

TBWD Law Offices

TRIARSI BETANCOURT WUKOVITS DUGAN

A LIMITED LIABILITY COMPANY
SINCE 1969

RAFAEL J. BETANCOURT*
STEVEN F. WUKOVITS†
MARK P. DUGAN**
RICHARD D. HUXFORD††

MARC A. SPOSATO◇
JASON T. MUSHNICK◇◇

JOSEPH J. TRIARSI
OF COUNSEL

*NY & PR BARS
†CERTIFIED BY THE SUPREME COURT OF NJ
AS A CRIMINAL TRIAL ATTORNEY
** NY, PA & DC BARS & R. 1:40 MEDIATOR
†† CERTIFIED BY THE SUPREME COURT OF NJ
AS A CERTIFIED MUNICIPAL COURT ATTORNEY
◇NY BAR
◇◇NY & NC BARS

CENTENNIAL PLAZA
186 NORTH AVENUE, EAST
CRANFORD, N.J. 07016

www.tbwdlaw.com
Telephone: (908) 709-1700
Facsimile: (908) 272-4477
Writer's Email: mpd@tbwdlaw.com

JACOB L. TRIARSI
OF COUNSEL
(1934-1987)

ALFONSO L. PISANO
OF COUNSEL
(1960-2005)

March 21, 2022

BY EMAIL ONLY TO
KMiller@rwmlegal.com

Keith J. Miller, Esq.
Robinson Miller LLC
Ironside Newark
110 Edison Place, Suite 302
Newark, New Jersey, 07102

Re: Requests under OPRA and the Common Law
Right of Access by NJ Advance Media and the
Star Ledger

Dear Mr. Miller:

As you know, I am the Township Attorney for the Township of Clark. Following the discussions among you, Robert J. Rosenthal, Assistant Prosecutor, Union County Prosecutor's Office, last week, this shall advise that the following persons "permissibly stopped reporting physically to the Clark Police Department and the date that each

Keith J. Miller, Esq.
March 21, 2022
Page 2

permissibly returned to the Police Department to resume their day-to-day activities (or otherwise ended their employment)”:

Chief Matos stopped reporting on July 30, 2020 and has not resumed reporting.

Captain Concina stopped reporting on July 30, 2020 and has not resumed reporting.

Sergeant Teston stopped reporting on July 30, 2020 and has not resumed reporting.

Captain Manata stopped reporting on January 29, 2020. He no longer is employed.

I also have enclosed accountings (Excel spreadsheets) of “the amount of money that each of these 4 officers was paid during these periods of time.”

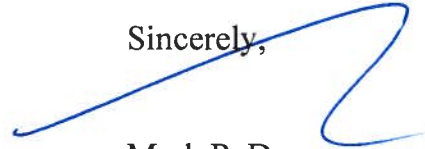
Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

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 Clark 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 <https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.state.nj.us%2Fgrc&data=04%7C01%7Cmpd%40tbwdlaw.com%7C1f03b64cfe504a8abdeb08d969857a9f%7C5f51087d3109471d86b1eddc5fcf066a%7C0%7C0%7C637656844432475041%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=4RVjHViJikvJOH%2F%2FIcpc4cP1V6Es1RgahK18CAOPq6g%3D&reserved=0>. 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.

Keith J. Miller, Esq.
March 21, 2022
Page 3

I trust that the foregoing has been responsive.

Sincerely,

A handwritten signature in blue ink, consisting of a long, sweeping horizontal stroke followed by a large, stylized loop that ends with a small upward flick.

Mark P. Dugan

Enclosure
c Clerk, Township of Clark