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Attorneys for Plaintiff Harry Scheeler

HARRY SCHEELER,

Plaintiff,

v.

OFFICE OF THE GOVERNOR; ANDREW J.
MCNALLY, custodian; N.J. MOTOR
VEHICLES COMMISSION; JOSEPH F.
BRUNO, custodian; N.J. DEPARTMENT OF
LAW AND PUBLIC SAFETY, DIVISION OF
ALCOHOLIC BEVERAGE CONTROL;
BRUCE J. SOLOMON, custodian; N.J.
DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS; MARK A. PRESTON,
custodian; N.J. DEPARTMENT OF THE
TREASURY; CYNTHIA JABLONSKI,
custodian; N.J. DEPARTMENT OF LAW AND
PUBLIC SAFETY, DIVISION OF CONSUMER
AFFAIRS; ROBERT J. CAMPANELLI,
custodian; N.J. DEPARTMENT OF
EDUCATION, DIVISION OF CHIEF OF
STAFF; CUSTODIAN OF RECORDS FOR THE
N.J. DEPARTMENT OF EDUCATION,
DIVISION OF CHIEF OF STAFF; N.J.
DEPARTMENT OF LAW AND PUBLIC
SAFETY, DIVISION OF STATE POLICE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY

DOCKET NO. _____

Civil Action

VERIFIED COMPLAINT

PLAINTIFF HARRY SCHEELER, as and for his Verified Complaint, herein alleges as follows:

PRELIMINARY STATEMENT

1. This is a summary action brought pursuant to the Open Public Records Act (“OPRA”) N.J.S.A. 47:1A-1.1 et seq., and the common law right of access.

2. This action arises out of the failure of multiple New Jersey public agencies to provide access to government records requested pursuant to OPRA and the common law.

3. Plaintiff, Harry Scheeler (“Plaintiff”), is an open government activist who, among his other activities, conducts audits of public agencies’ compliance with OPRA and other open government laws. To that end, Plaintiff files OPRA requests with numerous public agencies specifically seeking copies of prior OPRA requests submitted to the agency during a specified period of time, and the agency’s response thereto (“OPRA Records”).

4. OPRA Records are identifiable government records, and absent a showing of exemption, privilege or undue burden on the public agency, the OPRA Records must be produced pursuant to OPRA.

5. For the past several years, Plaintiff has filed OPRA requests seeking these OPRA Records, and public agencies have granted Plaintiff access. See Exhibit A.

6. It is common practice for both citizens and news media to request the OPRA requests of third parties – and even the records provided to third parties pursuant to those requests. Moreover, under OPRA’s federal counterpart, the Freedom of Information Act (“FOIA”), logs of prior requests are considered government records subject to disclosure.

7. In late 2013 and early 2014, numerous OPRA requests were made by news media and others to obtain internal communications and other documents from New Jersey

executive agencies regarding the closure of lanes on the George Washington Bridge, an issue now commonly known as “Bridgegate.” In January 2014, after the public release of government records related to Bridgegate, Gov. Chris Christie held a news conference and announced that a senior staff member from the Office of the Governor and his campaign manager had been fired. Shortly after those events, New Jersey executive agencies began denying Plaintiff and others access to OPRA Records. See Exhibit B; see also J.K. Trotter, “Gov. Christie’s office is looking out for reporters’ scoops . . . by refusing to release its FOIA log, MUCKROCK (May 2, 2014, 12:40 PM), <https://www.muckrock.com/news/archives/2014/mar/24/new-jersey-foia-log-christie-denial/> (describing a similar denial of access to OPRA Records by an online journalist) (attached hereto as Exhibit C).

8. The reasons cited by the executive agencies for the denial of his OPRA requests are specious, including inapplicable dicta from a 2005 Appellate Division decision and the unsupported notions that OPRA affords confidentiality to third parties’ OPRA requests and protection in order to prevent competition, and that Plaintiff is in some sense a competitor.

9. Contrary to these agency positions, which are completely unsupported by law, the purpose of OPRA “is to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.” Mason v. City of Hoboken, 196 N.J. 51, 65 (2008) (quoting Asbury Park Press v. Ocean County Prosecutor’s Office, 374 N.J. Super. 312, 329 (Law Div. 2004)). Accordingly, access to government records by citizens such as Plaintiff - who seek to ensure New Jersey public agencies’ compliance with applicable laws - is the foundation of OPRA. See Fair Share Housing Center, Inc. v. New Jersey State League of Municipalities, 207 N.J. 489, 502 (2011) (“Those who enacted OPRA understood that knowledge is power in a democracy, and that without access

to information contained in records maintained by public agencies citizens cannot monitor the operation of our government or hold public officials accountable for their actions.”).

10. The denial of Plaintiff’s requests for OPRA Records is a violation of OPRA and the common law right of access.

PARTIES AND JURISDICTION

11. Plaintiff is a resident of Woodbine, New Jersey. . Plaintiff is vested with a statutory and common law right of access to government records.

12. Defendant Office of the Governor is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

13. Defendant Andrew J. McNally (“McNally”) is the Custodian of Records for the Office of the Governor. McNally is named herein in his official capacity.

14. Defendant N.J. Motor Vehicles Commission (“MVC”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

15. Defendant Joseph F. Bruno (“Bruno”) is the Custodian of Records for the MVC. Bruno is named herein in his official capacity.

16. Defendant N.J. Department of Law and Public Safety, Division of Alcoholic Beverage Control (“ABC”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

17. Defendant Bruce J. Solomon (“Solomon”) is the Custodian of Records for the ABC. Solomon is named herein in his official capacity.

18. Defendant N.J. Department of Military and Veterans Affairs (“MVA”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

19. Defendant Mark A. Preston (“Preston”) is the Custodian of Records for the MVA. Preston is named herein in his official capacity.

20. Defendant N.J. Department of the Treasury (“Treasury”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

21. Defendant Cynthia Jablonski (“Jablonski”) is the Custodian of Records for the Treasury. Jablonski is named herein in her official capacity.

22. Defendant N.J. Department of Law and Public Safety, Division of Consumer Affairs (“DCA”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

23. Defendant Robert J. Campanelli (“Campanelli”) is the Custodian of Records for the DCA. Campanelli is named herein in his official capacity.

24. Defendant N.J. Department of Education, Division of Chief of Staff (“DoE”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

25. Defendant Custodian of Records for the DoE is named herein in his/her official capacity.

26. Defendant N.J. Department of Law and Public Safety, Division of State Police (“NJSP”) is a public agency subject to the requirements of OPRA, and the common law right of access. See N.J.S.A. 47:1A-1.

27. Solomon is the Custodian of Records for the NJSP. Solomon is named herein in his official capacity.

28. The actions of the Defendants constitute denials of access to government records which may be challenged by way of a summary action to this Court pursuant to N.J.S.A. 47:1A-6.

STATEMENT OF FACTS

29. For the past several years, Plaintiff has filed OPRA requests with numerous public agencies seeking copies of prior OPRA requests submitted to the agency, and the agency's response thereto ("OPRA Records").

30. In some cases, Plaintiff requested the OPRA Records in his own name, and in other cases Plaintiff requested the OPRA Records anonymously. OPRA permits anonymous OPRA requests, see N.J.S.A. 47:1A-5i; the only limitation being access to certain personal information pertaining to a victim, or a victim's family, see N.J.S.A. 47:1A-2.2. These OPRA Records are identifiable government records, and absent a showing of exemption, privilege or undue burden on the public agency, the OPRA Records must be produced.

31. In the past, the public agencies have complied with their obligations under OPRA and the common law right of access, and granted Plaintiff's requests. See Exhibit A.

32. Recently, however, following the request for and release of "Bridgegate" documents, certain public executive agencies have denied Plaintiff's requests for OPRA Records:

- a. On February 10, 2014, Plaintiff requested from the Office of the Governor a copy of all "OPRA requests submitted to this office in January 2014" and all "OPRA requests submitted to this office concerning the closure of George Washington Bridge lanes from September 1, 2013 until today's date." See Exhibit B. The request was denied on March 21, 2014. Id.

- b. On March 11, 2014, Plaintiff anonymously requested from the MVC a copy of all “OPRA requests submitted to MVC from 2/1/14 until 3/11/14.” See Exhibit D. The request was denied on March 21, 2014. Id.
- c. On March 19, 2014, Plaintiff anonymously requested from the ABC a copy of all “OPRA requests submitted in the past 90 days.” See Exhibit E. The request was denied on March 28, 2014. Id.
- d. On March 19, 2014, Plaintiff anonymously requested from the MVA a copy of all “OPRA requests submitted in the past 90 days.” See Exhibit F. The request was denied on March 31, 2014. Id.
- e. On March 19, 2014, Plaintiff anonymously requested from the Treasury a copy of all “OPRA requests submitted in the past 90 days.” See Exhibit G. The request was denied on March 31, 2014. Id.
- f. On March 19, 2014, Plaintiff anonymously requested from the DCA a copy of all “OPRA requests submitted in the past 90 days.” See Exhibit H. The request was denied on March 31, 2014. Id.
- g. On February 26, 2014, Plaintiff requested from the DoE a copy of all “OPRA requests submitted in January 2014.” See Exhibit I. The request was denied on April 1, 2014. Id.
- h. On March 21, 2014, Plaintiff requested from the MVC a copy of all “OPRA request forms submitted to MVC in 2014.” See Exhibit J. The request was denied on April 1, 2014. Id.
- i. On March 20, 2014, Plaintiff requested from the NJSP a copy of all “OPRA requests made in 2013 and 2014 to the NJSP (requests only not documents released).” See Exhibit K. The request was denied on April 9, 2014. Id.

33. The above actions by Defendants constitute unlawful denials of access under OPRA, and the common law right of access.

COUNT ONE

(Violation of OPRA - Denial of Access)

34. Plaintiff hereby repeats and realleges the allegations in the preceding paragraphs as if more fully set forth herein.

35. Pursuant to OPRA, public agencies shall permit a government record to be inspected, examined, and copied by any person during regular business hours unless a government record is exempt from public access by statute, resolution, regulation, executive order, rules of Court, or federal law, regulation or order. N.J.S.A. 47:1A-5a.

36. Government records are defined by OPRA as those records that are maintained or kept on file in the course of official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. N.J.S.A. 47:1A-1.1.

37. Plaintiff requested access to OPRA Records from Defendants pursuant to N.J.S.A. 47:1A-5.

38. These OPRA Records are government records as that term is defined by N.J.S.A. 47:1A-1.1 because they are maintained or kept on file in the course of official business by Defendants.

39. The Defendants denied Plaintiff access to the OPRA Records, improperly alleging that they are exempt from disclosure.

40. No statute, resolution, regulation, executive order, rules of Court, or federal law, regulation or order exempts copies of OPRA requests and a public agency's response thereto from disclosure.

41. The actions of Defendants are in violation of their obligations under OPRA.

42. Plaintiff's and the public interest have been damaged, and continue to be damaged, by these actions.

COUNT TWO

(Violation of OPRA - Untimely Response)

43. Plaintiff hereby repeats and realleges the allegations in the preceding paragraphs as if more fully set forth herein.

44. OPRA requires public agencies to "grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived." N.J.S.A. 47:1A-5i.

45. In violation of OPRA, Defendants Office of the Governor and McNally requested two extensions of time to respond without any justification, and ultimately denied Plaintiff's request on March 21, 2014 - more than seven business days after receiving Plaintiff's request, dated February 10, 2014.

46. In violation of OPRA, Defendants MVC and Bruno denied Plaintiff's request on March 21, 2014 - more than seven business days after receiving Plaintiff's request, dated March 11, 2014.

47. In violation of OPRA, Defendants MVA and Preston denied Plaintiff's request on March 31, 2014 - more than seven business days after receiving Plaintiff's request, dated March 19, 2014.

48. In violation of OPRA, Defendants Treasury and Jablonski denied Plaintiff's request on March 31, 2014 - more than seven business days after receiving Plaintiff's request, dated March 19, 2014.

49. In violation of OPRA, Defendants DCA and Campanelli denied Plaintiff's request on March 31, 2014 - more than seven business days after receiving Plaintiff's request, dated March 19, 2014.

50. In violation of OPRA, Defendants DoE and Defendant Custodian of Records for the DoE denied Plaintiff's request on April 1, 2014 - more than seven business days after receiving Plaintiff's request, dated February 26, 2014.

51. In violation of OPRA, Defendants NJSP and Solomon denied Plaintiff's request on April 9, 2014 - more than seven business days after receiving Plaintiff's request, dated March 20, 2014.

52. The actions of Defendants are in violation of their obligations under OPRA.

53. Plaintiff's and the public interest have been damaged, and continue to be damaged, by these actions.

COUNT THREE

(Common Law Right of Access)

54. Plaintiff hereby repeats and realleges the allegations in the preceding paragraphs as if more fully set forth herein.

55. The public enjoys a common law right of access to public records generated or maintained by public entities. See, e.g., Keddie v. Rutgers, 148 N.J. 36 (1997); S. Jersey Publ'ing Co. v. N.J. Exp'way Auth., 124 N.J. 478 (1991).

56. Defendants generate, maintain, or have received the requested public records that are “necessary to be kept in the discharge of a duty imposed by law” (among other possible qualifying conditions). S. Jersey Publ'ing Co., 124 N.J. at 487.

57. There is a strong public interest in favor of disclosing the requested records, and no overriding, countervailing interest in maintaining their confidentiality.

58. Plaintiff and the public alike have an interest in knowing whether Defendants are complying with OPRA and other open public records laws.

59. Accordingly, Defendant's failure to disclose the requested public records violated Plaintiff's common law right of access.

60. Plaintiff's and the public interest have been damaged, and continue to be damaged, by these actions.

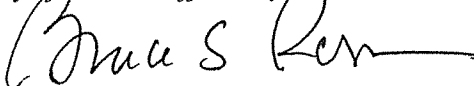
WHEREFORE, Plaintiff demands judgment against Defendants:

- a. Declaring Defendants in violation of OPRA and the common law right of access;
- b. Compelling Defendants to immediately provide access to all of the requested records;
- c. Maintaining jurisdiction over this action until Defendants come into compliance with the Court's directives and Orders;
- d. Granting attorney's fees and costs of suit pursuant to N.J.S.A. 47:1A-6; and

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& CARVELLI, P.C.
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Newark, New Jersey 07102
(973) 642-2086

Attorneys for Plaintiff Harry Scheeler

By: 

Bruce S. Rosen 018351986

Dated: May 2, 2014

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Bruce S. Rosen, Esq. is hereby designated as trial counsel for Plaintiff Harry B. Scheeler in the above matter.

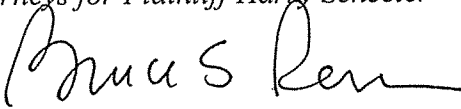
CERTIFICATION

I hereby certify pursuant to R. 4:5-1, New Jersey Court Rules, that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding nor is any such action or proceeding presently contemplated. I further certify that I am not aware of any other parties who should be joined in this action.

McCUSKER, ANSELM, ROSEN,
& CARVELLI, P.C.
210 Park Avenue
Florham Park, New Jersey 07932
(973) 635-6300

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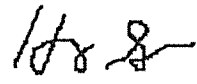
Attorneys for Plaintiff Harry Scheeler

By: 
Bruce S. Rosen 018351986

Dated: May 2, 2014

VERIFICATION

I have reviewed the allegations within the foregoing Verified Complaint and hereby verify that the facts as set forth therein are true and correct to the best of my knowledge.

By: 
Harry Scheeler

Dated: May 2, 2014

CERTIFICATION OF FACSIMILE SIGNATURE

Pursuant to Rule 1:4-4(c), I hereby certify and state that the individual who signed this certification has acknowledged to me the genuineness of his or her signature. If the court or any party requests it, an original signature on the certification will be filed with the court.


Sarah L. Fehm 901002012

Dated: May 2, 2014

EXHIBIT A



State of New Jersey
OFFICE OF THE GOVERNOR
PO BOX 001
TRENTON, NJ 08625-0001

CHRIS CHRISTIE
Governor

CHARLES B. MCKENNA
Chief Counsel

July 26, 2013

Via Email

Harry B. Scheeler
201 Webster St., Apt. B7
Woodbine, NJ 08270

Re: Open Public Records Act (OPRA) Request W77806

Dear Mr. Scheeler:

This letter constitutes the response of the Office of the Governor to the above-referenced OPRA request, which stated:

ALL OPRA requests filed in January of 2013. Please include all responses to requestors. Clarification I am NOT requesting the documents released.

Enclosed please find records responsive to your request. Please be advised that parts of these records have been redacted based upon the reasonable expectation of privacy and security risk exemptions to OPRA. Accordingly, your OPRA request is hereby closed. If you have any questions, please do not hesitate to contact this office at (609) 777-2462.

Sincerely,

Office of the Governor

Encl.

EXHIBIT B



State of New Jersey

OFFICE OF THE GOVERNOR
PO Box 001
TRENTON, NJ 08625-0001

CHRIS CHRISTIE
Governor

CHRISTOPHER S. PORRINO
Chief Counsel

March 21, 2014

Via Email

Harry Scheeler
201 Webster Street
Apt. B-7
Woodbine, New Jersey 08270

Re: Open Public Records Act (OPRA) Request W83771

Dear Mr. Scheeler:

This letter constitutes the response of the Office of the Governor to the above-referenced OPRA request, which stated:

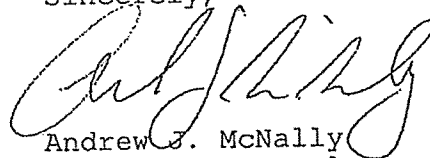
Copy of ALL OPRA requests submitted to this office in January 2014. I am not requesting the documents released at this time.

ALL OPRA requests submitted to this office concerning the closure of George Washington Bridge lanes from September 1, 2013 until today's date. Please release all documents with the OPRA requests.

Please be advised that other requesters' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. Gannett N.J. Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." Ibid. Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors." N.J.S.A. 47:1A-1.1.

Accordingly, your OPRA request is hereby closed. If you have any questions, please do not hesitate to contact this office at (609) 777-2462.

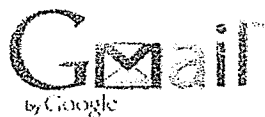
Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew J. McNally".

Andrew J. McNally
Assistant Counsel

3/24/2014

Gmail - OPRA Request No. W83771



Harry B. Scheeler, Jr. <harryrescue911@gmail.com>

OPRA Request No. W83771

Harry B. Scheeler, Jr. <harryrescue911@gmail.com>

Fri, Mar 7, 2014 at 7:04 PM

To: "Christopher.Huber@dol.lps.state.nj.us" <Christopher.Huber@dol.lps.state.nj.us>

Cc: Opra Custodian <OPRACustodian@gov.state.nj.us>

Mr. Huber,

Its my understanding you represent the Office of the Governor. As you have been made aware I have a pending Denial of Access complaint against the Office of the Governor. Today, I received an email concerning a new request which also violates OPRA. Pursuant to N.J.S.A. 47:1A-5.i. a you can request one extension. The Courts and GRC have held that extension needs to be for a valid reason.

On 2/10/14 I submitted a request.

On 2/21/14 The unidentified custodian requested a two week extension until 3/7 without reason.

On 3/07/14 The custodian has requested another two week extension in violation of OPRA.

There are many cases where the GRC has ruled these open ended extensions are violations. The most recent Scheeler v. Dept of Education GRC 2013-190 <http://www.nj.gov/grc/decisions/pdf/2013-190.pdf>

I'm really disappointed here. I would think the Office of the Governor would be setting an example. Please see these documents are released immediately or I will file another violation.

Respectfully,

-Harry

www.harryscheeler.com



OPRA Confirmation PageGovernor.pdf

131K

3/24/2014

Gmail - OPRA Request No. W83771



Harry B. Scheeler, Jr. <harryrescue911@gmail.com>

OPRA Request No. W83771

Opra Custodian <OPRACustodian@gov.state.nj.us>
To: harryrescue911@gmail.com

Fri, Feb 21, 2014 at 4:51 PM

Dear Mr. Scheeler:

This email serves to hereby request a two week extension regarding your OPRA request no. W83771.

[njhome](#) | [grc home](#) | [OPRANJ](#) | [OPRA central](#)
[search OPRA](#)
OPRA | New Jersey
Open Public Records Act
[state of new jersey](#)
[about GRC](#) | [state request form](#) | [state services index](#) | [department/agency index](#) | [state faqs](#)

The following Request for Information has been forwarded to the
Department of Governor, Office of.

Your confirmation number is W83771. Please write this number down or print this page as a reference.

Requestor Information

First Name	MI	Last Name	
Harry		Scheeler	
Company			
Mailing Address			
201 Webster Street Apt B-7			
City	State	ZIP	
Woodbine	New Jersey	08270 -	
Email			
harryrescue911@gmail.com			
Day Time Telephone:	Area Code	Number	Extension
	609	427 - 6099	
Preferred Delivery: E-Mail			
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, or any other state, or in United States.			
Record Request Information:			
Copy of ALL OPRA requests submitted to this office in January 2014. I am not requesting the documents released at this time. ALL OPRA requests submitted to this office concerning the closure of George Washington Bridge lanes from September 1, 2013 until today's date. Please release all documents with the OPRA requests.			

Payment Information

Maximum Authorized Cost:	
\$ 1.00	
Payment Method:	
Cash	
Fees:	Letter Size @ \$0.05/page Legal Size @ \$0.07/page
Electronic shall be provided free of Records: charge, but agency may charge for cost of media, programming, clerical, supervisory assistance and/or substantial use of information technology.	
Delivery:	Delivery / postage fees additional depending upon delivery type.
Additional Charges:	may be charged if extraordinary time/effort required, depending upon request.

[privacy notice](#) | [legal statement](#)

EXHIBIT C

Friday, May 2, 2014

- [Log in](#)
- [Register](#)

MuckRock / News

- [News](#)
- [Submit Request](#)
- [FOI Requests](#)
- [FOI Questions](#)
- [Account](#)
- [About](#)

Gov. Christie's office is looking out for reporters' scoops... by refusing to release its FOIA log

Rejection letter claims log "would give an advantage to competitors or bidders"

Accordingly, your OPRA request is hereby closed. If you have any questions, please do not hesitate to contact this office at (609) 777-2462.

Sincerely,

Office of the Governor

by J.K. Trotter on March 24, 2014, noon

One of the most useful documents a budding FOIA requester can seek is [a log of FOIA requests](#) submitted to a particular agency, which under federal law are considered public records. As with so many other things, however, the situation is very different in New Jersey.

A few weeks ago, I requested a log of all requests filed under the state's Open Public Records Act with the Office of the Governor in fiscal year 2013. Gawker, where I work, had just received a tip about a video that

appeared to depict Governor Chris Christie engaged in various sex acts—it turned out to be bunk—and I wanted to see if any other reporters were already sniffing around.

Last week, the governor's office issued a total denial of the requested logs, citing both a 2005 opinion issued by a state appellate court as well as brief provision in O.P.R.A.'s text concerning "information which, if disclosed, would give an advantage to competitors or bidders":

The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. (*Gannett N.J. Partners, LP v. Cnty. of 379*, N.J. Super. 205, 212 App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," (N.J.S.A. 47:1A-1.1), such as the disclosure of matters being investigated by news organizations to potential competitors of those news organizations.

It is not clear how, exactly, the cited opinion applies to my request for the office's 2013 OPRA log, as it concerns the confidentiality of communications between a state agency and the U.S. Attorney's office, and only off-handedly refers to news outlets asking for communications between an agency and other news outlets.

"Suppose Gannett suspected that another news organization was conducting an investigation into a public agency's financial practices and had sought production of documents under OPRA in connection with that investigation," writes Judge Stephen Skillman. "Could Gannett make a blanket request to the public agency for the production of all records provided to the other news organization?" Skillman never answers this question.

The OPRA provision invoked by the Office of the Governor is slightly trickier to parse. The text of the law considers "information which, if disclosed, would give an advantage to competitors or bidders" to be confidential, and so exempt from disclosure. Under the Office of the Governor's interpretation, fulfilling my request would provide an advantage to me since I work for a news outlet and requested records that would reveal other outlets' OPRA requests.

This raises a number of questions: What is the criteria for determining "advantage"? Would the request have been treated differently if I had not identified myself as a reporter?

Under the Office of the Governor's interpretation, agencies are asked to comply with O.P.R.A. yet allowed to completely shield how they do so, and who is requesting which records, from public view. Unlike F.O.I.A., New Jersey's Open Public Records Act doesn't extend to itself.

Curious about other government agencies' procedures around public documents? Submit a request by joining MuckRock today. Keep up with FOIA news by signing up for our mailing list, or by following us on Twitter and liking us on Facebook.

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MuckRock is a participatory news tool that allows anyone to easily file, track, and share their public records requests with an easy, intuitive letter generator and automated follow up tools. Filing starts at just \$20 for 5 requests, \$40 a month for a pro account, or earn free requests with assignments.

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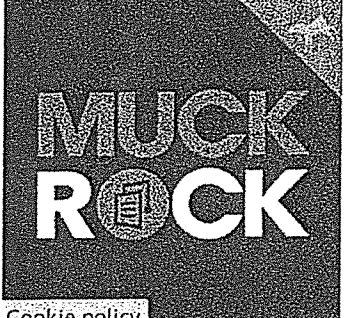
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Over 1,000 requests to agencies all across America, with one single goal: Count how many, and find out where, your government is using Unmanned Aerial Vehicles. Submitting is easy and free, and can make a difference.

[Listen to the MuckRock podcast](#)

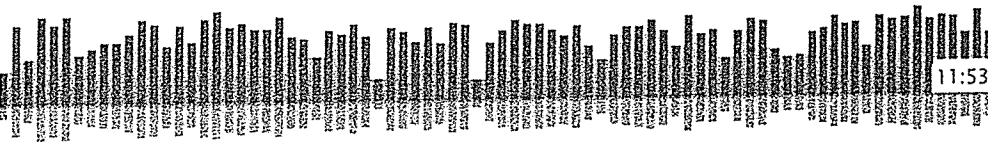
FOIA By Numbers



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MuckRock
FOIA by Numbers



11:53

1,280

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EXHIBIT D

State of New Jersey
Government Records Request
Receipt

Requestor Information Anonymous Anonymous Anonymous Anonymous, NJ 00000 Anonymous731@comcast.net Request Date: March 11, 2014 Maximum Authorized Cost: \$5.00 Email	Request Number: W84776 Request Status: Denied Closed Ready Date: Custodian Contact Information Motor Vehicle Commission Records Custodian MVC 225 E. State Street, 9th FL, East Wing Trenton, NJ 08666-0162 NJDOTMVS.opra@dot.state.nj.us 609-777-1407 By
---	--

Status of Your Request Your request for government records (# W84776) from the Motor Vehicle Commission has been reviewed and has been Denied Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary. The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents. If you have any questions related to the disposition of this request please contact the Custodian of Records for the Motor Vehicle Commission. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.	Cost Information <table style="width: 100%;"> <tr> <td style="width: 70%;">Total Cost:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Deposit:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Amount Paid:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Balance Due:</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	Total Cost:	\$0.00	Deposit:	\$0.00	Total Amount Paid:	\$0.00	Balance Due:	\$0.00
Total Cost:	\$0.00								
Deposit:	\$0.00								
Total Amount Paid:	\$0.00								
Balance Due:	\$0.00								

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
KLA	W84776	All OPRA requests submitted to MVC from 2/1/14 until 3/11/14.	N		N	N	

March 21, 2014 01:57 PM

State of New Jersey
Government Records Request
Receipt

Page: 2 of 2

March 21, 2014

To whom it may concern:

This office is in receipt of your Open Public Records Act ("OPRA") dated March 11, 2014, wherein you seek disclosure of certain Motor Vehicle Commission ("MVC") record information.

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. *Gannett N.J. Partners, LP, v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1, such as the disclosure of matters being investigated by news organizations to potential competitors of those news organizations.

Thank you for the opportunity to be of assistance.

Very truly yours,
Joseph F. Bruno
MVC Custodian of Records

Your request for government records (# W84776) is as follows:

Copies of all OPRA requests submitted to MVC from 2/1/14 until 3/11/14.

EXHIBIT E

Page: 1 of 2

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
ABC	0001	All OPRA requests submitted to ABC in the past 90 days	N		N	N	
Denial: 10.Exception by Case Law (specify) --- see Gannett N.J. Partners, LP v. County of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005); also improper and overbroad; also N.J.S.A. 47:1A-2.2(c)							

Receipt

You filed an OPRA request with the Department of Law and Public Safety (L&PS), Division of Alcoholic Beverage Control (ABC) seeking access to: "a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released." Due to the illness of the ABC Custodian of Records, as the Department Custodian of Records, I have been asked to respond to your OPRA request.

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. *Gannett N.J. Partners, LP v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1 and *Gannett, supra*.

Additionally, N.J.S.A. 47:1A-2.2(a) states: "Notwithstanding the provisions of [OPRA] or the provisions of any other law to the contrary, where it shall appear that a person who is convicted of any indictable offense under the laws of the State, any other state of the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented shall be denied."

N.J.S.A. 47:1A-2.2(c) provides: "Notwithstanding the provisions of [OPRA] or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section."

You have filed an anonymous request seeking copies all OPRA requests filed with this division in the past 90 days. OPRA requests and receipts contain personal information which may include home, work and school addresses, home and work telephone numbers, and personal and work e-mail addresses. As an anonymous requestor who cannot certify that that s/he has not been convicted of an indictable offense and whose request seeks access to records which are replete with personally identifiable information, pursuant to N.J.S.A. 47:1A-2.2(c), we cannot comply with your request.

For these reasons, I must deny your request.

Sincerely,
Bruce J. Solomon
L&PS Custodian of Records

Your request for government records (# W85024) is as follows:

Please provide a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released. The receipt which is generated for requests is fine.

EXHIBIT F

Toni Reo

From: Anonymous <anonymous731@comcast.net>
Sent: Friday, April 11, 2014 12:59 PM
To: Jeanne LoCicero
Subject: Fwd: Government Records Request W85023

Sent from my iPad

Begin forwarded message:

From: "Preston, Mark A." <Mark.Preston@dmava.nj.gov>
Date: March 31, 2014 at 8:30:40 AM EDT
To: "anonymous731@comcast.net" <anonymous731@comcast.net>
Subject: FW: Government Records Request W85023

Dear Sir/Ma'am:

You filed an Open Public Records Act (OPRA) request with the NJ Department of Military and Veterans Affairs seeking access to: "a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released."

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA *Gannett N.J. Partners, LP v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1 and *Gannett*, *supra*.

Additionally, N.J.S.A. 47:1A-2.2(a) states: "Notwithstanding the provisions of [OPRA] or the provisions of any other law to the contrary, where it shall appear that a person who is convicted of any indictable offense under the laws of the State, any other state of the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented shall be denied."

N.J.S.A. 47:1A-2.2(c) provides: "Notwithstanding the provisions of [OPRA] or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section."

You have filed an anonymous request seeking copies of all OPRA requests filed with this

division in the past 90 days. OPRA requests and receipts contain personal information which may include home, work and school addresses, home and work telephone numbers, and personal and work e-mail addresses. As an anonymous requestor who cannot certify that that you have not been convicted of an indictable offense and whose request seeks access to records which are replete with personally identifiable information, pursuant to N.J.S.A. 47:1A-2.2(c), we cannot comply with your request.

For these reasons, I must deny your request.

MARK A. PRESTON
Custodian of Records
Chief, Administrative Services Bureau, IASD
NJ Department of Military and Veterans Affairs
WORK: (609) 530-6898 FAX: (609) 530-7193

Please note my new e-mail address: mark.preston@dmava.nj.gov; the old email address will auto-forward messages for some duration.

-----Original Message-----

From: OPRAreturn@oit.state.nj.us [<mailto:OPRAreturn@oit.state.nj.us>]
Sent: Wednesday, March 19, 2014 6:34 PM
To: DMAVA_CustodianOfRecords
Subject: Government Records Request W85023

Below is the information submitted by the OPRA requestor for Govt. Records Request # W85023.

Please use the OPRA Tracking System to process Govt. Records Request # W85023.

State Agency: Military and Veterans' Affairs

Requestor Name: Anonymous Anonymous
Company:
Address: Anonymous
Anonymous NJ 00000
Email: anonymous731@comcast.net
Telephone:

Convicted of indictable offense: NO

Preferred Delivery: E-Mail
Maximum Authorized Cost: \$0.05
Payment Method: Cash
Requested Information: Please provide a copy of all OPRA requests submitted in the past 90

days. I am requesting the requests only and not the documents released. The receipt which is generated for requests is fine.

EXHIBIT G

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
GOVERNMENT RECORDS ACCESS UNIT
50 West State Street
PO Box 215
Trenton, NJ 08625

March 31, 2014

Anonymous
anonymous731@comcast.net

Reference: W85021 Date Received: March 19, 2014

Dear Anonymous:

The Department of the Treasury has completed their review of your Open Public Records Act (OPRA) Request W85021. You requested *"a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released. The receipt which is generated for requests is fine."*

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA *Gannett N.J. Partners, LP v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1 and *Gannett, supra*.

Additionally, N.J.S.A. 47:1A-2.2(a) states: "Notwithstanding the provisions of [OPRA] or the provisions of any other law to the contrary, where it shall appear that a person who is convicted of any indictable offense under the laws of the State, any other state of the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented shall be denied."

N.J.S.A. 47:1A-2.2(c) provides: "Notwithstanding the provisions of [OPRA] or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section."

You have filed an anonymous request seeking copies all OPRA requests filed with this division in the past 90 days. OPRA requests and receipts contain personal information which may include home, work and school addresses, home and work telephone numbers, and personal and work e-mail addresses. As an anonymous requestor who cannot certify that that s/he has not been convicted of an indictable offense and whose request seeks access to records which are replete with personally identifiable information, pursuant to N.J.S.A. 47:1A-2.2(c), we cannot comply with your request.

For these reasons, OPRA Request W85021 has been denied.

Should you have any questions, please contact the Treasury Government Records Access Unit at (609) 633-1300 or by email at administration.grau@treas.state.nj.us.

Sincerely,

Cynthia Jablonski
Manager, Government Records Access Unit

EXHIBIT H

Receipt

You filed an OPRA request with the Department of Law and Public Safety (L&PS), Division of Consumer Affairs (CA) seeking access to: "a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released."

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. *Gannett N.J. Partners, LP v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1 and *Gannett*, supra.

Additionally, N.J.S.A. 47:1A-2.2(a) states: "Notwithstanding the provisions of [OPRA] or the provisions of any other law to the contrary, where it shall appear that a person who is convicted of any indictable offense under the laws of the State, any other state of the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented shall be denied."

N.J.S.A. 47:1A-2.2(c) provides: "Notwithstanding the provisions of [OPRA] or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section."

You have filed an anonymous request seeking copies all OPRA requests filed with this division in the past 90 days. OPRA requests and receipts contain personal information which may include home, work and school addresses, home and work telephone numbers, and personal and work e-mail addresses. As an anonymous requestor who cannot certify that that s/he has not been convicted of an indictable offense and whose request seeks access to records which are replete with personally identifiable information, pursuant to N.J.S.A. 47:1A-2.2(c), we cannot comply with your request.

For these reasons, I must deny your request.

Sincerely,

Robert J. Campanelli
Records Custodian

Your request for government records (# W85025) is as follows:

Please provide a copy of all OPRA requests submitted in the past 90 days. I am requesting the requests only and not the documents released. The receipt which is generated for requests is fine.

EXHIBIT I

State of New Jersey
Government Records Request
Receipt

Requestor Information Harry Scheeler 201 Webster Street Apt B-7 Woodbine, NJ 08270 harryrescue911@gmail.com 609-427-6099 Request Date: February 26, 2014 Maximum Authorized Cost: \$1.00 Email	Request Number: W84364 Request Status: Denied Closed Ready Date: Custodian Contact Information Chief of Staff Records Custodian 100 Riverview Plaza P.O. Box 500 Trenton, NJ 08625-0500 OPRA.CUSTODIAN@doe.state.nj.us 609-943-4599 By
---	--

Status of Your Request Your request for government records (# W84364) from the Chief of Staff has been reviewed and has been Denied Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary. The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents. If you have any questions related to the disposition of this request please contact the Custodian of Records for the Chief of Staff. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.	Cost Information <table style="width: 100%;"> <tr> <td style="width: 70%;">Total Cost:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Deposit:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Amount Paid:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Balance Due:</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	Total Cost:	\$0.00	Deposit:	\$0.00	Total Amount Paid:	\$0.00	Balance Due:	\$0.00
Total Cost:	\$0.00								
Deposit:	\$0.00								
Total Amount Paid:	\$0.00								
Balance Due:	\$0.00								

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
COS	001	All OPRA requests submitted in January of 2014. Denial: 35.Other (specify) --- Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. Gannett N.J. Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." Ibid.	N		N	N	

April 01, 2014 05:32 PM

State of New Jersey
Government Records Request
Receipt

Page: 2 of 2

04/01/2014: Denied and closed. Requestor advised by email on this date.

03/31/2014: Due date extended to 04/02/2014. Requestor advised of extension on this date.

3/17/2014. Due date extended to 3/31.

3/10/2014. Due date ext. till 3/17.

State closure 3/3/2014. Advised requestor response date moves to 3/10/2014.

Received 2/27/2014.

Your request for government records (# W84364) is as follows:

All OPRA requests submitted in January of 2014. Please include receipts, letters and emails associated with delivery. I am not requesting documents released at this time.

EXHIBIT J

State of New Jersey
Government Records Request
Receipt

Requestor Information

Harry Scheeler
www.harryscheeler.com
201 Webster St
Woodbine, NJ 08270

harryrescue911@gmail.com
609-427-6099

Request Date: March 21, 2014

Maximum Authorized Cost: \$1.00

Email

Request Number: W85109

Request Status: Denied Closed

Ready Date:

Custodian Contact Information

Motor Vehicle Commission

Records Custodian

MVC

225 E. State Street, 9th FL, East Wing

Trenton, NJ 08666-0162

NJDOTMVS.opra@dot.state.nj.us

609-777-1407

By

Status of Your Request

Your request for government records (# W85109) from the Motor Vehicle Commission has been reviewed and has been Denied Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Motor Vehicle Commission. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost: \$0.00

Deposit: \$0.00

Total Amount Paid: \$0.00

Balance Due: \$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
KLA	W85109	ALL OPRA request forms submitted to MVC in 2014	N		N	N	

April 01, 2014 04:35 PM

State of New Jersey
Government Records Request
Receipt

Page: 2 of 2

April 1, 2014

Dear Mr. Scheeler:

This office is in receipt of your Open Public Records Act ("OPRA") dated March 21, 2014, wherein you seek disclosure of certain Motor Vehicle Commission ("MVC") record information.

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. *Gannett N.J. Partners, LP, v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1, such as the disclosure of matters being investigated by news organizations to potential competitors of those news organizations.

Thank you for the opportunity to be of assistance.

Very truly yours,
Joseph F. Bruno
MVC Custodian of Records

Your request for government records (# W85109) is as follows:

I am request ALL OPRA request forms submitted to MVC in 2014. I am requesting the forms only and not the documents released. Please include all responses to the requestor. I also claim entitlement to these records under my Common Law Right of Access. I am an Open Government Activist. I publish the blog www.harryscheeler.com and I'm conducting an audit of your agency's compliance with the Open Public Records Act.

EXHIBIT K

Page: 1 of 2

Requestor Information	Request Number: W85054
Harry Scheeler	Request Status: Denied Closed
www.harryscheeler.com	Ready Date: April 9, 2014
201 Webster St	Custodian Contact Information
Woodbine, NJ 08270	Division of State Police
	Records Custodian
	PO Box 7068
harryrescue911@gmail.com	SP Headquarters - Bldg 15 - River Road
609-427-6099	West Trenton, NJ 08628
	dsp.records@lps.state.nj.us
Request Date: March 20, 2014	609-538-6087
Maximum Authorized Cost: \$1.00	By
Email	

Status of Your Request	Cost Information								
<p>Your request for government records (# W85054) from the Division of State Police has been reviewed and has been Denied Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.</p> <p>The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.</p> <p>If you have any questions related to the disposition of this request please contact the Custodian of Records for the Division of State Police. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.</p>	<table border="1"> <tbody> <tr> <td data-bbox="839 1041 1097 1064">Total Cost:</td> <td data-bbox="1097 1041 1284 1064">\$0.00</td> </tr> <tr> <td data-bbox="839 1064 1097 1087">Deposit:</td> <td data-bbox="1097 1064 1284 1087">\$0.00</td> </tr> <tr> <td data-bbox="839 1087 1097 1110">Total Amount Paid:</td> <td data-bbox="1097 1087 1284 1110">\$0.00</td> </tr> <tr> <td data-bbox="839 1110 1097 1134">Balance Due:</td> <td data-bbox="1097 1110 1284 1134">\$0.00</td> </tr> </tbody> </table>	Total Cost:	\$0.00	Deposit:	\$0.00	Total Amount Paid:	\$0.00	Balance Due:	\$0.00
Total Cost:	\$0.00								
Deposit:	\$0.00								
Total Amount Paid:	\$0.00								
Balance Due:	\$0.00								

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
SP	0001	Copies of all OPRA requests made in 2013 and 2014 to the New Jersey State Police	N		N	N	
Denial: 10.Exception by Case Law (specify) --- see Gannett N.J. Partners, LP v. County of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005); also improper and overbroad							

April 09, 2014 03:21 PM

State of New Jersey
Government Records Request

Page: 2 of 2

Receipt

You filed an OPRA request with the Department of Law and Public Safety (L&PS), Division of State Police (DSP) seeking access to: "[c]opy of all OPRA requests made in 2013 and 2014 to the NJSP (requests only not documents released)." As the Department Custodian of Records, I have been asked to respond to your OPRA request on behalf of DSP.

Please be advised that other entities' OPRA requests are exempt from disclosure under OPRA, as are the responses of government agencies to those OPRA requests. The Appellate Division has recognized that there is an "interest of third parties in protecting the confidentiality of their requests for access to public documents" under OPRA. *Gannett N.J. Partners, LP v. Cnty. of Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005). For that reason, "OPRA does not authorize a party to make a blanket request for every document a public agency has provided another party in response to an OPRA request," nor does it permit requests that would reveal "the nature and scope of a third party's inquiry to a government agency." *Ibid.* Further, OPRA exempts "information which, if disclosed, would give an advantage to competitors," N.J.S.A. 47:1A-1.1 and *Gannett*, *supra*.

For these reasons, I must deny your request.

Sincerely,
Bruce J. Solomon
L&PS Custodian of Records

Your request for government records (# W85054) is as follows:

Copy of all OPRA requests made in 2013 and 2014 to the NJSP (requests only not documents released). This request is also being made under my Common Law Right of Access. I am an open government activist. I am conducting an audit of your agency's OPRA compliance.