



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875

Phone: 732-873-1251 - Fax: 908-325-0129

Email: lpsmc@pobox.com

May 27, 2008

Theodore F.L. Housel, Esq.
Atlantic County Prosecutor
P.O. Box 2002
Mays Landing, NJ 08330

(via Fax only to 609-909-7802)

Dear Prosecutor Housel:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project to ask that you investigate whether Marisol Rosario of Galloway Township violated the Destruction of Public Records Law (1953), specifically N.J.S.A. 47:3-29, which states:

Unauthorized removal or alteration of public records; alteration or destruction with malicious intent. Any person who, without the consent of the person authorized to have custody thereof, removes an official record or paper from the files of any public agency or body, or who alters any map, plat, or other paper signed and approved by a public official without permission, or who alters, defaces, mutilates or destroys with malicious intent any public record shall be guilty of a high misdemeanor¹.

Attached is an article from the May 26, 2008 [Press of Atlantic City](#) that states that Ms. Rosario, in a March 27, 2008 deposition, admitted that she had destroyed public records. If your investigation finds that the law was indeed violated, I ask that you prosecute Ms. Rosario.

Thank you for your attention to this matter. I appreciate your time and look forward to receiving your response.

Sincerely,

John Paff

¹ A "high misdemeanor shall constitute . . . a crime of the third degree." N.J.S.A. 2C:43-1b.

Shredding case sheds light on Atlantic City's lax document security

By MICHAEL CLARK Staff Writer, 609-272-7204

Published: Monday, May 26, 2008

ATLANTIC CITY - Before he left City Hall to begin his five-month term in federal prison, former City Councilman Ramon Rosario had one last piece of business: Destroy all city documents in his office.

Rosario's wife and former council aide, Marisol, recently testified in a deposition that she was ordered by her husband to destroy all of his office records when he resigned, according to the transcript.

"Everything was destroyed," Marisol Rosario told an attorney in a March 27 deposition. "I destroyed them myself. Shredded them all."

Ramon Rosario resigned from office in October 2006 after he admitted taking \$14,000 in bribes between August and November 2004 in exchange for political support in city development projects.

The councilman was dealt a 10-month sentence, a lighter-than-expected penalty because of his cooperation with authorities.

The transcript does not detail what was destroyed, but documents in council members' offices usually are limited to letters and inter-office memos. Ramon Rosario held the office for about five years.

Unauthorized destruction of public records is a misdemeanor under New Jersey law.

Marisol Rosario, who has worked for the city for 24 years and currently works as a bilingual clerk in the Construction Department, was questioned as part of a lawsuit filed by Juan Perez, an area electrician who claims the department is retaliating against him because of his political beliefs.

Richard Press, Perez's attorney who questioned Marisol Rosario, said they have attempted to question Ramon Rosario, but he has avoided the deposition.

Neither Marisol nor Ramon Rosario could be reached by phone or at their Galloway Township home this week.

FBI officials refused to comment on Marisol Rosario's testimony.

Deputy City Clerk Rhonda Williams acknowledged she was aware of the shredded documents but would not comment on the deposition or the status of Ramon Rosario's city documents.

Mayor Scott Evans did not say whether Marisol Rosario would face consequences for shredding public documents, but said the incident underlines a problem of records maintenance at City Hall.

"I think we can do a better job with our documents," Evans said. "We are already seeing things change. We want to go to a fully computerized system. But right now there is a problem with the security of documents."

The mayor was undoubtedly referencing his suspension this month of Assistant Business Administrator Domenic Cappella, who was accused of publicizing confidential city documents at a recent mayoral debate.

Cappella, who has refuted the allegations and is scheduled for a hearing June 6, waved around papers that he claimed showed a supporter of Evans was slated to get a job with the city before he failed a physical. The administration cried foul, claiming Cappella had stolen the files and violated federal privacy laws.

Along with one employee shredding documents and another allegedly stealing them, the city also was fined \$10,000 for violating the state's Open Public Records Act.

The city refused and delayed the release of various public tax-appeal documents requested by The Press of Atlantic City in December and January. According to the OPRA, the city must provide the information within seven days or give a reason why it cannot be made public. When the information was not forthcoming, The Press filed suit.

City Council President William Marsh insisted the city has been working toward backing up documents on its computers.

Williams, the deputy clerk, said that the city has started backing up some documents, such as old legislative resolutions, on computers and laser fiche.

"But as far as memos and other personal information go, we wouldn't have any of that in this office, and we wouldn't have it backed up anywhere," Williams said.