

MAYOR

Denice DiCarlo

TOWNSHIP COMMITTEE

Megan Kerr
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**WEST DEPTFORD TOWNSHIP**

Municipal Building
400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasisur

Registered Municipal Clerk

Lee Ann DeHart

March 15, 2021

Via email only (opra+request-20874-a0640b38@requests.opramachine.com)
Nicholas Magner

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Magner:

The West Deptford Township Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated March 4, 2021, on March 5, 2021. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is March 16, 2021. This response to your request is being provided on the sixth business day after receipt of your request.

Your records request was as follows:

From: Nicholas Magner <opra+request-20874-a0640b38@requests.opramachine.com>**Date:** March 4, 2021 at 10:19:47 PM EST**To:** Lee Ann DeHart <lDeHart@westdeptford.com>**Subject:** [External]OPRA request - Firearms Application Information

Dear West Deptford Township,

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:

1. Count of all current and in-progress applications in process with West Deptford Police Department (WDPD), for Firearms Purchaser Identification Card and/or Handgun Purchase Permit.
2. Count of all applications not yet approved that have been in process at WDPD longer than 30 days.
3. Count of all applications denied by WDPD from 2/1/20-3/4/2021.
4. List the reason(s) why the applications in Item 3 above were denied (leave out any personal information).

Please provide in pdf or other digital format.

Yours faithfully,

Nicholas Magner

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents, *Nero v. Hyland*, 76 N.J. 213, 222 (1978); (2) the person seeking access must "establish an interest in the subject matter of the material," *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); and (3) the citizen's right to access "must be balanced against the State's interest in preventing disclosure." *Loigman v. Kimmelman*, 102 N.J. 98 (1986).

After consultation with the Borough Solicitor, we have concluded that you have failed to identify proper interest in the requested record(s). *Loigman v. Kimmelman*, 102 N.J. 98 (1986). Your request is therefore denied.

Response to OPRA Request

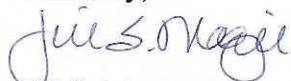
A search of our available records has identified the following as responsive to your request:

West Deptford Township - Firearms Applications Statistics (1 page)

A copy of the identified record is enclosed.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Township of West Deptford Clerk's office to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Jill S. Magill, RMC

Deputy Clerk

jmagill@westdeptford.com

856-845-4004 ext. 174

OPRA REQUEST RESPONSE

1. Count of all current and in-progress applications-

Forty-Five (45)

40-No fingerprints received

3-Awaiting outside agency response for background requirements

1-Awaiting address verification

1-Awaiting payment

2. Count of all applications not yet approved- been in process for longer than thirty (30) days-

Twenty-Six (26)

22-No fingerprints received

3-Awaiting outside agency response for background requirements

1-Awaiting address verification

3. Count of all applications denied from 2-1-2020 through 3-4-2021-

Seventeen (17)

4. Reasons why applications were denied-

Active Restraining Order-

IIIIII (6)

Mental Health History-

IIII (4)

Domestic Violence Criminal Conviction-

III (3)

Felony Conviction-

III (3)

Currently Under Superior Court PTI-

I (1)