

## **Absecon seeks to cut off funding to records group**

*By EMILY PREVITI Staff Writer, 609-272-7221 | Posted: Thursday, September 24, 2009 | Press of Atlantic City*

ABSECON - City officials want to stop funding for the state agency they blame for more than \$25,000 in legal and settlement costs.

City Council President Lynn Caterson said Thursday she intends to lobby the county League of Municipalities for support in blocking funding to the state Government Records Council. The GRC administers the state Open Public Records Act and has a \$610,000 annual budget.

Caterson and other Absecon officials say poor advice from the GRC led them to continue to fight and ultimately lose lawsuits filed by the Atlantic County chapter of the Society for the Prevention of Cruelty to Animals. City Council passed a resolution advocating for a cut in GRC funding a month ago.

Caterson said Thursday she had not yet heard from the GRC or state legislators regarding the matter.

Appellate Court Judges Michael Winkelstein, William P. Gilroy and Amy Piro Chambers ruled in June that Absecon must provide requested mailing address information, sans unlisted phone numbers, for all dog license applicants registered with the city.

The city and SPCA later reached a \$23,500 settlement.

The society sued after the city, citing privacy concerns, refused its initial request in fall 2006 for the information to help its fundraising efforts and expedite enforcement by creating a pet-owner database. The city won in January 2008, when Superior Court Judge Darrell Todd ruled that safety and privacy concerns for city residents outweighed public need for the information.

But the society prevailed on its appeal 18 months later.

The city claims it decided to fight that appeal on advice and prior decisions by the GRC.

The GRC makes decisions on a case-by-case basis. It also offers guidance via a toll-free hotline. But that is not legal advice, which staffers there apparently tell callers, according to spokeswoman Lisa Ryan.

In 2005, the GRC denied two requests for information from dog license applications, citing Executive Order 21 and, in one case, its belief that the requestor only wanted it for commercial solicitation purposes, according to its Web site.

"The GRC has never issued a decision on a case (involving) an agency like the ASPCA, which is legally bound by statute to investigate and enforce animal cruelty incidents," Ryan wrote in an e-mail.

Additionally, amendments to Executive Order 21 have since made names and addresses included in public documents fair game for disclosure. State law protects unlisted phone numbers and any information that could provide access to financial or similarly sensitive information, according to the appellate decision.

The appellate panel felt releasing the records did not put residents at risk and the city did not provide a legally legitimate reason for withholding them, according to their written decision.

Every other municipality in Atlantic County complied with the first request but stopped doing so after Todd's decision, according to Donald M. Doherty Jr., attorney for the society.

That includes Galloway Township, another client of Absecon Solicitor Michael Blee.

Blee did not advise Galloway against complying with the initial request because the clerk there did not seek his input on the matter. Absecon City Clerk Carie Crone did.