



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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Somerset, NJ 08875-5424

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Email: lpsmc@pobox.com

April 22, 2009

Robin Berg Tabakin, Chairwoman
Government Records Council
PO Box 819
Trenton, NJ 08625-0819

(via e-mail to grc@dca.state.nj.us)

Dear Chairwoman Tabakin and Members of the Council:

You may recall that I have corresponded with the Council numerous times seeking an amendment to Advisory Opinion 2006-1¹. The amendment that I seek is simple and straightforward—to change the following sentence which is presently in the Advisory Opinion:

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/).

to

A requestors may submit a 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/).

For your convenience, I have placed our previous exchange of correspondence on this issue on the Internet at <http://www.lpcnj.org/OGTF/GRCRequestForm.pdf>. The most recent letter I have from the Council on this issue is Executive Director Starghill's December 5, 2007 letter in which she informs me that the Council a) is considering my suggestion but b) will not honor my request to add the issue to the December 19, 2007 meeting agenda.

I am reminded of this issue today by a response I received to an OPRA request I submitted to the Woodbridge Township Fire District #2. Attached is a copy of my request (2 pages) followed by the response I received from the Fire District's custodian (2 pages).

As you can see, I mailed my OPRA request to the Fire District on April 10, 2009, and I noted on the face of the request that I could not find the District's specific OPRA request

¹ See http://www.nj.gov/grc/laws/opinions/advisory_opinio_no2006_01.pdf

form on the Internet. Twelve days later—on April 22, 2009—the Custodian faxed me the Fire District’s specific OPRA request form.

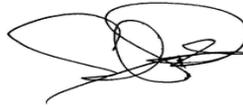
As you can see, the Fire District’s form is virtually identical to the model form that I submitted. The only difference is that the Fire District’s form has a Maltese cross in the upper right and left corners of the form, where my version of the model form has “Transparent Government is Vital” written in those spaces instead.

The Fire District’s refusal to accept the model form instead of its virtually identical adopted form is not simply an inconvenience for record requestors. Rather, it trivializes the important rights that OPRA protects. It is the ultimate exaltation of form over substance—a bureaucrat’s Monty Pythonesque inflexible (and often tongue-in-cheek) adherence to the letter of the law overcoming and frustrating the obvious intent of the law.

Do you think that there’s a possibility that the Government Records Council might consider my proposed amendment in the near future?

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a large, stylized flourish at the end.

John Paff

cc. Woodbridge Fire District # 2 (w/o attachments) (via Fax to 732-634-5411)

Transparent
Government
is Vital

State of New Jersey
Woodbridge Fire District No. 2
GOVERNMENT RECORDS REQUEST FORM
P.O Box 207 Port Reading, NJ 07064

Transparent
Government
is Vital

Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name John MI _____ Last Name Paff
Company _____
Mailing Address 2106 S Cypress Bend Dr Apt 102
City Pompano Beach State FL 33069 Email paff@pobox.com
Business Hours Telephone: Area Code 954 Number 978-6054 Extension _____
Preferred Delivery: 1st choice: email. 2nd choice: fax to 908-325-0129.
Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
Signature  Date 04/10/09

Payment Information

Maximum Authorization Cost \$ 6.00
Select Payment Method
Cash _____ Check Money Order _____
Fees: Pages 1-10 @\$0.75
Pages 11-20 @\$0.50
Pages 21 - @\$0.25
Delivery: Delivery / postage fees additional depending upon delivery type.
Extras: Extraordinary service fees dependent upon request.

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection), and if data, the medium requested.

I can't find your OPRA request form on your site. Would you please consider putting your OPRA request form on the Internet for download?

Please accept this form instead. Please see the records requested on the attached supplement

If you require me to complete your specific form, please e-mail or fax it to me. Because of the length of time that regular mail takes to get between New Jersey and Florida, I ask that you please do not use regular mail but that you use e-mail or fax instead.

AGENCY USE ONLY

Est. Document Cost _____
Est. Delivery Cost _____
Est. Extras Cost _____
Total Est. Cost _____
Deposit Amount _____
Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

Supplement to John Paff's 04/10/09 records request to Woodbridge Fire District No. 2

Background:

In his June 5, 2007 letter to me, Thomas J. Buck, Esq. stated that the Fire District Board of Commissioners would improve its nonpublic meeting procedure. The purpose of this request is to determine whether the Board has followed through on this promise.

Records Requested:

1. The minutes the most recent two Board nonpublic (i.e. executive or closed) meetings for which minutes are available.
2. The resolutions that were passed, in accordance with N.J.S.A. 10:4-13, to authorize the nonpublic meetings for which minutes are provided in response to ¶ 1 above. If these resolutions are spread out in full in the Board's public meeting minutes, please provide me with only the pages of the public minutes that contain the requested resolutions.

Requested Medium for Response and for Documents Responsive to Request:

Please respond to this request in the following order of preference: a) email to paff@pobox.com, b) fax to 908-325-0129. Please do not use regular mail as it takes too long for it to get to me in Florida.

FACSIMILE

JOHN UR, EA
PUBLIC ACCOUNTANT
171 MAIN ST., PO BOX 863
WOODBIDGE, NJ 07095
Phone (732) 634-4930
Fax (732) 634-5411

SEND TO: JOHN PAFF	FROM: JOHN UR
COMPANY:	DATE: 4/22/09
REFERENCE: Port Reading	PHONE:
FAX NUMBER: Fine District #2	

TOTAL PAGES, INCLUDING COVER: 2

COMMENTS:

Mr. PAFF,

We have received your OPRA request —

please re-submit using the enclosed form —

please make copies of your file in case future
 OPRA requests will be made.

Thank you,

Securities offered through TFS Securities, Inc. Member FINRA/SIPC
 A full service broker dealer located at
 847 Broadway, Bayonne, NJ 07002 (201)823-1030
 Investment Advisory Services are provided through Innovative Market Trends,
 a service of TFS Securities, Inc.
 Tax and accounting services are not affiliated with TFS Securities, Inc



State of New Jersey
Woodbridge Township Fire District #2
GOVERNMENT RECORDS REQUEST FORM



Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____
 Company _____
 Mailing Address _____
 City _____ State _____ Zip _____ Email _____
 Business Hours Telephone: Area Code _____ Number _____ Extension _____
 Preferred Delivery: Pick Up _____ US Mail _____ On Site Inspect _____
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 _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 _____ Check _____ Money Order _____
 Fire Reports: \$10.00
 Fees: Pages 1-10 @\$0.75
 Pages 11-20 @\$0.50
 Pages 21 - @\$0.25
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Extraordinary service fees dependent upon request.

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection), and if data, the medium requested.

(This area is intentionally left blank for the requestor to provide details.)

DISTRICT USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

DISTRICT USE ONLY

Disposition Notes
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Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	