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July 24, 2024

VIA ELECTRONIC MAIL

Wanda D. Brown, Assistant General Counsel
 Office of Complaints Examination and Legal Administration
 Federal Election Commission
 1050 1st Street, NE
 Washington, D.C. 20463

Re: MUR 8192

To Whom It May Concern:

We write as counsel to Theodore Romankow (“Romankow” or “Respondent”) in response to the 76-page complaint in MUR 8192 (the “Complaint”) filed by Caleb L. McGillvary (“Complainant”) on December 6, 2023, alleging, amongst a litany of outlandish claims, violations of the Federal Election Campaign Act of 1971, as amended (the “Act”), and Federal Election Commission (“FEC” or “Commission”) regulations.

For the Commission’s benefit, Mr. Romankow served as the Union County Prosecutor from 2003 to 2013. *See* Declaration of Theodore J. Romankow, Esq., attached hereto as **Exhibit A** (“Romankow Decl.”), ¶ 2. During his tenure, his office arrested Complainant for the death of New Jersey attorney Joseph Galfy. *See* Romankow Decl., ¶ 3. Following Romankow’s retirement in 2013, Complainant’s case was prosecuted by a subsequent administration. On or about April 24, 2019, a New Jersey jury found Complainant guilty of first-degree murder, and Complainant was sentenced to 57 years in prison. *See* Romankow Decl., ¶ 4. In January 2023, respondent Netflix (“Netflix”) released “The Hatchet Wielding Hitchhiker” (“THWH”), a nearly 90-minute documentary about Complainant, for which Romankow was interviewed. *See* Romankow Decl., ¶ 5. To be succinct: Complainant is pursuing, through this matter before the Commission, baseless claims against the same prosecutor whose office successfully prosecuted Complainant for murder.

The Complaint alleges that Romankow engaged in various illegal activities, including coordination with political entities and public officials, and participated in a convoluted bid-rigging syndicate conspiracy. The factual basis for these allegations is entirely speculative and relies heavily on hearsay, unverified assertions, and circumstantial evidence without providing specific factual details necessary to support a plausible cause of action. Moreover, the Complaint fails to demonstrate how Romankow’s alleged actions resulted in specific violations of the Act, or any other statutory provisions. In essence, Complainant is throwing baseless conspiracies against the wall and expecting the Commission to do the investigative legwork to determine their veracity. The lack of substantive



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evidence and the reliance on outlandish conjecture provide no reasonable grounds to believe that Romankow violated any laws. Therefore, the Commission should dismiss this Complaint.

I. The Complaint Is Based Entirely Upon Unsubstantiated Speculation and Should Be Dismissed.

Put plainly, the Complaint lacks any facts or evidence approaching the threshold required for the Commission to establish reasonable grounds for a violation. A complaint must set forth a “clear and concise recitation of the facts which describe a violation” of the Act. 11 C.F.R. § 111.4(d)(3). The Commission may find “reason to believe” a violation occurred only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. *See* MUR 4960, Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, at 1 (Dec. 21, 2000) (“MUR 4960”). A “reason to believe” finding requires “a minimum evidentiary threshold [providing] at least some legally significant facts[.]” *Democratic Senatorial Campaign Comm. v. FEC*, 745 F. Supp. 742, 745-46 (D.D.C. 1990). Unsubstantiated conjecture will not be accepted as true. MUR 4960 at 2. A complaint that alleges violations “in the most conclusory fashion,” without supporting factual evidence, will be dismissed by the Commission. *In re Fed. Election Campaign Act Litig.*, 474 F. Supp. 1044, 1047 (D.D.C. 1979). Here, the Complaint contains a series of disjointed allegations against Romankow, suggesting his involvement in various illicit activities including bribery and racketeering.¹ On its face, the Complaint fails to establish a credible factual basis for these claims.

First, the Complaint alleges that Netflix, through an agent, contacted Romankow to discuss his contribution to the THWH documentary. Romankow, identified in the Complaint as a member of the New Jersey Association for Justice and an alleged co-conspirator of a bid-rigging syndicate conspiracy, purportedly offered to help Netflix acquire public land and state incentives in exchange for Netflix infringing on the Complainant's copyrights and falsely portraying Complainant in THWH. However, the Complaint does not provide any evidence or specific details about the alleged coordination between Netflix and Romankow. The claims are speculative and based on meritless allegations rather than verifiable facts, lacking any contracts, emails, messages, or documented meetings to substantiate the purported coordination. Moreover, even if Romankow had discussions with Netflix, the Complaint does not demonstrate how these discussions directly led to unlawful actions or the infringement of Complainant's rights.

Second, the Complaint alleges that Romankow made a \$2,500 transaction to respondent New Jersey State Senator Nicholas P. Scutari (“Scutari”) and orchestrated additional transactions through his alleged “co-conspirators.” It claims this was done in exchange for Scutari's political lobbying

¹ As the Commission is aware, it possesses the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, as set forth in 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. Id. § 30107(a)(9). As a result, this response will discuss all violations, including those outside the Commission's jurisdiction.



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efforts on behalf of Romankow and Netflix, specifically to influence the Fort Monmouth Economic Revitalization Authority ("FMERA") to issue a Request for Offers to Purchase ("RFOTP") a parcel of land. The Complaint fails to provide evidence that this donation exists or, if it does, that it was anything other than a lawful political contribution to a New Jersey candidate committee. As the Commission is aware, political contributions are a legal and common means for individuals and entities to support candidates and causes. There is no evidence or specific allegations that link the donation to any agreement or understanding that it was made in exchange for favorable actions by Scutari or anyone else. Without any proof of quid pro quo arrangements, the donation cannot be considered unlawful.

Third, the Complaint alleges that on or about September 10, 2021, Romankow, Scutari and other individuals attended a "testimonial affair" at which they met, conferred, and agreed to the terms of joining a purported bid-rigging conspiracy and ratifying the supposed agreement to engage in unlawful transactions. Once again, there is no documentation or witness testimony provided to verify that such a meeting took place or that an agreement was made. The Complaint fails to provide specific details about the alleged agreement, such as the exact terms, the nature of the transactions, or how the alleged conspiracy was supposed to operate. Even if a meeting did occur, which it did not, the Complaint does not provide any evidence that the participants had criminal intent or that their actions were meant to further an unlawful conspiracy.

Fourth, the Complaint alleges that on unknown dates, Romankow and other respondents conspired and agreed to make transactions to political campaigns and to confer benefits to politicians as consideration for their actions or inactions. The Complaint also claims that these transactions were structured to avoid reporting requirements under various state and federal laws. Additionally, it is alleged that Romankow agreed to use his alleged positions at the Union County Board of Commissioners and Union County Improvement Authority to obstruct investigations or prosecutions of criminal activity, trade access to news stories to suppress media coverage of such activities, and facilitate bid-rigging schemes involving state employees, all of which are claimed to be part of a pattern of racketeering activity. However, Romankow never held these positions,² and the Complaint fails to provide specific, credible facts or documents to support the claim that Romankow engaged in these alleged conspiracies and illegal activities.

Fifth, the Complaint alleges that Romankow and Rodemar Perez ("Perez") conspired to involve Perez in the alleged conspiracy outlined above. According to Complainant, Romankow allegedly approved kickbacks and other benefits for Perez during the former's alleged tenure on the Board of Directors of Trinitas Hospital from May 2013 to May 2019. In return, Perez, serving as the Union County Jail Psychiatrist, purportedly fabricated reports to discredit Complainant and deny him treatment for Post Traumatic Stress Disorder. However, Romankow was never a member of the Board

² Romankow Decl., ¶ 6.



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of Directors of Trinitas Hospital.³ There are no detailed facts or proof provided to support the claim that Romankow and Perez conspired or that Romankow approved kickbacks and benefits as part of this alleged scheme. The assertions regarding fabricated reports and denials of treatment are speculative and unsupported by any tangible evidence.

Lastly, and most egregiously, the Complaint alleges that Romankow used his position as the Union County Prosecutor to quash investigations or prosecutions into various crimes, including but not limited to, misappropriation of funds, theft, human trafficking and sexual assault, serious accusations that require substantial more evidence than baseless conjecture. Once again, the Complaint fails to provide any details or identify specific instances where Romankow allegedly obstructed justice or covered up criminal activities. There is no mention of particular cases, dates, or actions taken by Romankow that would substantiate such a claim. The assertion is speculative and baseless. Given the lack of detailed, corroborative information, the allegation does not establish a reasonable basis for concluding that Romankow misused his position. Therefore, without any verifiable evidence, these baseless conspiracies do not establish a reasonable basis for the accusations made against Romankow, and thus, the Complaint should be dismissed.

II. The Complaint Does Not Allege any Specific Credible Violation of the Act.

The Complaint broadly alleges violations under 52 U.S.C. § 30104. *et seq.* and 11 C.F.R. § 104, 110 *et seq.* It broadly references these two provisions without detailing how these sections were purportedly violated by Romankow. This lack of specificity undermines the credibility of the allegations, as it fails to connect Romankow's actions to any concrete legal breaches within the framework of the Act. Specifically, each potential violation of the Act has no factual basis or support:

- §30104 - Reporting Requirements: There is no evidence that contributions and expenditures were not reported as required. Romankow has reported his contributions to Federal Candidates, and has not exceeded any contribution limits.
- §30116 - Limitations on Contributions and Expenditures: No evidence or detailed allegations were provided to show that these limits were exceeded or that contributions or expenditures were unreported.
- §30118 - Contributions by Corporations: No evidence or detailed allegations of improper corporate contributions was provided.
- §30121 - Contributions by Foreign Nationals: No mention of foreign entities' involvement.

³ Romankow Decl., ¶ 7.



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- §30122 - Contributions in the Name of Another Prohibited: No specific instances set forth of contributions made in others' names.
- §30124 - Fraudulent Misrepresentation: Allegations lack evidence of false representation regarding contributions and their intended use.

Overall, while the allegations against Romankow are lengthy, they lack both detailed, specific factual support and evidence required to establish violations of the Act. Therefore, the Complaint fails to set forth a credible basis for these allegations.

III. Conclusion

Complainant has repeatedly made unsupported allegations in hopes of having the Commission expend resources chasing violations that do not exist. These claims are speculative and lack concrete, verifiable factual support, failing to meet even the minimal standards required for the Commission to find any potential violation of federal law. The Complaint is fundamentally meritless and does not survive scrutiny. We strongly urge the Commission to dismiss this matter promptly without further action, as its resources would be better allocated elsewhere.

Respectfully submitted,
GENOVA BURNS LLC

/s/ Harrison C. Clewell

Harrison C. Clewell

HCC/KS

EXHIBIT A

**FEDERAL ELECTION COMMISSION
OFFICE OF COMPLAINTS EXAMINATION AND LEGAL ADMINISTRATION**

CALEB L. MCGILLVARY
Complainant

v.

ROBERT MENENDEZ, NETFLIX,
THEODORE ROMANKOW, PHIL
MURPHY, KARA KOPACH, ANTHONY
TALERICO, JR., LILLIAN BURRY,
REGINA MCGRADY TRACY BUCKLEY,
JAY COFFEY, MATTHEW J. TEVENAN,
RIKER DANZIG, LLP, STEVEN GALLO,
STEPHEN ZEGAR, JAMERA SIRMANS,
JORGE SANTOS, ROBERT A. KIRSCH,
KAREN M. CASSIDY, CHRISTINE P.
O'HEARN, RENEE MARIE BUMB, THE
NEW JERSEY SENATE, THE NEW
JERSEY LEGISLATURE, THE NEW
JERSEY STATE ASSEMBLY, THE NJ
OFFICE OF THE GOVERNOR, RAW TV,
BRUCE STEADMAN, LINDA D.
STENDER, NICHOLAS SCUTARI, NEW
JERSEY ASSOCIATION OF JUSTICE,
NEW JERSEY ASSOCIATION OF
JUSTICE PAC, JAVERBAUM WURGAFT,
GERALD H. BAKER, MICHAEL
GALPERN, FRANCISCO J. RODRIGUEZ,
JEFFREY RIZKA, STARK & STARK,
ROBERT J. BRATMAN, DEBORAH
DUNN, MICHAEL DONAHUE, EVAN
LIDE, BRYAN ROBERTS, JOHN A.
SAKSON, DOMENIC SANGINITI,
LEVINSON AXELROD, RICHARD
MARCOLUS, CHRISTOPHER
DEANGELO, MICHAEL FUSCO,
KIMBERLY GOZSA, BRETT GREINER,
ADAM ROTHENBERG, LUM DRASCO
POSITAN, STEPHEN EISENSTEIN,
WAYNE POSITAN, STARR GERN
DAVISON & RUBIN, SHELLY
STANGLER, IRA STARR, LYNCH

Complaint No. MUR 8192

**DECLARATION OF THEODORE J.
ROMANKOW, ESQ.**

LYNCH HELD ROSENBERG, LYNCH
LAW FIRM, MICHAEL ROSENBERG,
ERICA AVONDOGLIO, MICHAEL T.
BUONOCORE, JAMES LYNCH, NEIL
WEINER, STAVOLA CONSTRUCTION
MATERIALS, ELIZABETH STAVOLA, DI
GROUP ARCHITECTURE, VINCENT
MYERS, RICHARD D. ALEDERISO,
ROBERT RYAN, JEFFREY VENEZIA,
WEILKOTZ & CO., LLC, MATTHEW
WEILKOTZ, STEVEN WEILKOTZ,
CATHY L. WALDOR, MADELINE COX
ARLEO

Respondents.

I, THEODORE J. ROMANKOW, ESQ., declare as follows:

1. I was named as a respondent in complaint no. MUR 8192 (the "Complaint") filed by Caleb L. McGillvary ("Complainant"). I submit this declaration in support of my response to the Complaint.
2. On or about July 26, 2002, I was appointed the Chief Law Enforcement Officer of Union County, New Jersey. I served as Union County Prosecutor from then until 2013.
3. While I was serving as Union County Prosecutor, my office prosecuted Complainant in connection with the murder of Joseph Galfy, Jr., a 73-year-old attorney from Clark, New Jersey.
4. Ultimately, a New Jersey jury found Complainant guilty of first-degree murder on or about April 24, 2019. Complainant was sentenced to fifty-seven (57) years in prison for this crime.
5. In January 2023, respondent Netflix released "The Hatchet Wielding Hitchhiker" ("THWH"), a nearly 90-minute documentary about Complainant for which I was briefly interviewed. A portion of this interview was included in footage for THWH.

6. As part of his unfounded allegations, Complainant claims that I improperly used positions on both the Union County Board of Freeholders and the Union County Improvement Authority; however, I never held a position with either entity.

7. Complainant also claims that I served on the Board of Directors of Trinitas Regional Medical Center, a hospital and healthcare facility for residents of Union County. This claim is false.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 24, 2024


Theodore Romankow