



John Paff <opengovtissues@gmail.com>

Response to Government Records Request W99796

1 message

Kelly, Colleen <Colleen.Kelly@dca.nj.gov>
To: "paff@pobox.com" <paff@pobox.com>

Thu, Aug 6, 2015 at 10:20 AM

Dear Mr. Paff:

This is in response to your OPRA request assigned as #W99796. I will respond to each section of your request in turn:

1. Notice of Violation or Notice of Dismissal or other document that resolved 12-029 (Love).

Record Attached:**1. Notice of Determination for Complaint #LFB-12-029 – 2 pages**

You will notice that the home address has been redacted. Pursuant to N.J.S.A. 47:1A-1, “a public agency has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy. Serrano v. South Brunswick Twp., 358 NJ Super, 352, 368-69 (App. Div. 2003); see also National Archives and Records Administration v Favish, 541 U.S. 157, 124 S.Ct. 1570 (U.S. March 30, 2004) (personal privacy interests are protected under FOIA). Further, the NJ 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).”

2. The minutes of the December 10, 2014 meeting apparently refer to another document that lists matters identified by numbers such as "III.A.10." I am having difficulty understanding whether each of the case disposed of at the December 10, 2014 meeting is one that I am already aware of from the LFB's responses to my prior requests. For each of the references bearing numbers III.A.1 through III.A.10, I would like whatever document that the Board members had in front of them, or were referring to, when considering those items.

These records are exempt from disclosure under OPRA (N.J.S.A. 47:1A-9). Therefore, the Division of Local Government Services (Division) has no records to provide in response to this portion of your request.

Pursuant to N.J.A.C. 5:35-1.2(a), “any complaints, statements, information, or documents obtained or prepared by the Board staff or the Board are deemed confidential and not subject to public disclosure during the course of the preliminary investigation or investigation to determine whether a violation of the Local Government Ethics Law has occurred.”

3. I'd like a listing of the "certain individuals" who had fines waived against them pursuant to III.A.9 on the April 22, 2015 meeting minutes.

The Local Finance Board did not review a list of individuals in considering waiving the fines. There is no list to provide. We will provide an accounting of the category of reasons for appeals which is what the Board took action on at the meeting in question.

Record Attached:

1. Financial Disclosure Statement Late Filers / Appeal Categories – 1 page

4. A listing of the 228 local officers who remitted \$100 fines per the transcript of the June 10, 2015 meeting.

Record Attached:

List of 2014 FDS Violations – 59 pages

5. The sheet in front of each member at the June 20, 2015 meeting (see, from transcript) "Recommendation to waive fines which are labeled A through G on the sheet in front of you.") I am trying to learn the identities of all those who had their fines waived.

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Record Attached:

1. Financial Disclosure Statement Late Filers / Appeal Categories – 1 page

I have provided the available records in PDF format as attachments to this e-mail. There is no fee for this information.

Sincerely,

Colleen M. Kelly, Records Custodian

Division of Local Government Services

P.O. Box 803

Trenton, NJ 08625-0803

Phone: 609-292-0827

Fax: 609-633-6243

E-Mail: colleen.kelly@dca.nj.gov

State Agency: Community Affairs, Division of Local Government Services

Requestor Name: John Paff

Company:

Address: 1605 Amwell Rd

Somerset NJ 08873

Email: paff@pobox.com

Telephone:

Convicted of indictable offense: NO

Preferred Delivery: E-Mail

Maximum Authorized Cost: \$1

Payment Method: None Selected

Requested Information: Please accept this e-mail/fax as my request under the Open Public Records Act (OPRA) and the common law right of access. Please send all responses and responsive records to me via e-mail to paff@pobox.com. Thank you.

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4 attachments**2014 FDS Violations-Updated with Appeals Fines-woLocalBoards 7-29-15.xlsx**

194K

**Financial Disclosure Statement Late Filers Appeal Categories.docx**

14K

**LFB-12-029.pdf**

52K

**W99796 Receipt.pdf**

13K