

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

Latrecia Littles-Floyd
Acting Chair and Chief Administrator

March 27, 2023

Via E-Mail: opra+request-39013-cf768dde@requests.opramachine.com

Patrick Duff

Re: **Open Public Records Act Request #C197705**

Dear Requestor:

This office is in receipt of your New Jersey Open Public Records Act ("OPRA") request dated February 23, 2023 wherein you seek the disclosure of certain New Jersey Motor Vehicle Commission ("MVC") record information. The content of your request is as follows:

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message. Records requested: Employment contracts from 2019-today for Gary Catrambone and from 2022-2023 for Wendy Mitchell. Hours per weeks worked by Gary Catrambone and Wendy Mitchell from 2021-today. please include time sheets. Any disciplinary reports or complaints regarding Gary Catrambone and or Wendy Mitchell from 2019-today.

Please be advised that as to all portions of your request referencing Wendy Mitchell that no records responsive to this request are made, maintained, recorded, or on file with the MVC because Wendy Mitchell is not an employee of the MVC. Please be advised that as to the portion of your request referencing employment contracts from 2019 to the present for Gary Catrambone, no records responsive to this request are made, maintained, recorded, or on file with the MVC.

As to the portion of your request referencing disciplinary reports or complaints regarding Gary Catrambone from 2019 to the present, please be advised that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to record relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access." N.J.S.A. 47:1A-10. The MVC is only permitted to disclose information that falls within the narrow exception this exemption allows that includes "an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received." *Ibid.*; *Kovalcik v. Somerset Cty. Prosecutor's Office*, 206 N.J. 582, 593 (2011). Therefore, this portion of your request is denied to the extent it does not seek information authorized to be disclosed under N.J.S.A. 47:1A-10.

The record information you have requested as to time records for Gary Catrambone from 2021 to the current has been provided as a separate attachment to the e-mail you received with this letter. Please be advised that redactions to the attached responsive records have been made to medical information in accordance with Percella v. City of Bayonne, GRC Complaint No. 2017-70 (Interim Order October 31, 2017) (holding notations revealing medical information or a person's health status on a daily sick call sheet should be redacted). If you did not receive the requested information, please contact me immediately.

Thank you for the opportunity to be of assistance.

Sincerely,



Jessica S. O'Connor, Esq.
Regulatory Officer, Legal Affairs