

John Paff

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November 30, 2007

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Vincent P. Maltese, Chairman
Government Records Council (via email attachment)

Dear Chairman Maltese:

Enclosed are copies of my letters of March 10, 2006 and September 28, 2007, both of which ask the Council to modify Advisory Opinion 2006-1 to require custodians to accept requests submitted either on the custodian's specific form or the Council's "model form." You may recall that we discussed this issue during the public comment portion of the September 26, 2007 meeting.

Also enclosed is Executive Director Starghill's November 27, 2007 response informing me that my "suggestion is presently under consideration." With all due respect to the Council and Ms. Starghill, I do not find the response helpful because it does not inform me of a date by which I might expect the Council to either accept or reject my suggestion.

This issue doesn't strike me as one that should take a great deal of time to deliberate and resolve. Would you be willing to place it as a discussion item on the Council's December 19, 2007 meeting agenda? Even if it doesn't get resolved then, this issue remaining on future agendas as "unfinished business"¹ will help remind the Council that it is pending.

Thank you for your attention. I look forward to hearing from you.

Sincerely,



John Paff

¹ Section 9 of the Council's bylaws call for the following order of business, "unless otherwise directed by the Chair": (a) Reading of the "Open Public Meetings Act" statement; (b) Pledge of Allegiance; (c) Roll call; (d) Approval of minutes of previous meetings; (e) Reports; (f) Communications; (g) Complaint Adjudication; (h) **Unfinished business**; (i) New Business; (j) Public Comment; (k) Adjournment. (emphasis added). I note that the Council's most recent meeting agenda—from November 28, 2007—does not have an "unfinished business" item listed. Indeed, I've never seen "unfinished business" listed on a meeting agenda despite it being mandated by the Council bylaws. Is there a reason for this?

John Paff

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March 10, 2006

Catherine Starghill, Esq., Executive Director
Government Records Council (via emailed PDF attachment)

Dear Ms. Starghill:


I have concerns with Advisory Opinion 2006-1. While I don't have a serious problem submitting my requests on a standardized form, I am troubled by the requirement that I use the public agency's **particular** form. I recommend that the Council amend its Advisory Opinion to require custodians to accept the model request form on the Council's website

Today, for instance, I need to file a records request with the City of Plainfield. After reviewing the City's website¹, I can not find a) a link to that city's record request form, or b) any information as to whether or not the city has indeed developed its own form. The Advisory Opinion apparently requires me to contact the city to learn whether or not it has created its own request form, and if so, to obtain a copy of it.

Such makes it more difficult, expensive and time consuming for a citizen to make a records request. Indeed, this requirement works against the Legislature's mandate that "government records shall be readily accessible" N.J.S.A. 47:1A-1. Further, I am concerned² that some obstinate agencies will intentionally make their request forms difficult to get in order to frustrate the public's ability to access information.

Will the Council adopt my suggestion that custodians be required to accept requests submitted on the model form? I look forward to hearing from you.

Sincerely,



John Paff

¹ <http://www.plainfield.com/index.htm>

² See, for example, the November 17, 2005 fax attached as an exhibit to my complaint in Paff v. Westfield Police Department, GRC Docket No. 2005-221. In that case, the custodian denied my request on the basis that it wasn't submitted on the custodian's request form. Yet, the custodian did not include a copy of his request form with his denial. Rather, he informed me that the form could be obtained by visiting his office during regular business hours.

John Paff

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September 28, 2007

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Vincent P. Maltese, Chairman
Government Records Council *(via email attachment only to grc@dca.state.nj.us)*

RE: Use of “official OPRA request form”

Dear Chairman Maltese:

During public session at this week's meeting, a discussion was had regarding citizens who wish to obtain a record from a geographically distant custodian who has not put the agency's request form on the agency's website.

After our discussion, I checked Advisory Opinion 2006-1 and found the operative language to be:

When an agency has not adopted its own official OPRA records request form, requestors may submit their records request on the Model Request Form located on the Government Records Council website (www.nj.gov/grc/).

As you pointed out, some towns do adopt request forms and make them readily available in their municipal offices but do NOT make them available on-line. Further, it appears that the main purpose of the Advisory Opinion is to make it easy for record custodians to differentiate between OPRA requests and general correspondence. It seems as if this purpose would be accommodated regardless of whether the requestor used the agency's specific form or the GRC's Model Request form.

Do you think that the GRC could change the above paragraph to read:

Requestors may submit their request either on the official OPRA request form adopted by the agency or on the Model Request Form located on the Government Records Council website (www.nj.gov/grc/).

Thank you for your attention to this matter.

Sincerely,



John Paff



State of New Jersey
GOVERNMENT RECORDS COUNCIL

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VIA E-MAIL

November 27, 2007

Mr. John Paff
P.O. Box 5424
Somerset, NJ 08875-5424

RE: Use of Official OPRA Request Form

Dear Mr. Paff,

In response to your September 28, 2007 letter regarding your suggested amendment to the GRC's Advisory Opinion 2006-1, please note that your suggestion is presently under consideration.

Thank you for your suggestions and comments.

Sincerely,

Catherine Starghill, Esq.
Executive Director



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November 27, 2007

Mr. John Paff
P.O. Box 5424
Somerset, NJ 08875-5424

RE: Use of Official OPRA Request Form

Dear Mr. Paff,

In response to your September 28, 2007 letter regarding your suggested amendment to the GRC's Advisory Opinion 2006-1, please note that your suggestion is presently under consideration.

Thank you for your suggestions and comments.

Sincerely,

Catherine Starghill, Esq.
Executive Director



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December 5, 2007

Mr. John Paff
P.O. Box 5424
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RE: Use of Official OPRA Request Form – Request to Add to this Issue to the Meeting Agenda

Dear Mr. Paff,

In response to your November 30, 2007 letter to Chairman Maltese and request that this issue be added to the December 19, 2007 meeting agenda, please note that I have discussed this matter with Chairman Maltese and we have decided that this issue will not be added to the agenda.

Based on several issues, including the pending litigation involving the Advisory Opinion, we are considering your suggestion but will not add this issue to the agenda at this time.

Thank you for your suggestions and comments.

Sincerely,

Catherine Starghill, Esq.
Executive Director

cc: Vincent Maltese, Chairman
Debra Allen, Deputy Attorney General