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JEFFREY BRINDLE,	:	
	:	SUPERIOR COURT OF NEW JERSEY
	:	MERCER COUNTY
Plaintiff,	:	LAW DIVISION
	:	
v.	:	DOCKET NO.:
	:	
PHILIP MURPHY; GEORGE HELMY; PARIMAL GARG and DOMINIC ROTA,	:	
	:	<b>COMPLAINT</b>
	:	
Defendants.	:	<b>JURY TRIAL DEMANDED</b>

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Plaintiff, by his attorney, Bruce I. Afran, as and for his Complaint against Defendants, asserts as follows:

**PARTIES, VENUE AND JURISDICTION**

1. For the past 15 years plaintiff has held the position of Executive Director of the Election Law Enforcement Commission (ELEC), a position he holds at the pleasure of the Commissioners of ELEC; for ten years previous he served as Deputy Executive Director of ELEC.

2. This Complaint seek damages and declaratory and injunctive relief in connection with a conspiracy by Governor Philip Murphy, his Counsel, Parimal Garg, Chief of Staff George Helmy and Chief Ethics Officer Dominic Rota to force by illegal coercion and threats the resignation of plaintiff from his position as Executive Director of ELEC and to interfere with the independence of ELEC by pressuring and otherwise instructing its Commissioners to terminate Brindle from his position.

3. Defendant Philip Murphy is the Governor of the State of New Jersey.

4. Defendant George Helmy is the Chief of Staff to Governor Murphy.

5. Defendant Parimal Garg is the Chief Counsel to Governor Murphy.

6. Defendant Dominic Rota is the Chief Ethics Officer to Governor Murphy.

7. Venue is properly in Mercer County in that the events of coercion, extortion and interference with plaintiff's civil rights arose and occurred in the City of Trenton in Mercer County.

8. Jurisdiction is properly in the Law Division in that this is a dispute arising from an issue of law, namely the individual acts and the conspiracy and agreement of the defendants to deprive, interfere with or attempt to interfere with plaintiff's protected rights under the Constitution and laws of the United States and New Jersey to continue to hold and enjoy his appointed position as Executive Director of ELEC.

**COUNT I**  
**DEFENDANTS' INDIVIDUAL ACTS AND CONSPIRACY TO EXTORT AND FORCE  
JEFFREY BRINDLE'S RESIGNATION AS EXECUTIVE DIRECTOR OF ELEC IN VI-  
OLATION OF THE NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. §10:6-2c.**

6. The allegations set forth above are repeated and reasserted herein.

7. ELEC IS New Jersey's independent campaign finance law enforcement agency and is an independent body not subject to the discipline or supervision of any other agency.

8. Plaintiff has served as the Executive Director of ELEC for the past fifteen (15) years and as Deputy Director for the prior ten (10) years.

9. Plaintiff is universally respected by all political parties and actors as a neutral and non-partisan campaign finance enforcement official who has devoted the entirety of his professional life to securing the fairness and objectivity of this agency and its work.

10. In creating ELEC, the Legislature sought to establish a neutral campaign finance agency to supervise and oversee New Jersey's election finance laws, an agency that was to be independent of jurisdiction, supervision, discipline or oversight from any other agency, division or department, as provided in ELEC's enabling statute:

For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Election Law Enforcement Commission is hereby allocated within the Department of Law and Public Safety; but, notwithstanding said allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof, it being the intention of this act that the assignment, direction, discipline and supervision of all the employees of the commission shall be so far as possible, and except as otherwise provided in this act, fully determined by the commission or by such officers and employees thereof to whom the commission may delegate the powers of such assignment, direction, discipline and supervision.

N.J.S.A. 19:44A-5.

**ACTIONS OF THE GOVERNOR AND HIS STAFF TO FORCE, EXTORT AND  
COERCE JEFFREY BRINDLE'S RESIGNATION AS EXECUTIVE  
DIRECTOR**

11. On November 1, 2022, defendants initiated a concerted and joint action and conspiracy to extort and coerce Jeffrey Brindle's resignation as Executive Director of ELEC.

12. On November 1, 2023 plaintiff was told to report to a meeting at the Governor's office on the next day, November 2, 2022.

13. This demand came one day after Mr. Brindle published an article entitled "How Not to Enter Politics (A Satire)" on the Inside NJ web site where he appears as a regular commentator as he has done for many years. The article was self-designated "A Satire" and suggested, satirically, that a student asking how to get into politics should save time by simply creating a "dark money" non-transparent political action committee to propel them forward to high office. The article reflected upon the use of private financing to propel political careers and, in particular, "dark money" committees, a practice for which defendant Murphy has been separately criticized in the media.

14. Plaintiff Brindle duly appeared at the Governor's office the next day, on November 2, 2022, at 1 PM, signed in, and proceeded to Room 2 where he was met with by the Governor's three highest ranking staff members: defendant George Helmy, Chief of Staff; defendant Parimal Garg, Counsel to the Governor; and defendant Dominic Rota, the Governor's Chief Ethics Advisor.

15. Defendant Murphy was not present at the meeting but it was held in his office suite.

16. Defendants Helmy, Garg and Rota preemptorily demanded that Mr Brindle resign immediately as Executive Director of ELEC on the ground that he had made an allegedly "anti-gay" comment in an email.

17. Defendants handed Brindle a pre-typed “letter of resignation” that was typed on the Governor’s personal letterhead and addressed to defendant Murphy; defendant was told to sign the resignation letter.

18. Mr. Brindle denied any discriminatory act and, when he asked to see the “email”, was told that the Governor’s staff was in possession of the email that would **not** be provided to Brindle.

19. Upon Brindle stating that he would not resign, defendants told Brindle that he would not want publicity about the alleged email after his long career in state government.

20. Brindle understood this to be a threat that the alleged email would be disclosed publicly if he refused the demand to resign; the statement was, in fact, an attempt to extort by force or coercion Brindle’s resignation from his office of Executive Director of ELEC.

21. Brindle was told to call defendant Rota by the next morning with a communication that he would be resigning his office as Executive Director of ELEC.

22. On the next morning, Brindle called defendant Rota and stated that he would not be resigning because he committed no discriminatory act; Rota responded in words to the following effect: “in that case there will be litigation”.

**DEFENDANTS’ ATTEMPTS TO FORCE BRINDLE’S FIRING BY  
INTERFERENCE WITH THE ELEC COMMISSIONERS’ INDEPENDENT  
MANAGEMENT OF THE AGENCY**

23. Gubernatorial interference did not end with the attempt to extort Mr. Brindle’s resignation but continued with direct pressure two weeks later upon the independent ELEC Commissioners to force Brindle’s dismissal.

24. This occurred on or about November 15, 2022 when defendant Dominic Rota called the ELEC Chair and the other two ELEC Commissioners in separate telephone calls and told each Commissioner that he wanted Jeffrey Brindle “fired” because of the alleged “anti-gay” statement and a “racist” statement. Rota refused to disclose the alleged statements to the ELEC Chair. In these calls, Rota told the Commissioners that it was the opinion of the Governor’s Counsel that Mr. Brindle should be fired.

25. Rota followed the phone call with an email to the ELEC Commissioners containing similar statements.

26. In the absence of documentation of any discriminatory acts, the ELEC Commissioners refused to take action as to a longstanding Executive Director with a high reputation for integrity in the operation of the campaign finance agency.

27. Such actions by Rota were illegal and illicit in that they represented a direct form of interference in the independent operation of ELEC that is to be insulated from control or supervision by any other agency or officials of the State; in this respect, only the ELEC Commissioners have the power, privilege and right to hire or fire an Executive Director; Rota’s communications were intended as instructions to the ELEC Commissioners to fire Brindle and were supported by his statement that the Governor’s counsel, Garg, was of the opinion that Mr. Brindle should be fired, a direct communication that it was the Governor and his staff that sought the dismissal of Brindle, all in violation of the legal requirement that the Governor may have no role in the operation of this independent public body.

28. Rota’s actions were also illicit in that they were carried out in a manner designed to thwart the purpose of the Open Public Meetings Act by communicating identically with

each ELEC Commissioner separately so as to avoid and defeat the requirement of communication on the public record, as required by law. Rota communicated the identical message to each Commissioner and did so separately with intent to prevent his actions from being heard in a public meeting or recorded on the public record. As such, Rota, the Governor's Chief Ethics Officer, intentionally sought to evade OPMA to force the firing of a high State official outside of the public record and public knowledge. At all such times, Rota was acting with the knowledge of the Governor and his Counsel, Parimal Garg as demonstrated by Rota's communication to the Commissioners that he was conveying the opinion of Garg, the Governor's personal counsel, that Brindle be fired.

29. The actions of the Governor and his staff to force Mr. Brindle's resignation violated ELEC's independence and neutrality and Brindle's rights to enjoy and carry out his appointed position as Executive Director; through his subordinates, the Governor acted, without disclosure to the ELEC Commissioners, to extort and force Mr. Brindle's resignation by the threat of publicity of an alleged discriminatory act; such threats being made in a private meeting with Brindle that took place without the Commissioners' knowledge.

30. Such acts were committed by the Governor's staff who were, at all times, acting as his agents and who interfered with, or attempted to interfere with and deprive Mr. Brindle of his lawfully appointed position.

31. All such acts were illicit and exceeded all lawful authority of the defendants in that ELEC is an independent body that is governed solely and exclusively by its Commissioners who are the only parties empowered by statute to seek or demand the resignation or discipline of ELEC employees, including, without limitation, the Executive Director.

32. The Governor knowingly allowed his office and the authority of his office as Governor of New Jersey to be used by his subordinates, including the remaining defendants Garg, Helmy and Rota, as part of a concerted action and/or conspiracy to force Brindle's resignation by coercion and threat in violation of the New Jersey Civil Rights Act, §10:6-2c.

**DEFENDANTS' ILLEGAL USE AND POSSESSION OF AN ALLEGED COMPLAINT OF DISCRIMINATION**

33. In addition to the foregoing, defendants acted through the illegal possession of an alleged complaint of discrimination, material that is required to be forwarded solely to the State's EEO office and/or the Commissioners of ELEC and to be kept confidential from all other State officers or employees, including the Governor and his staff.

34. The Governor and his staff had no legal right to possess, use or act upon any alleged complaint of a discriminatory act but were required to forward such material to the appropriate EEO officer in State government and/or to the ELEC Commissioners.

35. The use by the Governor and his staff of the alleged complaint of discrimination to attempt to force Mr. Brindle's resignation further violated State law and Mr. Brindle's civil rights.

**THE "INVESTIGATION" OF JEFFREY BRINDLE FOLLOWING HIS REFUSAL TO RESIGN AND THE ELEC COMMISSIONER'S REFUSAL TO FIRE BRINDLE**

36. After Mr. Brindle's refusal to resign and the refusal of the ELEC Commissioners to fire Brindle, the State commenced an "investigation" of the alleged discriminatory email.

37. Such investigation was commenced only after the efforts of the Governor and his staff failed to secure Brindle's resignation or his firing.



38. The investigation commenced on or about December 12, 2022 by letter from the Office of the Attorney General demanding that Mr. Brindle agree to participate in a disciplinary investigation and training; just as the Governor's staff refused to disclose the alleged discrimination, the letter of the Attorney General failed to identify or disclose the nature of the alleged complaint of discrimination or any alleged statement by Brindle.

39. The Attorney General, despite subsequent requests by Brindle's counsel refused to disclose any act of discrimination but demanded that Brindle participate in a discrimination training program before any inquiry had commenced or any finding of discriminatory act had been made.

40. The commencement of the investigation did not take place until *after* Brindle had refused the efforts of the Governor and his staff to force his resignation and the ELEC Commissioners had refused the demand of the Governor's Chief Ethics Officer and the Governor's Counsel that the Commissioners fire Brindle.

41. The commencement of the EEO "investigation" was retaliatory for the failure of Brindle to resign and the refusal of the ELEC Commissioners to fire Brindle.

42. Brindle refused to participate in the "investigation" because the Attorney General has no disciplinary authority over ELEC and its officers and the "investigation" would have compromised the independence of ELEC.

#### **LEGISLATION TO FORCE THE REMOVAL OF BRINDLE FROM HIS POSITION AS EXECUTIVE DIRECTOR**

43. Following the failure of the Governor's efforts to force Brindle's resignation or his firing by the Commissioners, legislation was introduced to remove Brindle from his posi-

tion and replace Brindle with an Executive Director to serve solely at the pleasure of the Governor.

44. On or about Monday, February 27, 2023 a bill was posted in the Senate, Bill No. S2866 (identical Bill No. A4372 was introduced in the Assembly).

45. The Bill would have legislatively terminated Jeffrey Brindle's position as Executive Director upon signing by the Governor and would have imposed a gubernatorial appointee to serve as Executive Director at the pleasure of the Governor, eliminating the appointment power presently held by the ELEC Commissioners.

46. The purpose of this aspect of the bill was to specifically target and remove Brindle from his appointed position and to intentionally deprive Brindle of the privileges and immunities of the office to which he was appointed lawfully by the ELEC Commissioners.

47. Due to public outcry, the bill was withdrawn on or about February 27, 2023.

**A NEW BILL INTRODUCED THIS DATE WILL REMOVE THE ELEC COMMISSIONERS FROM OFFICE FOR THE PURPOSE OF ENABLING THE FORCED REMOVAL OF BRINDLE**

48. Following the failure of each of these efforts, the Governor and his staff have continued to seek to force Brindle's removal from office.

49. On or about March 16, 2023 the Governor and his staff caused to be introduced in the Legislature a bill, S2866, that will remove the three current Commissioners of ELEC who are in office and were appointed by the advice and consent of the Senate.

50. The bill would replace the Commissioners with gubernatorial appointees who will not require the advise and consent of the Senate.

51. The bill is introduced as part of a pattern and scheme to force by different artifices the resignation or firing of Jeffrey Brindle.

52. Although S2866 is not yet law, it demonstrates the continuing pattern and intent of the Governor and his staff to force the remove of Brindle and, now, the ELEC Commissioners for their refusal to follow the Governor's demand for the firing of Jeffrey Brindle.

53. If adopted, the bill would be special legislation in violation of Art. IV, Sec. VII, para. 7 of the New Jersey (1947) Constitution.

**RETALIATION FOR PLAINTIFF'S EXERCISE OF HIS FIRST AMENDMENT  
RIGHT TO COMMENT AND SPEAK ON ISSUES OF  
PUBLIC INTEREST AND CONCERN**

54. In addition, defendants acted in the above manner in retaliation for the exercise of Mr. Brindle's First Amendment right to comment and discuss matters of public interest and concern, particularly the article entitled "How Not to Enter Politics (A Satire)" on the Inside NJ web site, published on October 31, 2023, the day before defendants demanded Mr. Brindle appear for the meeting at which he was ordered to resign his position, as described above.

55. Such act was in retaliation for Mr. Brindle's exercise of his First Amendment rights and is a further ground for violation of N.J.S.A. §10:6-2c.

**CONCLUSION**

56. Based upon the foregoing, defendants Murphy, Helmey, Garg and Rota acted individually and in concert and conspiracy, through coercive and extorting threats, and through illegal pressure and interference with the ELEC Commissioners, to deprive, interfere with or attempt to deprive or interfere with Jeffrey Brindle's substantive due process rights and his privileges and immunities to continue to enjoy and carry out his appointed office with its pow-

ers, responsibilities and compensation, rights secured by the Constitution or laws of the United States and New Jersey, all such acts in violation of the New Jersey Civil Rights Act, §10:6-2c.

57. Brindle has been injured in his right to enjoy the privileges, immunities, emoluments and expectation of continued service, has been subjected to anxiety and uncertainty in the continued occupancy of his office and whether he will be arbitrarily removed from his source of livelihood and subject to public stigmatization in consequence of such removal or anticipated removal, all causing harm and injury to plaintiff.

WHEREFORE, declaratory relief should be entered that defendants violated plaintiff's rights pursuant to the New Jersey Civil Rights Act, §10:6-2c; that they be permanently enjoined from continuing in such acts; and that compensatory and punitive damages be awarded to plaintiff, along with reasonable attorneys fees, interest and cost of suit and such other relief as to the Court may seem just and proper.

**CERTIFICATION PURSUANT TO R. 4:5-1**

Bruce I. Afran hereby certifies:

1. I am an Attorney at Law of the State of New Jersey, and attorney for the plaintiff in the above-captioned matter.

2. To the best of my knowledge, information and belief there is no other action(s) pending regarding the subject matter of this Complaint in a Court or arbitration proceeding.

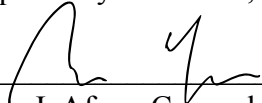
**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**DESIGNATION OF TRIAL COUNSEL**

**PLEASE TAKE NOTICE** that, pursuant to R. 4:18-4, BRUCE I AFRAN, Esq. is hereby designated as trial counsel in the above captioned matter.

Respectfully submitted,

  
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Bruce I. Afran, Counsel for Plaintiff

Dated: March 16, 2023