43. Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-10.3, to report the sum of contributions of \$300.00 or less received during the 2013-Q3 reporting period.

44. For each expenditure made during the 2013-Q3 reporting period, Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2, to report the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check.

45. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1, 19:25-10.2 and 19:25-10.3 by reporting the contributions in paragraph 39(a) and (b) on July 16, 2014 (274 days late).

46. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2 by reporting the expenditures in paragraph 39(c) on July 16, 2014 (274 days late).

47. 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

PROPOSED FINDINGS OF FACT:

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

49. On July 16, 2014, Respondents filed a certified Form R-3 as a fourth quarterly report (**2013-Q4 report**) reporting contributions received and expenditures made from October 1, 2013 through December 31, 2013 (**2013-Q4 reporting period**).

50. On the 2013-Q4 report, Respondents report five contributions in excess of \$300.00, totaling \$8,300.00.

51. On the 2013-Q4 report, Respondents report twenty expenditures totaling \$5,121.08 but did not report the purpose for one \$850.00 expenditure.

PROPOSED CONCLUSIONS OF LAW:

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

53. Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1, to file a certified Form R-3 as a 2013-Q4 report on January 15, 2014, reporting all contributions received and expenditures made during the 2013-Q4 reporting period.

54. Pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-10.2, for each contribution exceeding \$300.00, Respondents were required 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 required Respondents to include (5) his or her occupation and (6) the name and address of his or her employer.

55. For each expenditure made during the 2013-Q4 reporting period, Respondents were required, pursuant to N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2, to report the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check.

56. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-10.2 by reporting the contributions in paragraph 50 on July 16, 2014 (182 days late).

57. Respondents violated N.J.S.A. 19:44A-8, N.J.A.C. 19:25-9.1 and 19:25-12.2 by reporting the expenditures in paragraph 51 on July 16, 2014 (182 days late).

58. Respondents violated N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-12.2 by failing to report the purpose for an \$850.00 expenditure and continue to violate by failing to report required expenditure information as of the date of this Complaint.

59. 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.

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 52:14F-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 the Complaint, the Commission may enter a Final Decision including imposition of a monetary penalty, pursuant to N.J.A.C. 19:25-17.1A.

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

DATE: July 11, 2018

BY: _____
TIA DINH
Assistant Legal Counsel

Belmar Democratic Committee
CERTIFIED MAIL NO. 7007 3020 0001 8597 4254
RETURN RECEIPT REQUESTED

Luis B. Pulido
CERTIFIED MAIL NO. 7007 3020 0001 8597 4261
RETURN RECEIPT REQUESTED