

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.

SOMERSET COUNTY REPUBLICAN
ORGANIZATION,
a County Political Party Committee,

C-O 1800 0002 22-Q2022

and

ROBERT DAMIANO,
Organizational Treasurer,

Respondents.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (**Commission**) hereby files a Complaint against Somerset County Republican Organization (**Respondent Committee**) and Robert Damiano (**Respondent Damiano**) 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 should be imposed.

The Commission by way of Complaint alleges:

COUNT ONE

PROPOSED FINDINGS OF FACT:

1. Respondent Committee is a county political party committee in New Jersey.
2. Upon information and belief, Robert Damiano was the organizational treasurer for Respondent Committee from January 1, 2022 to March 30, 2023.¹
3. Respondent Committee and Respondent Damiano will be referred to collectively as Respondents.
4. Respondents filed Form R-3 as a 2022 first quarterly report (**2022-Q1**) on May 17, 2023 reporting contributions totaling \$64,050.69 and expenditures totaling \$61,215.78.²
5. Respondents filed Form R-3 as a 2022 second quarterly report (**2022-Q2**) on May 22, 2023 reporting contributions totaling \$27,970.00 and expenditures totaling \$46,162.72.³
6. Respondents filed Form R-3 as 2022 third quarterly report (**2022-Q3**) on May 23, 2023 reporting contributions totaling \$43,635.00 and expenditures totaling \$33,092.69.
7. Respondents filed Form R-3 as a 2022 fourth quarterly report (**2022-Q4**) on May 26, 2023 reporting contributions totaling \$125,760.03 and expenditures totaling \$130,022.64.

PROPOSED CONCLUSIONS OF LAW:

8. Respondent Committee was at all times relevant to this Complaint a county political party committee as defined at N.J.S.A. 19:44A-3p, and therefore was subject to the requirements of the Campaign Act and Commission Regulations.
9. Respondent Damiano was at all times relevant to this Complaint the organizational treasurer for Respondent Committee, including all times when 2022 reports were required to be filed, and therefore was subject to the requirements of the Campaign Act and Commission Regulations.
10. Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1 to report all contributions received and expenditures made, as follows:

¹ Although Respondent Damiano did not certify Respondent Committee's 2022 Forms R-3, he was the organizational treasurer during the time that all reported activity occurred.

² The 2022-Q1 contains expenditures totaling \$80,390.04. However, that figure includes expenditures totaling \$19,174.26 that were made or incurred in the fourth quarter of 2021 and not subject to this Complaint.

³ The 2022-Q2 contains expenditures totaling \$46,207.72. However, that figure includes an expenditure of \$45.00 that was made or incurred in the fourth quarter of 2021 and not subject to this Complaint.

- a. Transactions between January 1, 2022 and March 31, 2022 were required to be reported on the 2022-Q1 due April 18, 2022;
- b. Transactions between April 1, 2022 and June 30, 2022 were required to be reported on the 2022-Q2 due July 15, 2022;
- c. Transactions between July 1, 2022 and September 30, 2022 were required to be reported on the 2022-Q3 due October 17, 2022; and
- d. Transactions between October 1, 2022 and December 31, 2022 were required to be reported on the 2022-Q4 due January 17, 2023.

11. Respondents violated N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.1, by failing to timely file the following:

- a. 2022-Q1, filed May 17, 2023, reporting contributions of \$64,050.69 and expenditures of \$61,215.78 (394 days late);
- b. 2022-Q2, filed May 22, 2023, reporting contributions of \$27,970.00 and expenditures of \$46,162.72 (311 days late);
- c. 2022-Q3, filed May 23, 2023, reporting contributions of \$43,635.00 and expenditures of \$33,092.69 (218 days late); and
- d. 2022-Q4, filed May 26, 2023, reporting contributions of \$125,760.03 and expenditures of \$130,022.64 (129 days late).

12. 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 \$9,800.00 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:

13. The Proposed Findings of Fact contained in Count One are repeated and incorporated herein.
14. Upon information and belief, Respondents made an expenditure to support a candidate in the 2022 primary election on May 10, 2022.
15. Respondents' 2022-Q2 reported the following contribution in excess of \$1,900.00, received between April 1, 2022 and June 7, 2022 (**primary 48-hour period**):
 - a. \$4,000.00 on May 18, 2022.

16. Respondents did not file notice of the contribution within 48 hours or at any time prior to the 2022 primary election.

PROPOSED CONCLUSIONS OF LAW:

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

18. Having made an expenditure in the 2022 second quarter to support candidates in the 2022 primary election, Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.3, to report within 48 hours contributions in excess of \$1,900.00, received during the primary 48-hour period, except that contributions received prior to May 25, 2022 could have been reported together on a notice no later than May 27, 2022 (**primary 48-hour contributions**).

19. Respondents violated N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.3 by failing to file notice of the primary 48-hour contribution described in paragraph 15.

20. 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 \$9,800.00 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:

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

22. Upon information and belief, Respondents made an expenditure to support candidates in the 2022 general election on October 20, 2022.

23. Respondents' 2022-Q4 reported the following contributions in excess of \$1,900.00, received between October 1, 2022 and November 8, 2022 (**general 48-hour period**):

- a. \$10,000.00 on October 25, 2022;
- b. \$6,000.00 on October 25, 2022;
- c. \$2,500.00 on October 25, 2022;
- d. \$9,000.00 on October 31, 2022;
- e. \$5,000.00 on November 1, 2022; and

f. \$2,500.00 on November 1, 2022.

24. Respondents did not file notice of each contribution within 48 hours or at any time prior to the 2022 general election.

PROPOSED CONCLUSIONS OF LAW:

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

26. Having made an expenditure in the 2022 fourth quarter to support candidates in the 2022 general election, Respondents were required, pursuant to N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.3, to report within 48 hours contributions in excess of \$1,900.00, received during the general 48-hour period, except that contributions received prior to October 26, 2022 could have been reported together on a notice no later than October 28, 2022 (**general 48-hour contributions**).

27. Respondents violated N.J.S.A. 19:44A-8 and N.J.A.C. 19:25-9.3 by failing to file notice of the six general 48-hour contributions described in paragraph 23.

28. 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 \$9,800.00 for each reporting transaction not reported in the manner or time prescribed by the Campaign Act or Commission Regulations.

OPPORTUNITY FOR HEARING:

Respondents have the opportunity for a hearing pursuant to N.J.A.C. 19:25-17.1. To effectuate that opportunity, a hearing must be requested in writing. Respondents may appear personally or by attorney. However, if Respondents fail to file a written answer with the Commission within 20 days of service of this Complaint, the Commission will be empowered to 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**

BY: _____

Kelley Keane-Dawes, Esq.
Assistant Legal Counsel

DATE: April 17, 2024

W. Timothy Howes, Chairperson, on behalf of Somerset County Republican Organization

Robert Damiano, Organizational Treasurer