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**Attorney for the Plaintiff**

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Patrick Duff ,	:	NEW JERSEY SUPERIOR COURT
<i>Plaintiff,</i>	:	CAMDEN County - LAW DIV.
vs.	:	DOCKET NO. CAM-L
	:	<b>VERIFIED COMPLAINT</b>
Camden City, Elena Guzman, Glynn Jones and Dr. Edward :	:	
Williams,	:	
<i>Defendants.</i>	:	

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Plaintiff complains against the Defendants as follows:

1. This is a summary action brought pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 *et. seq.* and the Open Public Meetings Act (OPMA), N.J.S.A. 10:4-7 *et. seq.* as enforced through the New Jersey Civil Rights Act (CRA), N.J.S.A. 10:6-1 *et. seq.*
2. Plaintiff Patrick Duff, sought government records from the Defendants.
3.
  - a. Defendant Camden City is a New Jersey government entity located in Camden County and is subject to the Open Public Records Act and the Open Public Meetings Act.
  - b. Defendant Elena Guzman is a Camden City Municipal Clerk's Office employee that responded to the OPRA requests made by the Plaintiff and served as Camden City's Records Custodian for purposes of responding to the Plaintiff.
  - c. Glynn Jones is the Camden City Director of Finance with authority over Camden's Bureau of Grants Management.
  - d. Dr. Edward Williams is the Camden City Director of the Department of Planning & Development.
4. On April 3, 2017, Defendant Camden City's Department of Finance, Bureau of Grants Management in conjunction with the Department of Planning & Development conducted a public meeting regarding its normal course of business and authority, to wit, review of the Consolidated Action Plan for grants. A similar meeting was also held on May 4, 2017. These meetings were advertised as public meetings. Ex. 1

## THE 1<sup>st</sup> OPRA REQUEST

5. On December 6, 2017, Plaintiff made an OPRA request for the minutes of the planning meeting held on 4-3-2017 and minutes from the meeting on 5-4-17. Ex. 2, pg. 1
6. Initially there was some confusion as the City interpreted that the Plaintiff sought Planning Board meeting minutes and eventually that was clarified so Camden understood that Plaintiff was looking for the planning meeting conducted by the Department of Finance Bureau of Grants Management. Ex. 2, pgs. 1-2
7. On December 22, 2017 Camden then denied the Department of Finance had conducted any meeting on 4-3-2017. Camden said nothing about the 5-4-2017 meeting. Ex. 2, pg. 3
8. On December 23, 2017, Plaintiff directed Camden personnel to the published notice of the meeting from which he sought the minutes. Ex. 2, pg. 4 (The notice reads “On Monday April 3, 2017, the City of Camden, Department of Finance, Bureau of Grants Management...”, see, Ex. 1)
9. On January 2, 2018 Camden finally responded through Defendant Guzman and denied the OPRA request:  
**“There was a meeting, but there were no attendees thus no minutes.”** Ex. 2, pg.6
10. Plaintiff continued to engage the Camden over the assertions that there was no meeting and then the assertion that there were no minutes, including pointing out the law that requires Camden to have minutes for public meetings. Ex. 1, pgs. 7-8
11. Camden, through Guzman responded:  
**Good afternoon Mr. Duff,**  
**In regards to your attached OPRA request submitted on January 3<sup>rd</sup> 2018,**  
**per our Law Department:**  
  
**“On April 3, 2017 the Bureau of Grants Management scheduled a public meeting from 3:30pm- 5:00pm in City Council Chambers. This was the only meeting scheduled in 2017, no members of the public attended the meeting, therefore no minutes were taken as no questions were asked of the department. “**  
  
**This email concludes the City’s response to your OPRA request.** Ex. 2, pg.9
12. Plaintiff further engaged the Defendants, pointing out the folly of awarding millions in grant money without any meeting minutes to memorialize what took place and threatening suit. Ex. 2, Pg. 10 Defendants did not respond.

## THE 2nd OPRA REQUEST

13. Realizing that Defendants never responded to the portion of the 1<sup>st</sup> OPRA request regarding the 5-4-17 meeting, on January 19, 2018, Plaintiff made an OPRA request for those minutes Ex. 3, pg. 1

14. On January 23, 2018, Camden through Guzman, responded:

**In regards to your attached submitted OPRA request, our Department of Planning & Development has advised the following:**

**“There are no minutes from said meeting. It was a meeting to simply to explain the final C-Plan document. There were no attendees other than staff members from Grants Management and the Division of Planning.”**

**This concludes the City’s response to your OPRA request. Ex. 2, pg. 3**

15. The meeting minutes sought by the Plaintiff are government records within the meaning ascribed by the OPRA statute.

16. Plaintiff’s OPRA request were functionally denied. Defendants never offered alternatives or to compile meeting minutes from materials that are available.

17. a. Defendant Jones is the Director of the Finance Department, which oversees the Bureau of Grants Management has the authority to direct and control how the department’s meetings are conducted.
- b. Defendant Williams is the Director of the Department of Planning & Development, and exercised authority and control over the meetings from which there are no meeting minutes.

18. The Open Public Meetings Act requires that minutes be taken/made for all public meetings.

19. The right of the Plaintiff and the public to have meeting minutes of public meetings is a substantive right or privilege secured by the laws of this State, to wit, the Open Public Meetings Act. This right/privilege was denied to the Plaintiff and the public by Defendant Jones’ and/or Williams’ failure to properly oversee or govern the meetings in question or to instruct those conducting the meetings on her behalf how properly orchestrate them.

20. The conduct of the Defendants violates the Open Public Records Act, the Open Public Meetings Act and the New Jersey Civil Rights Act.

*WHEREFORE*, Plaintiff requests judgement as follows:

- a. Compelling Defendants to respond to the Plaintiff’s OPRA requests and provide the records

requested, even if said response must occur by virtue of transforming other available information about the meetings into a different form so as to create meeting minutes;

- b. Compelling the Defendants to create meeting minutes by whatever means maybe lawful and necessary under OPMA and the NJCRA;
- c. Compelling the Defendants to prepare meeting minutes for all future public meetings and enjoining the practice of not preparing meeting minutes if the public is not present or silent;
- d. Awarding counsel fees and costs of suit; and
- c. Awarding other such relief as may be fair, equitable and necessary.

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DONALD M. DOHERTY, JR., Esq.

**RULE 4:5-1 CERTIFICATION**

The undersigned hereby certifies that the matter in controversy is not the subject of any other pending action or arbitration proceeding. The undersigned does not know of the names of any other parties who should be joined in the action.

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DONALD M. DOHERTY, JR., Esq.

**VERIFICATION**

I, Patrick Duff, do hereby verify the following statements on the following bases:

Paragraphs 1-16 are made based upon my personal knowledge.

The balance of the paragraphs are upon based information and belief, as I am not an attorney and this is my understanding of the law and practices and procedures as it has been explained to me.

I certify the foregoing statements made by me are true and that if the statements are willfully false or misleading, I understand that I am subject to punishment.

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Patrick Duff