

June 7, 2009

## Franklin man takes public officials to court to make records public

*By KEN SERRANO  
STAFF WRITER*

Armed with nothing more than a college degree, time on his hands because of a successful business and an intense desire to see bullheaded officials exposed, John Paff is a rebel with a cause and a litigator without a license.

The cause is open government and Paff knows the ins-and-outs of laws on open records and open public meetings far better than most attorneys.

But Paff, 52, of Franklin Township, defies anyone's stereotype of a rabble-rousing activist. The onetime insurance broker is president of the Middlebush Volunteer Fire Department. Married, he has two children, 12 and 8.

A landlord and property manager with a low-impact work schedule, he devotes 30 to 40 hours a week to going after officials who try to keep public records from going out to the public.

He has filed a dozen lawsuits under the Open Public Records Act, another dozen under the Open Public Meetings Act and more than 50 complaints with the Government Records Council, the agency assigned to settle disputes over records. He occasionally uses attorneys, such as Richard Gutman of Montclair.

Paff speaks at an excited clip about the intricacies of the law, larding his comments with anecdotes about police brass, judges and elected officials trying to evade scrutiny.

Just now coming off a defeat, he seems to still be smarting a bit.

In May, a state appeals court ruled that municipalities do not have to accept faxed OPRA requests. The ruling was the latest and perhaps final leg of a battle Paff waged against East Orange when they denied his faxed request for records.

To some people, these are trifling matters. But Paff sees these small obstacles in the aggregate, discerning in them a tool to grind down the public and keep government matters secret.

"A lot of these clerks are not operating in good faith," Paff said. "I don't think that's a paranoid stretch of the imagination."

Vincent Buttiglieri, clerk of Ocean Township in Monmouth County who sits on the board of the Municipal Clerk's Association of New Jersey, said there is a lot of gray area in dealing with records requests.

"The direction we get from attorneys and the Government Records Council is something Mr. Paff may not always agree with," he said.

Buttiglieri, who has not dealt with Paff personally, added: "He feels like he's a watchdog, and I respect that."

With fewer members of the press uncovering local misdeeds, Paff said the burden for him and other open government advocates has grown. Sometimes he finds that no one is in charge of some vital governmental duties.

“In a lot of cases, there aren't any grown-ups anymore,” he said. “There aren't any overseers. We're it.”

A recent battle has pitted him against one police department that told him they do not have an internal affairs unit ... the unit that investigates citizen complaints against officers.

In a bid to find out if a municipal prosecutor was indeed given a pass by the police after causing a hit-and-run accident, Paff has been told the department doesn't have any internal affairs records for a two-year period.

Paff maintains three blogs, including one that publicizes civil settlements against towns.

Included is a 2008 settlement of \$200,000 paid by Readington Township to one man who contended that two officers smashed his face into the rear window of a police cruiser. His crime, he says: He was walking on the side of Route 22, mourning the loss of his infant daughter and refused their orders that he take a ride home. The settlement stated the payment does not amount to an admission of wrongdoing.

Paff has made his enemies.

He has taken a few brickbats from online posters in South Jersey who accuse him of costing taxpayers money for frivolous requests.

One sore point was a case Paff prevailed on in Edison Township. Paff successfully sued Edison Township when it demanded he pony up \$55 for a CD containing meeting minutes. A state appeals court ruled the high cost was a barrier to requesting records that custodians are supposed to supply to the public.

The case ended up costing thousands in legal fees. (Note to citizens seeking records: Losing public agencies pay for your lawyers.)

Those rocks thrown from the online bushes are, of course, all anonymous – a point Paff enjoys pointing out when he responds to them, enunciating his mission and listing his name.

Michael Januszka, clerk of Milltown, recently complained in a news report about Paff, wondering who appointed him policeman of financial disclosure requirements. Paff complained about people who hold seats on panels and boards, like the Planning Board, failing to file those forms that sometimes point to damaging conflicts.

Januszka did not return calls placed on Friday.

But Paff has also earned some respect.

“He knows his stuff and people who take him lightly do so at their own risk,” said William Kearns, general counsel of the League of Municipalities. “I've found him to be pretty reasonable.”

Paff, 52, grew up in South Jersey. He attended Rutgers, studying economics and decided to stay in the area. He has lived in the area ever since. His activist days began when forfeitures by the Somerset County Prosecutors Office in the the early 1990s piqued his interest after reading a newspaper story in the St. Petersburg Times about forfeitures in Florida.

Money seized from criminal enterprises once went into the state general fund, until it went into prosecutors' coffers in 1979, Paff said.

The idea was to hit the criminals in the wallet, but the money was becoming a bargaining chip in plea negotiations.

"I saw that as an avenue of abuse," Paff said.

He found that the funds being used by then Somerset County Prosecutor Nicholas Bissell were being audited by a private accountant unlike other county funds. Paff launched Forfeiture Endangers American Rights and joined in protests complete with placards.

Bissell's corrupt practices were under fire by others at the time.

Eventually found guilty in federal court on embezzlement, abuse of power and other charges, Bissell fled house arrest and fatally shot himself in a Nevada hotel room in November 1996 as authorities confronted him.

When Paff is plumbing the inner workings of government his first line of defense is to "whine and wheedle," he said.

But when Paff ran into a wall trying to get executive session meeting minutes from 17 municipalities in South Jersey, he sued.

Fifteen have complied and changed their policies, he said.

"I had some genuine talks with very nice people, lawyers," he said. "I think they came to realize I'm not trying to embarrass or pillory them."

But not all of Paff's encounters go smoothly.

"Some of these guys are very cavalier and very condescending and that doesn't sit well with me," Paff said. "I don't stand for a lot of attitude."

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