

From: [John Burns](#)
To: [John Donnadio \(xxxxxxx@xxxx.xxx\)](#) [Lori Buckelew](#)
Subject: FW: Latest OPRA/OPMA Amendments
Date: Tuesday, October 16, 2018 11:46:17 AM
Attachments: [N209_0002.docx](#)
[N209_0001.docx](#)

See below.

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
www.njsba.org

From: Mitchell, Shane <[@xx](#)>
Sent: Tuesday, October 16, 2018 11:25 AM
To: John Burns <[@xx](#)>
Subject: RE: Latest OPRA/OPMA Amendments

Hey John,

Here are the amendments that would have been up yesterday. Will update you if there are any more changes coming down the pike... but there are none planned as of right now.

Best,
Shane

From: John Burns [<mailto:xxxxxxx@xxxxx.xxx>]
Sent: Wednesday, October 10, 2018 2:11 PM
To: Mitchell, Shane
Subject: RE: Latest OPRA/OPMA Amendments

Thanks! Will review and get back to you.

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
www.njsba.org

From: Mitchell, Shane <[@x](#)>
Sent: Wednesday, October 10, 2018 2:09 PM
To: John Burns <[@x](#)>
Subject: Latest OPRA/OPMA Amendments

Hey John,

Just got these back from the drafter a few minutes ago! Happy to discuss any issues NJSBA might have with the latest changes.

Best,

--

Shane Mitchell
Legislative Director
Senator Loretta Weinberg
Senate Majority Leader
(201) 928-0100

From: @x
To: @x
Subject: OPRA Case Law
Date: Thursday, October 25, 2018 1:08:55 PM
Attachments: [BOLKIN v. Borough of Fair Lawn, NJ Appellate Div. 2014.pdf](#)
[Rich Bernstein v. Borough of Allendale GRC Decision 2004-195.pdf](#)
[2009 WL 1562967 Atlantic County SPCA v Absecon.pdf](#)

This communication is not legal advice and all information contained within should be review with legal counsel for further guidance.

The matter of disclosure of dog and cat license applications under OPRA is not definitive but unpublished case law has determined that dog and cat license applications are government records that must be disclosed under OPRA. Attached are two court cases dealing with the disclosure of dog and cat license applications.

Bolkin v. Fair Lawn is an unpublished appellate court decision that seemingly overturned the GRC's prior holding in Bernstein v Allendale (also attached) which indicated that information contained in dog and cat license applications was exempt from OPRA under the privacy exemption. This decision is unique in that the requestor's use of the dog and cat license information was for political speech purposes.

Atlantic Count SPCA v. Absecon, another unpublished decision, ruled prior to Bolkin, that dog and cat license applications were not exempt from OPRA disclosure. In this case the requestor's purpose for getting the documents was to monitor animal owners.

Regards,
Frank

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: xxxxxx@xxxxxx.xxx
To: xxxxxxxx@xxxxxx.xxx
Subject: OPRA Dog and Cat License and BYOB advertising
Date: Wednesday, November 28, 2018 1:12:08 PM
Attachments: [OPRA Dog and Cat License and BYOB advertising.docx](#)

One suggestion in tracking.

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xx](#); [xxxxx@xxxxxxxxxxxxxxxxxxx.xx](#); [xxxxxx@xxxxxxxxxxxxxxx.xxx](#); [xxxxxx@xxxxxxxxxxxxxxx.xxx](#);
[xxxxxxxx@xxxxxxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxxxxxx.xx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:30:23 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Folks,

As you know on Monday (Oct 15) the Senate Budget Committee will be considering Senator Weinberg's OPRA and OPMA bills. Attached are additional proposed amendments we received from Senator Weinberg's office. Can you please provide me with your thoughts as soon as possible. To expedite the discussion here are the changes:

S-106 (OPMA)

- [REDACTED]

S-107 (OPRA)

- [REDACTED]
- [REDACTED]
- [REDACTED]
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- [REDACTED]

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[REDACTED]

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xxx](#); [xxxxx@xxxx.xxx](#); [xxxxxx@xxxx.xxx](#); [xxxxxxxx@xxxx.xxx](#)
Cc: [xxxxxx@xxxxxx.xxx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:27:53 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Sharing with you a summary of the proposed amendments. I would note that I spoke with Shane yesterday. The 3 business day requirement for electronic records was a drafting error and should be removed.

S-106 (OPMA)

- [REDACTED]

S-107 (OPRA)

- [REDACTED]
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From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#)
[xxxxxxxxxxxx@xxxxxxxxxxx.xxx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:25:07 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Folks,

It is that time again when Senator Weinberg bills are scheduled before the Senate Budget Committee on Monday (Oct 15) and additional amendments will be made to the bills. Attached are a copy of the proposed amendments we received from Senator Weinberg's office today. Can you please provide me with your thoughts as soon as possible. To expedite the discussion here are the changes:

S-106 (OPMA)

- [REDACTED]

S-107 (OPRA)

- [REDACTED]
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[REDACTED]

[REDACTED]

From: TOM DUNN
To: "Frank Marshall"
Cc: Trishka Waterbury Cecil Esq .
Subject: RE: Facebook OPRA Case
Date: Friday, February 15, 2019 4:12:19 PM
Attachments: [image001.png](#)
[image003.png](#)
[2018-10 LGLR.pdf](#)

Frank,

I have attached the October Law Review in which we reported on both the Larkin case and the Gelber case that came to different conclusions. I don't know whether either of them have been appealed, but there certainly were no Appellate decisions reported on them in our January edition. The January edition did contain a squib about *Carter v. Franklin Fire Dist. No. 1* (Unpub. App. Div. Oct. 3, 2018)

https://scholar.google.com/scholar_case?case=11074235840564658428. That case deals with a little different fact pattern: PAC emails on a Fire District's server which were declared not to be public records. We are currently in the process of preparing for the April edition and, in the 48 cases we have assigned to the editors for summary, there appear to be none that deal with similar issues.

I am forwarding the thread to Trishka in case she knows of any cases or other information on Facebook and OPRA.

Regards,

Tom

From: Frank Marshall <[@x](#)>
Sent: Friday, February 15, 2019 2:06 PM
To: [@x](#)
Subject: Facebook OPRA Case

Tom,

Back in October you asked for a copy of the Larkin v. Glen Rock case (see, below). You were going to publish them in the law review. I have had a few questions about this issue recently and was wondering if you put together any other information on the topic that I could pass along.

Thanks,
Frank

From: TOM DUNN [<mailto:@x>]
Sent: Wednesday, October 17, 2018 2:12 PM
To: Trishka Waterbury Cecil Esq.; Frank Marshall; 'Carl R. Woodward, III Esq'
Subject: LARKIN V GLEN ROCK

"Would any of you have immediately available the opinion in Larkin v. Glen Rock – a Facebook OPRA case—that we discussed in the amicus committee and at the ILGA Board meeting? If so can you send me a pdf ASAP? Sorry for the procrastination but apparently my copy of the case got swallowed by the internet.

Steve Kleinman has given me an opinion by Judge Mizdol in which – under somewhat similar, but

different, facts—she came to a different conclusion. I want to publish them both in the Law Review and would like to have the Larkin case today or tomorrow if possible.”

NJLM has recently changed its web and email addresses to njlm.org (previously njslom.org). Please update your email safe lists and saved web bookmarks.

Frank Marshall, Esq. | Staff Attorney
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



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From: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA Amendments
Date: Tuesday, October 16, 2018 11:26:13 AM
Attachments: [N209_0002.docx](#)
[N209_0001.docx](#)

Hey Lori,

Here are the updated amendments. I'll let you know if we get any new ideas from the Governor or the members on SBA.

Best,
Shane

From: Mitchell, Shane
Sent: Wednesday, October 10, 2018 1:54 PM
To: 'Lori Buckelew'
Subject: RE: OPRA Amendments

Hey Lori,

Instead of a list, I just have updated amendments. Everything is much the same, except we took out the ACLU's change on victim's records (with the ACLU's agreement). The Press Association pointed out some technical items... but otherwise I think this matches what we discussed over the summer. Please let me know if there are any issues or if we got something wrong vis-à-vis the agreed changes from the summer.

Best,
Shane

From: Mitchell, Shane
Sent: Wednesday, September 26, 2018 1:59 PM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: RE: OPRA Amendments

Hey Lori,

I think I may have told you this in-person on Monday, but wanted to reiterate that we're looking at October 15th as a likely SBA date. Some of the other groups have identified issues in the amendments, which I'm going to try to put in a list to circulate to everyone next week for comment. If the League has something to add to that, please let me know!

Best,
Shane

From: Mitchell, Shane

Sent: Tuesday, September 04, 2018 11:04 AM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: OPRA Amendments

Hey Lori,

Hope you had a good Labor Day weekend! I just received these draft amendments from OLS. Please let me know if we missed something or added something that wasn't agreed to! To my mind, there are only two things here that were not discussed at the summer meeting.

First, we eliminated section 13 on the Office of Dispute Settlement. We mentioned at the meeting that we were seeking a cost-neutral replacement for ODS, but none could be found! I'm talking now with the Governor's Office about additional funding for the GRC so they can handle their caseload in a more expeditious fashion, but otherwise it looks like this is a problem NOT being addressed through the bill.

Second, we added some language to the definition of criminal investigatory record to address the recent Paff decision on mobile video recordings. The Senator wants to address the issue, but we're still thinking this one through. If the League has any suggestions, please let us know! As it stands, it appears it will be incredibly rare for the public to ever have access to dashcam/bodycam footage; whereas, the Senator believes that it would be appropriate for the public to have access if access does not compromise an ongoing investigation or some privacy concern.

I'm sharing this with everyone else, too, so I imagine there will likely be a need for some tinkering after everyone has a look. The Senator is still gunning for Senate Budget in September/October, so hopefully we'll all be on the same page by the end of the month!

Best,
Shane

From: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA Amendments
Date: Wednesday, October 10, 2018 1:53:50 PM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Hey Lori,

Instead of a list, I just have updated amendments. Everything is much the same, except we took out the ACLU's change on victim's records (with the ACLU's agreement). The Press Association pointed out some technical items... but otherwise I think this matches what we discussed over the summer. Please let me know if there are any issues or if we got something wrong vis-à-vis the agreed changes from the summer.

Best,
Shane

From: Mitchell, Shane
Sent: Wednesday, September 26, 2018 1:59 PM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: RE: OPRA Amendments

Hey Lori,

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Best,
Shane

From: Mitchell, Shane
Sent: Tuesday, September 04, 2018 11:04 AM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: OPRA Amendments

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with the Governor's Office about additional funding for the GRC so they can handle their caseload in a more expeditious fashion, but otherwise it looks like this is a problem NOT being addressed through the bill.

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I'm sharing this with everyone else, too, so I imagine there will likely be a need for some tinkering after everyone has a look. The Senator is still gunning for Senate Budget in September/October, so hopefully we'll all be on the same page by the end of the month!

Best,
Shane

From: xxxxxxxx@xxxxxx.xxx
To: xxxxx@xxxxxxxxxxxxx.xxx
Subject: RE: OPRA request
Date: Monday, December 10, 2018 3:50:33 PM
Attachments: [2018 Registration List 12-10-18.pdf](#)
[2018 Draft League Conference Resolutions.pdf](#)
[Survey_Report - 2018 Conference Badge Scan.xls](#)
[2018 12 03 - Katie Sobko - OPRA Request.docx](#)

Katie,

In response to your records request, please find attached to this email the following:

- "2018 Registration List 12-10-18" (pdf)
- "2018 Draft League Conference Resolutions" (pdf)
- "Survey_Report – 2018 Conference Badge Scan" (Microsoft Excel Worksheet)

Please note that the 2018 Registration List is subject to changes. While all individuals who registered for the League's 2018 Conference are included in the list their titles and affiliation may be corrected.

For your convenience, I have also attached your initial OPRA request with notations regarding the sessions with badge scanners. The notations indicate with additional detail why scanner log information is not available for the particular conference sessions you have requested. There are a variety of reasons for no scanners being present during the sessions, the most common reason is because the sessions are not League sessions and scanners were not requested or supplied by the League to those hosting the session. Please note that this is merely being provided as a courtesy to you. While best efforts were made to ensure the accuracy of notations each session should be verified before being relied on.

You should also note that the scanner records do not necessarily indicate all of those in attendance at particular conference sessions. There is no requirement that all of those who attend a conference session scan in and out. Typically those that scan in do so in order to have a record for professional credentialing purposes. Often times, those that do not need professional credits do not scan in or out of conference sessions.

With this response I now consider your document request to be fully satisfied and complete. Please respond to this email to confirm receipt of these documents and to confirm full satisfaction of your request for documents made under OPRA and the common law right of access.

If you have any questions please do not hesitate to contact me.

Regards,

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: Frank Marshall
Sent: Monday, December 03, 2018 9:13 AM
To: 'Sobko, Katie'
Subject: RE: OPRA request

Katie,

This message is to confirm receipt of your records request.

Regards,

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: Sobko, Katie [mailto:xxxxx@xxxxxxxxxxxxx.xxx]
Sent: Monday, December 03, 2018 9:06 AM
To: OPRA
Subject: OPRA request

Please confirm receipt of this request via response e-mail. Thanks for your help.

Katie

Katie Sobko

Reporter

NorthJersey.com | The Record

PART OF THE USA TODAY NETWORK

North Jersey Media Group

1 Garret Mountain Plaza

Woodland Park, NJ 07424

Office: 973-569-7111

Cell: 973-271-8867

Fax: 201-457-2520

xxxxx@xxxxxxxxxxx.xxx

www.NorthJersey.com

From: [Bruce Harris](#)
To: [\[REDACTED\]](#); [\[REDACTED\]](#)
Subject: Re: OPRA/OPMA Amendments in Committee, October 15
Date: Monday, October 8, 2018 12:33:10 PM

Hi,

Thanks for the update. I have been following various versions of these bills for several years (I was told that, under Christie, they had no chance). I have long been an advocate of transparency and open government, but I think these bills fail to reflect the limitations of municipal government, where the elected officials and members of the various boards and commissions are volunteers. I also think some of the requirements are unnecessarily restrictive and don't reflect the realities of small towns. So, here are a few things I would add to the objections you listed:

1. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Bruce
Bruce A. Harris

Mayor

Chatham Borough

54 Fairmount Avenue

Chatham, NJ 07928

973.635.0674 x 213

973.417.2964 (cell)

From: NJ League of Municipalities <xxxxxxxx@xxxxxxxx.xxx>
Sent: Monday, October 8, 2018 11:43 AM
To: Bruce Harris
Subject: OPRA/OPMA Amendments in Committee, October 15

View this in your browser<<http://www.njslom.org/list.aspx?MID=24>>

[New Jersey League of Municipalities]
OPRA & OPMA Bills in Committee

On Monday, October 15 the Senate Budget and Appropriations Committee will consider two significant bills. S-106<https://www.njleg.state.nj.us/2018/Bills/S0500/106_R1.PDF>, makes various changes to the law addressing meetings of public bodies. This bill aims to provide the public with greater access to meetings and information about meetings. S-107<https://www.njleg.state.nj.us/2018/Bills/S0500/107_R1.PDF>, makes certain access changes to the open public records act; establishes State public finance website and creates a program for the development of local websites. S-107 also makes an appropriation. We anticipate additional amendments will be made to these bills.

The League opposes both these bills because of the mandates it places on local governments. Please take action and reach out to the Senate Budget and Appropriations Committee. For a summary of the League's continued objections and contact information for the Committee, please see the League's Town Crier post of October 5. <<https://njlmblog.wordpress.com/2018/10/05/opra-opma-bills/>>

Thank you.

NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
(609) 695-3481
(609) 695-0151—Fax
xxxxxxxxxx@xxxxxx.xxx

Please click here to follow our “Town Crier” Legislative
Blog<<https://www.votervoice.net/BroadcastLinks/W3NI0M3d1IQuiTjUn3W2qg>>

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From: [John Burns](#)
To: [Lori Buckelew](#); [John Donnadio \(xxxxxxxx@xxx.xxx\)](#) [Allen Weston](#)
Cc: [Michael F. Cerra](#); [Michael Vrancik](#)
Subject: RE: OPRA/OPMA Amendments
Date: Wednesday, October 10, 2018 4:09:59 PM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Yes. Sorry. I didn't realize I was Weinberg's point person for the loyal opposition. Here are the amendments.

I'm available all day Friday. Perhaps Friday morning would work best?

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
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From: Lori Buckelew <[@xx](#)>
Sent: Wednesday, October 10, 2018 4:05 PM
To: John Donnadio ([@xx](#) <[@xx](#)>); Allen Weston <[@xx](#)>;
John Burns <[@xx](#)>
Cc: Michael F. Cerra <[@xx](#)>; Michael Vrancik <mvrancik@njsba.org>
Subject: OPRA/OPMA Amendments

I understand that Senator Weinberg has sent you copies of the proposed amendments to the OPRA/OPMA bills. Do we want to schedule a quick conference call to discuss our game plan for Monday?

Lori