



March 10, 2021

VIA EMAIL

Barnegat Township
Administrator Martin Lisella
900 West Bay Avenue
Barnegat, New Jersey 08005
mlisella@barnegat.net

Re: Open Public Records Act Request

Dear Custodian of Records:

Pursuant to the New Jersey Open Public Records Act (OPRA), NJSA §§ 47:1A-1 et seq., American Oversight makes the following request for records.

On January 6, 2020, rioters stormed the U.S. Capitol, inciting violence that resulted in five deaths.¹ Barnegat Deputy Mayor Alfonso Cirulli attended the rally that led to the riot.²

Requested Records

American Oversight requests that your office produce the following records within seven business days:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Deputy Mayor Alfonso Cirulli containing any of the key terms below.

Please provide all responsive records from January 1, 2021, through January 15, 2021.

Key Terms:

- i. Facebook
- ii. "Social media"
- iii. Capitol
- iv. "Stop the steal"
- v. "Save America"

¹ Eric Levenson et al., *What We Know About the 5 Deaths in the Pro-Trump Mob that Stormed the Capitol*, CNN (Jan. 8, 2021, 5:29 PM), <https://www.cnn.com/2021/01/07/us/capitol-mob-deaths/index.html>.

² Christopher Mathias, *57 GOP State and Local Officials Were at the Capitol Insurrection*, Huff. Post (Feb. 13, 2021, 5:45 AM), https://www.huffpost.com/entry/republican-lawmakers-at-the-capitol-riot_n_6009e17cc5b6df63a91e5cf4?guccounter=1.



- vi. “Rally to Revival”
- vii. Storm
- viii. Trump
- ix. President
- x. Biden
- xi. Congress
- xii. DC
- xiii. D.C.
- xiv. Washington
- xv. RNC
- xvi. DNC
- xvii. Patriot
- xviii. Patriots
- xix. Pelosi
- xx. Schumer
- xxi. Pence
- xxii. “Our House”
- xxiii. MAGA
- xxiv. “great again”
- xxv. Caravan
- xxvi. Parler
- xxvii. Gab
- xxviii. QAnon

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Deputy Mayor Cirulli. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, both Deputy Mayor Cirulli’s response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received by Deputy Mayor Cirulli containing any of the key terms listed in Part 1, above.

Please provide all responsive records from January 1, 2021, through January 15, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Deputy Mayor Cirulli sent or received a text message containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

- 3) Records reflecting any expenditures made and/or reimbursed by the municipal government in connection with Deputy Mayor Cirulli's trip on or about January 6, 2021, to Washington, D.C., including, but not limited to, records of any reimbursements submitted by or on behalf of Deputy Mayor Cirulli.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; government-issued charge card or travel card reports; receipts from airlines, rental car, or other transportation companies; records reflecting the cost of government transportation; receipts or other records reflecting the cost of meals or refreshments; or records reflecting per diem payments.

Please provide all responsive records from January 1, 2021, through January 15, 2021.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure pursuant to NJSA 47:1A-1 et seq, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under NJSA 47:1A-1 et seq., including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and you can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis. Please consult with American Oversight on any fees the agency expects it may assess.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Dan McGrath at records@americanoversight.org or (202) 897-4213.

Sincerely,

/s/ Dan McGrath
Dan McGrath
on behalf of
American Oversight

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 4, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 4, 2021).