



John Paff <opengovtissues@gmail.com>

OPRA request to Borough of Dunellen

1 message

John Paff <paff@pobox.com>

Sat, Nov 1, 2014 at 2:35 PM

To: William Robins <wrobins@dunellenborough.com>

Please accept this e-mail as my request for government records pursuant to the Open Public Records Act and the common law right of access. Please respond to this request and send all responsive documents to me at paff@pobox.com. Thank you.

Background:

On October 24, 2014, I blogged [here](#) an article regarding 228 local government units which were found by the New Jersey Office of the State Comptroller (OSC) in 2012 to have improperly kept their appointed professionals enrolled in the PERS state pension system despite a 2008 law that required those professionals to be removed from the system. Dunellen is on that list, which is on-line [here](#).

Records Requested:

1. Dunellen's most recent table of PERS enrollees. An example of the type of table I'm looking for is on-line [here](#).
2. Documents identifying the PERS "Certifying Officer" and "Certifying Officer's Supervisor." An example of what I'm looking for is on-line [here](#).
3. Any letters, e-mails or other correspondence, from January 1, 2008 to current date, from the state pension division to Dunellen which questions or seeks further information regarding any person's liability to be enrolled in the PERS. An example of the correspondence I'm looking for is on-line [here](#).

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12 November 2014

To: John Paff
From: William Robins, RMC
Re: OPRA Request, emailed on November 1, 2014

You have requested:

- 1) "Dunellen's most recent table of PERS enrollees. An example of the type of table I'm looking for is on-line here."

Custodian's Response: I have referred this request to our Chief Financial Officer who will assist me in compiling a list of Dunellen's PERS enrollees, redacting that information which is prohibited under NJSA 47:1A-10.

Given the complexity of this request, and the fact that our CFO is part-time and will have obligations next week at the League of Municipalities, we request an extension of time to gather the information. We should have it prepared by or before November 26, 2014.

- 2) "Documents identifying the PERS 'Certifying Officer' and 'Certifying Officer's Supervisor.' An example of what I'm looking for is on-line here."

Custodian's Response: Please find attached a copy of an "Employer Database Update Form" dated June 15, 2012.

- 3) "Any letters, e-mails or other correspondence, from January 1, 2008 to current date, from the state pension division to Dunellen which questions or seeks further information regarding any person's liability to be enrolled in the PERS. An example of the correspondence I'm looking for is on-line here."

Custodian's Response: Any such materials that Dunellen might have in response to this request are prohibited under NJSA 47:1A-3. **Access to records of investigation in progress.** This statute reads, in part: "[W]here it shall appear that the record or records which are sought to be inspected, copied, or examined shall pertain to an investigation in progress by any public agency, the right of access provided for in P.L. 1963, c. 73 (C.47:1A-1 et. seq.) as amended and supplemented may be denied if the inspection, copying or examination of such record or records shall be inimical to the public interest."

EMPLOYER DATABASE UPDATE FORM

Employer Pension and Benefits Information Connection (EPIC)

EMPLOYING LOCATION INFORMATION (Please print legibly or type)

Location Name Borough of Dunellen Location #(s) 02-50770-00
 Street Address, PO Box 355 North Avenue
 City Dunellen State NJ ZIP 08812
 ABP Location Number 02-50770-00 (if applicable) ABP Contact Person _____ (if applicable)

CERTIFYING OFFICER INFORMATION

(Read requirements on page two, complete form, and sign below)

Certifying Officer SCOTT H. OLSEN Title CFO
 Phone Number 732.968.3033 Ext. _____ Fax Number 732.968.8605
 E-Mail Address solsen@cityofsummit.org
 Payroll/Personnel Phone Number 732.968.3033 Ext. _____
 Member of a Pension Fund? Yes No Pension Membership Number _____
 Is this Certifying Officer also the contact for the State Health Benefits Program or School Employees' Health Benefits Program? Yes No
 If not, please list the SHBP/SEHBP contact person _____ (if applicable)
 Should the former Certifying Officer still have access to EPIC? Yes No

CERTIFYING OFFICER'S SUPERVISOR (Required by N.J.S.A. 43:3C-15)

(Read requirements on page two, complete form, and sign below)

Name William Robins Title Administrator
 Phone Number 732 968 3033 Ext. _____ Fax Number 732 968 8605
 E-Mail Address WROBINS @ Dunellenborough.com
 Member of a Pension Fund? Yes No Pension Membership Number 02-6787399
 Should the former Supervisor still have access to EPIC? Yes No

SIGNATURES

I certify that I have read and agree to the requirements pursuant to N.J.S.A. 43:3C-15 (see next page); that I must complete all required training; and I acknowledge that I am subject to penalty for falsifying or permitting to be falsified any record, application, form, or report in an attempt to defraud the retirement system. (Two Signatures Required)

Signature of Certifying Officer Scott Olsen Date 6/17/12
 Signature of Supervisor William Robins Date 6/15/12

47:1A-10 Personnel, pension records not considered public information; exceptions.

11. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary, 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 government record and shall not be made available for public access, except that:

an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received shall be a government record;

personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest; and

data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.

L.2001,c.404,s.11.

C.47:1A-3 Access to records of investigation in progress.

a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, where it shall appear that the record or records which are sought to be inspected, copied, or examined shall pertain to an investigation in progress by any public agency, the right of access provided for in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented may be denied if the inspection, copying or examination of such record or records shall be inimical to the public interest; provided, however, that this provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced. Whenever a public agency, during the course of an investigation, obtains from another public agency a government record that was open for public inspection, examination or copying before the investigation commenced, the investigating agency shall provide the other agency with sufficient access to the record to allow the other agency to comply with requests made pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).