

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.

MICHAEL RUSSO,
Candidate, Municipal Office,
Hoboken, Hudson County,

C-9 0905 04 04-M2009

and

JOHN CASTELLANO,
Treasurer.

Respondents.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (hereafter, the **Commission**) hereby files a Complaint against Michael Russo (hereafter, **Respondent Russo**), a candidate for municipal office in the 2009 municipal election, and John Castellano (hereafter, **Respondent Castellano**), as the Treasurer. The Commission offers Respondents an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to determine whether or not Respondents 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 are therefore subject to penalties provided by the Act. The hearing will be conducted under the legal authority and jurisdiction conferred upon the Commission to impose monetary penalties for violations of the Act, specifically Sections 6(b) and 22.

The Commission by way of Complaint alleges:

COUNT ONE

I. 2007-Q4 reporting period

A. Failure to File Certificate of Organization (Form D-1)

PROPOSED FINDINGS OF FACT:

1. Respondent Russo sought municipal office in Hoboken (Hudson County) in the 2009 municipal election held on May 12, 2009 (hereafter, **municipal election**).
2. Respondent Russo formed a single candidate committee, "Russo for Hoboken," for the purpose of receiving contributions and making expenditures to support his candidacy.
3. Respondent Castellano, as the campaign treasurer, certified campaign reports filed by Respondent Russo in the municipal election.
4. Respondents received and deposited contributions into and made expenditures from a campaign depository account established on October 4, 2007, and maintained for the municipal election at Commerce Bank, Hoboken Branch, Hoboken, New Jersey (hereafter, **the campaign depository account**).

PROPOSED CONCLUSIONS OF LAW:

5. Respondent Russo was, at all times relevant to this Complaint a "candidate" as the term is defined at N.J.S.A. 19:44A-3c in the municipal election, and therefore was subject to the reporting requirements of the Act and Commission Regulations.
6. Respondent Russo was required by N.J.S.A. 19:44A-9 and N.J.A.C. 19:25-4.1A to certify as correct and file with the Commission, no later than the tenth day after the date on which the candidate first received a contribution or made an expenditure in the election, a Certificate of Organization and Designation of Campaign Treasurer and Depository (hereafter, **Form D-1**) for each campaign depository the single candidate committee established. Respondent was required to report on Form D-1 the name and address of the campaign treasurer, the name, mailing address, and telephone number of the bank at which the campaign depository has been established, the account number of the campaign depository and the names, mailing addresses, and telephone numbers of all persons authorized to sign checks or otherwise make transactions from the campaign depository.
7. Respondent Russo was required by N.J.S.A. 19:44A-9 and N.J.A.C. 19:25-4.1A to file Form D-1 for the election no later than October 14, 2007.

8. Respondent violated, and continues to violate as of the date of this Complaint, N.J.S.A. 19:44A-9 and N.J.A.C. 19:25-4.1A, by failing to file Form D-1.

9. Respondent Russo 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 Act or Commission Regulations.

COUNT TWO

B. Late Filing of Occupation and Employer Information

PROPOSED FINDINGS OF FACT:

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

11. During the time period from October 1, 2007 through December 31, 2007 (hereafter, the **2007-Q4 reporting period**), Respondents received and deposited contributions into the campaign depository account.

12. Respondents certified as correct and filed with the Commission on January 25, 2008, a Report of Contributions and Expenditures (hereafter, **Form R-1**) for the election.

13. Respondents certified as correct and filed with the Commission on April 29, 2013, an amended Form R-1 for the election (hereafter, the **Amended 2007-Q4**).

14. During the 2007-Q4 reporting period, Respondents received and deposited into the campaign depository account seven contributions in excess of \$300.00, totaling \$9,200.00, as follows:

- a. A contribution in the amount of \$500.00 from Valerie A. English, received on or about October 2, 2007;
- b. A contribution in the amount of \$500.00 from Nicole Garcia, received on or about October 2, 2007;
- c. A contribution in the amount of \$2,600.00 from Martin Statfeld, check number 3301, received on or about October 2, 2007;
- d. A contribution in the amount of \$1,000.00 from Staci Handler, check number 312, received on or about October 26, 2007;

- e. A contribution in the amount of \$500.00 from Emanuel Cervelli, check number 2939, received on or about October 26, 2007;
- f. A contribution in the amount of \$1,500.00 from Lisa Baptisa, check number 133, received on or about October 26, 2007; and
- g. A contribution in the amount of \$2,600.00 from Beth Statfeld, check number 3343 received on or about January 15, 2008;

15. Respondents reported for the first time on April 29, 2013 on the Amended 2007-Q4, occupation information for the seven contributions.

PROPOSED CONCLUSIONS OF LAW:

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

17. Respondent Castellano, at all times relevant to this Complaint, certified campaign reports as the campaign treasurer. Respondent Castellano is therefore subject to the requirements of the Act and Commission Regulations.

18. 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, 2008, reporting all contributions received and all expenditures made during the 2007-Q4 reporting period.

19. For each contribution received in excess of \$300.00 Respondents were required, pursuant to N.J.A.C. 19:25-10.2, to report the name and address of the contributor, dates of receipt, and contribution amounts. Where the contributor was an individual, N.J.A.C. 19:25-10.2A required Respondents to report his or her occupation, and the name and address of his or her employer.

20. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A, by reporting contributors' occupation and employer information 1,931 days late for the seven contributions.

21. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT THREE

C. Failure to File Payee Addresses

PROPOSED FINDINGS OF FACT:

22. The Proposed Findings of Fact contained in Counts One and Two of this Complaint are repeated and incorporated herein as if set forth in full below.

23. During the 2007-Q4 reporting period, the Respondents made four expenditures, totaling \$12,100.00:

- a. \$1,000.00, by check no. 92, made payable to Brass Rail, on or about October 2, 2007;
- b. \$3,900.00, by check no. 93, made payable to Brass Rail, on or about October 11, 2007;
- c. \$3,600.00, by check no. 101, made payable to Creative Color, on or about December 20, 2007; and
- d. \$3,600.00, by check no. 102, made payable to Hoboken Postmaster, on or about December 21, 2007.

24. Respondents, as of the date of this Complaint, have not reported payee addresses for the four expenditures.

PROPOSED CONCLUSIONS OF LAW:

25. The Proposed Conclusions of Law contained in Counts One and Two of this Complaint are repeated and incorporated herein as if set forth in full below.

26. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 to file a certified Form R-1 on January 15, 2008 reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2007-Q4 reporting period.

27. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by failing to file a certified Form R-1 reporting payee addresses for the four expenditures.

28. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each recordkeeping transaction not made or maintained in the manner or time prescribed by the Act or Commission Regulations.

COUNT FOUR

II. 2008-Q1 reporting period

A. Failure to File Payee Addresses

PROPOSED FINDINGS OF FACT

29. The Proposed Findings of Fact contained in Counts One through Three of this Complaint are repeated and incorporated herein as if set forth in full below.

30. During the time period from January 1, 2008 through March 31, 2008 (hereafter, the **2008-Q1 reporting period**), Respondents received and deposited contributions into the campaign depository account.

31. During the 2008-Q1 reporting period, the Respondents made one expenditure, in the amount of \$2,500.00, by check no. 103, made payable to Creative Color, on or about February 2008.

32. Respondents, as of the date of this Complaint, have not filed a certified Form R-1 to report the payee address for the one expenditure.

PROPOSED CONCLUSIONS OF LAW

33. The Proposed Conclusions of Law contained in Counts One through Three of this Complaint are repeated and incorporated herein as if set forth in full below.

34. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 to file a certified Form R-1 on April 15, 2008 reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2008-Q1 reporting period.

35. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by failing to file a certified Form R-1 reporting payee addresses for the one expenditure.

36. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT FIVE

III. 2008-Q2 reporting period

A. Late Filing of Occupation and Employer Information

PROPOSED FINDINGS OF FACT:

37. The Proposed Findings of Fact contained in Counts One through Four of this Complaint are repeated and incorporated herein as if set forth in full below.

38. During the time period from April 1, 2008 through June 30, 2008 (hereafter, the **2008-Q2 reporting period**), Respondents received and deposited contributions into the campaign depository account.

39. Respondents filed with the Commission on July 31, 2008 a certified Form R-1 for the election (hereafter, the **2008-Q2**).

40. Respondents filed with the Commission on April 29, 2013, a certified amended Form R-1 for the election (hereafter, the **Amended 2008-Q2**).

41. During the 2008-Q2 reporting period, Respondents received and deposited into the primary election campaign depository account one contribution in excess of \$300.00 in the amount of \$500.00 from Robert Murray, check number 4815, received on or about May 22, 2008.

42. Respondents reported for the first time on the Amended 2008-Q2, occupation information, and the employer name and address, or the name and address under which the contributor does business, for the one contribution.

PROPOSED CONCLUSIONS OF LAW:

43. The Proposed Conclusions of Law contained in Counts One through Four of this Complaint are repeated and incorporated herein as if set forth in full below.

44. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-10.2 to certify as correct and file a Form R-1 on July 15, 2008, reporting all contributions received and all expenditures made during the 2008-Q2 reporting period.

45. For each contribution received in excess of \$300.00 Respondents were required, pursuant to N.J.A.C. 19:25-10.2, to report the name and address of the contributor, dates of receipt, and contribution amounts. Where the contributor was an individual, N.J.A.C. 19:25-10.2A required Respondents to report his or her occupation, and the name and address of his or her employer.

46. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, 19:25-10.2, and 19:25-10.2A, by reporting contribution information, including the occupation, and the employer name and address or the name and address under which the contributor does business, 1,749 days late for the one contribution.

47. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT SIX

B. Late and Non Filing of Contributor Information for a LLC

PROPOSED FINDINGS OF FACT:

48. The Proposed Findings of Fact contained in Counts One through Five of this Complaint are repeated and incorporated herein as if set forth in full below.

49. During the 2008-Q2 reporting period, Respondents received two contributions, totaling \$1,250.00 each from a Limited Liability Company (hereafter, **LLC**) as follows:

- a. A contribution in the amount of \$750.00 from the L Group LLC, check number 1328, received on or about June 10, 2008; and
- b. A contribution in the amount of \$500 from New Wave Engineering, LLC, check number 1840, received on or about June 10, 2008.

50. On April 29, 2013, Respondents, on the Amended 2008-Q2, disclosed for the first time the names of the individual contributing members, for the two contributions, as follows:

- a. The contribution in the amount of \$750.00 from the L Group LLC, was attributed to Lance Lucarelli; and
- b. The contribution in the amount of \$500 from New Wave Engineering, LLC, was attributed to Ms. Nadine Bello.

51. Respondents, as of the date of this Complaint, have not filed a certified Form R-1 to report the occupation information for these two contributions.

PROPOSED CONCLUSIONS OF LAW:

52. The Proposed Conclusions of Law contained in Counts One through Five of this Complaint are repeated and incorporated herein as if set forth in full below.

53. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-10.2 to file a certified Form R-1 on July 15, 2008, reporting contributions received and expenditures made during the 2008-Q2 reporting period.

54. For each contribution received in excess of \$300.00 Respondents were required, pursuant to N.J.A.C. 19:25-10.2, to report the name and address of the contributor, dates of receipt, and contribution amounts. Where the contributor was an individual, N.J.A.C. 19:25-10.2A required Respondents to report his or her occupation, and the name and address of his or her employer.

55. For each contribution received by means of a check drawn on the account of a LLC, Respondents were required pursuant to N.J.A.C. 19:25-10.15 and 19:25-11.10 to report contribution information for each member who signed the check, or where any portion of the contribution is to be attributed or allocated to a member or members who have not signed the check, contribution information, pursuant to N.J.A.C. 19:25-10.2 and 19:25-10.2A, for the member or members who signed a written acknowledgement of the contribution.

56. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, 19:25-10.2, 19:25-10.2A, 19:25-10.15, and 19:25-11.10 by filing 1,749 days late the name and address of the individual contributing members for the two contributions received by checks drawn on an account of a LLC.

57. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, 19:25-10.2, 19:25-10.2A, 19:25-10.15, and 19:25-11.10 by failing to file, as of the date of this Complaint, the occupations of the individual contributing members for the two contributions received by checks drawn on an account of a LLC.

58. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT SEVEN

C. Failure to File Payee Addresses

PROPOSED FINDINGS OF FACT:

59. The Proposed Findings of Fact contained in Counts One through Six of this Complaint are repeated and incorporated herein as if set forth in full below.

60. During the 2008-Q2 reporting period, the Respondents made two expenditures, totaling \$1,860.00, as follows:

- a. \$980.00, by check no. 104, made payable to Creative Color, on or about May 2008;
and
- b. \$880, by check no. 105, made payable to Lounge 11, on or about June 2008.

61. Respondents, as of the date of this Complaint, have not certified as correct and filed a Form R-1 to report payee addresses for the two expenditures.

PROPOSED CONCLUSIONS OF LAW:

62. The Proposed Conclusions of Law contained in Counts One through Six of this Complaint are repeated and incorporated herein as if set forth in full below.

63. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 to certify as correct and file a Form R-1 on July 15, 2008 disclosing all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2008-Q2 reporting period.

64. Respondents violated and continue to violate, as of the date of this Complaint, N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by failing to file a certified Form R-1 reporting payee addresses for the two expenditures.

65. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT EIGHT

IV. 2008-Q3 reporting period

A. Late Filing of Expenditure Information

PROPOSED FINDINGS OF FACT:

66. The Proposed Findings of Fact contained in Counts One through Seven of this Complaint are repeated and incorporated herein as if set forth in full below.

67. During the time period from July 1, 2008 through September 30, 2008 (hereafter, the **2008-Q3 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

68. Respondents filed with the Commission on September 26, 2012, a certified Form R-1 for the election (hereafter, the **2008-Q3**).

69. Respondents filed with the Commission on April 29, 2013, a certified Amended Form R-1 (hereafter, the **Amended 2008-Q3**).

70. During the 2008-Q3 reporting period, Respondents made two expenditures, totaling \$500.00, as follows:

- a. \$250.00, by check no. 106, made payable to Hoboken Postmaster, on or about July 30, 2008; and
- b. \$250.00, by check no. 107, made payable to Hoboken Postmaster, on or about August 15, 2008.

71. Respondents reported for the first time on September 26, 2012, on the 2008-Q3, partial expenditure information for the two expenditures.

72. Respondents reported for the first time on April 29, 2013, on the Amended 2008-Q3, payee addresses for the two expenditures.

PROPOSED CONCLUSIONS OF LAW:

73. The Proposed Conclusions of Law contained in Counts One through Seven of this Complaint are repeated and incorporated herein as if set forth in full below.

74. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on October 15, 2008, reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose

and amount, and the number of the check for each expenditure made during the 2008-Q3 reporting period.

75. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 on September 26, 2012, reporting partial expenditure information for the two expenditures 1,442 days late.

76. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 on April 29, 2013, reporting payee addresses for the two expenditures 1,657 days late.

77. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT NINE

V. 2009-Q1 reporting period

A. Late Filing of Expenditure Information and Payee Addresses

PROPOSED FINDINGS OF FACT:

78. The Proposed Findings of Fact contained in Counts One through Eight of this Complaint are repeated and incorporated herein as if set forth in full below.

79. During the time period from January 1, 2009 through March 31, 2009 (hereafter, the **2009-Q1 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

80. Respondents filed with the Commission on September 26, 2012, a certified Form R-1 for the election (hereafter, the **2009-Q1**).

81. Respondents filed with the Commission on April 29, 2013, a certified Amended Form R-1 (hereafter, the **Amended 2009-Q1**).

82. During the 2009-Q1 reporting period, Respondents made two expenditures, totaling \$12,310.00, as follows:

- a. \$1,000.00, by check no. 108, made payable to Friends of Phil Kenny, on or about March 14, 2009; and

b. \$11,310.00, by check no. 109, made payable to McLaughlin & Assoc., on or about March 14, 2009.

83. Respondents reported on the 2009-Q1, partial expenditure information for the two expenditures.

84. Respondents reported for the first time on the Amended 2009-Q1, payee addresses for the two expenditures.

PROPOSED CONCLUSIONS OF LAW:

85. The Proposed Conclusions of Law contained in Counts One through Eight of this Complaint are repeated and incorporated herein as if set forth in full below.

86. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on April 15, 2009, reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2009-Q1 reporting period.

87. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 on September 26, 2012, reporting partial expenditure information for the two expenditures 1,260 days late.

88. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 on April 29, 2013, reporting payee addresses for the two expenditures 1,475 days late.

89. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT TEN

VI. 2009-Q2 reporting period

A. Late Filing of Expenditure Information

PROPOSED FINDINGS OF FACT:

90. The Proposed Findings of Fact contained in Counts One through Nine of this Complaint are repeated and incorporated herein as if set forth in full below.

91. During the time period from April 1, 2009 through June 30, 2009 (hereafter, the **2009-Q2 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

92. Respondents filed with the Commission on September 26, 2012, a certified Form R-1 for the election (hereafter, the **2009-Q2**).

93. Respondents filed with the Commission on April 29, 2013, a certified Amended Form R-1 (hereafter, the **Amended 2009-Q2**).

94. During the 2009-Q2 reporting period, Respondents made three expenditures, totaling \$700.00, as follows:

- a. \$500.00, by check no. 112, made payable to Hoboken Little League, on or about April 1, 2009;
- b. \$100.00, by check no. 110, made payable to BS of America, on or about April 1, 2009;
- c. \$100.00, by check no. 111, made payable to American Legion, on or about April 1, 2009.

95. Respondents reported on the 2009-Q2, partial expenditure information for the three expenditures.

96. Respondents reported on the Amended 2009-Q2, payee addresses for the three expenditures.

PROPOSED CONCLUSIONS OF LAW:

97. The Proposed Conclusions of Law contained in Counts One through Nine of this Complaint are repeated and incorporated herein as if set forth in full below.

98. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on July 15, 2009, reporting all expenditure information,

including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2009-Q2 reporting period.

99. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 on September 26, 2012, reporting partial expenditure information for the three expenditures 1,169 days late.

100. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 on April 29, 2013, reporting payee addresses for the three expenditures 1,384 days late.

101. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each reporting transaction not reported in the manner or time prescribed by the Act or Commission Regulations.

COUNT ELEVEN

VII. 2009-Q4 reporting period

A. Late Filing of Expenditure Information

PROPOSED FINDINGS OF FACT:

102. The Proposed Findings of Fact contained in Counts One through Ten of this Complaint are repeated and incorporated herein as if set forth in full below.

103. During the time period from October 1, 2009 through December 31, 2009 (hereafter, the **2009-Q4 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

104. Respondents filed with the Commission on September 26, 2012, a certified Form R-1 for the election (hereafter, the **2009-Q4**).

105. Respondents filed with the Commission on April 29, 2013, a certified Amended Form R-1 (hereafter, the **Amended 2009-Q4**).

106. During the 2009-Q4 reporting period, Respondents made two expenditures, totaling \$4,500.00, as follows:

- a. \$1,000.00, by check no. 113, made payable to Hoboken Postmaster, on or about December 28, 2009; and
- b. \$3,500.00, by check no. 114, made payable to Muellers, on or about December 22, 2009.

107. Respondents reported on the 2009-Q4, partial expenditure information for the two expenditures.

108. Respondents reported on the Amended 2009-Q4, payee addresses for the two expenditures.

PROPOSED CONCLUSIONS OF LAW:

109. The Proposed Conclusions of Law contained in Counts One through Ten of this Complaint are repeated and incorporated herein as if set forth in full below.

110. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on January 15, 2010, reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2009-Q4 reporting period.

111. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 on September 26, 2012, reporting partial expenditure information for the two expenditures 985 days late.

112. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 on April 29, 2013, reporting payee addresses for the two expenditures 1,200 days late.

113. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each recordkeeping transaction not made or maintained in the manner or time prescribed by the Act or Commission Regulations.

COUNT TWELVE

VIII. 2010-Q2 reporting period

A. Late Filing of Expenditure Information

PROPOSED FINDINGS OF FACT:

114. The Proposed Findings of Fact contained in Counts One through Eleven of this Complaint are repeated and incorporated herein as if set forth in full below.

115. During the time period from April 1, 2010 through June 30, 2010 (hereafter, the **2010-Q2 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

116. Respondents filed with the Commission on September 26, 2012, a certified Form R-1 for the election (hereafter, the **2010-Q2**).

117. Respondents filed with the Commission on April 29, 2013, a certified Amended Form R-1 (hereafter, the **Amended 2010-Q2**).

118. During the 2010-Q2 reporting period, Respondents made one expenditure in the amount of \$200.00, by check no. 115, made payable to Stans, on or about April 6, 2010.

119. Respondents reported on the 2010-Q2, partial expenditure information for the one expenditure.

120. Respondents reported on the Amended 2010-Q2, the payee address for the one expenditure.

PROPOSED CONCLUSIONS OF LAW:

121. The Proposed Conclusions of Law contained in Counts One through Eleven of this Complaint are repeated and incorporated herein as if set forth in full below.

122. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on July 15, 2010, reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure made during the 2010-Q2 reporting period.

123. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 on September 26, 2012, reporting partial expenditure information for the one expenditures 804 days late.

124. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 on April 29, 2013, reporting the payee address for the one expenditure 1,019 days late.

125. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each recordkeeping transaction not made or maintained in the manner or time prescribed by the Act or Commission Regulations.

COUNT THIRTEEN

IX. 2012-Q3 reporting period

A. Late Filing of Payee Addresses

PROPOSED FINDINGS OF FACT:

126. The Proposed Findings of Fact contained in Counts One through Twelve of this Complaint are repeated and incorporated herein as if set forth in full below.

127. During the time period from July 1, 2012 through September 30, 2012 (hereafter, the **2012-Q3 reporting period**), Respondents made expenditures from, and received and deposited contributions into the campaign depository account.

128. During the 2012-Q3 reporting period, Respondents made one expenditure in the amount of \$100.00, to TD Bank, on or about September 13, 2012.

129. Respondents certified as correct and filed with the Commission on October 23, 2012, a Form R-1 for the election (hereafter, the **2012-Q3**).

130. Respondents certified as correct and filed with the Commission on April 29, 2013, an Amended Form R-1 (hereafter, the **Amended 2012-Q3**).

131. Respondents reported on the 2012-Q3, partial expenditure information for the one expenditure.

132. Respondents reported on the Amended 2012-Q3, the payee address for the one expenditure.

PROPOSED CONCLUSIONS OF LAW:

133. The Proposed Conclusions of Law contained in Counts One through Twelve of this Complaint are repeated and incorporated herein as if set forth in full below.

134. Respondents were required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2, to file a certified Form R-1 on October 15, 2012, reporting all expenditure information, including the date the expenditure was made, the full name and address of the payee, the purpose and amount, and the number of the check for each expenditure transaction made, incurred, or authorized during the 2012-Q3 reporting period.

135. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing a Form R-1 for the 2012-Q3 reporting period on October 23, 2012, reporting partial expenditure information for the one expenditures eight days late.

136. Respondents violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.3, and 19:25-12.2 by filing an Amended Form R-1 for the 2012-Q3 reporting period on April 29, 2013, reporting the payee address for the one expenditure 196 days late.

137. Respondent Russo and Respondent Castellano 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 \$6,800.00 for each recordkeeping transaction not made or maintained in the manner or time prescribed by the Act or Commission Regulations.

OPPORTUNITY FOR HEARING:

138. Pursuant to N.J.A.C. 19:25-17.1, Respondents and all parties shall have the opportunity for a hearing pursuant to the “Administrative Procedure Act,” N.J.S.A. 52:14B-1 *et seq.* Respondents may appear personally or by attorney. However, failure of each 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.

NEW JERSEY ELECTION LAW
ENFORCEMENT COMMISSION

BY: _____
MICHELLE R. LEVY, Esq.
Assistant Legal Counsel

DATE: April 13, 2016

Michael Russo, Candidate

CERTIFIED MAIL NO. 7013 2250 0001 7157 3259

RETURN RECEIPT REQUESTED

John Castellano, Treasurer

CERTIFIED MAIL NO. 7013 2250 0001 7157 3266

RETURN RECEIPT REQUESTED