

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.

MOHAMMED AKHTARUZZAMAN,
Candidate for Municipal Office,
City of Paterson, Passaic County,

C-9 1608 02 04-G2020

Respondent.

PLEASE TAKE NOTICE that the New Jersey Election Law Enforcement Commission (**Commission**) hereby files a Complaint against Mohammed Akhtaruzzaman (**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 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:

FIRST COUNT

PROPOSED FINDINGS OF FACT:

1. Respondent sought election to Municipal Office, City of Paterson, Passaic County, in the 2020 general election held on November 3, 2020 (**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 (**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 in the election, as defined by N.J.S.A. 19:44A-3c, and therefore was subject to the requirements of the Campaign 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 October 5, 2020, reporting all contributions received and expenditures made from when Respondent first received a contribution or made an expenditure in the election through October 2, 2020.
5. In lieu of Form R-1, N.J.S.A. 19:44A-16d and N.J.A.C. 19:25-8.4 required Respondent to file Form A-1 or Form A-2 on or before October 5, 2020.
6. Respondent violated 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 on October 5, 2020.
7. 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., which penalties may not be more than \$8,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign Act or Commission Regulations.

SECOND COUNT

PROPOSED FINDINGS OF FACT:

8. The Proposed Findings of Fact contained in the First Count of this Complaint are repeated and incorporated herein.
9. As of the date of this Complaint, Respondent has not filed a certified 11-day preelection report (**11-day report**) for the election.

PROPOSED CONCLUSIONS OF LAW:

10. The Proposed Conclusions of Law contained in the First Count of this Complaint are repeated and incorporated herein.

11. 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 October 23, 2020, reporting all contributions received and expenditures made from October 3, 2020 through October 20, 2020.

12. Respondent violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 by failing to file an 11-day report on October 23, 2020.

13. 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.*, which penalties may not be more than \$8,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign Act or Commission Regulations.

THIRD COUNT

PROPOSED FINDINGS OF FACT:

14. The Proposed Findings of Fact contained in the First and Second Counts of this Complaint are repeated and incorporated herein.

15. As of the date of this Complaint, Respondent has not filed a certified 20-day postelection report (**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.

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

PROPOSED CONCLUSIONS OF LAW:

17. The Proposed Conclusions of Law contained in the First and Second Counts of this Complaint are repeated and incorporated herein.

18. 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 November 23, 2020, reporting all contributions received and expenditures made from October 21, 2020 through November 20, 2020.

19. Respondent was required, pursuant to N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.1, 19:25-8.3 and 19:25-8.7, 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, or to continue to file quarterly reports until a final report is filed.

20. Respondent violated N.J.S.A. 19:44A-16 and N.J.A.C. 19:25-8.2 by failing to file a 20-day report on November 23, 2020.

21. If Respondent's 20-day report is not the final report for the election, Respondent violated N.J.S.A. 19:44A-16, N.J.A.C. 19:25-8.1, 19:25-8.3 and 19:25-8.7 by failing to file postelection quarterly reports and by failing to file a final report for the election.

22. 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., which penalties may not be more than \$8,600.00 for each reporting transaction that is not reported in the manner or not filed on the date established for reporting by the Campaign 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. 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 the 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: _____
Tia Dinh, Esq.
Assistant Legal Counsel

DATE: December 14, 2022