

From: xxxxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: Blog opra court case IA Report blog
Date: Friday, March 18, 2022 11:26:07 AM
Attachments: [opra court case IA Report blog.docx](#)

Ciara,

Please post the attached blog post. The contact on the blog is Frank. Also, we will need a link for today's briefer.

Any questions please let me know.

Lori

From: [Loren Wizman](#)
To: [@x](#)
Subject: Fwd: OPRA
Date: Tuesday, February 8, 2022 5:48:30 PM
Attachments: [Recommendations to Modernize OPRA.doc](#)

Hi Lori.

I think this was meant for you.

Have a good evening.

Loren

Sent from my iPhone

Begin forwarded message:

From: John Donnadio <[@x](#)>
Date: February 8, 2022 at 4:36:44 PM EST
To: "Michael F. Cerra" <[@x](#)>, Loren Wizman <[@x](#)>
Subject: OPRA

I did my best to edit the responses and need to edit it some more, but let me know what you think.

John G. Donnadio, Esq.
Executive Director
New Jersey Association of Counties
Government Finance Officers Association of New Jersey
150 West State Street
Trenton, New Jersey 08844
(609) 394-3467
www.njac.org *County Government with a Unified Voice*
www.gfoanj.org *Promoting Excellence in Financial Management*

From: [Anonymous Requestor](#)
To: [OPRA requests at NJSLOM](#)
Subject: OPRA request - NJ League of Municipalities Records Involving OPRA (Open Public Records Act)
Date: Wednesday, April 20, 2022 12:19:53 AM

Dear New Jersey State League of Municipalities,

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.

Relevant Background & Opinions of Anonymous Requester

Irvington Township recently filed a rather disturbing lawsuit that shocked and upset a great number of New Jerseyans. It quickly became a big, statewide news story covered by many NJ news outlets.

The presumably frivolous lawsuit brought by Irvington (since abandoned) was brought against a female, African American, senior citizen OPRA requester that required the intervention of the American Civil Liberties Union (ACLU) to apparently "encourage" Irvington to dismiss the inappropriate lawsuit brought in apparent retaliation against this woman for exercising her right to free speech, her right to petition for a redress of grievances, and her rights under OPRA and common law.

Similar tactics appear to be a new and upcoming trend among New Jersey Municipalities to attack, belittle, defame, sue, threaten, and portray OPRA requesters as "problems" when they are simply exercising their very important, very lawful, and very much protected rights under New Jersey's Open Public Records Act.

In this regard, it was brought to my attention by an aide to a former New Jersey State Senator that the New Jersey League of Municipalities is a staunch opponent of the Open Public Records Act in its current form, and that the NJLM has been actively lobbying to have OPRA requesters CHARGED SUBSTANTIAL FEES for records responsive to their OPRA requests (currently there is rarely a fee for digital records) in an attempt to actively thwart public inquiries into government activities behind closed doors. OPRA, by contrast, is designed to shine a light on these hidden activities. Such government transparency needs to increase, not decrease, and definitely not be thwarted by politicians who fear the light of public inquiry into their often improper, inappropriate, wasteful, and/or illegal activities.

It appears that the NJLM may be involved in encouraging and advising various New Jersey municipal leaders in such a way that these leaders often feel far more inclined to attack, bully, harass, threaten, demean, intimidate, retaliate against, obstruct, dissuade, and otherwise undermine legitimate OPRA requesters in various ways -- often using very similar language.

The language of these increasingly common complaints made by municipal leaders against benign and well-meaning OPRA requesters appears eerily similar, as they often seem to use the same keywords and catch-phrases in their (often defamatory) attacks on OPRA requesters such as "voluminous requests," "unduly burdensome," and "harass, bully, and harm municipal employees," even when they are simple, ordinary, and infrequent requests.

In short, municipal leaders are actively dodging their responsibilities under OPRA and trying to blame requesters for their own failures and violations of OPRA, instead of simply responding to often very basic and straightforward OPRA requests in a timely, respectful, and professional manner -- and that needs to end.

As such, I am requesting records from the NJ League of Municipalities involving these increasingly-used keywords and catch-phrases as they relate to or involve OPRA requests and OPRA requesters.

- End of relevant background and personal opinions -

Records requested:

Copies of any and all public records containing one or more of the following keywords in relation to

communications and documents specifically involving "OPRA" or the "Open Public Records Act" (see search details below list):

"Frivolous"
"Unduly"
"Burden"
"Burdened"
"Burdensome"
"Overburden"
"Overburdening"
"Overburdened"
"Time consuming"
"Voluminous"
"Expensive"
"Harass"
"Harassment"
"Harm"
"Abuse"
"Stalk"
"Stalking"
"Intimidate"
"Intimidating"
"Too Many"
"Irvington"
"Elouise McDaniel"
"McDaniel"
"Tony Vauss"
"Vauss"
"Resolution"
"Lawsuit"
"Legislation"

Please search each keyword above individually in relation to records specifically discussing or involving OPRA, the Open Public Records Act, OPRA requests, OPRA complaints filed against records custodians, OPRA-handling strategies and suggestions for municipal records custodians and clerks, OPRA opinion pieces, and similar OPRA-related records.

One way to do this effectively would be to search for a individual "Keyword" in the list above plus the word "OPRA" such as:

"Voluminous" and "OPRA" ... searched together, and then...

"Voluminous" and "Open Public Records Act" ... again, searched together...

And then repeating this process for every keyword in the list in relevant records sources such as emails, text messages, meeting minutes, audio/video transcripts, etc, to locate all relevant records.

"Parties" should include representatives (agents, officers, and employees) of the New Jersey League of Municipalities.

With respect to email records, please provide them in a PDF in "landscape" orientation and include the following fields: Sender/Receiver, To/From, Cc, Bcc, Subject, Body of Email, Email Attachments, all embedded images, Date, and Time.

Time frame for this request should be January 1, 2018 to present.

Types of communications and documents should include but not be limited to emails, letters, publications, speeches, text/SMS messages, audio recordings (i.e. in-person meetings, voicemails, text message voicemails, etc.), video recordings (i.e. Zoom meetings, conventions, public speakers, etc.), online posts, online articles, trainings,

presentations, curriculum, newsletter articles, memos, books, manuals, opinion pieces, editorials, agendas, minutes, templates, sample or draft resolutions, sample or draft legislation, and other records discussing OPRA-related matters that include any of the keywords in the list above.

I request that responsive records be provided in searchable PDF format as an email reply.

I believe this request is clearly defined, highly specific, not overly-broad, and includes all necessary elements for a targeted and specific search of public records. However, if you believe this request requires additional clarification or a further narrowing in some way, please specify whatever you deem to be overly broad or not specific enough so that I may consider clarifying/narrowing my request further.

Thank you in advance for your timely and professional handling of my request.

Yours faithfully,

Anonymous Requestor

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxxxx

Is xxxx@xxxxxx.xxx the wrong address for OPRA requests to New Jersey State League of Municipalities? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=njslom

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/nj_league_of_municipalities_reco

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

From: [John Donnadio](#)
To: [Michael F. Cerra](#); [Loren Wizman](#)
Subject: OPRA
Date: Tuesday, February 8, 2022 4:36:45 PM
Attachments: [Recommendations to Modernize OPRA.doc](#)

I did my best to edit the responses and need to edit it some more, but let me know what you think.

John G. Donnadio, Esq.
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From: [@x](#)
To: [@x](#)
Subject: Powerpoint From Responding to the OPRA and Recent Case Law Webinar
Date: Monday, April 26, 2021 10:23:47 AM
Attachments: [image001.png](#)
[image003.png](#)
[2021 NJLM Recent OPRA Decisions \(Combined Presentation\) .pdf](#)
Importance: High

Hello All,
Attached is the PowerPoint from Today's webinar on "OPRA and Recent Case Law Update."

Have a wonderful week,

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

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From: [@x](#)
To: [@x](#)
Subject: Powerpoint From Responding to the OPRA and Recent Case Law Webinar
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From: [Caruso, Frank \(DCA\)](#)
To: [Danielle Holland](#)
Cc: [Carl Woodward](#)
Subject: RE: Friendly Reminder for the "OPRA and Recent GRC Decisions Webinar" on April 23
Date: Tuesday, April 20, 2021 9:12:39 PM
Attachments: [image001.png](#)
[image003.png](#)
[2021 NJLM Recent OPRA Decisions \(Combined Presentation\).pptx](#)
Importance: High

Good evening Danielle,

Attached you will find a copy of our combined presentation for Friday. Fortunately, it looks like many of the questions posed to you will be answered throughout the course of the presentation.

Additionally, the quiz questions have true/false answers and are as follows (with slide number):

Quiz Question 1 (Slide 30) - A custodian failing to respond within an extended time frame results in a "deemed" denial of access.

Answer: True

Quiz Question 2 (Slide 58) - An agency is not required to respond to OPRA requests while the custodian is away on a 4-week European backpacking trip.

Answer: False

Quiz Question 3 (Slide 99) - A request for e-mails to/from the Mayor between 7/1/20 and 9/30/20 containing the keyword "and" is a valid OPRA request.

Answer: False

I included an explanation of each answer within the slide that obviously wouldn't fit within the quiz function.

If you need any changes made or find an errors that need to be addressed within the presentation, let me know and I can get on the corrections asap.

Sincerely,

Frank F. Caruso

Government Records Council

Executive Director

Tel: (609) 341-3479 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

From: Danielle Holland <xxxxxxx@xxx.xxx>

Sent: Friday, April 16, 2021 11:18 AM

To: Caruso, Frank (DCA) <xxxxx.xxxxx@xxx.xx.xxx>; Carl Woodward
<xxxxxxx@xxxxxxxxxxx.xxx>

Subject: [EXTERNAL] Friendly Reminder for the " OPRA and Recent GRC Decisions Webinar" on April 23

Importance: High

Dear Frank and Carl,

Thank you for agreeing to speak at the **“OPRA and Recent GRC Decisions Webinar “ on April 23,2021 from 9:00am-12:45pm.**

Attached here is the Agenda for the webinar and the attendee list. Please review it and if you have any questions please let me know.

In addition to reviewing the agenda I will also need:

Materials:

1. **A Copy of Your PowerPoint Presentation**
2. **The Three Quiz Questions you would like to ask in the order they should be given.** Please note, they need to be multiple choice

Also, please indicate at what point in your presentation that you would like them asked by putting a slide in that says “Quiz Question “at two different intervals

Character Limits for Quiz Questions- The character limits for the quiz questions are as follows:

- Quiz Question:120 Characters(including spaces)
- Quiz Answer: 60 Characters(including spaces)

Please try to have these materials to me by **Wednesday, April 21, 2021** at the latest.

Day of Webinar:

To allow for proper testing and to resolve any issues, we ask that you log into the webinar with your speaker link at **8:30am at the latest.**

Thank you again for volunteering to speak at a League Webinar. I am looking forward to working with you! Have a great weekend!

If you have any questions, please feel free to contact me.

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager

New Jersey State League of Municipalities

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From: [@x](#)
To: [@x](#)
Subject: RE: OPRA - Daniels Law
Date: Monday, March 22, 2021 1:20:41 PM
Attachments: [image003.png](#)
[image005.png](#)
[image007.png](#)
[PL 2020 c 125.PDF](#)

Raymond,

The section of the bill you referenced (Section 7) is codified at N.J.S.A. 56:8-166.2. I have attached a copy of the Pamphlet Law for reference.

Frank

See the League [COVID-19 page](#) for all our resources and communications.

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



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: Raymond J. Went, Jr. [mailto:[@x](#)]
Sent: Friday, March 19, 2021 2:15 PM
To: Frank Marshall
Subject: OPRA - Daniels Law

Frank:

Thank you for speaking with me this week. Again, I represent the City of Port Republic. As a follow-up to our conversation, it appears the attached, highlighted bill language never made it into the most recent amended statute. Does that sound right?

Thanks,

Raymond J. Went, Jr., Esquire
Nehmad Davis & Goldstein, PC, Counselors at
Law
4030 Ocean Heights Avenue
Egg Harbor Township, NJ 08234
Telephone: 609.927.1177, Ext. 109
Cell: 609.703.0767

@._____
LinkedIn: www.linkedin.com/in/raywent
www.ndglegal.com

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From: [Caruso, Frank](#)
To: [Danielle Holland](#)
Cc: [Carl Woodward](#)
Subject: RE: OPRA Webinar Description
Date: Wednesday, February 17, 2021 5:17:26 PM
Attachments: [image001.png](#)
[image003.png](#)
[2020 NJLM Recent OPRA Decisions \(Combined Presentation\).pdf](#)

Hi Danielle,

Sorry for the delay as I was off at the end of last week and engaged in meeting prep this week.

Unfortunately, Carl and I will only be able to firm the actual presentation up fairly close to the presentation. This is to ensure we are capturing the most relevant material for the attendees. However, I am attaching last year's presentation to this e-mail, as it is likely the seminar will be substantially the same in structure and content. Let me know if this will be acceptable for you to obtain credit.

Sincerely,

Frank F. Caruso

Government Records Council

Executive Director

Tel: (609) 292-6830 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

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From: Danielle Holland <[\[REDACTED\]](#)>
Sent: Wednesday, February 10, 2021 9:11 AM
To: Caruso, Frank <[\[REDACTED\]](#)>
Cc: Carl Woodward <[\[REDACTED\]](#)>
Subject: [EXTERNAL] RE: OPRA Webinar Description

I forgot to answer your question about the description in my previous email.

If you can get me those changes to the OPRA basics part of the description by Wednesday, February 17 that would work. I want to get that out to the CEU folks so I can get the approvals. Thank you both so much.

2020 NJLM Virtual Conference: View sessions on-demand now! If you missed Conference week but would like view to sessions on-demand, [registration remains open](#). Access to the on-demand content and exhibit hall is available through November 1, 2021. #njleague

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
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From: Caruso, Frank [<mailto:xx@xx>]
Sent: Tuesday, February 09, 2021 3:25 PM
To: Danielle Holland
Cc: Carl Woodward
Subject: RE: OPRA Webinar Description

Good afternoon Danielle,

I have consulted with Carl about our format for the upcoming seminar. Based on that discussion, we agreed to do a format similar to last year as follows:

I will begin with an OPRA basics section. Then I will present some cases of note. Carl will follow with all the year's court decisions to date. We will close with the resubmitted questions solicited from the class description.

Thus, it may be prudent to make some minor changes to the description to reflect the OPRA basics part.

Carl and I will work collectively on the presentation. Let me know the latest date on which you wish to receive the finished product so that we can set a time frame to work on it.

Looking forward to the show!

Sincerely,

Frank F. Caruso

**Government Records Council
Executive Director**

Tel: (609) 341-3479 | Fax: (609) 633-6337
<http://www.state.nj.us/grc/>

This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

From: Danielle Holland <[@xx](#)>
Sent: Thursday, February 4, 2021 2:50 PM
To: Caruso, Frank <[xx@xx](#)>; Carl Woodward <[@xx](#)>
Subject: [EXTERNAL] OPRA Webinar Description
Importance: High

Good Afternoon Carl and Frank,

I hope you both dug out of that snow storm ok. I wanted to email you both to ask if you can give me a write up for the April 23 OPRA webinar. What you did last year is attached. Please let me know how you would like to update this description for this year's webinar.

If you have any questions please let me know.

Thank you both and have a wonderful day,

2020 NJLM Virtual Conference: View sessions on-demand now! If you missed Conference week but would like view to sessions on-demand, [registration remains open](#). Access to the on-demand content and exhibit hall is available through November 1, 2021. #njleague

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New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

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From: [Caruso, Frank](#)
To: [Paul Penna](#)
Cc: [Carl Woodward](#); [xxxxxxx@xxx.xxx](#)
Subject: RE: Poll question - Recent OPRA decisions
Date: Thursday, November 5, 2020 10:52:35 AM
Attachments: [2020 NJLM Annual Conference - Recent OPRA Decisions \(CombinedPresentation\).pptx](#)
Importance: High

Hi Paul,

Sorry for the delay. I am providing 2 questions below for your choosing:

True/False: A custodian should always wait until the seventh (7th) business day to respond to an OPRA request.

True/False: Social media records may be disclosable under OPRA to the extent that are made, maintained, received, or kept on file in the course of official business.

Additionally, I am attaching our finalized slide presentation for your review. I will be inputting into the conference dashboard as well.

See everyone tomorrow (virtually, of course).

Sincerely,

Frank F. Caruso

Government Records Council

Executive Director

Tel: (609) 341-3479 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

From: Carl Woodward <xxxxxxxxx@xxxxxxxxxxxxx.xxx>
Sent: Saturday, October 31, 2020 5:26 PM
To: Paul Penna <xxxxxx@xxx.xxx>; Caruso, Frank <xxxxx.xxxxxx@xxx.xx.xxx>; xxxxxxx@xxx.xxx
Subject: [EXTERNAL] RE: Poll question - Recent OPRA decisions

Paul,

Here is a question for the end of my presentation.

Requesters represented by a lawyer can obtain counsel fees under OPRA if they prevail in a

complaint as the “catalyst”.

- True
- False

Regards,

Carl Woodward

From: Paul Penna <xxxxxx@xxxx.xxx>

Sent: Friday, October 30, 2020 11:46 AM

To: Caruso, Frank <xxxxx.xxxxxx@xxx.xx.xxx>; Carl Woodward <xxxxxxxxx@xxxxxxxxxxxxx.xxx>; xxxxxx@xxx.xxx

Subject: Poll question - Recent OPRA decisions

Frank, Carl and Ray:

In anticipation of your recording next week, I do need one further thing.

In order to qualify for the Continuing Education Units (CEUs) that are needed, every year, by municipal professionals, DCA wants to be assured that those who ‘attend’ the session are paying attention. They ask us to do this by launching a ‘polling question’ during the session stream.

Please frame a multiple choice question related to the material that you will be discussing during the recording.

The Certification Unit in the Division of Local Government Services will, then, be able to know which of those who registered answered the question, and, so, which have earned the CEUs.

If possible, please send one by the end of the day today.

Please let me know if you have any questions.

Thank you.

Paul

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