

Bonnie Mazzo

From: CLERK <clerk@lindenwold.net>
Sent: Friday, January 6, 2023 4:03 PM
To: Bonnie Mazzo
Subject: [EXTERNAL]:RE: [EXTERNAL]:OPRA - Let me be frank & Sarah Vellner
Attachments: cover let clarification letmebefrank 10623.doc

Importance: High

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Bonnie,
Please make any changes you feel are needed. Once completed, I will also send to Sarah Vellner who requested the same.

Thank you,

From: Bonnie Mazzo <BMazzo@Lindenwoldpd.com>
Sent: Friday, January 06, 2023 3:39 PM
To: Debbie Jackson <DJackson@lindenwold.net>; CLERK <clerk@lindenwold.net>
Subject: [EXTERNAL]:OPRA - Let me be frank & Sarah Vellner

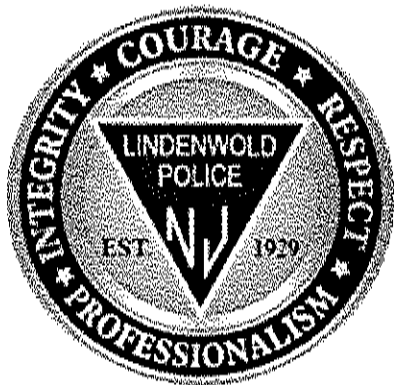
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Did you respond to the two OPRAs regarding Vance Elder?

Thank you,



Bonnie L. Mazzo
Police Administrative Services
Lindenwold Police Department
2001 Egg Harbor Road
Lindenwold NJ 08021
856-784-7566 (Press 0)
856-346-9232 fax



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BOROUGH OF LINDENWOLD

15 N. White Horse Pike
Lindenwold, New Jersey 08021
(856) 783-2121
Fax # (856) 782-9446

January 6, 2023

Let Me Be Frank
opra+request-38722-7e0f8570@requests.opramachine.com

The Borough of Lindenwold received your Open Public Records Act (OPRA) request on January 3, 2023. The official Records Custodian received your OPRA request on January 3, 2023. As such, the seven (7) business day deadline to respond to your request is January 12, 2023. 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:

1. Any and all records including the name "Vance Elder" filed with any police department within Camden County, NJ from January 2018 to the present

Currently, your request fails to identify with reasonable clarity the specific government records sought, as is required by Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). A request for any and all records is not requesting a specific document. To properly respond, more information is required as a specific date, address, etc. Lindenwold is unable to search "within Camden County". At this time, we request clarification of your OPRA request. Please respond in writing and identify the specific government records sought so that we may process your request. Failure to provide written clarification of your request will result in the closure of this OPRA request.

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 Borough of Lindenwold 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@doa.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.

Sincerely,

Deborah C. Jackson

Deborah C. Jackson, RMC
Borough Clerk

Bonnie Mazzo

From: CLERK <clerk@lindenwold.net>
Sent: Wednesday, January 4, 2023 8:48 AM
To: Bonnie Mazzo
Subject: [EXTERNAL]:FW: [EXTERNAL]:Records Request V.E.
Attachments: 2022_request_form_fillable2_002(1).pdf

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Bonnie,
It looks like there are now two requests, one under the opra machine and this one.
Thank you,

From: Sarah Vellner <sc.vellner@gmail.com>
Sent: Tuesday, January 03, 2023 6:24 PM
To: CLERK <clerk@lindenwold.net>
Subject: [EXTERNAL]:Records Request V.E.

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Please see attached.

Thank you,

F. Sarah Vellner
267-753-5047



BOROUGH OF LINDENWOLD
OPEN PUBLIC RECORDS ACT REQUEST FORM
15 NORTH WHITE HORSE PIKE, LINDENWOLD, NJ 08021
PHONE 856-783-2121 FAX 856-782-9446
Email: clerk@lindenwold.net(REVISED)
www.lindenwoldnj.gov

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 Sarah MI C Last Name Vellner
E-mail Address Sc.vellner@gmail.com
Mailing Address 1201 Timber Creek Rd
City Lindenwold State NJ Zip 08021
Telephone 267-753-5047 FAX _____
Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail X
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 Sarah C Vellner Date 01/03/2023

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.

This is a request for public records made under OPRA and the common law right of access. I a
Any and all records including the name "Vance Elder" filed with any police department within Camden Coun
from January 2018 to the present.

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

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 - Open _____ Denied - Closed _____ Filled - Closed _____ Partial - Closed _____	<table style="width: 100%;"> <tr> <th style="text-align: left;">Tracking Information</th> <th style="text-align: left;">Final Cost</th> </tr> <tr> <td>Tracking # _____</td> <td>Total _____</td> </tr> <tr> <td>Rec'd Date _____</td> <td>Deposit _____</td> </tr> <tr> <td>Ready Date _____</td> <td>Balance Due _____</td> </tr> <tr> <td>Total Pages _____</td> <td>Balance Paid _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">Records Provided _____</td> </tr> <tr> <td style="text-align: right;">Custodian Signature _____</td> <td style="text-align: right;">Date _____</td> </tr> </table>	Tracking Information	Final Cost	Tracking # _____	Total _____	Rec'd Date _____	Deposit _____	Ready Date _____	Balance Due _____	Total Pages _____	Balance Paid _____	Records Provided _____		Custodian Signature _____	Date _____
Tracking Information	Final Cost															
Tracking # _____	Total _____															
Rec'd Date _____	Deposit _____															
Ready Date _____	Balance Due _____															
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:

Was physically assaulted by Venice Elter on 1/1/23, and, as the victim, am seeking to demonstrate V.E.'s history of violent encounters.

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 *Borough of Lindenwold*, 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 *Borough of Lindenwold*.
5. ***You may be charged a 50% or other deposit when a request for copies exceeds \$25.*** The *Borough of Lindenwold* 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 *Borough of Lindenwold* 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 *Borough of Lindenwold* 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 *Borough of Lindenwold* 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.

Bonnie Mazzo

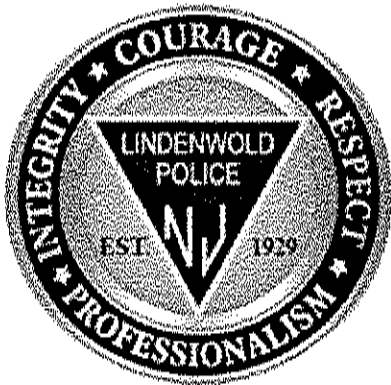
From: Bonnie Mazzo
Sent: Friday, January 6, 2023 3:39 PM
To: 'Debbie Jackson'; 'CLERK'
Subject: OPRA - Let me be frank & Sarah Vellner

Did you respond to the two OPRA's regarding Vance Elder?

Thank you,



Bonnie L. Mazzo
Police Administrative Services
Lindenwold Police Department
2001 Egg Harbor Road
Lindenwold NJ 08021
856-784-7566 (Press 0)
856-346-9232 fax



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Bonnie Mazzo

From: Hayden
Sent: Monday, November 8, 2021 10:27 AM
To: Bonnie Mazzo
Subject: RE: [EXTERNAL]:re: response

Thank you Ms. Mazzo, my records shall indicate the matter is closed on my end.

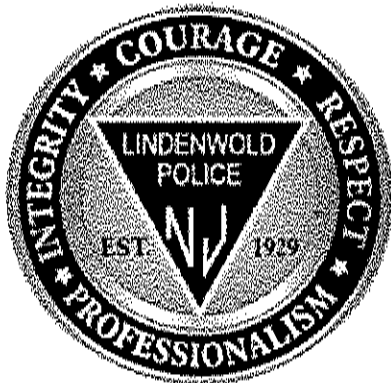
From: Bonnie Mazzo
Sent: Monday, November 8, 2021 9:53 AM
To: Hayden <mhayden@Lindenwoldpd.com>
Subject: FW: [EXTERNAL]:re: response
Importance: High

Martin,

The "let me be frank" request for The Pines BWC has been closed. Please note this accordingly.

Thank you,

Bonnie L. Mazzo
Police Administrative Services
Lindenwold Police Department
2001 Egg Harbor Road
Lindenwold NJ 08021
856-784-7566 (Press 0)
856-346-9232 fax



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From: Debbie Jackson [<mailto:DJackson@lindenwold.net>]
Sent: Monday, November 08, 2021 9:50 AM

To: Bonnie Mazzo <BMazzo@Lindenwoldpd.com>

Cc: 'david@daclaw.net' <david@daclaw.net>

Subject: [EXTERNAL]:re: response

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I have attached the Borough's response for Let Me Be Frank. A similar one will be drafted for S. Vellner as she requested the same information.

Please review and advise if any changes are needed.

Thank you,

Deborah C. Jackson, RMC

Borough Clerk

Borough of Lindenwold

(856) 783-2121, ext. 240