

From: xxxxxxxx@xxxxxx.xxx
To: xxxxx@xxxxxxxxxxxxxxx.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>

The NJLM is subject to Open Public Records Act. Any email sent or received by the League may be subject to a records request.

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: [@x](#)
To: [@x](#)
Cc: [@x](#)
Subject: RE: OPRA Request for Conference Registrants
Date: Monday, December 10, 2018 12:52:06 PM
Attachments: [2018 Registration List 12-10-18.pdf](#)

Frank,
Attached is the conference registration list
Marie

From: Frank Marshall
Sent: Monday, December 03, 2018 2:37 PM
To: Marie Johnson
Cc: Johnnifer Harris
Subject: RE: OPRA Request for Conference Registrants

[REDACTED]

From: Marie Johnson
Sent: Monday, December 03, 2018 2:36 PM
To: Frank Marshall
Cc: Johnnifer Harris
Subject: RE: OPRA Request for Conference Registrants

What is the time frame for this report?
As we are today making corrections and changes
Marie

From: Frank Marshall
Sent: Monday, December 03, 2018 1:51 PM
To: Marie Johnson
Cc: Johnnifer Harris
Subject: RE: OPRA Request for Conference Registrants

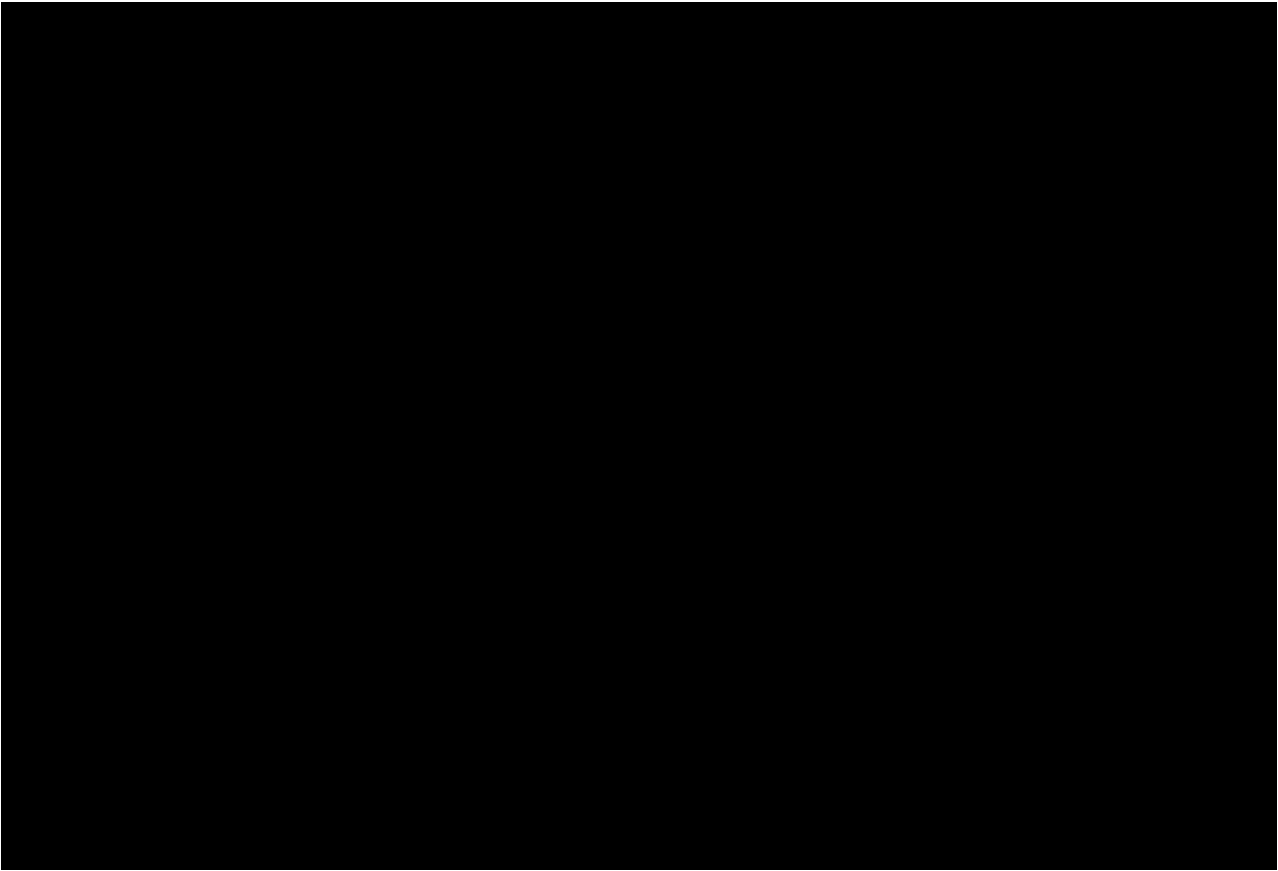
Marie,

[REDACTED]

Thanks,
Frank

From: Marie Johnson
Sent: Monday, December 03, 2018 1:41 PM
To: Frank Marshall
Cc: Johnnifer Harris
Subject: RE: OPRA Request for Conference Registrants

Frank,



From: Frank Marshall
Sent: Monday, December 03, 2018 11:50 AM
To: Marie Johnson
Cc: Johnnifer Harris
Subject: OPRA Request for Conference Registrants

Marie & Johnnifer,

We received an OPRA request asking for the, "Record including title and municipality of all those registered to attend the 2018 Conference." Is this something that is easily available? Give me a call to discuss further.

Thanks!
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>

The NJLM is subject to Open Public Records Act. Any email sent or received by the League may be subject to a records request.

From: [@x](#)
To: [@x](#)
Cc: [@x](#)
Subject: RE: OPRA Request for Conference Registrants
Date: Monday, December 3, 2018 1:40:34 PM
Attachments: [2018 Reg by Company #1.pdf](#)
[2018 Reg by Reg Type #2.pdf](#)

Frank,

[REDACTED]

[REDACTED]

From: Frank Marshall
Sent: Monday, December 03, 2018 11:50 AM
To: Marie Johnson
Cc: Johnnifer Harris
Subject: OPRA Request for Conference Registrants

Marie & Johnnifer,

We received an OPRA request asking for the, "Record including title and municipality of all those registered to attend the 2018 Conference." Is this something that is easily available? Give me a call to discuss further.

Thanks!
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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The NJLM is subject to Open Public Records Act. Any email sent or received by the League may be subject to a records request.

From: xxxxxx@xxxxxx.xxx
To: xxxxxx@xxxxxx.xxx
Cc: xxxxxxxx@xxxxxx.xxx
Subject: FW: OPRA request
Date: Monday, December 3, 2018 9:13:32 AM
Attachments: [SeminarOPRA.docx](#)

Fyi.

From: Sobko, Katie [mailto:xxxxxx@xxxxxxxxxxxx.xxx]
Sent: Monday, December 3, 2018 9:06 AM
To: OPRA <xxxxxx@xxxxxx.xxx>
Subject: OPRA request

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

Katie

Katie Sobko
Reporter

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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

xxxxxx@xxxxxxxxxxxx.xxx

www.NorthJersey.com

From: [Sobko, Katie](#)
To: [xxxx@xxxxxx.xxx](#)
Subject: OPRA request
Date: Monday, December 3, 2018 9:06:10 AM
Attachments: [SeminarOPRA.docx](#)

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

Katie

Katie Sobko

Reporter

NorthJersey.com | The Record

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Office: 973-569-7111

Cell: 973-271-8867

Fax: 201-457-2520

[xxxxx@xxxxxxxxxxxxx.xxx](#)

www.NorthJersey.com

From: xxxxxxxx@xxxxxx.xxx
To: xxxxxxxx@xxxxxx.xxx
Subject: OPRA Dog and Cat License and BYOB advertising
Date: Wednesday, November 28, 2018 4:18:23 PM
Attachments: [OPRA Dog and Cat License and BYOB advertising.docx](#)

Some suggestions in tracking

From: xxxxxxxx@xxxxxx.xxx
To: xxxxxxxx@xxxxxx.xxx
Subject: Conference Resoluion - 2018-xx OPRA Study Commission
Date: Thursday, November 8, 2018 11:24:25 AM
Attachments: [2018-xx OPRA Study Commission.docx](#)

Frank,

Attached is the final draft OPRA resolution for the conference. It is on the pdrive

Lori

From: xxxxxxxx@xxxxx.xxx
To: xxxxx@xxxxxxxxxxxxx.xxx
Cc: xxxxxxxx@xxxxxxxxxxxxx.xxx
Subject: Conference Resolution - 2018 OPRA and OPMA
Date: Wednesday, November 7, 2018 3:51:20 PM
Attachments: [2018 OPRA and OPMA.docx](#)

Mayor,

Attached is a draft copy of the conference resolution on a study commission for OPRA for your review.

Lori

From: xxxxxxxx@xxxxxx.xxx
To: xxxxxxxx@xxxxxx.xxx
Subject: RE: Conference Resolution - 2018 OPRA and OPMA
Date: Tuesday, November 6, 2018 3:04:35 PM
Attachments: [2018 OPRA and OPMA.docx](#)

Some comments and suggestion. I noticed that the news media was not included in the list of those to be placed on the proposed Commission. Not sure if this was intentional or not.

From: Lori Buckelew
Sent: Tuesday, November 06, 2018 2:02 PM
To: Jon Moran; Michael F. Cerra; Frank Marshall
Subject: Conference Resolution - 2018 OPRA and OPMA

Please review and advise

Thank you,
Lori

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxx.xxx](#); [xxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#)
Subject: Conference Resolution - 2018 OPRA and OPMA
Date: Tuesday, November 6, 2018 2:01:32 PM
Attachments: [2018 OPRA and OPMA.docx](#)

Please review and advise

Thank you,
Lori

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
[\[redacted\]](#)
609-278-5275
www.njsba.org

From: Mitchell, Shane <[\[redacted\]](#)>
Sent: Tuesday, October 16, 2018 11:25 AM
To: John Burns <[\[redacted\]](#)>
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
[\[redacted\]](#)
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: [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: [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]
- [REDACTED]
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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)

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From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#); [xxxxxx@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]
- [REDACTED]
- [REDACTED]
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[REDACTED] [REDACTED]

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
www.njsba.org

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

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'
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Subject: RE: OPRA Amendments

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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: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Cc: [Millsaps Wolfinger, Kate](#)
Subject: OPRA Amendments
Date: Tuesday, September 4, 2018 11:04:20 AM
Attachments: [N209_0003.pdf](#)

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.

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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: @x
To: @x ; @x ; @x
Subject: Amendments to OPRA/OPMA Bills
Date: Thursday, June 14, 2018 9:47:14 AM
Attachments: [S107 Amendments.pdf](#)
[S106 Amendments.pdf](#)

Attached are the proposed amendments to Senator Weinberg's OPRA/OPMA bills and below is the OLS description of the changes.

Please review and provide your thoughts.

If you are so inclined you can listen to today's 1pm Senate State Government Committee hearing at http://www.njleg.state.nj.us/media/live_audio.asp. You will need to refresh the link, maybe several times, until you see LISTEN. Click on Listen to for the hearing. There may be moments of silence.

Lori

From: Couture, Louis
Sent: Wednesday, June 13, 2018 7:00 PM
To: Lori Buckelew
Subject: Amendments to S106 and S107

Hi Lori,

As promised, please find attached the draft amendments for tomorrow.

Here are the OLS descriptions:

S106 PROPOSED COMMITTEE AMENDMENTS :

The committee proposes to amend the bill to:

- permit members of public bodies to communicate privately with independent consultants or advisors about matters on an agenda;
- require that the Legislature keep comprehensive, rather than reasonably comprehensible, minutes of its meetings;
- clarify that minutes shall be made available to the public within 15 business days after its next meeting;
- provides municipalities with 5,000 or less inhabitants, boards of education with 500 or less pupils, and public authorities with less than \$10 million in assets will have 20 business days after the next meeting to make the amendments available to the public;
- permits a public body to vote in favor of a reasonable delay in making the minutes available due to an emergency;
- requires the Legislature to record its voting sessions;
- requires subcommittees to prepare reports of meetings that are closed to the public;
- removes language concerning a public body keeping reports of meetings of subcommittees.

S107 PROPOSED COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

- remove a provision permitting volunteer fire companies or departments to contract with a municipal governing body to have its clerk serve as the fire company's records custodian;
- exclude volunteer fire companies and departments from the definition of "public agency" and "quasi-governmental agency";
- exempt from disclosure any portion of a document that discloses personal identifying information of minors, except when permitted by law for the New Jersey Motor Vehicle Commission, or when driver information is disclosed to insurance companies for use in connection with claims investigation activities, antifraud activities, rating or underwriting;
- remove a provision that would have included interns and volunteer employees in the definition of "public employee";
- permit a public agency to charge a special service charge whenever a person requests a paper copy of a record that is available electronically after the person was advised that the record may be emailed at no charge to the requestor or advised as to the specific location that the record may be accessed online;
- removes the requirement that the *sole* purpose of a requestor's request must be harassment in order to file a petition in court against the requestor;
- incorporates into the "New Jersey Open Data Initiative" law, N.J.S.A.52:18A-234.1 et seq, rather than creating a new section of law, the requirement that the State maintain a single, searchable Internet website providing certain State agency information;
- requires the Office of Information Technology to develop and maintain a searchable, online database to which units of local government may submit any government record for retention on the database;
- updates certain provisions to current law and updates references to specific dates; and
- makes a technical correction.

Let me know what you think. You can share the description with other groups, but please refrain from sharing the documents with people outside the League.

Thanks,

Louis Couture
NJ Senate Democratic Office

From: xxxxxxxx@xxxxx.xxx
To: xxxxxx@xx.xxxxxxxxx.xx.xx
Subject: FW: OPRA Question regarding tax records
Date: Tuesday, April 24, 2018 4:16:41 PM
Attachments: [Tax Collector's letter - OPRA.pdf](#)

From: Clerk's Dept.
Sent: Friday, April 20, 2018 10:58 AM
To: 'Government Records Council' <xxxxxxxxxx.xxxxxxx@xxx.xx.xxx>
Cc: Tax Collector <xxxxxxxx@xxxxxxxx.xx>
Subject: RE: OPRA Question regarding tax records

Mr. Caruso:

Thank you for replying to this very important inquiry. I will forward your response to the township Tax Collector. I believe this topic is worth pursuing with the Legislature. It is the obligation and responsibility of State and Local Government to protect the privacy, safety and welfare of our citizens, especially the most vulnerable.

Edith L. Merkel, RMC
Township Clerk
Township of Clark
430 Westfield Ave.
Clark, NJ 07066
(732) 388-3669 ph.
(732) 388-1241 fx.

From: Government Records Council <xxxxxxxxxx.xxxxxxx@xxx.xx.xxx>
Sent: Thursday, April 19, 2018 6:30 PM
To: Clerk's Dept. <xxxxx@xxxxxxxx.xxx>
Subject: RE: OPRA Question regarding tax records

Good evening Ms. Merkel,

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Generally, OPRA provides that ". . . government records shall be readily accessible for inspection, copying, or examination . . . with certain exceptions . . ." N.J.S.A. 47:1A-1. There are 25 specific exemptions from disclosure included in OPRA.

Additionally, OPRA defines a government record as a record "made, maintained or kept on file . . . or

that has been received in the course of . . . official business . . ." N.J.S.A. 47:1A-1.1. Also, OPRA requires a custodian to grant or deny access as soon as possible but no later than seven (7) business days from receipt of the request. N.J.S.A. 47:1A-5(i). OPRA further requires that custodians inform requestors of the lawful basis for any denial of government records. N.J.S.A. 47:1A-6.

Regarding your inquiry, the GRC first notes that it was unable to locate any prior cases addressing the exact records to which you refer in your letter. Further, the GRC may not be aware of any variables that impact the issue. Thus, guidance on this issue is difficult to provide.

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Now, as you can probably tell, this has caused citizens to become unsettled (and other various forms of reaction) if they are contacted by attorneys, insurance companies, *etc.*, after being in accident. The GRC also receives phone calls from concerned custodians and citizens regarding the non-confidential nature of accident reports. In each instance, the GRC is obligated to reply that it understands that N.J.S.A. 39:4-131 and prevailing case law provides a stark conflict with the personal information exemptions present in OPRA, which has led to some confusion across the State. However, unless and until either the Legislature amends the statute and/or the courts/GRC decide otherwise, accident reports are required to be disclosed without redactions per N.J.S.A. 39:4-131.

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<http://www.nj.gov/grc/decisions/2004-195.html>.

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Additionally, in another court case, Bolkin v. Kwasniewski, 2012 N.J. Super. Unpub. LEXIS 2641, (Law Div. December 5, 2012), plaintiff sought the names and addresses of dog and cat license owners in Fair Lawn for the purpose of sending political literature regarding candidates who support animal friendly legislation. The Custodian denied access citing to privacy concerns pursuant to N.J.S.A. 47:1A-1, Governor McGreevey's Executive Order No. 26, Doe v. Poritz, and the Council's Bernstein decisions regarding similar records. Using the balancing factors from Doe, the trial Judge found that the release of just the names and addresses of the dog owners with all other information contained on the license applications redacted is appropriate. Specifically, the Judge relied on the Supreme Court's decision in Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009), holding that names and addresses alone, without any other identifiers, does not sufficiently implicate privacy concerns to warrant nondisclosure under OPRA. I have attached this decision for your convenience. This decision was affirmed on appeal. Please see attached the Appellate Division's unpublished decision in Bolkin v. Kwasniewski, 2014 N.J. Super. Unpub. LEXIS 1409, (App. Div. 2014).

All the decisions are made on a case by case basis. More recently, the Council decided on two (2) complaints with various outcomes regarding names, home addresses, etc. that highlight the fact specific nature in which the GRC makes determinations on privacy interests. See Levitt v. Twp. of Monclair (Essex), GRC Complaint No. 2012-150 (August 2013)(<http://www.state.nj.us/grc/decisions/pdf/2012-150.pdf>); Bean v. Borough of Belmar (Monmouth), GRC Complaint No. 2013-39 (Interim Order dated December 20, 2013).

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held that the redacted portions of the requested records (name and address of victim) were properly redacted due to privacy concerns pursuant to N.J.S.A. 47:1A-1. You may view this decision on our website at <http://www.nj.gov/grc/decisions/pdf/2007-167.pdf>.

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Sincerely,

Frank F. Caruso

Government Records Council

Communications Specialist/Resource Manager

Tel: (609) 292-6830 | 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: Clerk's Dept. [<mailto:xxxxx@xxxxxxxxx.xxx>]

Sent: Wednesday, April 18, 2018 1:11 PM

To: Government Records Council <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>

Subject: OPRA Question regarding tax records

April 18, 2018

Please provide guidance on the attached question.

Thank you in advance for any help you can offer.

Edith L. Merkel, RMC

Township Clerk

Township of Clark

430 Westfield Ave.

Clark, NJ 07066

(732) 388-3669 ph.

(732) 388-1241 fx.

From: xxxxxxxx@xxxxx.xxx
To: xxxxxxxx@xxxxx.xxx
Subject: OPRA Question regarding tax records
Date: Monday, April 23, 2018 4:06:56 PM
Attachments: [Tax Collector's letter - OPRA.pdf](#)

Shane,

As we discussed.

Lori

From: Clerk's Dept.
Sent: Friday, April 20, 2018 10:58 AM
To: 'Government Records Council' <xxxxxxxxxxxxxxx@xxx.xx.xxx>
Cc: Tax Collector <xxxxxxxxxxxx@xxxxxxxx.xx>
Subject: RE: OPRA Question regarding tax records

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Government Records Council

Communications Specialist/Resource Manager

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

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From: Clerk's Dept. [<mailto:xxxxx@xxxxxxxx.xxx>]

Sent: Wednesday, April 18, 2018 1:11 PM

To: Government Records Council <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>

Subject: OPRA Question regarding tax records

April 18, 2018

Please provide guidance on the attached question.

Thank you in advance for any help you can offer.

Edith L. Merkel, RMC

Township Clerk
Township of Clark
430 Westfield Ave.
Clark, NJ 07066
(732) 388-3669 ph.
(732) 388-1241 fx.

From: [Clerk's Dept.](#)
To: [xxxxxxxx@xxxxxx.xxx](#)
Subject: FW: OPRA Question regarding tax records
Date: Friday, April 20, 2018 2:23:00 PM
Attachments: [Tax Collector's letter - OPRA.pdf](#)

April 20, 2018

Laurie,

I believe this issue is the reason you called. The GRC response appears below. I'll be happy to talk to you about this any time.

Edie

Edith L. Merkel, RMC
Township Clerk
Township of Clark
430 Westfield Ave.
Clark, NJ 07066
(732) 388-3669 ph.
(732) 388-1241 fx.

From: Clerk's Dept.
Sent: Friday, April 20, 2018 1:39 PM
To: 'Joseph Delorio' <xxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx>
Subject: FW: OPRA Question regarding tax records

From: Clerk's Dept.
Sent: Friday, April 20, 2018 11:32 AM
To: 'AJ Plainfield' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Ana Minkoff - Berkeley Heights' <xxxxxxxx@xxxxx.xxx>; 'Andrew Casais' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Bonnie Lacina - Scotch Plains' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Christina Ariemma - Garwood' <xxxxxxxx@xxxxxxxx.xxx>; 'Eileen Birch - Union Twp.' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Eleanor McGovern - Fanwood' <xxxxxxxx@xxxxxxxx.xxx>; 'Joseph Bodek - Linden' <xxxxxx@xxxxxxxx.xxx>; 'June Planas - Winfield' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Laura Reinertsen - Kenilworth' <xxxxx@xxxxxxxxxxxxx.xxx>; 'Linda Donnelly' <xxxxx.xxxxxxx@xxxxxxxxxxxxx.x>; 'Martha Lopez - Mountainside' <xxxxxx@xxxxxxxxxxxxx.xxx>; 'Rayna Harris' <xxxxxx@xxxxxxxxxxxxx.xxx>; 'Rosemary Licatese-Summit' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Wendi B. Barry - New Providence' <xxxxxx@xxxxxx.xxx>; 'Yolanda M. Roberts - Elizabeth' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; Tara Rowley <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'xxxxxxxx@xxxxxxxxxxxxx.xxx' < [xxxxxxxx@xxxxxxxxxxxxx.xxx](#) >
Subject: FW: OPRA Question regarding tax records

GRC response below

From: Clerk's Dept.
Sent: Friday, April 20, 2018 10:58 AM
To: 'Government Records Council' <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>
Cc: Tax Collector <xxxxxxxxx@xxxxxxxx.xx>
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Sincerely,

Frank F. Caruso

Government Records Council

Communications Specialist/Resource Manager

Tel: (609) 292-6830 | 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: Clerk's Dept. [<mailto:xxxxx@xxxxxxxx.xxx>]

Sent: Wednesday, April 18, 2018 1:11 PM

To: Government Records Council <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>

Subject: OPRA Question regarding tax records

April 18, 2018

Please provide guidance on the attached question.

Thank you in advance for any help you can offer.

Edith L. Merkel, RMC

Township Clerk

Township of Clark

430 Westfield Ave.

Clark, NJ 07066

(732) 388-3669 ph.

(732) 388-1241 fx.

From: [xxxxxxxxx@xxxxxx.xxx](#)
To: [xxxxxxxxx@xxxxxx.xxx](#)
Subject: FW: OPRA Question regarding tax records
Date: Friday, April 20, 2018 2:08:01 PM
Attachments: [Tax Collector's letter - OPRA.pdf](#)

FYI...

From: Clerk's Dept.
Sent: Friday, April 20, 2018 11:32 AM
To: 'AJ Plainfield' <xxxxxxx.xxxxx@xxxxxxxxxxxxx.xxx>; 'Ana Minkoff - Berkeley Heights' <xxxxxxxx@xxxxx.xxx>; 'Andrew Casais' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Bonnie Lacina - Scotch Plains' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Christina Ariemma - Garwood' <c-ariemma@garwood.org>; 'Eileen Birch - Union Twp.' <xxxxxx@xxxxxxxxxxxxx.xxx>; 'Eleanor McGovern - Fanwood' <xxxxxxxx@xxxxxxxxx.xxx>; 'Joseph Bodek - Linden' <xxxxxx@xxxxxxxxx.xxx>; 'June Planas - Winfield' <xxxxxxx@xxxxxxxxxxxxx.xxx>; 'Laura Reinertsen - Kenilworth' <Laxxx@xxxxxxxxxxxxx.xxx>; 'Linda Donnelly' <xxxxx.xxxxxxxx@xxxxxxxxxxxxxx>; 'Martha Lopez - Mountainside' <xxxxxx@xxxxxxxxxxxxx.xxx>; 'Rayna Harris' <xxxxxxx@xxxxxxxxxxxxx.xxx>; 'Rosemary Licatese-Summit' <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'Wendi B. Barry - New Providence' <xxxxxx@xxxxxxx.xxx>; 'Yolanda M. Roberts - Elizabeth' <yroberts@elizabethnj.org>; Tara Rowley <xxxxxxxx@xxxxxxxxxxxxx.xxx>; 'xxxxxxxx@xxxxxxxxx.xxx' <p-donahue@cranfordnj.org>
Subject: FW: OPRA Question regarding tax records

GRC response below

From: Clerk's Dept.
Sent: Friday, April 20, 2018 10:58 AM
To: 'Government Records Council' <[xxxxxxxxx.xxxxxxx@xxx.xx.xxx](#)>
Cc: Tax Collector <[xxxxxxxxx@xxxxxxxxx.xx](#)>
Subject: RE: OPRA Question regarding tax records

Mr. Caruso:

Thank you for replying to this very important inquiry. I will forward your response to the township Tax Collector. I believe this topic is worth pursuing with the Legislature. It is the obligation and responsibility of State and Local Government to protect the privacy, safety and welfare of our citizens, especially the most vulnerable.

Edith L. Merkel, RMC
Township Clerk
Township of Clark
430 Westfield Ave.
Clark, NJ 07066
(732) 388-3669 ph.
(732) 388-1241 fx.

From: Government Records Council <xxxxxxxxxx.xxxxxxx@xxx.xx.xxx>
Sent: Thursday, April 19, 2018 6:30 PM
To: Clerk's Dept. <xxxxx@xxxxxxxxx.xxx>
Subject: RE: OPRA Question regarding tax records

Good evening Ms. Merkel,

Thank you for contacting the NJ Government Records Council ("GRC"). The information provided by the GRC is guidance and does not constitute legal advice or a final decision of the GRC regarding whether a particular record is exempt from disclosure or not since the provisions of the Open Public Records Act ("OPRA") are applied to the specific facts of the request and/or complaint. The GRC cannot tell you exactly how to respond to an official OPRA records request because your response must depend on the specific facts of the records request.

Generally, OPRA provides that "... government records shall be readily accessible for inspection, copying, or examination ... with certain exceptions ... " N.J.S.A. 47:1A-1. There are 25 specific exemptions from disclosure included in OPRA.

Additionally, OPRA defines a government record as a record "made, maintained or kept on file ... or that has been received in the course of ... official business ... " N.J.S.A. 47:1A-1.1. Also, OPRA requires a custodian to grant or deny access as soon as possible but no later than seven (7) business days from receipt of the request. N.J.S.A. 47:1A-5(i). OPRA further requires that custodians inform requestors of the lawful basis for any denial of government records. N.J.S.A. 47:1A-6.

Regarding your inquiry, the GRC first notes that it was unable to locate any prior cases addressing the exact records to which you refer in your letter. Further, the GRC may not be aware of any variables that impact the issue. Thus, guidance on this issue is difficult to provide.

Notwithstanding, the questions you raise are similar to those raised about the disclosure of accident reports without redactions per N.J.S.A. 39:4-131. In fact, the accident report issue could be analogous to your situation. Specifically, the Council has previously ruled on whether redactions are warranted on auto accident reports. Specifically, in Truland v. Borough of Madison, GRC Complaint No. 2006-88 (September 2007), the Council held that "no redactions to the requested auto accident reports are warranted pursuant to N.J.S.A. 39:4-131." The New Jersey statute cited specifically states that "information contained [in the report] shall not be privileged or held confidential." See <http://www.nj.gov/grc/decisions/pdf/2006-88.pdf>. The Council's holding in Truland, has been applied to another complaint in which accident reports were at issue. See <http://www.state.nj.us/grc/decisions/pdf/2011-154.pdf>. This is a departure from the normal OPRA procedures since driver's license numbers, social security numbers and unlisted telephone numbers are specifically exempt under OPRA and are routinely redacted from records.

Now, as you can probably tell, this has caused citizens to become unsettled (and other various forms of reaction) if they are contacted by attorneys, insurance companies, *etc.*, after being in accident.

The GRC also receives phone calls from concerned custodians and citizens regarding the non-confidential nature of accident reports. In each instance, the GRC is obligated to reply that it understands that N.J.S.A. 39:4-131 and prevailing case law provides a stark conflict with the personal information exemptions present in OPRA, which has led to some confusion across the State. However, unless and until either the Legislature amends the statute and/or the courts/GRC decide otherwise, accident reports are required to be disclosed without redactions per N.J.S.A. 39:4-131.

The GRC's role in OPRA is to adjudicate complaints based on the plain reading of the OPRA, which can sometimes lead to these types of decisions. Unfortunately, if it is the case that an agency is required by law to disclose this information in its entirety, the appropriate avenue for change would likely be the Legislature. This is, of course, in the absence of any statutes, regulations, or executive orders making this information exempt in part or whole.

Additionally, if the disclosure issue comes down to a question of privacy interest as opposed to a statutory requirement to disclose the information, the following may apply:

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Communications Specialist/Resource Manager

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Sent: Wednesday, April 18, 2018 1:11 PM

To: Government Records Council <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>

Subject: OPRA Question regarding tax records

April 18, 2018

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Township Clerk

Township of Clark

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Clark, NJ 07066

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(732) 388-1241 fx.

From: [Joseph DeIorio](#)
To: ["xxxxxxxx@xxxxx.xxx"](#)
Subject: FW: OPRA Question regarding tax records
Date: Friday, April 20, 2018 1:54:45 PM
Attachments: [Tax Collector's letter - OPRA.pdf](#)

From: Clerk's Dept. [mailto:xxxxx@xxxxxxxxxxx]
Sent: Friday, April 20, 2018 1:39 PM
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Subject: FW: OPRA Question regarding tax records

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Sincerely,

Frank F. Caruso
Government Records Council

Communications Specialist/Resource Manager

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

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

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From: Clerk's Dept. [<mailto:xxxxx@xxxxxxxx.xxx>]

Sent: Wednesday, April 18, 2018 1:11 PM

To: Government Records Council <xxxxxxxxx.xxxxxxx@xxx.xx.xxx>

Subject: OPRA Question regarding tax records

April 18, 2018

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Edith L. Merkel, RMC

Township Clerk
Township of Clark
430 Westfield Ave.
Clark, NJ 07066
(732) 388-3669 ph.
(732) 388-1241 fx.

From: [Paul Tomasko](#)
To: [@x](#); [@x](#)
Subject: Fwd: Memorandum on proposed OPRA and OPMA legislation
Date: Tuesday, February 6, 2018 4:02:15 PM
Attachments: [\[16178061\] Comments to S1045-217.pdf](#)
[Comments to S1046-217.pdf](#)

Mike and Lori,
FYI.
Are the OPMA and OPRA bills still being pushed?
Thanks,
Paul

-----Original Message-----

From: Stephanie Wehmann <[@.](#)>
To: Paul Tomasko <[@.](#)>
Cc: Nancy Wehmann <[@.](#)>
Sent: Tue, Feb 6, 2018 3:14 pm
Subject: FW: Memorandum on proposed OPRA and OPMA legislation

From: John L. Shahdanian II [<mailto:@x>]
Sent: Tuesday, February 06, 2018 2:35 PM
To: Stephanie Wehmann <[@x](#)>; Boro Clerk <[@x](#)>
Subject: Memorandum on proposed OPRA and OPMA legislation

Mayor Tomasko:

Attached please find the memoranda regarding the pending bills on OPRA/OPMA.

Regards,

John Shahdanian



JOHN L. SHAHDANIAN II
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC
300 LIGHTING WAY, SUITE 200
SECAUCUS, NEW JERSEY 07094

201-809-6038

201-348-6633

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From: [REDACTED] on behalf of Richard Sheola
To: Joseph Kostecki
Cc: Maria K. Mento; John Bussiculo; Munitalk ([REDACTED]); Lisa H. Hand
Subject: Re: Opra machine
Date: Tuesday, January 9, 2018 5:48:18 PM

Seriously special.

I'd nominate for an Emmy as Best Host of a Municipal Building Tour

Sent from my iPhone

On Jan 9, 2018, at 3:31 PM, Joseph Kostecki <[REDACTED]> wrote:

we receive requests weekly; a real pain. We questioned their ability to claim they did not have any convictions while also being anonymous. The GRC responded as such:

I reached out to the GRC with regard to OPRA Machine and continual anonymous requests, specifically with stating "no convictions" while also being anonymous. This is their response:

Thank you for contacting the NJ Government Records Council ("GRC"). The information provided by the GRC is guidance and does not constitute legal advice or a final decision of the GRC regarding whether a particular record is exempt from disclosure or not since the provisions of the Open Public Records Act ("OPRA") are applied to the specific facts of the request and/or complaint. The GRC cannot tell you exactly how to respond to an official OPRA records request because your response must depend on the specific facts of the records request.

Generally, OPRA provides that "... government records shall be readily accessible for inspection, copying, or examination ... with certain exceptions ..." N.J.S.A. 47:1A-1. There are 25 specific exemptions from disclosure included in OPRA.

Additionally, OPRA defines a government record as a record "made, maintained or kept on file ... or that has been received in the course of ... official business ..." N.J.S.A. 47:1A-1.1. Also, OPRA requires a custodian to grant or deny access as soon as possible but no later than seven (7) business days from receipt of the request. N.J.S.A. 47:1A-5(i). OPRA further requires that custodians inform requestors of the lawful basis for any denial of government records. N.J.S.A. 47:1A-6.

Regarding your first inquiry, OPRA permits a requestor to submit an OPRA request anonymously. N.J.S.A. 47:1A-5(i). The procedure for requesting records anonymously under OPRA does not generally depart from the typical way of requesting records under OPRA, with one exception. If a requestor were to request records anonymously and did not provide contact information, "the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request." Id.

The real importance to the conviction question comes from N.J.S.A. 47:1A-2.2, which provides that:

[W]here it shall appear that a person who is convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in [OPRA] shall be denied ... [A] custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

Id.

Thus, the function of the question contained on the model request form relates directly back to this provision of OPRA.

OPRA also addresses how to handle anonymous requests when a convicted requestor seeks his/her victim's information. Specifically, the statute provides that "a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section." Id.

It should be noted that, in accordance with N.J.S.A. 47:1A-2.2, a convicted person cannot access records regarding the victim or victim's family. However, convicted persons are able to access all other types of records under OPRA just like everyone else.

Regarding your second inquiry, tracking and managing of OPRA requests is ultimately an internal agency question. How an agency chooses to track its OPRA requests will largely depend on what is most effective for that agency.

Regarding your final inquiry, the GRC only provides the following limited guidance and refers you back to its first inquiry response. Ultimately, the goal of OPRA is "to maximize public knowledge about public affairs in order to ensure an informed citizenry ..." Asbury Park Press v. Ocean Cnty. Prosecutor's Office, 374 N.J. Super.312 (Law Div. 2004). Because the statute allows an individual to submit an OPRA request anonymously, that individual has no obligation to identify themselves

On Tue, Jan 9, 2018 at 3:24 PM, Maria K. Mento <[REDACTED]> wrote:

Lisa,

Have you received anything?

From: [REDACTED] [mailto:njmma-mt@googlegroups.com] **On Behalf Of** John Bussiculo
Sent: Tuesday, January 09, 2018 3:20 PM

To: Munitalk (xxxxxxx@xxxxxxxxxxxxx.xxx) <xxxxxxx@xxxxxxxxxxxxx.xxx>
Subject: Opra machine

We received 3 request today from Opra Machine/ Ask NJ Media .com for info that will take us weeks to assemble. This is in our opinion is an abuse of Opra. I was wondering how many of you have received something from them? And how did you handle it? If you look at the website it looks like most if not all towns in NJ will eventually receive these requests. It maybe is time as a group to fight this. I have limited resources and to spend weeks on this is just not right.

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To post to this group, send email to xxxxxxx@xxxxxxxxxxxxx.xxx

To view this discussion on the web visit <https://groups.google.com/d/msgid/njmma-mt/CY1PR19MB0646349ABACB9992A5C2974BCD100%40CY1PR19MB0646.namprd19.prod.outlook.com>.

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Be well,

Joseph Kostecki,
MPA,CMC,RMC,QPA,RPPS,CMR
Borough Administrator/Municipal Clerk
Borough of South Toms River
Office: 732.349.0403
[Download the Smartphone App here](#)
www.boroughofsouthtomsriver.com

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From: [REDACTED] on behalf of Joseph Kostecki
To: Maria K. Mento
Cc: John Bussiculo; Munitalk ([REDACTED]); Lisa H. Hand
Subject: Re: Opra machine
Date: Tuesday, January 9, 2018 3:31:33 PM

we receive requests weekly; a real pain. We questioned their ability to claim they did not have any convictions while also being anonymous. The GRC responded as such:

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Additionally, OPRA defines a government record as a record "made, maintained or kept on file ... or that has been received in the course of ... official business ... " [N.J.S.A. 47:1A-1.1](#). Also, OPRA requires a custodian to grant or deny access as soon as possible but no later than seven (7) business days from receipt of the request. [N.J.S.A. 47:1A-5\(i\)](#). OPRA further requires that custodians inform requestors of the lawful basis for any denial of government records. [N.J.S.A. 47:1A-6](#).

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The real importance to the conviction question comes from [N.J.S.A. 47:1A-2.2](#), which provides that:

[W]here it shall appear that a person who is convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in [OPRA] shall be denied ... [A] custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

[Id.](#)

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OPRA also addresses how to handle anonymous requests when a convicted requestor seeks his/her victim's information. Specifically, the statute provides that "a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section." [Id.](#)

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On Tue, Jan 9, 2018 at 3:24 PM, Maria K. Mento <xxxxxx@xxxxxxxxxx> wrote:

Lisa,

Have you received anything?

From: xxxxxx@xxxxxxxxxx [mailto:njmma-mt@googlegroups.com] On Behalf Of John Bussiculo
Sent: Tuesday, January 09, 2018 3:20 PM
To: Munitalk (xxxxxx@xxxxxxxxxx) <xxxxxx@xxxxxxxxxx>
Subject: Opra machine

We received 3 request today from Opra Machine/ Ask NJ Media .com for info that will take us weeks to assemble. This is in our opinion is an abuse of Opra. I was wondering how many of you have received something from them? And how did you handle it? If you look at the website

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Be well,

Joseph Kostecki,
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From: [@x](#) on behalf of Gregory Bonin
To: John Bussiculo; Munitalk([@x](#))
Subject: RE: Opra machine
Date: Tuesday, January 9, 2018 3:30:05 PM

I just had a visit from that special person yesterday.

Please enjoy my YouTube debut...

<https://www.youtube.com/watch?v=h0TFKSNNvLE>

Gregory J. Bonin

From: [@x](#)(mailto:[@x](#))
Sent: Tuesday, January 09, 2018 3:20 PM
To: Munitalk ([@x](#))
Subject: Opra machine

On Behalf Of John Bussiculo

We received 3 request today from Opra Machine/ Ask NJ Media .com for info that will take us weeks to assemble. This is in our opinion is an abuse of Opra. I was wondering how many of you have received something from them? And how did you handle it? If you look at the website it looks like most if not all towns in NJ will eventually receive these requests. It maybe is time as a group to fight this. I have limited resources and to spend weeks on this is just not right.

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[mt/CY1PR19MB0646349ABACB9992A5C2974BCD100%40CY1PR19MB0646.namprd19.prod.outlook.com](https://groups.google.com/d/msgid/njmma-mt/CY1PR19MB0646349ABACB9992A5C2974BCD100%40CY1PR19MB0646.namprd19.prod.outlook.com).

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[mt/DM5PR05MB3244EDD65A5F739D7F98CC2DD7100%40DM5PR05MB3244.namprd05.prod.outlook.com](https://groups.google.com/d/msgid/njmma-mt/DM5PR05MB3244EDD65A5F739D7F98CC2DD7100%40DM5PR05MB3244.namprd05.prod.outlook.com).

For more options, visit <https://groups.google.com/d/optout>.

From: [@xx](#) on behalf of [Maria K. Mento](#)
To: [John Bussiculo](#); [Munitalk\(@xx\)](#)
Cc: [Lisa H. Hand](#)
Subject: RE: Opra machine
Date: Tuesday, January 9, 2018 3:25:54 PM

Lisa,
Have you received anything?

From: xxxxxxxx@xxxxxxxxxxxxx.xxx [mailto:xxxxxxx@xxxxxxxxxxxxx.xxx] **On Behalf Of** John Bussiculo
Sent: Tuesday, January 09, 2018 3:20 PM
To: Munitalk (xxxxxxx@xxxxxxxxxxxxx.xxx) <xxxxxxx@xxxxxxxxxxxxx.xxx>
Subject: Opra machine

We received 3 request today from Opra Machine/ Ask NJ Media .com for info that will take us weeks to assemble. This is in our opinion is an abuse of Opra. I was wondering how many of you have received something from them? And how did you handle it? If you look at the website it looks like most if not all towns in NJ will eventually receive these requests. It maybe is time as a group to fight this. I have limited resources and to spend weeks on this is just not right.

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For more options, visit <https://groups.google.com/d/optout>.

From: @x on behalf of [John Bussiculo](#)
To: [Munitalk \(@x\)](#)
Subject: Opra machine
Date: Tuesday, January 9, 2018 3:20:08 PM

We received 3 request today from Opra Machine/ Ask NJ Media .com for info that will take us weeks to assemble. This is in our opinion is an abuse of Opra. I was wondering how many of you have received something from them? And how did you handle it? If you look at the website it looks like most if not all towns in NJ will eventually receive these requests. It maybe is time as a group to fight this. I have limited resources and to spend weeks on this is just not right.

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