

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 FOR
FAILURE TO FILE CAMPAIGN REPORTS
FOR THE 2012 MUNICIPAL ELECTION

v.

MONICA HONIS,
Candidate for Municipal Office,
Teaneck Township, Bergen County,

C-9 0260 01 04-M2012

Respondent.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (hereafter, the Commission) hereby files a Complaint against the above-named person (hereafter, the Respondent) and offers the Respondent the opportunity for a hearing pursuant to the “Administrative Procedure Act,” (N.J.S.A. 52:14B-1 *et seq.*), to determine whether or not the Respondent had the responsibility under the terms of “The New Jersey Campaign Contributions and Expenditures Reporting Act,” (N.J.S.A. 19:44A-1 *et seq.*) (hereafter, the Campaign Reporting Act) for certifying the correctness of and filing campaign reports and information required to be filed pursuant to the Campaign Reporting Act, and to determine whether or not the Respondent failed, neglected or omitted to certify or file any such report or information at the time and in the manner described by law, or otherwise violated the provisions of the Campaign Reporting Act, and is therefore subject to penalties provided by the Campaign Reporting Act. The hearing will be conducted under the legal authority and jurisdiction conferred upon the Commission to impose penalties for violations of the Campaign Reporting Act, specifically N.J.S.A. 19:44A-6b and 22.

The Commission by way of Complaint alleges:

FIRST COUNT

PROPOSED FINDINGS OF FACT:

1. The Respondent, Monica Honis, sought election to Municipal Office, Teaneck Township, Bergen County, in the 2012 municipal election conducted on May 8, 2012.
2. The Respondent, as of the date of this Complaint, has not certified as correct and filed with the Commission a 29-day preelection report (Form R-1), or a Candidate–Sworn Statement (Form A-1) in lieu of a Form R-1 report, or a Joint Candidates Committee-Sworn Statement (Form A-2) in lieu of a Form R-1 report, for the said 2012 municipal election pursuant to the Campaign Reporting Act.

PROPOSED CONCLUSIONS OF LAW:

1. The Respondent was a “candidate,” as the term “candidate” is defined at N.J.S.A. 19:44A-3c, in the 2012 municipal election, and therefore was subject to the campaign reporting requirements of the Campaign Reporting Act (N.J.S.A. 19:44A-1 *et seq.*) and Commission Regulations (N.J.A.C. 19:25-1 *et seq.*).
2. The Respondent was required, pursuant to N.J.S.A. 19:44A-16, to certify as correct and file with the Commission, a full cumulative Report of Contributions and Expenditures (Form R-1) for the said 2012 municipal election on the 29th day preceding the said election, that is on April 9, 2012. The Respondent was required pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 to report on the 29-day preelection report contributions received and expenditures made during the period of time beginning when the Respondent first received a contribution in the 2012 municipal election or first made an expenditure in the 2012 municipal election, whichever occurred first, and ending with the last transaction occurring April 6, 2012 (that is, the last transaction occurring on the 32nd day preceding the 2012 municipal election).
3. The Respondent was required to report in the 29-day preelection report (Form R-1) all moneys, loans, paid personal services, and other things of value, including contributions of goods and services (in-kind contributions), contributed to the Respondent in the 2012 municipal election, through April 6, 2012, including the names and addresses of the contributors, dates of receipt, and contribution amounts, and where the contributor is an individual, the occupation of said contributor and the name and address of said contributor’s employer, for each contribution which, when aggregated with prior contributions received from the same contributor in the 2012 municipal election, exceeded \$300.00, pursuant to N.J.S.A. 19:44A-16f and N.J.A.C. 19:25-10.1 and 19:25-10.2. The Respondent was also required to report all expenditures made, incurred or authorized from the date the Respondent first made an expenditure in the 2012 municipal election through April 6, 2012 , pursuant to N.J.A.C. 19:25-12.1.
4. In lieu of the full cumulative Report of Contributions and Expenditures (Form R-1), the Respondent was required in the alternative by N.J.S.A. 19:44A-16d and N.J.A.C. 19:25-8.4, to file with the

Commission a Candidate–Sworn Statement (Form A-1) or Joint Candidates Committee– Sworn Statement (Form A-2) on or before April 9, 2012, the due date for the 29-day preelection report for the 2012 municipal election.

5. The Respondent violated and continues to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 by failing to certify as correct and file with the Commission a 29-day preelection report (Form R-1), or a Candidate–Sworn Statement (Form A-1), or a Joint Candidates Committee–Sworn Statement (Form A-2) in the 2012 municipal election as prescribed by the Campaign Reporting Act and Commission regulations.

6. The 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 preelection report (Form R-1), the Form A-1, or the Form A-2 in the 2012 municipal election, which penalties may not be more than \$6,800.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign Reporting Act or Commission Regulations.

SECOND COUNT

PROPOSED FINDINGS OF FACT:

1. 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.

2. The Respondent, as of the date of this Complaint, has not certified as correct and filed with the Commission an 11-day preelection report (Form R-1) for the said 2012 municipal election pursuant to the Campaign Reporting Act.

PROPOSED CONCLUSIONS OF LAW:

1. 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.

2. The Respondent was required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, to certify as correct and file with the Commission, a full cumulative Report of Contributions and Expenditures (Form R-1) for the said 2012 municipal election on the 11th day preceding said election, that is on April 27, 2012, reporting contributions received and expenditures made during the period of time beginning with the first transaction occurring on April 7, 2012 (that is, the 31st day preceding the date of the 2012 municipal election), and ending with the last transaction occurring on April 24, 2012 (that is, the last transaction occurring on the 14th day preceding the 2012 municipal election).

3. The Respondent was required to report in the 11-day preelection report (Form R-1) all moneys, loans, paid personal services, and other things of value, including contributions of goods and services (in-

kind contributions), contributed to the Respondent in the 2012 municipal election, through April 24, 2012, including the names and addresses of the contributors, dates of receipt, and contribution amounts, and where the contributor is an individual, the occupation of said contributor and the name and address of said contributor's employer, for each contribution which, when aggregated with prior contributions received from the same contributor in the 2012 municipal election, exceeded \$300.00, pursuant to N.J.A.C. 19:25-10.1 and 19:25-10.2. The Respondent was also required to report all expenditures made, incurred or authorized during the period of time from April 7, 2012 through April 24, 2012, pursuant to N.J.A.C. 19:25-12.1.

4. The Respondent violated and continues to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 by failing to certify as correct and file with the Commission an 11-day preelection report (Form R-1) in the 2012 municipal election as prescribed by the Campaign Reporting Act and Commission regulations.

5. The 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 preelection report (Form R-1) in the 2012 municipal election, which penalties may not be more than \$6,800.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign Reporting Act or Commission Regulations.

THIRD COUNT

PROPOSED FINDINGS OF FACT:

1. 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.

2. The Respondent, as of the date of this Complaint, has not certified as correct and filed with the Commission a 20-day postelection report (Form R-1) for the said 2012 municipal election and has not certified that there is no remaining balance in any depository opened or maintained in the 2012 municipal election, that there are no remaining 2012 municipal election outstanding obligations, and that the 2012 municipal election candidate committee has been dissolved and wound-up its business, pursuant to the Campaign Reporting Act.

3. The Respondent, as of the date of this Complaint, has not certified as correct and filed with the Commission a quarterly report or final report (Form R-1) for the said 2012 municipal election pursuant to the Campaign Reporting Act.

PROPOSED CONCLUSIONS OF LAW:

1. 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.

2. The Respondent was required, pursuant to N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2, to certify as correct and file with the Commission, a full cumulative Report of Contributions and Expenditures (Form R-1) for the said 2012 municipal election on the first business day after the 20th day following the said election, that is on May 29, 2012. The Respondent was required to report on the 20-day postelection report contributions received and expenditures made during the period of time beginning with the first transaction occurring on April 25, 2012 (that is, the 13th day preceding the date of the 2012 municipal election), and ending with the last transaction occurring on May 25, 2012 (that is, the last transaction occurring on the 17th day following the date of the 2012 municipal election).

3. The Respondent was required to report in the 20-day postelection report (Form R-1) all moneys, loans, paid personal services, and other things of value, including contributions of goods and services (in-kind contributions), contributed to the Respondent in the 2012 municipal election, through May 25, 2012, including the names and addresses of the contributors, dates of receipt, and contribution amounts, and where the contributor is an individual, the occupation of said contributor and the name and address of said contributor's employer, for each contribution which, when aggregated with prior contributions received from the same contributor in the 2012 municipal election, exceeded \$300.00, pursuant to N.J.A.C. 19:25-10.1 and 19:25-10.2. The Respondent was also required to report all expenditures made, incurred or authorized during the period of time from April 25, 2012 through May 25, 2012, pursuant to N.J.A.C. 19:25-12.1.

4. The Respondent was required, pursuant to N.J.S.A. 19:44A-16, to certify on the 20-day postelection report, described in paragraph two above, that there is no remaining balance in any depository opened or maintained in the 2012 municipal election, that there are no remaining 2012 municipal election outstanding obligations, and that the 2012 municipal election candidate committee has been dissolved and wound-up its business, or to continue to file quarterly reports thereafter until a final report is certified as correct and filed with the Commission.

5. The Respondent violated and continues to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16 by failing to certify as correct and file with the Commission a 20-day postelection report (Form R-1) and a final report (Form R-1) in the 2012 municipal election as prescribed by the Campaign Reporting Act and Commission regulations.

6. The 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 postelection report and a final report in the 2012 municipal election, which penalties may not be more than \$6,800.00 for each

reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign Reporting Act or Commission Regulations.

OPPORTUNITY FOR HEARING:

Pursuant to N.J.A.C. 19:25-17.1, the Respondent and all parties shall have the opportunity to appear personally or by attorney at a hearing pursuant to the “Administrative Procedure Act,” N.J.S.A. 52:14B-1 et seq., and to present evidence and argument on all relevant issues. All parties shall have the opportunity to examine and cross-examine witnesses. 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: _____
CAROL L. HOEKJE
Legal Director

DATE: May 14, 2014

CERTIFIED MAIL NO. 7009 3410 0001 8444 5455
RETURN RECEIPT REQUESTED