

Subj: **OPRA REQUEST**
Date: 1/15/2017 6:15:56 P.M. Eastern Standard Time
From: [REDACTED]
To: biermannjb@aol.com

Pursuant to the Open Public Records Act, please provide me with the following documents.

1. Copies of all minutes for all Board Meetings from January 1, 2016 to December 31, 2016.
2. Copies of all minutes from all committees from January 1, 2016 to December 31, 2016.
3. Copies of all minutes from all closed door or Executive Meetings from January 1, 2016 to December 31, 2016.

Thank You

[REDACTED]
Collene A Wronko

Subj: **OPRA REQUEST**
Date: 2/16/2017 3:25:55 P.M. Eastern Standard Time
From: [REDACTED]
To: biermannjb@aol.com

Pursuant to the Open Public Records Act, please supply me with the following documents:

1. Copies of the last payroll record for the year ending 2015.
2. Copies of the last payroll record for the year ending 2016.
3. Copies of all invoices for all Attorneys fees for 2015.
4. Copies of all invoices for all Attorneys fees for 2016.
5. Copies of the 2016 check register for both the operating account and the Community Services Division Account.
6. Copies of all invoices from 2015 for Ubiquity Promotions.
7. Copies of all invoices from 2016 for Ubiquity Promotions.
8. Copies of all Lawsuits settled from 2015 and 2016.

Thank You

Subj: **OPRA Request**
Date: 6/23/2017 5:13:17 P.M. Eastern Daylight Time
From: [REDACTED]
To: BIERMANNJB@aol.com

Received & opened
6/26/17 14:35hrs
JB

Good afternoon Joe Biermann,
OPRA Officer, NJ SPCA

I could not find an official OPRA form on the NJSPCA website so please consider this email to be a request under the Open Public Records Act for the following information:

- (1) Emails between, to and from Sgt. Phil Amato to Jeffrey or Jeff Weinstein at the Hunterdon County Prosecutors Office regarding Carolyn Murphy, in her capacity as an ACO of West Amwell Township, for the timeframe January 4, 2017 up to the present, June 23, 2017.
- (2) Emails between, to and from Antonio P. Pereira (SPCA) and Sgt. Phil Amato, regarding Carolyn Murphy in her capacity as an ACO and acting ACI in cases, for the timeframe January 4, 2017 up to the present, June 23, 2017.

Please let me know if you have any questions.

Thank you,

Libby Williams

Email: libbywilliams@nj.gov

Due COB
7-6-17

Subj: **Information Request East Orange NJ**
Date: 4/21/2017 7:56:46 A.M. Eastern Daylight Time
From: [REDACTED]
To: BIERMANNJB@aol.com

Good Morning,

I thought I sent this request earlier in the week but it appears to not have gone through. Please confirm that you have received this request. You can send any correspondence via email or text. Under the New Jersey Open Public Records Act, I'm requesting all documents, emails and other correspondence associated with all animal cruelty cases taking place in East Orange from March 1, 2017 to Present. Thank you in advance.

Jerry Spilatro
Fax# 973-266-4032

OPEN PUBLIC RECORDS ACT REQUEST FORM

Received
5/24/17

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name D. Scott MI _____ Last Name Smith

E-mail Address DScoSmith856@gmail.com

Mailing Address 43 Licciardello Dr.

City Woolwich State NJ Zip 08085

Telephone 856-419-3322

Preferred Delivery: Pick Up ☐ US Mail ☐ On-Site Inspect ☐ Fax ☐ E-mail ☒

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE ~~HAVE NOT~~ been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [Signature]

Date 5/24/17

Payment Information

Maximum Authorization Cost \$

Select Payment Method
☐ Cash ☐ Check ☐ Money Order

Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
CD & DVD - \$1.00 per disc
Other materials - actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Copies of all bank statements 6/1/16 through to current for the NJSPCA

Copies of form 990s 2013, 2014, 2015, 2016 for NJSPCA

Copies of Audits for 2013, 2014, 2015, 2016 FOR NJSPCA

Any document(s) that reflects how much in dues are paid by each chartered (county level) SPCA

Copies of executive/closed session meeting minutes from 1/1/16- through to current

AGENCY USE ONLY

Est. Document Cost _____
Est. Delivery Cost _____
Est. Extras Cost _____
Total Est. Cost _____
Deposit Amount _____
Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			

Custodian Signature _____

Date _____

#2



New Jersey State
Humane Police
STATE PBA # 391



1119 LIVINGSTON AVENUE
NEW BRUNSWICK, NJ 08901
1.800.582.5979
Form #051215.1

New Jersey State SPCA Government Records Request Form

Requestor Information- please print

First Name: Jaime MI: Last Name: Zekry

Company name: The Bianchi Law Group, LLC

Mailing address: 4 York Avenue, 2nd Floor

City: West Caldwell State: NJ Zip code: 07006

Your e mail address: abraham.bianchilawgroup.com

Check here if an e mail response is ok ☒ Telephone #: 862 210 8570

Circle one: Under penalty of N.J.S.A. 2C:28-3 I certify I have ☒ Have not been convicted of any indictable offense anywhere in the United States.

Signature: [Signature] Date: 12/14/16

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. A separate sheet may be used if needed.

Please see attached for Exhibit A

EXHIBIT A

On or about January of 2012, the New Jersey State Humane Police received a complaint from [REDACTED] [REDACTED] complained of animal abuse and dangerous living conditions at her mother's home. Her mother, [REDACTED] [REDACTED] New Jersey. Officer J Kinlen investigated the complaint and found the complaint was a false allegation.

This OPRA request is for any and all documents related to his complaint by [REDACTED] and New Jersey State Humane Police's investigation, including, but not limited to written or recorded complaints, written or recorded statements, officer notes, reports, photographs, internal memorandum or final decision.



NEW JERSEY SPCA

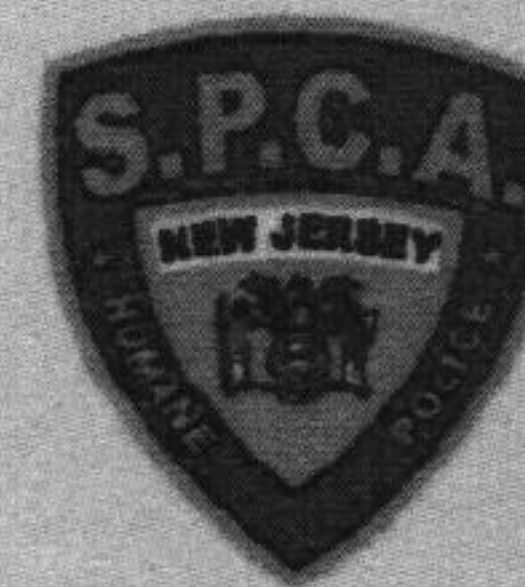
OPEN PUBLIC RECORDS ACT REQUEST FORM

1119 LIVINGSTON AVENUE NEW BRUNSWICK NJ 08901

800-582-5979

info@njspca.org

Joseph Biermann - Custodian



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name [REDACTED] MI [REDACTED] Last Name [REDACTED]
E-mail Address [REDACTED]
Mailing Address [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]
Telephone [REDACTED] FAX [REDACTED]
Preferred Delivery: Pick Up [REDACTED] US Mail [REDACTED] On-Site Inspect [REDACTED] Fax [REDACTED] E-mail [REDACTED]

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [REDACTED] Date [REDACTED]

Payment Information

Maximum Authorization Cost \$

Select Payment Method

Cash ☐ Check ☐ Money Order ☐

Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
Other materials (CD, DVD, etc) - actual cost of material
Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached email

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY



New Jersey State SPCA

1119 LIVINGSTON AVENUE
NEW BRUNSWICK, NJ 08901
1.800.582.5979



04/18/17

JOHN BANKS brandyhaven@gmail.com

ADDRESS

CITY STATE ZIP

The NJSPCA received your OPRA request on 4/14/17

The Official Records Custodian, Joseph F. Biermann received your on 4/18/17

This response to your request is being provided on 4/18/17

The following records are being provided to your request.

None- under NJSA 47:1A-1.1 criminal and civil investigatory records are exempt from OPRA.

If your request has been denied or unfilled within the seven business days you have the right to challenge the decision. You may file a complaint with either the Superior Court of New Jersey or with the Government records Council at 866 850 0511.

Cordially yours,

Joseph F. Biermann NJSPCA 1119 Livingston Avenue New Brunswick, NJ 08901

Est. Document Cost _____ Est. Delivery Cost _____ Est. Extras Cost _____ Total Est. Cost _____ Deposit Amount _____ Estimated Balance _____ Deposit Date _____	Disposition Notes Custodian: If any part of request cannot be delivered in seven business days, detail reasons here. In Progress - _____ Denied - _____ Filled - _____ Partial - _____ Open - _____ Closed - _____ Closed - _____ Closed - _____	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Tracking Information</th> <th style="text-align: left;">Final Cost</th> </tr> </thead> <tbody> <tr> <td>Tracking # _____</td> <td>Total _____</td> <td></td> </tr> <tr> <td>Rec'd Date _____</td> <td>Deposit _____</td> <td></td> </tr> <tr> <td>Ready Date _____</td> <td>Balance Due _____</td> <td></td> </tr> <tr> <td>Total Pages _____</td> <td>Balance Paid _____</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: center;">Records Provided</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: center;">Custodian Signature _____</td> <td style="text-align: center;">Date _____</td> </tr> </tbody> </table>	Tracking Information		Final Cost	Tracking # _____	Total _____		Rec'd Date _____	Deposit _____		Ready Date _____	Balance Due _____		Total Pages _____	Balance Paid _____		Records Provided			Custodian Signature _____		Date _____
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Total Pages _____	Balance Paid _____																						
Records Provided																							
Custodian Signature _____		Date _____																					

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

N.J.S.A. 47:1A-1.1

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☒ Law enforcement records:
 - ☐ Medical examiner photos
 - ☒ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☐ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2

- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.
 (Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer

authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

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

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **NJSPCA**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **NJSPCA**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **NJSPCA** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **NJSPCA** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **NJSPCA** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the **NJSPCA** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Subj: **Fwd: OPRA for Past complaints**
Date: 4/14/2017 10:36:28 A.M. Eastern Daylight Time
From: apeterson@njspca.org
To: jbiermann@njspca.org

Sent from my iPhone. Have a Great Day!

Begin forwarded message:

From: "FormSubmissions@njspca.org" <formsubmissions@njspca.org>
Date: April 14, 2017 at 12:56:56 AM EDT
To: webmaster@njspca.org
Subject: Past complaints

From: John Banks <brandyhaven@gmail.com>
845-978-9557
Subject: Past complaints

Message Body:

I want to file an open public records request to obtain the name or names of the individuals who have filed complaints regarding the care and treatment of horses at our horse farm in Montague, along with the report as to the findings by the officer who investigated the complaint. There have been a number of complaints filed and investigated without any fault on our care that was extend to us. These repeated complaints without merit and one recently filed with the department of agriculture are harassment which has to stop.

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This e-mail was sent from a contact form on NJSPCA (<http://njspca.org/>)

=

33 River Rd

CASE# 040651
046158
049356