

LA CORTE, BUNDY, VARADY & KINSELLA
ATTORNEYS AT LAW

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PLEASE FORWARD ALL MAIL
TO THE UNION OFFICE

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June 7, 2022

opra+request-32366-e3aebd24@requests.opramachine.com

C.T.C.

Re: Township of Clark OPRA Requests – Proof of Funds

Dear C.T.C.:

The Township of Clark received your Open Public Records Act (OPRA) request on June 2, 2022. The official Records Custodian, Edith Merkel, received your OPRA request on June 2, 2022. As such, the seven (7) business day deadline to respond to your request is June 13, 2022. This response to your request is being provided to you on the Third business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

- Proof of receipt by the Township or its attorney from the Township's insurance company, or companies if more than one was involved, for the amount of \$330,000.00 used towards the payments made to Officer Manata and his attorney. (The type of records, or the Township's definition, can vary depending what format {ie: check/wire transfer} was used by the insurance to send the funds to the Township or its Attorney, but some sort of financial records detailing the receipt and/or deposit of the funds for \$330,000 must exist).
- Name(s), address(es), telephone number(s), email(s) of the insurance company(s) and name of its representative(s) involved in the negotiation and decision processes of the Settlement Agreement between the Township and Officer Manata. (The contents of the communications between the Township and the Insurance company are not being requested.)

The following records are being provided in their entirety and are responsive to your request:

1. Proof of receipt of \$330,000.00 from insurance company or companies:
 - a) Check #09201 FBQ-QBE Specialty Insurance Company in the amount of \$200,000.00.
 - b) Check #1235 from N.J. Municipal Self Insures Joint Insurance Fund in the amount of \$130,000.00
2. Names, Addresses and Telephone Numbers of Insurance Company or Companies:
 - a) FBQ-QBE Specialty Insurance Company
201 Concourse Blvd., Suite 250
Glen Allen, Virginia 23059-5643
Phone: 800-362-5448
 - b) New Jersey Municipal Self Insurance Joint Insurance Fund
51 Everett Drive, Suite B-40
West Windsor, NJ 08550
Phone: 609-452-0263
3. Names of insurance representatives involved in negotiation and settlement process:

This request is being denied as the Township does not keep records regarding settlement negotiations and also if records existed they would be exempt under N.J.S.A. 47:1A 1-1-13.

This response is being transmitted to you electronically via email to following address as per your request:

opra+request-32366-e3aebd24@requests.opramachine.com

A list of OPRA's exemptions is attached to this response letter.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Township of Clark to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

IF YOU HAVE ANY QUESTIONS, PLEASE RESPOND DIRECTLY TO ME AT
RVARADY@LBVKLAW.COM.

Sincerely,

By: s/Robert F. Varady
Robert F. Varady, Esq.
(Via Email: rvarady@lbvklaw.com)
La Corte, Bundy, Varady & Kinsella
For Municipal Clerk, Township of Clark

RFV/ms

Cc: Edith Merkel, Township Clerk (Via Email: clerk@ourclark.com)