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Please respond to Livingston office

*Admitted to NJ & NY

July 30, 2024

Via Email

Concerned Livingston Residents

**Re: OPRA – 3169 - Internal review of OPRA request
Councilman Michael Vieira Facebook Account**

Dear Concerned Livingston Residents:

I serve as Township attorney for the Township of Livingston (the “Township”). In that connection, the Township is in receipt of the email dated July 24, 2024 contesting the Township’s response to the above referenced Open Public Records Act (“OPRA”) request. As such, this correspondence shall serve as the Township’s amended response. Below is the OPRA request with the Township’s responses in bold:

1. A complete log of all activity including, but not limited to, "search" activity on the "Councilman Michael Vieira" official Facebook account from January 23, 2024 to July 8, 2024. This log should be provided as time stamped screenshots, in electronic format and in chronological order.

This request is overly broad, “search” activity must be defined as it relates to specific Township Business pursuant to MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005).

2. A record of all posts and/or comments that have been deleted from Councilman Vieira's official Facebook account during this same period, including the content of those posts and/or comments and the dates they were posted and deleted.

Attached hereto as “Exhibit A” is a deleted Facebook post responsive to the OPRA request. The Township was advised that same was posted 14 times, over 3 days, on the Facebook account of Michael Vieira (“Vieira”) in an attempt to harass Vieira. The harassment was evident not only by the numerous times the record was posted, but the poster went as far as to comment same under a personal post made by Vieira; as such, the posts were deleted accordingly.

3. A list of all users who have been blocked from viewing or interacting with Councilman Vieira's official Facebook account, including the dates when they were blocked and any recorded reasons for the blocking. If any user has been unblocked during this time, please provide the dates of the unblocking.

The Township has been advised that there are no blocked accounts/individuals on Councilman Vieira’s Facebook Account.

4. Any policies or guidelines that govern the Councilman's use of social media for official town business.

There are no documents responsive to this request.

5. Any records of communication between Councilman Vieira and other town officials regarding the management of his official Facebook account, including discussions about post deletions or user blocking.

There are no documents responsive to this request.

Given the foregoing, this matter shall be deemed closed by the Township as full production of the requested records has been provided.

Very truly yours,

/s/Jarrid H. Kantor

Jarrid H. Kantor

Encl.

cc: Client (*via* Email)