

SUMMONS



Attorney(s) Rotimi Owoh, Esq.
100 Overlook Drive, 2nd Floor, Princeton, NJ 08540

Superior Court of New
Jersey

Telephone Number 609-375-2775

Ocean County

Law Division

Attorney(s) for Plaintiff

Docket No: OCN-L-001992-18

OBAFEMI SIMMONS

AFRICAN AMERICAN DATA AND RESEARCH (AADARI)

Plaintiff(s)

CIVIL ACTION
SUMMONS

vs.

SANINA SKIBO

MANCHESTER POLICE DEPARTMENT

MANCHESTER TOWNSHIP

Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.


Clerk of the Superior Court

DATED: 9-6-2018

Name of Defendant Served: _____

MANCHESTER TOWNSHIP

1 Colonial Drive

Manchester, NJ 08759

Revised 11/17/2014, CN 10792-English (Appendix XII-A)

THE LAW OFFICE OF ROTIMI A OWOH

100 Overlook Drive, 2nd Floor

P.O. Box 2439

Princeton, New Jersey 08540

Tel: 609-375-2775

Email: rowohesg@comcast.net

Attorney for Plaintiff

BAFFI SIMMONS	:	SUPERIOR COURT OF NEW JERSEY
AFRICAN AMERICAN DATA AND	:	OCEAN COUNTY – LAW DIVISION
AND RESEARCH INSTITUTE (“AADARI”),	:	DOCKET NO.:
Plaintiffs	:	
V.	:	
SABINO T SKIBO	:	
MANCHESTER TOWNSHIP	:	
MANCHESTER TOWNSHIP POLICE	:	SUMMARY ACTION
DEPARTMENT,	:	VERIFIED COMPLAINT
Defendants	:	

Plaintiff, BAFFI SIMMONS, by way of this complaint against the defendants named above hereby states as follows:

1. On 8-9-2018, plaintiff sent a request pursuant to both OPRA and the common law right of access to the custodian of records for the defendants.
2. The request of 8-9-2018 contained items 1 through 4. **See Exhibit 1.**
3. On 8-13-2018, plaintiff received a response from the custodian of records. **See Exhibit 2.** The custodian denied all of the item numbers 1, 2, 3 and 4 of the OPRA request.
4. The custodian of records did not send to the plaintiff the requested complaints, summonses and tickets that were requested as item numbers 1, 2 and 4 of the OPRA request.
5. On 8-13-2018, plaintiff asked the custodian of records to reconsider. Plaintiff sent copies of retention schedules to the custodian of records for additional clarification. **See Exhibit 3.**

6. On 8-13-2018, the custodian of records responded and indicated no willingness to reconsider the denial of items 1, 2 and 4 of the OPRA request. **See Exhibits 4A, 4B, 4C, 4D, 4E.**
7. This complaint is limited only to the denial of items 1, 2 and 4 of the OPRA request relating to summonses, complaints and tickets.
8. The Middlesex County Superior Court addressed a similar OPRA matter in MID-L-005752 pertaining to Plainsboro Township Police Department.
9. The Middlesex County Superior Court eventually ruled in favor of Plaintiff in that case and Ordered Plainsboro Township to pay counsel fees. **See Exhibit 5.**
10. It is instructive to note that since the award of counsel fees against Plainsboro Township in that case, Plainsboro Township and the Plainsboro Police Department have **not** denied any similar OPRA requests. Actually, Plainsboro Police Department recently complied with a similar OPRA request on March 19, 2018. **See Exhibit 6.**
11. The Middlesex County Superior Court also awarded counsel fees against Woodbridge Township on 8-1-2018 in MID-L-2052-18. **See Exhibit 7.** Woodbridge Township made the requested Summons and Complaints available to plaintiff after the OPRA complaint was filed. **See Exhibit 8.**
12. Also, the Government Records Council stated that Summonses are subject to disclosure under the OPRA in a similar case in Rick Merino v Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (July 2004). **See Exhibit 9.**
13. Other Police Departments to include, but not limited to, Brielle and Marlboro Police Departments also complied with similar OPRA request. **See Exhibits 10 and 11.**
14. Both Brielle and Marlboro Police Departments are located in the State of New Jersey just like the Defendants in this case.
15. Defendants violated OPRA by failing to make **item numbers 1, 2, and 4** available to Plaintiff just like Plainsboro Township Police, Marlboro Police Department, Woodbridge Police Department and Brielle Police Departments did regarding the same and similar items.
16. A copy of the pertinent Records Retention and Disposal Schedule is also attached herewith. **See Exhibit 12.**
17. Therefore, plaintiff has decided to file this verified complaint and the attached order to show cause against the defendants for failure to grant access to the three (3) item numbers 1, 2 and 4 in violation of the OPRA.

WHEREFORE, plaintiff requests judgment as follows:

- a. Directing the immediate release of the records sought;
- b. Awarding counsel fees and cost of suit;
- c. Awarding other such relief as may be fair, equitable and necessary.



Date: 8-15-2018

ROTIMI OWOH, ESQ.

Rule 4:5-1 Certification

The undersigned hereby certifies that the matter in controversy is not the subject of any other pending action or arbitration proceeding. The undersigned does not know the names of any other parties who should be joined in the action.



Date: 8-15-2018

ROTIMI A OWOH, ESQ.

THE LAW OFFICE OF ROTIMI A OWOH100 Overlook Drive, 2nd Floor

P.O. Box 2439

Princeton, New Jersey 08540

Tel: 609-375-2775

Email: rowohesq@comcast.net

Attorney for Plaintiff



BAFFI SIMMONS : SUPERIOR COURT OF NEW JERSEY
 AFRICAN AMERICAN DATA AND : OCEAN COUNTY - LAW DIVISION
 AND RESEARCH INSTITUTE ("AADARI"), : DOCKET NO.: L-1992-18
 Plaintiffs :

V. :
 SABINO T SKIBO :
 MANCHESTER TOWNSHIP :
 MANCHESTER TOWNSHIP POLICE : SUMMARY ACTION
 DEPARTMENT, : ORDER TO SHOW CAUSE
 Defendants :

This matter being brought before the court by Rotimi A. Owoh, Esq., attorney for the Plaintiff, seeking relief by way of summary action pursuant to Rule 4:67-1(a) based upon the facts set forth in the verified complaint filed herewith; and the court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J.S.A. 47:1A-6 and for good cause shown,

IT IS on this 17th day of August, 2018,
 ORDERED that the defendant(s) appear and show cause on the 28th day of
September, 2018 before the Superior Court at the Ocean County
 Courthouse, 118 Washington Street, Toms River, New Jersey 08753 at 9:00 AM or
 soon thereafter as counsel can be heard, why judgment should not be entered for:

- A. Ordering the Defendants to provide plaintiff with immediate access to the records requested;
- B. Awarding plaintiff reasonable counsel fees and cost of suit;

default, provided the plaintiff files a proof of service and proposed form of order at least three days prior to the return date.

- F. If plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.
- G. Defendants(s) take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date to the order to show cause and proof of service before the return date of the order to show cause.
- H. These documents must be filed with the Clerk of the Superior Court in Ocean County. A directory of these offices is available in the Civil Division Management Office of ~~Monmouth~~ ^{Ocean} County and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include the appropriate filing fee, if any, payable to the "Treasurer, State of New Jersey." You must also send a copy of your answer, answering affidavit or motion to plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit or motion with the appropriate filing fee, if any, or judgment may be entered against you by default.
- I. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and

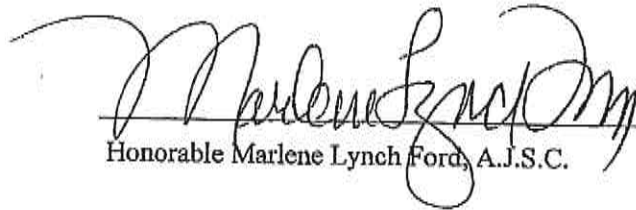
C. Granting such other relief as the court deems equitable and just

IT IS FURTHER ORDERED AS FOLLOWS:

- A. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendants PERSONALLY OR BY OVERNIGHT DELIVERY WITH SIGNATURE CONFIRMATION ONLY within seven (7) days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process. DELIVERY BY REGULAR MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED, SHALL NOT CONSTITUTE EFFECTIVE SERVICE.
- B. The Plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant(s) no later than three (3) days before the return date, in accordance with Rule 1:3-1.
- C. Defendant(s) shall file and serve a written answer, an answering affidavit or a motion returnable on the return date to this order to show cause and the relief requested in the verified complaint and proof of service of same within fifteen (15) days of service. The answer, answering affidavit or motion, as the case may be, must be filed with the Clerk of the Superior Court in ~~Monmouth~~ ^{Ocean} County and a courtesy copy of the papers must be sent directly to the chambers of Assignment Judge Honorable Marlene Lynch Ford by hand delivery or overnight carrier.
- D. The plaintiff must file and serve any written reply to the defendants' order to show cause opposition by no later than three (3) days before the return date, in accordance with Rule 1:3-1. The reply papers must be filed with the Clerk of the Superior Court in Ocean County and a courtesy copy of the reply papers must be sent directly to the chambers of Assignment Judge Honorable Marlene Lynch Ford by hand delivery or overnight carrier.
- E. If the defendant(s) do/does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by

Lawyer Referral Services is available in the Civil Division Management Office of Ocean County and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

- J. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than three (3) days before the return date or no opposition to the order to show cause is filed, in accordance with Rule 1:3-1.
- K. ABSENT A SHOWING OF EXCEPTIONAL AND UNFORSEEN CIRCUMSTANCES, THE COURT WILL NOT ENTERTAIN ADJOURNMENTS REQUESTS RECEIVED THE DAY BEFORE THE RETURN DATE.



Honorable Marlene Lynch Ford, A.J.S.C.

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

DATE: AUGUST 15, 2018
RE: SIMMONS OBAFEMI VS SKIBO SABINI
DOCKET: OCN L -001992 18

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARLENE L. FORD

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 288-7830 EXT 7830.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ROTIMI A. OWOH
ROTIMI A. OWOH
100 OVERLOOK DRIVE, 2ND FLOOR
P.O. BOX 2439
PRINCETON NJ 08540

ECOURTS

EXHIBIT 1



AGENCY NAME HERE
OPEN PUBLIC RECORDS ACT REQUEST FORM
Agency Address
Agency Telephone Number & Fax Number
Agency e-mail address
Name of Agency 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 African American Data and Research MI _____ Last Name (“AADARI”)
E-mail Address baffis@african-american-data-research-institute.org
Mailing Address _____
City _____ State _____ Zip _____
Telephone _____ FAX _____
Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ E-mail xx YES-EMAIL ONLY
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 Baffi for “AADARI” Date _____

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.

PLEASE RESPOND VIA EMAIL ONLY – baffis@african-american-data-research-institute.org

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

**Request by African American Data and Research Institute (AADARI) pursuant to
OPRA and Common law right of access**

1. Copies of DWI/DUI complaints and summonses that were prepared by your Police Department from January of 2017 to the present.
2. Copies of drug possession complaints and summonses that were prepared by your Police Department from January of 2017 to the present.
3. Copy or copies of the Police Department's "Arrest Listings." It is our understanding that the record includes: arrest number, date, name, sex, race, and offense. We request it from January of 2017 to the present.
4. Copies of drug paraphernalia complaints and summonses that were prepared by your Police Department from January of 2017 to the present.

We have a common law right of interest to use the records as data for research.

We are willing to pay a reasonable fee for the requested records. Feel free to redact any confidential information from the requested records.

This request will be sent via email. Please respond in writing VIA EMAIL ONLY. Thank you.

9-9-2018

baffis@african-american-data-research-institute.org

EXHIBIT 2



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-8121
OFFICE OF THE TOWNSHIP CLERK

SABINA T. SKIBO, RMC
TOWNSHIP CLERK

SAMUEL F. FUSARO, JR.
CRAIG WALLIS
JAMES A. VACCARO, SR.
CHARLES L. FRATTINI, SR.
JOAN BRUSH

August 13, 2018

African American Data and Research
baffis@african-american-data-research-institute.org

RE: OPRA Request No. #2018-292

Representative of AADARI:

You sent an OPRA request to the Township of Manchester by email on August 10, 2018. The official Records Custodian, Sabina T. Skibo, received your OPRA request on August 10, 2018. As such, the seven (7) business day deadline to respond to request #2018-292 is August 21, 2018. (See N.J.S.A. 47:1A-5i).

Your #2018-292 OPRA request sought access to the following:

1. Copies of DWI/DUI complaints and summonses that were prepared by your Police Department From January 2017 to the present.
2. Copies of drug possession complaints and summonses that were prepared by your Police Department From January 2017 to the present.
3. Copy or copies of the Police Department's "Arrest Listings". It is our understanding that the record includes: arrest number, date, name, sex, race, and offense. We Request it from January of 2017 to the present.
4. Copies of drug paraphernalia complaints and summonses that were prepared by your Police Department From January 2017 to the present.

Items #1, 2, & 4 – This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J.Super. 166, 180 (App. Div. 2007). A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. See Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research in response to an OPRA request. The request is voluminous in nature due to the extensive retrieval.

Item #3 – This request needs clarification as to the identification of the document you are requesting. We do not have any document within the Police Department entitled "Arrest Listing". In speaking with the records supervisor in the Police Department, any report he was able to research does not include sex and race. Additionally, we have recently converted to a new system and some records during the time period

you reference would need manual retrieval of each file which again would be voluminous. The extensive coding within the new system makes it difficult for me to certify that the information you are seeking would be all inclusive based upon your request.

Perhaps you would like to revise and resubmit items 1,2,& 4 in order to retrieve the document of interest to you and provide clarification on Item #3.

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 Manchester Township Clerk 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.

Sincerely,

Sabina T. Skibo, RMC
Manchester Township Clerk

EXHIBIT 3

Subject **Re: Scan from Manchester Clerk's Office#2018-292**
From <baffis@african-american-data-research-institute.org>
To Sabina Skibo <:sskibo@manchestertwp.com>
Date 2018-08-14 14:45



- retentionschedule.pdf (~1.4 MB)

On 2018-08-14 11:53, Sabina Skibo wrote:

Sabina T. Skibo, RMC, CMR, CPM
Manchester Municipal Clerk/Registrar
1 Colonial Drive
Manchester, NJ 08759
732-657-8121, Ext. 3203
Fax - 732-657-2071

For additional clarification of "Arrest Listings," I have attached a copy of the pertinent retention schedule. Please let me know by close of business TODAY whether you will reconsider and make the records available. Thank you.

EXHIBIT 4A

Subject **FW: Scan from Manchester Clerk's Office 2018-292**
From Sabina Skibo <sskibo@manchestertwp.com>
To baffis@african-american-data-research-institute.org <baffis@african-american-data-research-institute.org>
Date 2018-08-14 15:03



- doc00385520180814145312.pdf (~277 KB)

Perhaps you misunderstood the letter attached. I have highlighted the areas of concern in reference to your OPRA request. I know the items you are referencing in 1,2 & 4. Even your retention schedule indicates records held in the municipal court. That is not governed by OPRA and must be requested of the court. (if you are indicating the records referenced in the retention schedule)

Sabina T. Skibo, RMC, CMR, CPM
Manchester Municipal Clerk/Registrar
1 Colonial Drive
Manchester, NJ 08759
732-657-8121, Ext. 3203
Fax - 732-657-2071

EXHIBIT 4B

Subject **Re: FW: Scan from Manchester Clerk's Office 2018-292**
From <baffis@african-american-data-research-institute.org>
To Sabina Skibo <sskibo@manchestertwp.com>
Date 2018-08-14 15:36



On 2018-08-14 15:03, Sabina Skibo wrote:

Perhaps you misunderstood the letter attached. I have highlighted the areas of concern in reference to your OPRA request. I know the items you are referencing in 1, 2 & 4. Even your retention schedule indicates records held in the municipal court. That is not governed by OPRA and must be requested of the court. (if you are indicating the records referenced in the retention schedule)

Sabina T. Skibo, RMC, CMR, CPM
Manchester Municipal Clerk/Registrar
1 Colonial Drive
Manchester, NJ 08759
732-657-8121, Ext. 3203
Fax - 732-657-2071

1. Since you know the items listed in items 1, 2 and 4 of the OPRA request, I accept your response as a denial of items 1, 2 and 3.
 2. In light of the retention schedule that I sent to you for clarification, I also accept your response as a denial of item 3.
- Thank you.

EXHIBIT 4C

Subject **Re: FW: Scan from Manchester Clerk's Office 2018-292**
From <baffis@african-american-data-research-institute.org>
To Sabina Skibo <sskibo@manchestertwp.com>
Date 2018-08-14 17:45



On 2018-08-14 16:05, Sabina Skibo wrote:

I indicated that in #3 the closest report that our police records supervisor could find did not indicate all the information you are requesting. I felt compelled to disclose that to you since I did not know if that would impact your interest in the document. I would be more than happy to discuss items #1, 2 and 4. Fulfilling this request as it stands, would be voluminous in nature and would disrupt operations. I also felt compelled to disclose that to you in case you wished to amend the request.

As such, Whenever a records custodian asserts that fulfilling an OPRA records request requires an "extraordinary" expenditure of time and effort, a special service charge may be warranted pursuant to N.J.S.A. 47:1A-5.c. In this regard, OPRA provides:

"Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies ..."

N.J.S.A. 47:1A-5.c.

Further, the production of these documents will substantially disrupt police department operations due to the time and effort that will be involved in gathering, reviewing, redacting and producing them.

In these cases, we require a \$50 deposit in order to begin fulfilling this request. As you indicated in your response to me, some of the records you are requesting are documents of the court which request must be made directly to them.

Sabina T. Skibo, RMC, CMR, CPM
Manchester Municipal Clerk/Registrar
1 Colonial Drive
Manchester, NJ 08759
732-657-8121, Ext. 3203
Fax - 732-657-2071

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

From: baffis@african-american-data-research-institute.org
[mailto:baffis@african-american-data-research-institute.org]
Sent: Tuesday, August 14, 2018 3:37 PM
To: Sabina Skibo <sskibo@manchestertwp.com>
Subject: Re: FW: Scan from Manchester Clerk's Office 2018-292

On 2018-08-14 15:03, Sabina Skibo wrote:

Perhaps you misunderstood the letter attached. I have highlighted the areas of concern in reference to your OPRA request. I know the items you are referencing in 1,2 & 4. Even your retention schedule indicates records held in the municipal court. That is not governed by OPRA and must be requested of the court. (if you are indicating the records referenced in the retention schedule)

Sabina T. Skibo, RMC, CMR, CPM
Manchester Municipal Clerk/Registrar
1 Colonial Drive
Manchester, NJ 08759

EXHIBIT 4D

732-657-8121, Ext. 3203
Fax - 732-657-2071

1. Since you know the items listed in items 1, 2 and 4 of the OPRA request, I accept your response as a denial of items 1, 2 and 3.
 2. In light of the retention schedule that I sent to you for clarification, I also accept your response as a denial of item 3.
- Thank you.

1. Are you saying that you are going to furnish me with items 1, 2 and 4 relating to summonses, complaints and tickets if I am willing to pay special service charges? I thought you said that I had to go to Court to get 1, 2 and 4.
2. Are you saying that you are going to furnish me with item 3 (Arrest Listings) if I am willing to pay special service Charges?

Please respond promptly. Thank you.

EXHIBIT 4E

Subject **Fwd: Please respond to my email of yesterday seeking clarification**
From <baffis@african-american-data-research-institute.org>
To <sskibo@manchestertwp.com>
Date 2018-08-15 09:20



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

Subject: Please respond to my email of yesterday seeking clarification
Date: 2018-08-15 09:17
From: baffis@african-american-data-research-institute.org
To: sskibo@manchestertwp.com

I sent an email yesterday in response to your email seeking clarification of the following:

1. Are you saying that you are willing to send items 1, 2 and 4 of the OPRA request (relating to summonses, complaints and tickets) to me if I am willing to pay a special service charge for the records?
2. Are you saying that you are willing to send item 4 (arrest listings) to me if I am willing to pay a special service charge for the records?
3. Are you saying that I do not have to go to your municipal court to get items 1, 2 and 4 if I am willing to pay your police department a special service charge for the records?
4. It is cheaper to get records via OPRA than via Court Rule 1:38 (Courts/Judiciary).

PLEASE RESPOND SOON so that I will know what to do today. Thank you.

Baffis

8/15/2018

Roundcube Webmail :: Please answer my last 2 emails: one from yesterday and one earlier this morning

Subject **Please answer my last 2 emails: one from yesterday and one earlier this morning**

From <baffis@african-american-data-research-institute.org>

To <:sskibo@manchestertwp.com>

Date 2018-08-15 10:22



Please answer my last 2 emails so that I can move forward to file a denial complaint. Thank you.

EXHIBIT 5

 **PARKER McCAY**

Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054-5054

P: 856.596.8900
F: 856.596.9631
www.parkermccay.com

George M. Morris, Esquire
Direct Phone: 856-810-5855
Direct Fax: 856-494-1760
gmorris@parkermccay.com

September 15, 2017

File No. 17076-0022

Send via Overnight Delivery
Mr. Rotimi A. Owoh, Esquire
Law Office of Rotimi A. Owoh
100 Overlook Drive, 2nd Floor
Princeton, NJ 08540

Re: Plainsboro - Obafemi, Or v. Plainsboro Twp., et al
Docket No. MID-L-005752-16

Dear Mr. Owoh:

Pursuant to the Court's August 22, 2017, please find a check in the amount of \$6,726.45.

This completes the municipality's responsibilities and obligations under the Order.

Very truly yours,


GEORGE M. MORRIS

Enclosure

cc: Carol J. Torres Township Clerk/Registrar (via email)
Michael W. Herbert, Esq. (via email)

COUNSEL WHEN IT MATTERS.SM

Mount Laurel, New Jersey | Lawrenceville, New Jersey | Atlantic City, New Jersey



PARKER McCAY

Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054-5054

P: 856.596.8900
F: 856.596.9631
www.parkermccay.com

George M. Morris, Esquire
Direct Phone: 856-810-5855
Direct Fax: 856-494-1760
gmorris@parkermccay.com

January 26, 2018

File No. 17076-0022

Sent via Overnight Delivery
Mr. Rotimi A. Owoh, Esquire
Law Office of Rotimi A. Owoh
100 Overlook Drive, 2nd Floor
Princeton, NJ 08540

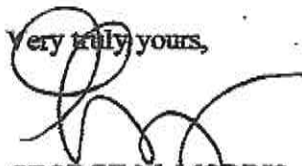
Re: Plainsboro - Obafemi, Or v. Plainsboro Twp., et al
Docket No. MID-L-005752-16

Dear Mr. Owoh:

Pursuant to the December 1, 2017 Order of the Court received by this Office on January 4, 2018, enclosed please find a check in the amount of \$2,760.00.

We believe this resolves all outstanding issues in this litigation. To that end, please execute the attached Stipulation of Dismissal and return to my office for filing with the Court.

Thank you.

Very truly yours,

GEORGE M. MORRIS

Enclosure

cc: Ms. Carol J. Torres Township Clerk/Registrar

COUNSEL WHEN IT MATTERS.SM

Mount Laurel, New Jersey | Lawrenceville, New Jersey | Atlantic City, New Jersey

EXHIBIT 6



PARKER McCAY

Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054-5054

P: 856.596.8900
F: 856.596.9631
www.parkermccay.com

March 19, 2018

File No. 17076-0022

Mr. Rotimi A. Owoh Esquire
Law Office of Rotimi A. Owoh
100 Overlook Drive, 2nd Floor
Princeton, NJ 08540

Re: Plainsboro Township -- OPRA Request

Dear Mr. Owoh:

Please accept this letter as Plainsboro Township's response to your OPRA and common law right of access request which was dated on March 5, 2018 and due to building closures for inclement weather, received in the Township's office on March 8, 2018. The Township has seven business days from the 8th to respond to this request. This response is provided within OPRA's seven business day deadline.

We do evaluate your request under the Open Public Records Act as follows:

1. **DRE Rolling Logs prepared by Officer Finklestein from September 2017 to the Present. We received the DRE Logs by Officer Finklestein from 2013 through 9/17/18.**

Response: The Township is unsure of your end date because September 17, 2018 has not yet occurred. Nonetheless, the Township provides Officer Finklestein's complete rolling log.

2. **DRE Rolling Logs prepared by Officer D. Kanally from 2014 to the present. We learned about Officer Kanally (as a DRE Officer) from the documents we received from Mr. Morris on 2-28-2018**

Response: Responsive documents attached.

3. **DRE Rolling Logs prepared by Officer Kanally from 2014 to the present.**

Response: This request is identical to #2 above.

COUNSEL WHEN IT MATTERS.SM

Mount Laurel, New Jersey | Hamilton, New Jersey | Atlantic City, New Jersey



4. Since we did not know that Officer Finklestein prepared DRE Rolling Logs until we received the letter from Mr. Morris dated 2/28/2018, we hereby request copies of any other DRE Rolling Logs that were not prepared by Officer Bresnen and or Officer Finklestein and or Officer Kanally from 2014 to the present:

Response: Officers Bresnen, Finklestein and Kanally are the only DREs on staff in the Plainsboro Department. All DRE rolling logs have been provided.

5. Copies of the complaints filed against the following individuals listed in the DRE Rolling Log that was sent to us on 2-13-2018.

- i. Bruce E. Reese
- ii. Suesan K. Girard
- iii. Tommy E. Bowling, Jr.
- iv. Shawn M Grenz
- v. Ryan S Tiedemann
- vi. David C Carey

We did not find complaints relating to the individuals list in #5 above among the complaints that were sent to us by Mr. Morris on 2-13-18 and 11-20-17.

Clarification in light of the letter from Mr. Morris dated 2/28/2018:

- It is our understanding based on the letter dated 2/2/8/18 that 4 of the 6 individuals received motor vehicle summons rather than criminal complaints. Please send copies of the applicable summons for the 4 individuals.
- It is also our understanding that 2 of the 6 individuals were evaluated for Monroe Township and South Brunswick Township. Hence, Plainsboro does not maintain any documents responsive to complaints or summons for those two individuals. We request records showing when and how the Monroe Township and South Brunswick Township requested Plainsboro Police Department to conduct an evaluation. We also request records showing when and how Plainsboro Police Department notified Monroe Township and South Brunswick about the completed evaluation.

Response: Responsive records are attached.



March 19, 2018

Page 3

6. Copies of DUI/DWI complaints that were prepared by the Plainsboro Police and filed in the Plainsboro Municipal Court from 5/27/16 through the present (3-7-2018). Note that we are seeking copied stored by and/or retained by and/or within the possession /control of the Plainsboro Police.

We received complaint relating to the following defendants on 2-13-18:

- Randy Tang
- Sunoy Bhattacharya
- Ryan C. Dorothy
- Sai Ramagiri

We also received some complaints from Mr. Morris on 11-20-2017. You do not have to send copies of complaints that have been sent to us already.

Clarification base on the letter from Mr. Morris dated 2/28/2018:

- We have attached a sample of a "Complaint – Summons" that Mr. Morris sent to us in 2017 following a court order. Based on this sample, we will need only one page of the "criminal complaint" (N.J.S.A. 2C:35-10(b)). See Exhibit 1.
- We will also need only the first page of each "motor vehicle summons" (N.J.S.A. 39:4-50). We will be able to glean the essential data and information about the charges from the first page of the motor vehicle summons.
- Hence, we are seeking both the criminal complaint and the motor vehicle summons. However, only one page of each of the criminal complaint and one page of each of the motor vehicle summons.

Response: 141 tickets for violation of N.J.S.A. 39:4-50 documents exist. Sample attached. Redaction of the individual's date of birth, driver's license number and social security number need to be redacted on each document. Five violations for N.J.S.A. 2C:35-10b exist. Those complaints are included in the calculation in #7 below. A total of 141 pages exist, each one requires approximately 1 minute to review and redact for a total of 141 minutes or 2.3 hours. Ms. Grau's rate is \$42.17. The rate for this request is approximately \$97.00.

7. Copies of drug possession complaints that were prepared by the Plainsboro Police and filed in the Plainsboro Municipal Court from 5/27/2016 through the present. Note that we are seeking copies stored by and/or retained by and/or within the possession/control of the Plainsboro Police.



March 19, 2018

Page 4

Clarification based on the letter from Mr. Morris dated 2/28/2018:

- Item 6 deals with DUI/DWI
- This item 7 deals with drug possession charges that are not part of item 6 above.
- The first page of each of the complaints will be sufficient for us to glean the essential data and information.

Response: 72 violations for N.J.S.A. 2C:35-10 exist. This includes all subparagraphs under the statute. The same redactions are required as identified in Item 6 above. Each one requires approximately 1 minute to review and redact for a total of 72 minutes or approximately 1 hour. Ms. Grau's rate is \$42.17. The rate for this request is approximately \$42.17.

Please provide confirmation that you will pay the special service charge for #6 and #7 above before the Township commences efforts to perform this work.

Because all of the requests were successfully resolved under OPRA, there is no reason to provide analysis under the common law.

Very truly yours,

GEORGE M. MORRIS

Attachments

cc: Ms. Carol J. Torres Township Clerk/Registrar

Court ID	Prefix	Ticket Number	PLAINSBORO TWP MUNICIPAL COURT
1218	E16	003547	641 PLAINSBORO RD PLAINSBORO NJ 08536-0000 TELEPHONE: (609) 789-0863
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THE COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED. YOU ARE REQUIRED TO APPEAR IN COURT ON 06/08/2016. IF YOU ARE UNABLE TO APPEAR, CONTACT THE COURT TO DETERMINE IF THIS CASE CAN BE RESCHEDULED.			
Drivers License No: [REDACTED]		D/L State: [REDACTED]	
Expiration Date: 9/2017		☐ Commercial License	
THE UNDERSIGNED CERTIFIES THAT			
MICHAEL H. SHIM 1815 ASPEN DR PLAINSBORO NJ 08536		Telephone: [REDACTED] Birth Date: [REDACTED]/1988 Eyes: BROWN Sex: MALE Weight: 165 Height: 5'11" Restrictions: D /0	
DID UNLAWFULLY OPERATE A			
License Plate No. E46FEY	Vehicle Make: HONDA Year: 2016 Color: GREY Body Type: UNKNOWN Plate State: NJ Exp Date: 4/2019 ☐ Commercial Vehicle ☐ Omnibus ☐ Hazardous Materials ☐ Out of Service		
AND DID COMMIT THE FOLLOWING OFFENSE			
39:4-50 OPERATING UNDER INFLUENCE OF LIQUOR OR DRUGS			
Date of Offense: 05/28/2016 Time: 01:15 AM			
Other Offense Information			
☐ Construction Zone ☐ Safe Corridor ☐ 65 MPH Zone ☐ Accident ☐ Personal Injury ☐ Death/Serious Bodily Injury			
Location:		Municipality:	County: Mun. Code (Offense):
ON PLAINSBORO RD		PLAINSBORO TWP	MIDDLESEX 1218
I CERTIFY THAT THERE ARE JUST AND REASONABLE GROUNDS TO BELIEVE THAT YOU COMMITTED THE ABOVE OFFENSE. I ALSO CERTIFY THAT I WILL FILE THIS COMPLAINT IN THIS COURT CHARGING YOU WITH THIS OFFENSE.			
05/28/2016 Date	PTL. WOLAK Electronic Signature		0060 Officer ID
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED ABOVE. YOUR COURT DATE AND TIME IS: Court Date: 06/08/2016 Court Time: 09:00 AM			
FOR MORE INFORMATION, LOGON TO: www.njmcdirect.com			
NOTICE IF YOU FAIL TO APPEAR FOR YOUR SCHEDULED COURT DATE, THEN ADDITIONAL PENALTIES MAY RESULT. A WARRANT MAY BE ISSUED FOR YOUR ARREST AND YOUR DRIVING PRIVILEGES IN NEW JERSEY MAY BE REVOKED. IF THIS IS A PARKING TICKET, YOUR FAILURE TO APPEAR SHALL BE CONSIDERED AN ADMISSION OF LIABILITY AND A DEFAULT JUDGMENT MAY BE ENTERED AGAINST THE OWNER OF THE VEHICLE. EXCEPT FOR A PARKING TICKET, A RECORD OF THIS CONVICTION WILL BE SENT TO THE MOTOR VEHICLE COMMISSION (MVC) THAT ISSUED YOUR LICENSE. IF YOU HOLD A COMMERCIAL DRIVERS LICENSE AND YOU ARE CONVICTED OF TWO OR MORE SERIOUS TRAFFIC VIOLATIONS, THE MVC MAY, DEPENDING ON YOUR RECORD, SUSPEND YOUR COMMERCIAL DRIVING PRIVILEGES EVEN IF THE VIOLATIONS WERE COMMITTED IN A NON-COMMERCIAL MOTOR VEHICLE. FOR MORE INFORMATION, VISIT THE OFFICIAL MVC WEBSITE AT WWW.NJMVC.GOV.			
		PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS	

6

COMPLAINT - SUMMONS

#7

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1218	S	2016	000156	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO	DIJON C WONG	
PLAINSBORO TWP MUNICIPAL COURT				ADDRESS: 2403 DEER CREEK DRIVE	
641 PLAINSBORO RD				PLAINSBORO NJ 08536-0000	
PLAINSBORO NJ 08536-0000				NJ 08536-0000	
COUNTY OF: MIDDLESEX				DEFENDANT INFORMATION	
# of CHARGES	CO-DEFTS	POLICE CASE #		SEX: M EYE COLOR: BROWN DOB: /1994	
2		16-10044		DRIVER'S LIC. #:	
COMPLAINANT PTL. MILLER				SOCIAL SECURITY #:	
NAME: 641 PLAINSBORO RD				DL STATE: NJ	
PLAINSBORO NJ 08536				TELEPHONE #:	
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 06/03/2016 in PLAINSBORO TWP, MIDDLESEX County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY OR PURPOSELY OBTAIN OR POSSESS, ACTUALLY OR CONSTRUCTIVELY, 50 GRAMS OR LESS OF MARIJUANA THAT WAS NOT OBTAINED DIRECTLY, OR PURSUANT TO A VALID PRESCRIPTION OR ORDER FORM FROM A PRACTITIONER, SPECIFICALLY BY POSSESSING A CLEAR PLASTIC ZIPLOC BAG CONTAINING A GREENISH-BROWN VEGETATION BELIEVED TO BE MARIJUANA. WITHIN THE JURISDICTION OF THIS COURT, USE OR POSSESS WITH INTENT TO USE DRUG PARAPHERNALIA TO PREPARE AND ANALYZE A CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED SUBSTANCE ANALOG OR TOXIC CHEMICAL, SPECIFICALLY BY POSSESSING A SMALL BLACK DIGITAL SCALE USED FOR WEIGHING MARIJUANA.					
In violation of:					
Original Charge	1) 2C:35-10A(4)		2) 2C:36-2		3)
Amended Charge					
CERTIFICATION:					
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.					
Signed:		PTL. MILLER		Date: 06/03/2016	
The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.					
SUMMONS:					
YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.					
DATE TO APPEAR: 06/15/2016		TIME: 09:00AM		PTL. MILLER 06/03/2016	
		Signature of Person Issuing Summons		Date	
☐ Domestic Violence - Confidential		☒ Related Traffic Tickets or Other Complaints		☐ Serious Personal Injury/ Death Involved	
Special conditions of release:				POLICE COPY.	
☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):				Page 5 of 7	
NJ/CDR1 8/1/2005					

EXHIBIT 7

AFRICAN AMERICAN DATA AND
RESEARCH INSTITUTE,

Plaintiff,

v.

WOODBIDGE TOWNSHIP, et al,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-2052-18

Civil Action

ORDER

FILED

AUG 01 2018

HON. ALBERTO RIVAS, A.J.S.C.

This matter comes before the court by way of oral argument held on August 1, 2018.

Pursuant to the reasons stated on the record on August 1, 2018, and for good cause shown,

IT IS, on this 1st day of August, 2018,

ORDERED that Defendants are to pay Plaintiff \$7,613.00 in attorneys' fees and costs within 15 days of the date of this order.



HON. ALBERTO RIVAS, A.J.S.C.

EXHIBIT 8

COMPLAINT - SUMMONS

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. DYLAN M GIANNINI ADDRESS: 13 VIRGINIA ST. KENDALL PARK NJ 08824-0000	
1225	S	2017	000857		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
WOODBRIDGE MUNICIPAL COURT 1 MAIN STREET WOODBRIDGE NJ 07095-0000 732-636-6430 COUNTY OF: MIDDLESEX					
# of CHARGES 2	CO-DEFTS	POLICE CASE # 17055439		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 01/26/1991 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SSN: 760042E TELEPHONE # [REDACTED] LIVESCAN PCN #: 122504005926	
COMPLAINANT NAME: DET JUAN BONILLA 1 MAIN STREET ATTN: WARRANTS WOODBRIDGE NJ 07095					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05/23/2017 in WOODBRIDGE TWP, MIDDLESEX County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND PURPOSELY COMMIT THE OFFENSE OF POSSESSION OF A HYPODERMIC SYRINGE SPECIFICALLY BY HAVING, WITHIN HIS VEHICLE (NJ REG #R89FWA), 5 HYPODERMIC SYRINGES.

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND PURPOSELY COMMIT THE OFFENSE OF POSSESSION OF DRUG PARAPHERNALIA SPECIFICALLY BY HAVING, WITHIN HIS VEHICLE (NJ REG #R89FWA), MULTIPLE EMPTY WAX FOLDS, SMALL RUBBER BANDS, AND EMPTY CLEAR ZIP LOCK BAGGIES.

in violation of:

Original Charge	1) 2C:36-6A	2) 2C:36-2	3)
Amended Charge			

CERTIFICATION:

certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, am subject to punishment.

Signed: DET JUAN BONILLA Date: 05/23/2017

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: MIDDLESEX

at the following address: WOODBRIDGE MUNICIPAL COURT

1 MAIN STREET

WOODBRIDGE

NJ 07095-0000

if you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 05/23/2017 Appearance Date: 06/14/2017 Time: 06:45PM Phone: 732-636-6430

Signature of Person Issuing Summons

Date

☐ Domestic Violence - Confidential

☐ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

No phone, mail or other personal contact w/victim

No possession firearms/weapons

Other (specify):

ORIGINAL

COURT ID.	PREFIX	TICKET NUMBER	
1225	57	001860	

Municipal Court
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

COMPLAINT-SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO
ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSE LISTED:

Driver's License Number	EXP. DATE	STATE	Commercial License	
	9/17/19	TX	☒	

THE UNDERSIGNED CERTIFIES THAT

Name	First	Last	Middle	(Please Print)
Dustin	M	Dagberry		
Address				
1910 Turtle Gate				
City		State		Zip Code
Houston		TX		77070
Birth Date	Year	Month	Day	Restrictions
9/11/1982	2	11	30	308

DID UNLAWFULLY (PARK) (OPERATE) A

Make of Vehicle	Year	Body Type	Color	☐ Commercial Vehicle ☐ Omnibus ☐ Hazardous Material ☐ Out of Service
GM	14	PK	BN	
License Plate No.	State	Exp. Date		
AZM9732	TX	11/30/17		
Offense Date	Month	Day	Year	Time
	4	15	2018	11:40 AM

LOCATION OF OFFENSE

Municipality	County	Mun. Code (Offense)
Woodbridge	Middlesex	1225

AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE (ONE CHARGE PER COMPLAINT)

TRAFFIC OFFENSES - (CHECK ONE) - TITLE 39

☒ 3-4 Unregistered vehicle ☐ 3-29 Failure to exhibit documents ☐ D.L. or ☐ REG or ☐ INS ☐ 3-33 Unclear plates ☐ 3-66 Maintenance of lamps ☐ 3-76.2 Failure to wear seatbelt ☐ 4-81 Failure to observe signal	☐ 4-85 Improper passing ☐ 4-97 Careless driving ☐ 4-124 Failure to turn ☐ 4-144 Failure to stop or yield ☐ 8-1 Failure to inspect ☐ 8-4 Failure to make repairs ☒ 4-98 Speeding MPH in a MPH Zone IN EXCESS OF SPEED LIMIT BY: ☐ 1-9MPH ☐ 10-14MPH ☐ 15-19MPH ☐ 20-24MPH ☐ 25-29MPH ☐ 30-34MPH ☐ 65MPH Zone ☐ Safe Corridor ☐ Construction Zone
--	--

PENALTY SCHEDULE ON REVERSE

PARKING OFFENSE

☐ Overtime Meter No. ☐ Prohibited Area ☐ Double

OTHER TRAFFIC/PARKING OFFENSE (Describe)

DWI Refusal

Statute No.	Ordinance/Code No.
39B-50.4a	

THE UNDERSIGNED FURTHER STATES THAT THERE ARE JUST AND REASONABLE GROUNDS TO BELIEVE THAT YOU COMMITTED THE ABOVE OFFENSE AND WILL FILE THIS COMPLAINT IN THIS COURT CHARGING YOU WITH THAT OFFENSE.

Signature of Complaining Witness	Month Day Year 4 15 18 Disc No. 1261
----------------------------------	--

NOTICE TO APPEAR

COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year	Time
☒		3	8	18	6:45 AM

☐ Accident ☐ Property Damage ☐ Personal Injury ☐ Death/Serious Bodily Injury

CONDITIONS

AREA	☒ Business ☐ School ☐ Residential ☐ Rural
ROAD	☐ Dry ☒ Wet ☐ Snow ☐ Ice
TRAFFIC	☒ Light ☐ Medium ☐ Heavy
VISIBILITY	☐ Clear ☒ Rain ☐ Snow ☐ Fog

Equipment ☐ Helicopter ☐ Pace ☐ Speed Measurement Device ☐ EBSD

Equipment Operator's Name	Operator ID No.	Unit Code

COMPLAINT-SUMMONS UTT-1 (02/07)

EXHIBIT 9



**State of New Jersey
GOVERNMENT RECORDS COUNCIL**

101 SOUTH BROAD STREET

PO Box 819

TRENTON, NJ 08625-0819

Toll Free: 866-850-0511
Fax: 609-633-6337

E-mail: grc@state.nj.us
Web Address:
www.nj.gov/grc

2003-110

- [Final Decision](#)
- [Interim Decision on Access](#)
- [Supplemental Findings and Recommendations of the Executive Director](#)
- [Interim Order on Access](#)
- [Findings and Recommendations of the Executive Director](#)

Final Decision

Rick Merino,
Complainant

Complaint No. 2003-110

v.
Borough of Ho-Ho-Kus,
Custodian of Record

At the July 8, 2004 public meeting, the Government Records Council ("Council") considered the June 29, 2004, Supplemental Findings and Recommendations of the Executive Director and all related documents submitted by the parties. As documented in a previously issued Interim Decision on Access, the Council voted unanimously to adopt items "2," "3" and "4" of said Findings and Recommendations. In item "1," the Executive Director recommended that the Council order the custodian to release to the complainant copies of all moving violation summonses issued by Officer Tuttle, without redacting the home addresses of the individuals to whom the summonses had been directed. After balancing the privacy interests of the individuals against the public interest in disclosure, a three-member majority of the five-member Council voted to reject the recommendation of the Executive Director on item "1," and hold, instead, that in the specific circumstances of this case, the home addresses should be redacted from the records provided to the complainant.

The majority of the Council concurred with the Background information contained in the June 29, 2004 Findings and Recommendations of the Executive Director, and the recommendation that the Council evaluate the request for release of home addresses in the framework of the seven-factor test articulated by the Supreme Court of New Jersey in *Doe v. Poritz*, 142 N.J. 1, 82 (1995). The Council also concurs with the identification of the relevant factors in the circumstances of this complainant's OPRA request. These elements of the Findings and Recommendation are hereby incorporated in this Final Decision.

With regard to the weighing of the factors, however, in the specific circumstances of this case, the majority of the Council reached a conclusion different from the Executive Director and the two members of the Council who voted to allow access to the home addresses. The Council received legal advice during the private session, and conducted extensive discussion of the matter during the public session. The Council considered whether or not the home addresses must be released pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., in the context of relevant judicial rulings, including the recognition that "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." *Serrano v. South Brunswick Twp.*, 358 N.J. Super. 352, 368-69 (App. Div. 2003).

In addition, the New Jersey Supreme Court has indicated that, as a general matter, the public disclosure of an individual's home address "does implicate privacy interests." *Doe v. Poritz*, 142 N.J. 1, 82 (1995). The Court emphasized that even if a home address is otherwise available to the public, the circumstances in which the information is sought under OPRA requires the determination of whether the inclusion of addresses, along with other information, implicates any privacy interest. *Id.* at 83. Specifically, the Court stated that "privacy interests may be implicated where disclosure of a person's address results in unsolicited contact." *Id.* Moreover, the Court noted that a citizen surely has a privacy interest in past aspects of his or her history that may have been a matter of public knowledge, but have been obscured by the passage of time. *Id.* at 86-87.

Having found that privacy interests may be implicated by the release of home addresses to the public, the Supreme Court set forth factors to be considered when determining whether or not disclosure is warranted. Relevant considerations include, when applicable, (1) the type of record requested; (2) the information the record contains; (3) the potential for harm in any subsequent nonconsensual disclosure; (4) the injury from disclosure to the relationship in which the record was generated; (5) the adequacy of safeguards to prevent unauthorized disclosure; (6) the degree of need for access; and (7) whether there is an express statutory mandate, articulated public policy, or other recognized public interest militating toward access. *Id.* at 87-88. When assessing whether or not the government must disclose information, the Court mandated a balancing of these factors to determine whether the state interest in public disclosure substantially outweighs the requestor's interest in privacy. *Id.* at 88.

In the circumstances of the complainant's OPRA request, the focus is on the express statutory mandate to liberally provide public access to government records, weighed against the potential for unsolicited contact between the complainant and the individuals who had received moving violation summonses from Officer Tuttle during the three years of his employment with the Ho-Ho-Kus Police Department. Since the complainant seeks the records in the context of his dissatisfaction with Officer Tuttle's conduct in issuing him a

moving violation summons, the majority of the Council finds it likely that release of the home addresses will result in unsolicited contact between the complainant and the individuals who previously received similar summonses. Moreover, many of the summonses in question were disposed of years ago, and the underlying motor vehicle infractions have faded into obscurity. Balancing the likelihood of unsolicited contact in this case against the public interest in open government records, the majority concluded that the privacy interest of the individuals, who are not parties to this action, outweighs the public interest in disclosure of the home addresses.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk's Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006.

Final Decision Rendered by the
Government Records Council
On The 8th Day of July, 2004

Vincent P. Maltese, Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Virginia Hook, Secretary
Government Records Council

[Return to Top](#)

Interim Decision on Access

Rick Merino,
Complainant
v.
Borough of Ho-Ho-Kus,
Custodian of Record

Complaint No. 2003-110

At the July 8, 2004 public meeting, the Government Records Council ("Council") considered the June 29, 2004 Executive Director's Supplemental Findings and Recommendations and all related documents submitted by the parties. The Council voted unanimously to adopt items "2," "3" and "4" of said findings and recommendations. By a majority, the Council voted not to accept the Executive Director's recommendations in item "1" of said findings and recommendations and will review its decision in this matter at the August 12, 2004 public meeting after seeking legal counsel. Therefore, the Council hereby orders that:

1. A special service charge for copying the videotape is not warranted in this case. The Custodian shall charge no more than the actual cost of the materials and supplies in duplicating the record excluding the labor cost.
2. The Custodian shall reimburse the Complainant for the difference in the cost determined in "1" and what the Complainant actually paid.
3. The Custodian is to reimburse the Complainant \$25 for the reproduction of the requested video.

Interim Decision Rendered by the
Government Records Council
On The 8th Day of July, 2004

Vincent P. Maltese, Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Virginia Hook, Secretary
Government Records Council

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Supplemental Findings and Recommendations of the Executive Director

Rick Merino
Complainant
v.
Borough of Ho-Ho-Kus
Custodian of Records

GRC Complaint No. 2003-110

Relevant Records Requested: Copies of (1) all moving violations of Officer Michael Tuttle during career with Ho-Ho-Kus Police Department, (2) training records of Officer Tuttle; and (3) records of complaints or internal reprimands against Officer Tuttle. Complainant also accuses Custodian of overcharging for duplication/copying fees.
Custodian: Lieutenant John Wanamaker, Ho-Ho-Kus Police Department
Request Made: August 13, 2003; September 9, 2003
Response Made: August 26, 2003; September 15, 2003, September 29, 2003
GRC Complaint filed: October 6, 2003

Recommendations of the Executive Director

The Executive Director respectfully recommends the Council find that:

1. The requested addresses of moving violation summonses of Officer Tuttle should not have been redacted pursuant to the Open Public Records Act and balancing the privacy interest against the interest in disclosure.
2. A special service charge for copying the videotape is not warranted in this case. The Custodian shall charge no more than the actual cost of the materials and supplies in duplicating the record excluding the labor cost.

3. The Custodian shall reimburse the Complainant for the difference in the cost determined in "2" and what the Complainant actually paid.
4. The Custodian should provide access to the requested addresses of moving violation summonses and reimburse the Complainant \$25 for the reproduction of the requested video.

Background

The complaint alleges denial of an Open Public Records Act request to review copies of (1) all moving violations of Officer Michael Tuttle during his career with the Ho-Ho-Kus Police Department, including names and addresses of those cited; (2) training records of Officer Tuttle; and (3) records of complaints or internal reprimands against Officer Tuttle. The Complainant also alleges that the custodian overcharged him for duplicating the requested records.

The record shows that the Custodian did provide access to moving violation summonses issued by Officer Tuttle. However, upon the advice of Borough counsel, the Custodian redacted the addresses of the individuals cited on those summonses.

The Custodian took the position that some citations, maintained beyond thirty days after disposition, issued by Officer Tuttle were not subject to public access because such records were not required to be kept pursuant to the Records Retention and Disposal Schedule promulgated by the Law Enforcement Standards Section of the New Jersey Division of Criminal Justice.

In addition, the Custodian denied access to Officer Tuttle's training records and records of complaints and internal reprimands against Officer Tuttle, claiming that such items were exempt under the confidentiality exceptions of OPRA.

The Custodian charged fees of \$64.25 for copying the requested materials (\$25.00 for copy of incident videotape and \$39.25 for 27 double-sided photocopies).

At the March 11, 2004 public meeting, the Government Records Council ("Council") issued the following Interim Decision:

1. Notwithstanding the Records Retention and Disposition Schedule for summonses, if the Custodian does, in fact, possess records of summonses for any prior period that were issued and requested in the OPRA request, such records must be provided to the Complainant pursuant to the provisions of N.J.S.A. 47:1A-1 et. seq. Although the Records Retention and Disposition Schedule calls for the destruction of summonses within one month after disposition of the offense, if such records have not been destroyed, they remain subject to public access.
2. Training records of Officer Tuttle must be made available to the Complainant pursuant to N.J.S.A. 47:1A-10.
3. The Complainant's request to review the records of complaints filed against Officer Tuttle were properly denied by the Custodian pursuant to N.J.S.A. 47:1A-10.
4. Assuming that the number of pages provided to the Complainant was, in fact, 27 double-sided pages, the Complainant should be refunded \$18.25. The Complainant was charged \$64.25 (\$25.00 for a copy of a videotape and \$39.25 for 27 double-sided photocopies). The maximum fee for photocopies under OPRA (at N.J.S.A. 47:1A-5) and the fees listed by the Custodian on its document request form are identical (\$0.75 for the first ten pages, \$0.50 for the second ten pages, and \$0.25 for each page thereafter). The maximum allowable fee for 54 pages (i.e. 27 times 2) is, therefore, \$21.00. Accordingly, the Custodian must issue a refund to the Complainant in the amount of \$18.25.
5. The Council postponed its decision on whether the addresses and names were properly redacted on the documents pertaining to the prior month's moving violation summonses of Officer Tuttle for further review by the GRC's legal counsel.

Complainant:

The Complainant claims that the Custodian's Counsel should not have redacted the names and address of moving violations issued by Officer Tuttle. In addition, the Complainant represents that the cost for the copy of the video should be \$25.00.

Public Agency:

The Custodian redacted the names and addresses of moving violations issued by Officer Tuttle and set a special service fee for reproduction of a requested video. Regarding this second issue, the Custodian's Counsel informed the Government Records Council Executive Director that the copying charge for the video was \$50.00 and not \$25.00. In a March 17, 2004 memorandum, the Custodian stated that the \$50.00 fee represented the cost for a "discovery request" for video in preparation of a court matter involving the Complainant. The Custodian stated further "It took approximately 1 hour and a half for Lieutenant Wanamaker to reproduce the tape for Mr. Merino." Thus, the Custodian added a service charge to the production of the video.

Analysis

OPRA does not address whether home addresses must be disclosed. Although Executive Order 21 (2002) exempted home addresses from disclosure, this exemption was rescinded by Executive Order 26 (2002), which referred the issue to the Privacy Study Commission for its review. See para. 5. As a result, the confidentiality of home addresses under OPRA is an open issue. Therefore, the appropriateness of disclosure of this information must be considered on a case-by-case basis by the GRC, based on the privacy interests involved in the particular situation.

The Appellate Division has held that the GRC must enforce OPRA's declaration, in N.J.S.A. 47:1A-1, that "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." *Serrano v. South Brunswick Twp.*, 358 N.J. Super. 352, 368-69 (App. Div. 2003). See also *National Archives and Records Administration v. Favish*, U.S. (United States Supreme Court, March 30, 2004) (personal privacy interests are protected under FOIA). The New Jersey Supreme Court has indicated that, as a general matter, the public disclosure of an individual's home address "does implicate privacy interests." *Doe v. Poritz*, 142 N.J. 1, 82 (1995).^[1] The Court specifically noted that such privacy interests are affected where disclosure of a person's address results in unsolicited contact. The Court quoted with approval a federal court decision which indicated that significant privacy concerns are raised where disclosure of the address "can invite unsolicited contact or intrusion based on the additional revealed information." *Ibid.*, citing *Aronson v. Internal Revenue Service*, 767 F.Supp. 378, 389 n. 14 (D. Mass. 1991). The Supreme Court concluded that the privacy interest in a home address must be balanced against the interest in disclosure. It stated that the following factors should be considered:

1. The type of record requested;
2. The information it does or might contain;
3. The potential for harm in any subsequent nonconsensual disclosure;
4. The injury from disclosure to the relationship in which the record was generated;
5. The adequacy of safeguards to prevent unauthorized disclosure;
6. The degree of need for access;

7. Whether there is an express statutory mandate, articulated public policy or other recognized public interest militating toward access [*id.* at 87-88].

Accordingly, the foregoing criteria was applied in exercising its discretion as to whether the privacy interests of the individuals named in the summonses are outweighed by any factors militating in favor of disclosure of the addresses.

The above factors were considered with the following conclusions:

1. Type of record request: Moving violation summonses
2. The information it contains: Name, address, driver license, license plate number, type of violation and birth date.
3. The potential for harm in any subsequent nonconsensual disclosure: Possible unsolicited contact, embarrassment
4. The injury from disclosure to the relationship in which the record was generated: None
5. The adequacy of safeguards to prevent unauthorized disclosure: None
6. The degree of need for access: Do not know
7. Whether there is an express statutory mandate, articulated public policy or other recognized public interest militating toward access [*id.* at 87-88]: OPRA

After careful consideration of all the interests at stake, the privacy concerns do not outweigh OPRA's general policy favoring public access. In arriving at this conclusion, the GRC considered the potential harm of unsolicited contact and emotional strain placed on those individuals affected by this decision. In addition, the Legislature provided the Open Public Records Act to allow for readily available access to public documents by citizens of this State. Balancing the severity of the concerns and the public's right to access under OPRA, the Borough of Madison should allow public access to these addresses.

In regard to the second issue, the Borough of Madison charged a special service charge in its production of the requested video. Pursuant to N.J.S.A. 47:1A-5,

The actual cost of duplicating the record shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of lab or other overhead expenses associated with making the copy except as provided for in subsection c. of this section. If a public agency can demonstrate that its actual cost for duplication of a government record exceed the forgoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record.

N.J.S.A. 47:1A-5 (c) addresses the issue of a special service charge. In this specific case, the production of this video took neither an extraordinary expenditure of time nor an extraordinary effort to furnish to the Complainant. In addition, the Custodian provided no reason that equipment outside of the ordinary document copying equipment was needed to reproduce the video. As a result, the Custodian has never demonstrated the need for assessing a special service fee for production of this video.

Documents Reviewed

The following documents were reviewed in preparing the Supplemental Findings and Recommendations for this case:

March 11, 2004 - Interim Decision by GRC

March 22, 2004 - Response by Custodian regarding the cost of producing the requested video

May 10, 2004 - Response to this case by Assistant Attorney General Lewis Scheindlin

Conclusion

Based on the Department of Law and Public Safety's balancing test recommendation, the Custodian should not have redacted the addresses of those individuals cited in the requested moving violations. Furthermore, the Custodian improperly assessed a special service charge for the reproduction of this video. The Custodian should reimburse the Complainant \$25.00.

Paul F. Dice
Executive Director
Government Records Council

June 29, 2004

[1] This case upheld the validity of Megan's Law and concluded that the public interest in disclosure of sex offender addresses outweighed privacy interests. Although not an OPRA case, the general standards announced by the Supreme Court are helpful and pertinent in evaluating OPRA's expectation of privacy requirement with regard to addresses.

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Interim Order on Access

Rick Merino
Complainant
v.
Borough of Ho-Ho-Kus
Custodian of Record

Complaint No. 2003-110
Decision Issued: March 11, 2004
Decision Effective: March 15, 2004

At its March 11, 2004 public meeting, the Government Records Council ("Council") considered the March 11, 2004 Findings and Recommendations of Executive Director and all related documentation submitted by the parties. The Council voted to adopt said Findings and Recommendations with revisions and orders the custodian to:

1. Notwithstanding the Records Retention and Disposition Schedule for summonses, if the Custodian does, in fact, possess records of summonses for any prior period that were issued and requested in the OPRA request, such records must be provided to the Complainant pursuant to the provisions of N.J.S.A. 47:1A-1 et. seq. Although the Records Retention and Disposition Schedule calls for the destruction of summonses within one month after disposition of the offense, if such records have not been destroyed, they remain subject to public access.

2. Training records of Officer Tuttle must be made available to the Complainant pursuant to N.J.S.A. 47:1A-10. Personnel records that "disclose conformity with specific experiential, educational or medical qualifications required for government employment" shall be considered a government record and must be made available for public access.
3. The Complainant's request to review the records of complaints filed against Officer Tuttle were properly denied by the Custodian. N.J.S.A. 47:1A-10 provides in pertinent that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a public record and shall not be made available for public access" [emphasis added]. As a result, records of complaints filed against Officer Tuttle and/or reprimands he has received are not subject to public access.
4. Assuming that the number of pages provided to the Complainant was, in fact, 27 double-sided pages, the Complainant should be refunded \$18.25. The Complainant was charged \$64.25 (\$25.00 for a copy of a videotape and \$39.25 for 27 double-sided photocopies). The maximum fee for photocopies under OPRA (at N.J.S.A. 47:1A-5) and the fees listed by the Custodian on its document request form are identical (\$0.75 for the first ten pages, \$0.50 for the second ten pages, and \$0.25 for each page thereafter). The maximum allowable fee for 54 pages (i.e. 27 times 2) is, therefore, \$21.00. Accordingly, the Custodian must issue a refund to the Complainant in the amount of \$18.25.

The Council will postpone its decision on whether the addresses and names were properly redacted on the documents pertaining to the prior month's moving violation summonses of Officer Tuttle for further review by the GRC's legal counsel. A decision on this matter will be addressed at the March 30, 2004 Government Records Council Meeting.

Vincent P. Maltese, Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Virginia Hook, Secretary
Government Records Council

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Findings and Recommendations of the Executive Director

Rick Merino
Complainant

GRC Complaint No. 2003-110

v.
Borough of Ho-Ho-Kus
Custodian of Records

Relevant Records Requested: Copies of (1) all moving violations of Officer Michael Tuttle during career with Ho-Ho-Kus Police Department, (2) training records of Officer Tuttle; and (3) records of complaints or internal reprimands against Officer Tuttle. Complainant also accuses Custodian of overcharging for duplication/copying fees.

Custodian: Lieutenant John Wanamaker, Ho-Ho-Kus Police Department

Request Made: August 13, 2003; September 9, 2003

Response Made: August 26, 2003; September 15, 2003, September 29, 2003

GRC Complaint filed: October 6, 2003

Recommendations of Acting Executive Director

This OPRA complaint filed October 6, 2003 alleges denial of an OPRA request to review copies of (1) all moving violations of Officer Michael Tuttle during career with Ho-Ho-Kus Police Department, including names and addresses of those cited (2) training records of Officer Tuttle; and (3) records of complaints or internal reprimands against Officer Tuttle. The Complainant also alleges that the custodian overcharged him for duplicating the requested records.

The record shows that the Custodian did provide access to the prior month's moving violation summonses issued by Officer Tuttle; however, upon the advice of Borough counsel, the Custodian redacted the addresses of the individuals cited on those summonses.

Moreover, the Custodian took the position that earlier citations issued by Officer Tuttle were not subject to public access because such records were not required to be kept pursuant to the Records Retention and Disposal Schedule promulgated by the Law Enforcement Standards Section of the New Jersey Division of Criminal Justice.

In addition, the Custodian denied access to Officer Tuttle's training records and records of complaints and internal reprimands against Officer Tuttle, claiming that such items were exempt under the confidentiality exceptions of OPRA.

The Custodian charged fees of \$64.25 for copying the requested materials (\$25.00 for copy of incident videotape and \$39.25 for 27 double-sided photocopies).

The Acting Executive Director respectfully recommends the Council find that:

1. The prior month's moving violation summonses of Officer Tuttle were improperly redacted and must be provided to the Complainant, including the addresses of those persons cited. Counsel for the Borough erred in advising the Custodian to redact such information. Absent a stated reason for redactions, we find that addresses are disclosable under OPRA.
2. Notwithstanding the Records Retention and Disposition Schedule for summonses, if the Custodian does, in fact, possess records of summonses for any prior period that were issued and requested in the OPRA request, such records must be provided to the Complainant pursuant to the provisions of N.J.S.A. 47:1A-1 et. seq. Although the Records Retention and Disposition Schedule calls for the destruction of summonses within one month after disposition of the offense, if such records have not been destroyed, they remain subject to public access.
3. a. The training records of Officer Tuttle must be made available to the Complainant pursuant to N.J.S.A. 47:1A-10. Personnel records that "disclose conformity with specific experiential, educational or medical qualifications required for government employment" shall be considered a government record and must be made available for public access.
b. The Complainant's request to review the records of complaints filed against Officer Tuttle were properly denied by the Custodian. N.J.S.A. 47:1A-10 provides in pertinent that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a public record and shall not be made available for public access" [emphasis added]. As a result, records of complaints filed against Officer Tuttle and/or reprimands he has received are not subject to public access.

4. Assuming that the number of pages provided to the Complainant was, in fact, 27 double-sided pages, the Complainant should be refunded \$18.25. The Complainant was charged \$64.25 (\$25.00 for a copy of a videotape and \$39.25 for 27 double-sided photocopies). The maximum fee for photocopies under OPRA (at N.J.S.A. 47:1A-5) and the fees listed by the Custodian on its document request form are identical (\$0.75 for the first ten pages, \$0.50 for the second ten pages, and \$0.25 for each page thereafter). The maximum allowable fee for 54 pages (i.e. 27 times 2) is, therefore, \$21.00. Accordingly, the Custodian must issue a refund to the Complainant in the amount of \$18.25.

Legal Analysis

N.J.S.A. 47:1A-1.1 provides that certain types of personal information shall be exempt from public access, including social security numbers, driver's license numbers, credit card numbers and unlisted telephone numbers. The custodian has not asserted any argument for redaction of addresses from the requested summonses.

N.J.S.A. 47:1A-5(a) provides that the "custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular working hours," subject to certain redaction provisions. Hence, irrespective of whether some other law or regulation mandates the destruction of a government document, if such document has not been destroyed and is in the possession of the custodian, such record must be provided to the person requesting the document.

N.J.S.A. 47:1A-10 provides that personnel records that "disclose conformity with specific experiential, educational or medical qualifications required for government employment" shall be considered a government record and must be made available for public access. Hence, training records relating to a police officer's public employment as a law enforcement official would be subject to public access.

N.J.S.A. 47:1A-10 provides in pertinent that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a public record and shall not be made available for public access." As a result, neither complaints filed against a police officer, nor reprimands issued to such officer, would be subject to public access.

N.J.S.A. 47:1A-5 provides that the maximum fees for copying shall be \$0.75 for the first ten pages, \$0.50 for the second ten pages, and \$0.25 for each page thereafter. The proper fee for 27 double-sided pages is, therefore, \$21.00.

Documents Reviewed

The following documents were reviewed in preparing the Findings and Recommendations for this case:

- August 6, 2003 - Copy of motor vehicle summons received by Complainant
- August 13, 2003 - Complainant's request for records
- August 15, 2003 - Complainant filed a request at the Police Department
- August 26, 2003 - Correspondence from Custodian to Complainant concerning denial of access to certain records
- September 9, 2003 - Complainant's request for additional records
- September 15, 2003 - Correspondence from Custodian to Complainant concerning Complainant's 9/9/03 request for additional information
- September 29, 2003 - Correspondence from Custodian to Complainant concerning redaction of certain records
- October 6, 2003 - Denial of Access Complaint Filed
- January 9, 2004 - Offer of Mediation sent to both parties
- January 13, 2004 - Letter from Custodian's counsel agreeing to mediation
- January 29, 2004 - Statement of Information form sent to Custodian
- February 13, 2004 - Custodian's Statement of Information with supplementary materials

Conclusion

1. The prior month's moving violation summonses of Officer Tuttle were improperly redacted and must be provided to the Complainant, including the addresses of those persons cited. Counsel for the Borough erred in advising the Custodian to redact such information. Absent a stated reason for redactions, we find that addresses are disclosable under OPRA.
2. Notwithstanding the Records Retention and Disposition Schedule for summonses, if the Custodian does, in fact, possess records of summonses for any prior period that were issued and requested in the OPRA request, such records must be provided to the Complainant pursuant to the provisions of N.J.S.A. 47:1A-1 et. seq. Although the Records Retention and Disposition Schedule calls for the destruction of summonses within one month after disposition of the offense, if such records have not been destroyed, they remain subject to public access.
3. a. The training records of Officer Tuttle must be made available to the Complainant pursuant to N.J.S.A. 47:1A-10. Personnel records that "disclose conformity with specific experiential, educational or medical qualifications required for government employment" shall be considered a government record and must be made available for public access.
b. The Complainant's request to review the records of complaints filed against Officer Tuttle were properly denied by the Custodian. N.J.S.A. 47:1A-10 provides in pertinent that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a public record and shall not be made available for public access" [emphasis added]. As a result, records of complaints filed against Officer Tuttle and/or reprimands he has received are not subject to public access.
4. Assuming that the number of pages provided to the Complainant was, in fact, 27 double-sided pages, the Complainant should be refunded \$18.25. The Complainant was charged \$64.25 (\$25.00 for a copy of a videotape and \$39.25 for 27 double-sided photocopies). The maximum fee for photocopies under OPRA (at N.J.S.A. 47:1A-5) and the fees listed by the Custodian on its document request form are identical (\$0.75 for the first ten pages, \$0.50 for the second ten pages, and \$0.25 for each page thereafter). The maximum allowable fee for 54 pages (i.e. 27 times 2) is, therefore, \$21.00. Accordingly, the Custodian must issue a refund to the Complainant in the amount of \$18.25.

Paul F. Dice
Acting Executive Director
Government Records Council

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EXHIBIT 10

COURT ID.	PREFID	TICKET NUMBER	MUNICIPAL COURT BOROUGH OF BRIDGE 201 E. Main Street Bridgeport, NJ 08330	
1309	BB	033693		
COMPLAINT-SUMMONS				
YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT CHARGED YOU WITH THE OFFENSE LISTED.				
Defendant's Name	EXP. DATE	DATE	TIME	LOCATION
Matthew S. HANLAN	12/9/16	10:00 AM	10:00 AM	10:00 AM
THE UNDERSIGNED CERTIFIES THAT				
Name	First	Initial	Last	Phone
Matthew S. HANLAN				
Address				
City				
State				
Zip				
Vehicle	Year	Make	Model	Color
License Plate No.	State	Exp. Date	Class	Category
Offense	Month	Day	Year	Time
	12	9	16	10:00 AM
LOCATION OF OFFENSE	Describe Location			
	100B - CR 48			
Municipality	County	City/Town/Village	State	Zip
BRIDGE	BRIDGE	BRIDGE	BRIDGE	BRIDGE
AND YOU THEREBY CONSENT THAT THE FOLLOWING OFFENSES (SEE COMPLAINT FOR COMPLAINT)				
TRAFFIC OFFENSES - (CHECK ONE) - TITLE 39:				
☐ 3-4	Improper passing	☐ 4-5	Improper passing	
☐ 3-29	Failure to exhibit documents	☐ 4-37	Careless driving	
☐ D.L. or REG or REGS		☐ 4-324	Failure to turn	
☐ 3-33	Unclear plates	☐ 4-344	Failure to stop or yield	
☐ 3-66	Maintenance of lamps	☐ 8-4	Failure to inspect	
☐ 3-76.2	Failure to wear seatbelt	☐ 8-4	Failure to make repairs	
☐ 4-31	Failure to observe signal			
☐ 4-38	Speeding	MPH in a	MPH zone	
IN EXCESS OF SPEED LIMIT BY:				
☐ 1-1MPH	☐ 10-14MPH	☐ 15-19MPH	☐ 20-24MPH	☐ 25-29MPH
☐ 30-34MPH	☐ 35-39MPH	☐ 40-44MPH	☐ 45-49MPH	☐ 50-54MPH
☐ 55-59MPH	☐ 60-64MPH	☐ 65-69MPH	☐ 70-74MPH	☐ 75-79MPH
☐ 80-84MPH	☐ 85-89MPH	☐ 90-94MPH	☐ 95-99MPH	☐ 100-104MPH
PENALTY SCHEDULE ON REVERSE				
PARKING OFFENSES				
☐ Overline Meter No.	☐ Prohibited Area	☐ Double		
OTHER TRAFFIC/PARKING OFFENSES (Describe)				
DWI				
Defendant No.	Ordinance/Code No.			
39:4-50				
THIS UNDERSIGNED HEREBY CERTIFIES THAT THE DEFENDANT HAS BEEN ADVISED OF HIS RIGHTS AND THAT HE HAS WAIVED HIS RIGHTS AND THAT HE HAS BEEN ADVISED OF HIS RIGHTS AND THAT HE HAS WAIVED HIS RIGHTS.				
Signature of Complainant/Officer	Month	Day	Year	
12	9	16		
Signature of Complainant/Officer	Month	Day	Year	
12	9	16		
NOTICE TO APPEAR				
COURT APPEARANCE	COURT DATE	Month	Day	Year
12	10	17		
Time	9:00 AM			
☐ Accident ☐ Property Damage ☐ Personal Injury ☐ Damages/Injury				
AREA	☐ Business	☐ School	☐ Residential	☐ Rural
ROAD	☐ Dry	☐ Wet	☐ Snow	☐ Ice
TRAFFIC	☐ Light	☐ Medium	☐ Heavy	
VISIBILITY	☐ Clear	☐ Rain	☐ Snow	☐ Fog
Equipment	☐ Helicopter	☐ Pace	☐ Speed Measurement Device	☐ BESTO
Equipment Operator's Name	Operator ID No.	Unit Class		

DISPOSITION OF CASE	
DATES OF ADJOURNMENTS	
FROM	TO
REASON	
FROM	TO
REASON	
DISPOSITION DATE	
BY	☐ COURT ☐ VIOLATIONS BUREAU
PLEA	PROBING
BRIEF INFORMATION	
BAIL AMOUNT \$	☐ CASH ☐ BOND
POSTED WITH	
NAME & TITLE	
☐ BAIL FORFEITURE	AMOUNT \$ DATE
SENTENCE	
FINE \$	JAIL DAYS
COSTS \$	DR. LIC. REVOKED DAYS
\$	REVOCAION DATE
\$	
\$	
\$	
OFFICIAL'S SIGNATURE	
(See Instructions On Cover)	
WITNESSED (NAME & ADDRESS)	
SUBSCRIBED	
1	YES NO
2	☐ ☐
3	☐ ☐

THE STATE OF NEW JERSEY

VS.

BERNARD F PEROTTI

BRIELLE BORO MUNICIPAL COURT
201 E. MAIN ST.
MANASQUAN NJ 08736-0000
732-223-0600 COUNTY OF: MONMOUTH

ADDRESS

of CHARGES: 2 CO-DEFTS: POLICE CASE #: 18BR09705

DEFENDANT INFORMATION
SEX: M EYE COLOR: GREEN DOB: [REDACTED]
DRIVERS LIC. #: [REDACTED] DL STATE: [REDACTED]
SOCIAL SECURITY #: [REDACTED]
TELEPHONE: [REDACTED]
LIVESTOCK P: [REDACTED]

COMPLAINANT NAME: ALLISON MCCABE
601 UNION LANE

BRIELLE NJ 08730

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 01/21/2018 in **BRIELLE BORO MONMOUTH County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND PURPOSELY HAVE IN HIS POSSESSION, A CONTROLLED DANGEROUS SUBSTANCE NAMELY, MARIJUANA IN AN AMOUNT LESS THAN 50 GRAMS. THIS IS IN VIOLATION OF NJSA 2C:35-10A(4). DISORDERLY PERSONS OFFENSE.

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY AND VOLUNTARILY HAVE IN HIS POSSESSION GRAPE FLAVORED ZIG ZAG ROLLING PAPERS COMMONLY USED TO INGEST CDS INTO THE HUMAN BODY. THIS IS IN VIOLATION OF NJSA 2C:36-2. DISORDERLY PERSONS OFFENSE.

In violation of:

Original Charge	1) 2C:35-10A(4)	2) 2C:36-2	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: ALLISON MCCABE Date: 01/22/2018

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court In the county of: MONMOUTH
at the following address: BRIELLE BORO MUNICIPAL COURT

201 E. MAIN ST. MANASQUAN NJ 08736-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 01/21/2018 Appearance Date: 02/13/2018 Time: 09:00AM Phone: 732-223-0600

Signature of Person Issuing Summons ANN LONGENDYCK JUDICIAL OFFICER Date 01/22/2018

☐ Domestic Violence - Confidential

☒ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

EXHIBIT 11

1328

S

2018

THE STATE OF NEW JERSEY

VS.

ZHANELL M JACKSON

ADDRESS

MARLBORO TWP MUNICIPAL COURT

979 TOWNSHIP DRIVE

MARLBORO

NJ 07746-0000

732-536-0300 COUNTY OF: MONMOUTH

CHARGES

CO-DEFTS

POLICE CASE #

1

18-011731

COMPLAINANT

PTL J

ABRAHAMSON

NAME:

1979 TOWNSHIP DRIVE

MARLBORO

NJ 07746

DEFENDANT INFORMATION

SEX: F EYE COLOR: BROWN

DOB:

DRIVER'S LIC. #:

DL STATE: NJ

SOCIAL SECURITY #: XXX-XX-XXXX

SBI #: 848498G

TELEPHONE #:

(c)

LIVESCAN PCN #: 132802004069

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 04/16/2018 in **MARLBORO TWP**, **MONMOUTH** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY OR KNOWINGLY OBTAIN OR POSSESS CONTROLLED DANGEROUS SUBSTANCE OR A CONTROLLED DANGEROUS SUBSTANCE ANALOG THAT WAS NOT OBTAINED DIRECTLY FROM A PRACTITIONER OR UNDER VALID PRESCRIPTION ISSUED BY A PRACTITIONER, SPECIFICALLY BY POSSESSING A SMALL GLASSINE BAG CONTAINING A GREENISH-BROWN VEGETATIVE MATTER BELIEVED TO BE MARIJUANA

violation of:

Original Charge

1) 2C:35-10A(4)

2)

3)

Amended Charge

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL J ABRAHAMSONDate: 04/17/2018

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: MONMOUTH

at the following address: MARLBORO TWP MUNICIPAL COURT

979 TOWNSHIP DRIVE

MUNICIPAL COMPLEX

MARLBORO

NJ 07746-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 04/16/2018 Appearance Date: 04/26/2018 Time: 09:00AM Phone: 732-536-0300

Signature of Person Issuing Summons:

PTL J ABRAHAMSON

Date: 04/17/2018

Domestic Violence - Confidential

☒ Related Traffic Tickets
or Other Complaints☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

No phone, mail or other personal contact w/victim

No possession firearms/weapons

Other (specify):

1328

S

DATE: 06/23/2018

THE STATE OF NEW JERSEY

VS.

ANTHONY J MARTINO

ADDRESS

[REDACTED]

[REDACTED]

[REDACTED] -0000

DEFENDANT INFORMATION

SEX: M EYE COLOR: BLUE

DOB: [REDACTED]

DRIVER'S LIC. #:

DL STATE: NJ

SOCIAL SECURITY #: [REDACTED]-XX-2510

SBI #: 888273G

TELEPHONE #: [REDACTED]

(c)

LIVSCAN PCN#: 132802004154

MARLBORO TWP MUNICIPAL COURT

979 TOWNSHIP DRIVE

MARLBORO

NJ 07746-0000

32-536-0300

COUNTY OF: MONMOUTH

of CHARGES

CO-DEFTS

POLICE CASE #:

18-020636

COMPLAINANT

PTL A

LEVINE

NAME:

1979 TOWNSHIP DRIVE

MARLBORO

NJ 07746

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 06/22/2018 in **MARLBORO TWP**, **MONMOUTH** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, USE OR POSSESS WITH THE INTENT TO USE DRUG PARAPHERNALIA TO INGEST A CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED DANGEROUS SUBSTANCE ANALOG, SPECIFICALLY BY HAVING IN HIS POSSESSION A TALL GLASS CLEAR BONG USED TO INHALE MARIJUANA. PC-POLICE INVESTIGATION.

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY OF KNOWINGLY OBTAIN OR POSSESS CONTROLLED DANGEROUS ANALOG THAT WAS NOT OBTAINED DIRECTLY FROM A PRACTITIONER UNDER VALID PRESCRIPTION ISSUED BY A PRACTITIONER, SPECIFICALLY BY POSSESSING A SMALL LASSINE ZIPLOCK BAGGIE, AND PLASTIC CONTAINER CONTAINING GREENISH BROWN VEGETATION BELIEVED TO BE MARIJUANA. PC-POLICE INVESTIGATION

violation of:

Original Charge

1) 2C:36-2

2) 2C:35-10A(4)

3)

Suggested Charge

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL A LEVINE Date: 06/23/2018

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: MONMOUTH

at the following address: MARLBORO TWP MUNICIPAL COURT

9 TOWNSHIP DRIVE

MUNICIPAL COMPLEX

MARLBORO

NJ 07746-0000

if you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 06/22/2018 Appearance Date: 06/28/2018 Time: 09:00AM Phone: 732-536-0300

Signature of Person Issuing Summons:

PTL A

LEVINE

Date: 06/23/2018

Domestic Violence - Confidential

☐ Related Traffic Tickets
or Other Complaints☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

No phone, mail or other personal contact w/victim

No possession firearms/weapons

Other (specify):

EXHIBIT 12

Records Retention and Disposition Schedule

Agency: MS00000

Schedule: 006

Page #: 15 of 21

Record Series #	Record Title and Description	Audit	Alternate Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Retention Period in Agency		
0077-0000	Speedometer Calibration A file on accuracy of police speedometers.						2 Years		Destroy	
0078-0000	Statistical Crime Reports Monthly computer printout reports on criminal activity within the municipality by time, area, and/or event. This information is incorporated into the annual departmental report.						3 Years		Destroy	
0079-0001	Statistical Traffic Reports Statistical Traffic Reports (Record Copy)						5 Years		Destroy	
0079-0002	Statistical Traffic Reports (Duplicates) Annual statistical reports on traffic accidents.						1 Years		Destroy	
0080-0000	Stolen/Recovered Bicycle Cards List: type (boys/girls), size, color, brand, where stolen/recovered, owner, value, date, and serial number.						2 Years		Destroy	
0081-0000	Subpoena Log Contains: name of defendant, officer, issuing authority, court dates, received, date notified, and signature.						1 Years After final entry		Destroy	
0082-0000	Summonses (Copy) Record copy is maintained by the municipal court.						30 Days After disposition		Destroy	

Records Retention and Disposition Schedule									
Department:		MUNICIPAL PROSECUTOR'S OFFICE		Agency: M170000		Schedule: 001		Page #: 1 of 1	
Division:				Agency Representative:		DEBRA L. STONE			
Bureau:				Title:		DEPUTY DIRECTOR, OPERATIONS			
SCHEDULE APPROVAL:		Unless in litigation, the records covered by this schedule, upon expiration of their retention periods, will be deemed to have no continuing value to the State of New Jersey and will be disposed of as indicated in accordance with the law and regulations of the State Records Committee. This schedule will become effective on the date approved by the State Records Committee.							
Agency Representative Signature:		Date:		Secretary, State Records Committee Signature:		Date:			
Record Series #		Record Title and Description		1/27/1990					
0001-0000	Municipal Prosecutor's Case File		File may include but is not limited to: Traffic, Motor Vehicle, Disorderly Persons, Petty Disorderly Persons, and Ordinance Violations; Drinking Report; Waived Indictable Offense; Discovery Documents; and Court Complaints, Pleadings, and Decisions. Note: Recommend transfer of these records, 6 months after closed, to the custody of the municipality for storage for the term of the retention period. However, legal custody and control of these records will remain with the Office of the Municipal Prosecutor.		Audio Alternate Media Archived Review Video Record Confidential	Total Retention Period 15 Years	Minimum Retention Period In Agency Destroy	Disposition	Citation

Records Retention and Disposition Schedule

Agency: M900000

Schedule: 008

Page #: 2 of 21

Record Series #	Record Title and Description	Audit	Alternative Media	Archival Review	Vital Record	Confidential	Retention Policy		Disposition	Citation
							Total Retention Period	Minimum Retention Period in Agency		
0006-0000	Applicants Log Book List: name, date, and reason-employment or licensing, excluding firearms. Fingerprint fee is involved.	X					3 Years After final entry		Destroy	
0006-0000	Arrest Card File List: name, address, date of birth, social security number, fingerprints, photograph, dates of arrest, FBI number, SBI number, arrest number, offense number, and complaint number of all persons arrested.	X					75 Years		Destroy	
0007-0000	Arrest File (Copy) Copy of arrest report, including: copies of fingerprints, mug shots, negative, and state and federal rap sheets.						Until final disposition of case		Destroy	
0008-0000	Arrest Listings									
0008-0001	Arrest Listings List: arrest number, date, name, sex, race, and offense.						1 Years After final entry		Destroy	
0008-0002	Juvenile Fingerprint and Picture Listings List: date, charge, and assigned number of printed and photographed juveniles.						5 Years After all juveniles assigned numbers have reached age of majority		Destroy	
0009-0000	Assigned Investigation Listings List: who is assigned to an investigation, complaint number, date assigned, location, type of incident, and date report was completed.						1 Years After final entry		Destroy	