

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

v.

EUGENE MEOLA JR.,
Candidate for Municipal Office,
Roselle Park Borough, Union County,

C-9 2015 04 01-P2014

Respondent.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (hereafter, the **Commission**) hereby files a Complaint against Eugene Meola Jr. (hereafter, **Respondent**) and offers Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act, (N.J.S.A. 52:14B-1 et seq.), to determine whether Respondent failed, neglected or omitted to file any such report or information at the time and in the manner prescribed by law, or in any other way violated the provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the **Act**) and N.J.A.C. 19:25-1 et seq. (hereafter, **Commission Regulations**), and is therefore subject to penalties provided by the Act.

The Commission by way of Complaint alleges:

FIRST COUNT

PROPOSED FINDINGS OF FACT:

1. Respondent sought election to Municipal Office, Roselle Park Borough, Union County, in the 2014 primary election conducted on June 3, 2014 (hereafter, the **election**).
2. As of the date of this Complaint, Respondent has not filed a certified Report of Contributions and Expenditures (**Form R-1**) as a 29-day preelection report (hereafter, **29-day report**), or a Candidate – Sworn Statement (**Form A-1**) or a Joint Candidates Committee – Sworn Statement (**Form A-2**) for the election.

PROPOSED CONCLUSIONS OF LAW:

3. Respondent was a candidate, as defined by N.J.S.A. 19:44A-3c, in the election, and therefore was subject to the requirements of the Act and Commission Regulations.
4. Respondent was 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 May 5, 2014, reporting contributions received and expenditures made from when Respondent first received a contribution or made an expenditure in the election through May 2, 2014.
5. For each contribution greater than \$300.00, either alone or when aggregated with other contributions from the same contributor in the election, Respondent was required to report the name and address of the contributor, dates of receipt, and contribution amounts, pursuant to N.J.A.C. 19:25-10.2. Where the contributor is an individual, Respondent was required to report the occupation of the contributor and the name and address of the contributor's employer, pursuant to N.J.A.C. 19:25-10.2A. Respondent was also required to report all expenditures through May 2, 2014, pursuant to N.J.A.C. 19:25-12.1.
6. In lieu of Form R-1, N.J.S.A. 19:44A-16d and N.J.A.C. 19:25-8.4 require Respondent to file Form A-1 or Form A-2 on or before May 5, 2014.
7. Respondent violated and continues 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 19:25-8.4 by failing to file a 29-day report, Form A-1, or Form A-2 for the election.
8. Respondent 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. for failing to file the 29-day report, Form A-1, or Form A-2, which penalties may not be more than \$7,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Act or Commission Regulations.

SECOND COUNT

PROPOSED FINDINGS OF FACT:

9. The Proposed Findings of Fact contained in the First Count of this Complaint are repeated and incorporated herein as if set forth in full below.

10. As of the date of this Complaint, Respondent has not filed a certified 11-day preelection report (hereafter, **11-day report**) for the election.

PROPOSED CONCLUSIONS OF LAW:

11. The Proposed Conclusions of Law contained in the First Count of this Complaint are repeated and incorporated herein as if set forth in full below.

12. Respondent was 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 23, 2014, reporting contributions received and expenditures made from May 3, 2014 through May 20, 2014.

13. For each contribution greater than \$300.00, either alone or when aggregated with other contributions from the same contributor in the election, Respondent was required to report the name and address of the contributor, dates of receipt, and contribution amounts, pursuant to N.J.A.C. 19:25-10.2. Where the contributor is an individual, Respondent was required to report the occupation of the contributor and the name and address of the contributor's employer, pursuant to N.J.A.C. 19:25-10.2A. Respondent was also required to report all expenditures from May 3, 2014 through May 20, 2014, pursuant to N.J.A.C. 19:25-12.1.

14. Respondent violated and continues 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 by failing to file an 11-day report for the election.

15. Respondent 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.* for failing to file the 11-day report, which penalties may not be more than \$7,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Act or Commission Regulations.

THIRD COUNT

PROPOSED FINDINGS OF FACT:

16. The Proposed Findings of Fact contained in the First and Second Counts of this Complaint are repeated and incorporated herein as if set forth in full below.

17. As of the date of this Complaint, Respondent has not filed a certified 20-day postelection report (hereafter, **20-day report**) for the election and has not certified that there is no remaining balance in any depository opened or maintained in the election, that there are no remaining outstanding obligations, and that the candidate committee has been dissolved and wound-up its business.

18. As of the date of this Complaint, Respondent has not filed a certified Form R-1 as a quarterly report or final report for the election.

PROPOSED CONCLUSIONS OF LAW:

19. The Proposed Conclusions of Law contained in the First and Second Counts of this Complaint are repeated and incorporated herein as if set forth in full below.

20. Respondent was 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 20-day report on June 23, 2014, reporting contributions received and expenditures made from May 21, 2014 through June 20, 2014.

21. For each contribution greater than \$300.00, either alone or when aggregated with other contributions from the same contributor in the election, Respondent was required to report the name and address of the contributor, dates of receipt, and contribution amounts, pursuant to N.J.A.C. 19:25-10.2. Where the contributor is an individual, Respondent was required to report the occupation of the contributor and the name and address of the contributor's employer, pursuant to N.J.A.C. 19:25-10.2A. Respondent was also required to report all expenditures from May 21, 2014 through June 20, 2014, pursuant to N.J.A.C. 19:25-12.1.

22. Respondent was required, pursuant to N.J.S.A. 19:44A-16, to certify on the 20-day report that there is no remaining balance in any depository opened or maintained in the election, 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 until a final report is filed.

23. Respondent violated and continues 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 by failing to file a 20-day report and a final report for the election.

24. Respondent 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.* for failing to file the 20-day report and a final report, which penalties may not be more than \$7,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Act or Commission Regulations.

OPPORTUNITY FOR HEARING:

Pursuant to N.J.A.C. 19:25-17.1, Respondent 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. Respondent may appear personally or by attorney. However, failure of the Respondent to file with the Commission a written answer within twenty (20) days after service of this Complaint shall constitute a default pursuant to N.J.A.C. 19:25-17.1A, and thereupon the Commission may enter a Final Decision including imposition of a monetary penalty.

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

BY: _____

Michelle R. Levy, Esq.
Assistant Legal Counsel

DATE: April 13, 2016