



Borough of Pitman Police Department

110 South Broadway Pitman, N.J. 08071

Phone: (856) 589-3501 Fax: (856) 589-5050

Daniel J. McAteer – Chief of Police
Jonathan R. Streater – Traffic Safety Sergeant

Thomas D. Zander – Executive Officer
Susan A. Wilson – Police Office Administrator

April 28, 2021

Via email only (opra+request-20753-7391acdb@requests.opramachine.com)

Nicholas Magner

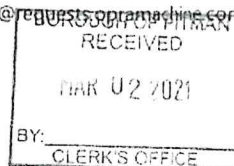
Re: Open Public Records Act/Common Law Request

Dear Mr. Magner:

The Borough of Pitman Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the common law right of access, dated March 1, 2021, via email on March 2, 2021, and forwarded it on that day to the Clayton Police Department Sub-Custodian for a response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA was March 11, 2021. Pursuant to N.J.S.A. 47:1A-5(i)(2), effective March 20, 2020, this response is being provided beyond the initial seven (7) business day deadline to respond to your request under OPRA due to the declared state of emergency.

Your records request was as follows:

From:	Nicholas Magner <opra+request-20753-7391acdb@requests.opramachine.com>
Sent:	Monday, March 1, 2021 10:05 PM
To:	Judy O'Donnell
Subject:	OPRA request - Firearms Application Information



Dear Pitman Borough,

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 Pitman Police Department (PPD), for Firearms Purchaser Identification Card and/or Handgun Purchase Permit.
2. Count of all applications not yet approved that have been in process at PPD longer than 30 days.
3. Count of all applications denied by PPD from 2/1/20-2/28/2021.
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 OPRA Request

Pursuant to N.J.S.A. 47:1A-1.3 (Handgun and firearms purchasers; scope of data available), we can provide the following information in response to your request:

1. Count of all current and in-progress applications in process with Pitman Police Department for Firearms Purchaser Identification Card and/or Handgun Purchase Permit: 47
2. Count of all applications not yet approved that have been in process at PPD longer than 30 days: 0
3. Count of all applications denied by PPD from 02/01/20-02/28/2021: Six (6) Denials from 02/01/2020 through 03/31/2021
4. List the reason(s) why the applications in Item 3 above were denied (leave out any personal information): All Denials were as a result of information obtained through background investigation pursuant to N.J.S.A 2C:58-3.

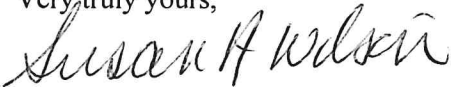
Response to Common Law Request

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 determined that you have failed to establish a proper interest in the requested records. Your common law request is therefore denied.

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 Borough of Pitman 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.

Very truly yours,



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