
Garrubbo & Capece, P.C.

ATTORNEYS AT LAW

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+ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS
A CIVIL TRIAL ATTORNEY
* ALSO MEMBER OF FL BAR

February 6, 2019

Via Email

<mailto:opra+request-3412-e1eccf86@requests.opramachine.com>

Time for Reply NJ

Re: OPRA Request- Borough of Kenilworth

Gentlemen,

In response to your OPRA email request (sent after the work day on 2-1-19) as the Borough attorney for Kenilworth the following is our response.

The following emails are provided:

1. 12-9-18 John Zimmerman to Vincent Ricciardi.
2. 12-3-18 Email Councilman Lawrence Clementi (attached opinion letter (11-21-18) is also provided.
3. 11-28-18 Email from Frank Capece to Chief John Zimmerman (attached profile is also included).

4. 11-27-18 Email from Frank Capece to Chief John Zimmerman
(attached article is also included).

5. 11-26-18 John Zimmerman

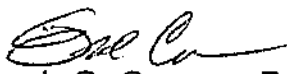
Not provided,

a. Certification information Chief Vincent Ricciardi (11-26-18) reason
for exemption: NJSA 471A-10

b. Complaint Approval- Union County Prosecutor Office 11-29-18
Reason for Exemption NJSA 47:1A3.b.

The New Jersey Open Public Records Act (NJSA 47:1A-1) permits a
person who believes he or she has been illegally denied access to a public
record to file a complaint with the Government Records council or file suit in
Superior Court to challenge the decision and compel disclosure.

Very truly yours,


Frank G. Capece, Esq.

FGC:ya

Via Email w/o encl

Cc: Laura Reinertsen
Chief John Zimmerman

Diane O'Neill

From: John Zimmerman <chief.kpd@kenilworthnj.org>
Sent: Sunday, December 09, 2018 3:25 PM
Subject: Re: Thank you!

Vincent,

I was glad you could attend. Look forward to seeing you in January. Wishing you and your family a Merry Christmas and a Happy and Healthy New Year.

Sincere regards,

John

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Chief Vincent Ricciardi <vricciardi@hillsidepolice.org>
Date: 12/9/18 1:55 PM (GMT-05:00)
To: Chief Anthony Buccelli <Anthony.Buccelli@newprov.org>, Chief Brian Barnes <bbarnes@rosellepd.com>, Chris Debbie <cdebbie@ucnj.org>, Chief David Hart <dhart@lpdnj.org>, Chief James Wright <j-wright@garwood.org>, Chief John Brennan <jbrennan@elizabethnj.org>, Chief John Cook <john.cook@springfield-nj.us>, Chief John DiPasquale <jdipasquale@bhpolice.org>, Chief John Rodger <jrodger@rahwaypolice.com>, John Zimmerman <chief.kpd@kenilworthnj.org>, Chief Paul Morrison <pmorrison@rosellepark.net>, Chief Pedro Matos <pmatots@clarkpolice.org>, Chief Richard Trigo <richardtrigo@fanwoodnj.org>, Chief Robert Weck <rweck@spdnj.org>, Chief Ryan Greco <r-greco@cranfordnj.org>, Chief Ted Conley <t.conley@scotchplainspd.org>, Chief Walter Berg <wberg@winfield-nj.org>
Subject: Thank you!

Chiefs:

Thank you for having me at your holiday party on Friday. I sincerely appreciated the invite and how welcoming you all were to me.

I wish everyone a very happy holiday season for you and your families.

Kind regards,



NOTICE OF CONFIDENTIALITY

This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Hillside Police Department. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the sender, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate

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Diane O'Neill

From: Larry Clementi <l.clementi@kenilworthnj.org>
Sent: Monday, December 03, 2018 8:13 PM
Subject: FW: Richard Pinto Sr.
Attachments: image2018-11-20-154719.pdf

Hey what's the latest?

From: Laura Reinertsen <boroughclerk@kenilworthnj.org>
Sent: Monday, November 26, 2018 8:26 AM
To: Larry Clementi <l.clementi@kenilworthnj.org>
Subject: FW: Richard Pinto Sr.

Please see email and attachment from Labor Attorney Capece

Laura Reinertsen

Laura Reinertsen, RMC, CMR
Borough Clerk
Borough of Kenilworth
Phone: 908-276-9090
Email: boroughclerk@kenilworthnj.org

"Be the change you wish to see in the world." - Gandhi

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From: Frank G. Capece, Esq. [<mailto:fgc@grrlawyers.com>]
Sent: Wednesday, November 21, 2018 2:47 PM
To: Laura Reinertsen
Subject: Richard Pinto Sr.

Hi Laura, We do not have an email address for Councilman Clemente, could you please pass this on to him. Thank you in advance.

Very truly yours,

Frank G. Capece, Esq.
GARRUBBO & CAPECE, P.C.
Attorneys at Law
2204 Morris Avenue, Suite 304

Union, New Jersey 07083
(908)233-5575
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Garrubbo & Capece, P.C.

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COURT OF NEW JERSEY AS
A CIVIL TRIAL ATTORNEY
• ALSO MEMBER OF FL BAR

November 21, 2018

Via Email (chief.kpd@kenilworthnj.org)

Chief John Zimmerman
Borough Hall
567 Boulevard
Kenilworth, New Jersey 07033

Re: Richard Pinto Sr.

Dear Chief Zimmerman,

As Labor Counsel for the Borough of Kenilworth, we request you provide the following to John Cunningham at the Police training commission relating to the denial of waiver of training for Richard Pinto Sr. and your requested appeal:

1. N.J.S.A. 40A:14 – 146.10 can be seen as providing a waiver of training for Pinto.

In his letter Of Nov. 14, 2018 Administrator Cunningham points to section g of that statute dealing with "a duly qualified fully-trained to fill the office".

A fair reading of the intent of that statute is to involve "battle tested" personnel to serve in the new position. The Borough is aware that Pinto served as an officer at Rutgers University in New Brunswick. I would point out that the student body population served by Pinto was actually larger than the population of Kenilworth.

It is pertinent that the intent of the statute as set forth in legislative committee statement speaks in part "authorized to provide security at a public or non-public school or county college while they are on the premises during hours when the school or college normally is in session or when it is occupied by students or their teachers or professors". In essence the same functions Pinto performed regularly at Rutgers.

2. It is also pertinent that the amendatory language of the enabling statute spoke to the need to acquire "training covering security issues that routinely are in the school setting". Respectfully it is suggested that this is exactly the career experience of Mr. Pinto.
3. Practically, we would offer to the police training commission, that Pinto's experience in the youth setting of Rutgers would make him an ideal candidate for the position. He is a past participant in the pension

system for police and fire as equivalent to the need of this position.

We urge the commission to review the matter and permit Richard Pinto Sr. to serve the Borough of Kenilworth in the position via waiver for which he is qualified both by statute and experience.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Frank G. Capece', written in a cursive style.

Frank G. Capece, Esq.
Labor Counsel

FGC:kd

Cc: Councilman Lawrence Clementi
Laura Reinertsen Municipal

Diane O'Neill

From: Frank G. Capece, Esq. <fgc@grrlawyers.com>
Sent: Wednesday, November 28, 2018 12:06 PM
Subject: I thought you would find this of interest
Attachments: cj-griffin.pdf

Very truly yours,

Frank G. Capece, Esq.
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Attorneys at Law
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CJ Griffin

Partner

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21 Main Street, Suite 200,
Hackensack, New Jersey 07601-7054

PRACTICE AREAS

Appellate Advocacy
Employment & Labor
Media Law
Cannabis Law

EDUCATION

Rutgers University School of
Law, J.D., 2009
SUNY-Empire State College,
B.S., 2005

BAR & COURT ADMISSIONS

New Jersey
United States District Court,
District of New Jersey

BACKGROUND

CJ Griffin's legal practice focuses on media law, appellate advocacy, employment, criminal defense, and cannabis law.

CJ has earned a reputation in the State as one of the leading attorneys representing media companies, non-profit organizations, and citizens in Open Public Records Act (OPRA) litigations. Several of CJ's cases have resulted in landmark decisions from the Supreme Court and Appellate Division, including North Jersey Media Group Inc. v. Township of Lyndhurst, Scheeler v. Atlantic County Joint Municipal Insurance Fund, and Wronko v. New Jersey Society for the Prevention of Cruelty to Animals. CJ publishes the Firm's "New Jersey OPRA Blog" to keep the public informed about updates in the law and routinely hosts OPRA trainings for community organizations and news rooms.

CJ has built a considerable appellate practice. CJ has argued before the New Jersey Supreme Court 8 times and has worked on more than 15 cases that have become published opinions. This includes regular appearances before the appellate courts in an *amicus curiae* capacity on a variety of legal issues. CJ also serves on the *Amicus* Committee of the New Jersey State Bar Association. In 2018, the *New Jersey Law Journal* awarded the Firm a "Litigation Department of the Year" Award for its appellate work primarily in the OPRA field.

CJ helped launch the Firm's growing cannabis law practice and regularly contributes to the Firm's "NJ Cannabis Blog."

Prior to joining Pashman Stein, CJ was a law clerk to Hon. Ariel A. Rodriguez, Presiding Judge of the Appellate Division, and a litigation associate at Scarinci Hollenbeck. During law school, CJ was a Research Editor for the *Rutgers Law Review*. Prior to law school, CJ worked in non-profit management in several non-profit organizations, including the National Housing Institute, Identity House of New York City, and Astraea Lesbian Foundation for Justice.

CJ is currently the Vice President of the Board of Trustees of the ACLU of New Jersey and performs significant pro bono work on a variety of civil rights issues. In the past, CJ has served

as a Chair of the LGBT Rights Section of the New Jersey State Bar Association, a member of the *New Jersey Law Journal's* Young Lawyer Advisory Board, and a member of the Essex County LGBTQ Advisory Board.

CJ has earned numerous accolades and awards, including being named as a Finalist for the *New Jersey Law Journal's* "2018 Attorney of the Year Award." In addition, CJ earned a "Professional Achievement Award" from the Young Lawyers Division of the New Jersey State Bar Association in 2017 and is listed as a *New Jersey Rising Star* for the 2013-2018 editions of *Super Lawyers*. In 2012, CJ was named one of *New Jersey Law Journal's* "New Leaders of the Bar" (formerly "40 Under 40").

PROFESSIONAL/CIVIC ACTIVITIES

- ACLU-NJ, Board of Trustees, Vice President
- New Jersey State Bar Association, (2009-Present)
 - LGBT Rights Section (Chair, 2015; Member, current)
 - Bylaws & Resolutions Committee, Member
 - Amicus Committee, Member
- New Jersey Law Journal's Young Lawyers Advisory Board, Former Member

PUBLICATIONS

" *The Use of Prior Restraints on Publication in the Age of Wikileaks*," New Jersey Lawyer, June 2017 (pending)

"*Public-Private Partnerships May Be Subject to OPRA*," New Jersey Law Journal, November 6, 2014}

" *Using New Jersey's Open Public Records Act as a Litigation Tool*," New Jersey Corp. Counsel Assoc. Newsletter(December 2014)

" *What Businesses Need to Know About New Jersey's New Domestic Violence Leave Law*," NJBIZ, October 9, 2014

"*How To Use NJ Open Public Records Act To Get The Scoop*," Law360, September 9, 2014

PUBLISHED CASES

N. Jersey Media Group Inc. v. Twp. of Lyndhurst, 229 N.J. 541 (2017)

Wronko v. New Jersey Soc'y for Prevention of Cruelty to Animals, __ N.J. Super. __ (App. Div. 2018)

Brennan v. Bergen Cnty Prosecutor's Office, 223 N.J. 330 (2018)

Petro-Lubricant Testing Labs, Inc. v. Asher Adelman, 233 N.J. 236 (2018)

Kean Federation of Teachers v. Morel, __ N.J. __ (2018)

Libertarians for Transparent Gov't v. Gov't Records Council, __ N.J. Super. __ (App. Div. 2018)

In re New Jersey Firemen's Ass'n, 230 N.J. 258 (2017)

North Jersey Media Grp. Inc. v. Office of Governor, 451 N.J. Super. 282 (App. Div. 2017)

State v. Bacome, 228 N.J. 94 (2017)

Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016)

North Jersey Media Grp Inc. v. Twp. of Lyndhurst, 441 N.J. Super. 70 (App. Div. 2015)

Gilleran v. Twp. of Bloomfield, 440 N.J. Super. 490 (App. Div. 2015)

State v. Tate, 220 N.J. 393 (2015)

Turner v. Twp. Of Irvington, 430 N.J. Super. 274 (App. Div. 2013)

Headen v. Jersey City Bd. of Educ., 212 N.J. 437 (2012)

Wilson v. City of Jersey City, 209 N.J. 558 (2012)

CLERKSHIPS

Judicial Law Clerk to Ariel A. Rodriguez, P.J.A.D. (2009-2010)

ACCOLADES

- Named a Finalist for *New Jersey Law Journal's* "2018 Attorney of the Year"
- "Professional Achievement Award" by Young Lawyers Division of New Jersey State Bar Association (2017)
- Included in the *New Jersey Rising Star* list for the editions of 2013-2018.
- Included in New Jersey Law Journal's " *New Leaders of the Bar*" list (formerly, "40 Under 40") for 2012.

The *New Jersey Rising Star* list is issued by Thomson Reuters. A description of the selection methodology can be found at http://www.superlawyers.com/about/selection_process.html.

The *New Leaders of the Bar* list is published by the New Jersey Law Journal. A description of the selection methodology can be found at

<http://www.njlawjournal.com/id=1202567879607/New-Leaders-of-the-Bar>

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

John Zimmerman

From: Frank G. Capece, Esq. <fgc@grrlawyers.com>
Sent: Tuesday, November 27, 2018 9:52 AM
Subject: article
Attachments: image2018-11-26-103050.pdf

Very truly yours,

Frank G. Capece, Esq.
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Court Says School District, Teacher Immune in Student's Fundraiser Basketball Game Injury

By Michael Booth

A New Jersey school district cannot be held liable for injuries a middle school girl sustained while going up for a rebound during a student-teacher fundraising basketball game, an appeals court has ruled.

A three-judge Appellate Division panel, in an unpublished opinion, said the Rahway Board of Education and officials at the Rahway Middle School did not breach any duty of care owed to the student, identified only as C.H., when she was injured.

"There were no facts showing that the game was being conducted in a reckless or out of control manner before plaintiff was injured," said Appellate Division Judges Joseph Yannotti, Robert Gilson and Arnold Natali Jr. in a per curiam decision.

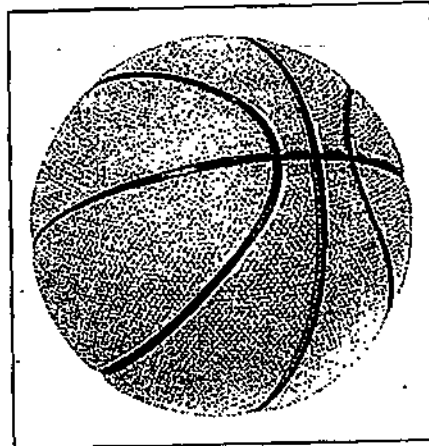
The accident occurred in June 2013. C.H. was a 14-year-old eighth-grader at the time and played for the Rahway Middle School girls basketball team, the court said.

She was playing in the fundraiser event when she went up for a rebound against a teacher, Garry Martin. Martin and C.H. collided in mid-air, and C.H. came down awkwardly, injuring her knee, according to the opinion.

She and her guardian, Brenda Cummings, then filed the lawsuit against the school district, the middle school and Martin.

During depositions, C.H. said Martin "shoved me ... to get me out of the way so he could get the rebound."

Union County Superior Court Judge Mark Ciarrocca granted the district's



motion to dismiss the case on summary judgment.

Ciarrocca said there was no evidence that the district failed to properly supervise the event or that Martin acted in a reckless or negligent manner.

C.H. appealed.

The appeals court said there was no showing that any of the defendants acted with purposeful intent.

"There are no facts showing defendants breached their duty to provide supervisor to plaintiff as a student participant in a basketball game," the appeals court judges said. "Moreover ... the material undisputed facts do not show that Martin acted recklessly or intentionally."

C.H.'s attorney, Juan Cervantes of Foreman & Cardonsky in Elizabeth, said he had not had a chance to review the ruling with his clients and could not comment.

The district's attorney, Howard Nirenberg of Nirenberg & Varano in Hackensack, didn't return a call seeking comment. ■

Diane O'Neill

From: John Zimmerman <chief.kpd@kenilworthnj.org>
Sent: Monday, November 26, 2018 3:33 PM

Test. Test. Test.

*John Zimmerman
Chief of Police
Kenilworth Police Department
567 Boulevard
Kenilworth, N.J. 07033
(908) 276-1705
(908) 276-1822 Fax*

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