



CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
P.O. BOX 089  
140 EAST FRONT STREET, 6<sup>TH</sup> FLOOR  
TRENTON, NJ 08625-0089

CHRISTOPHER S. PORRINO  
*Attorney General*

CRAIG SASHIHARA  
*Director*

August 17, 2017

Honorable Mayor & Mahwah Town Council Members  
Township of Mahwah  
Richard J. Martel Municipal Offices  
475 Corporate Drive  
Mahwah, New Jersey 07430

Dear Mr. Mayor and Council Members,

As you know, the New Jersey Department of Law & Public Safety, through its Division on Civil Rights (the Department), served administrative subpoenas on the Township of Mahwah so that the Department could review concerns that Township officials were motivated by a discriminatory animus when formulating and introducing Ordinances 1806 and 1812.

In response, Township Attorney Brian M. Chewcaskie suggested that the Department contact you directly for certain requested items. We believe that the Township has an obligation to retain and provide those items. But given the importance of this matter, we are also notifying you directly. Accordingly, we ask that you and your staffs produce true copies of the following by August 31, 2017, to **J. Manuel Castillo, Supervising Investigator, NJ Division on Civil Rights, 31 Clinton St., 3rd Fl., Newark, NJ 07102:**

All social media postings and communications (including but not limited to letters, text messages, emails and phone messages) received, created and/or commented on by you or members of your staffs, which relate in any way to the proposal or adoption of Ordinances 1806 and 1812, and concerns about lechis, the creation of an ervu, access to Township parks and playgrounds by non-New Jersey residents, or presence of Orthodox Jews in Mahwah.

Please note that failure to take the necessary steps to preserve the information addressed in this letter or other pertinent information in your possession or control may result in sanctions or penalties. Thank you for your cooperation.

Sincerely yours,

  
Craig Sashihara, Director  
NJ DIVISION ON CIVIL RIGHTS

c: Brian M. Chewcaskie, Esq.



1:38 PM  
**RECEIVED**  
 AUG 04 2017  
 OFFICE OF  
 ADMINISTRATION

CHRIS CHRISTIE  
 Governor

State of New Jersey  
 OFFICE OF THE ATTORNEY GENERAL  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 DIVISION ON CIVIL RIGHTS  
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 TRENTON, NJ 08625-0089

CHRISTOPHER S. PORRINO  
 Attorney General

KIM GUADAGNO  
 Lt. Governor

CRAIG SASHIHARA  
 Director

August 4, 2017

Question Wiest, Business Administrator  
 Township of Mahwah  
 Richard J. Martel Municipal Offices  
 475 Corporate Drive  
 Mahwah, New Jersey 07430

VIA HAND-DELIVERY

Re: DCR Administrative Subpoena

Dear Mr. Wiest:

The New Jersey Division on Civil Rights is charged with enforcing the Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, which prohibits, among other things, discrimination in places of public accommodation—such as public recreational facilities—based on thirteen statutorily enumerated characteristics including race, religion, and national origin.

I have reviewed the Bergen County Prosecutor's July 27, 2017 letter regarding the Township's initiative to restrict public access to parks and playgrounds based on residence. I have reviewed the Police Chief's July 24, 2017 letter as well. I share their concerns. In addition to the points they raised, enforcement of such an initiative could potentially implicate the LAD and the New Jersey Civil Rights Act (CRA), N.J.S.A. 10:6-1 to -6.2.

We are seeking to review what Township officials considered when formulating and enacting Township of Mahwah Ordinance No. 1806. Accordingly, we ask that you please comply with the enclosed administrative subpoena. Thank you for your cooperation.

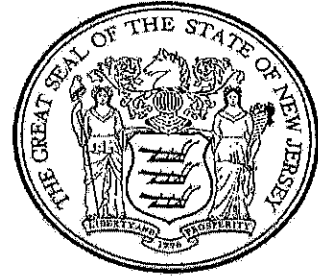
Sincerely yours,

Craig Sashihara, Director

c: Hon. William C. Laforet, Mayor  
 Gurbir S. Grewal, County Prosecutor  
 James N. Batelli, Chief of Police



STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DCR DOCKET NO. AB33CM-66573



In re Township of Mahwah  
Ordinance No. 1806

Administrative Action

**SUBPOENA DUCES TECUM**

THE STATE OF NEW JERSEY, to:

**Quentin Wiest, Business Administrator  
Township of Mahwah  
Municipal Building  
475 Corporate Drive  
Mahwah, NJ 07430**

You are hereby commanded to appear at and produce to the New Jersey Division on Civil Rights or to its representative, **J. Manuel Castillo, Supervising Investigator**, on or before **August 21, 2017**, at its offices located at **31 Clinton St., 3rd Floor, Newark, New Jersey 07102**, the documents and information listed in the attached Schedule A.

In lieu of your appearance, you may provide the documents and information identified in the attached Schedule on or before the return date at the address listed above by Certified Mail, Return Receipt Requested, addressed to the attention of **J. Manuel Castillo, Supervising Investigator**. You may, at your option and expense, provide certified, true copies in lieu of the original documents identified in the attached Schedule by completing and returning the Certification attached hereto.

Failure to comply with this subpoena may render you liable for contempt of court and such other penalties as are provided by law. This subpoena is issued pursuant to the authority set forth in N.J.S.A. 10:5-8.

DATE:

8-4-17

A handwritten signature in black ink, appearing to read "Craig Sashihara", written over a horizontal line.

Craig Sashihara, Director  
NJ DIVISION ON CIVIL RIGHTS

## INSTRUCTIONS

- A. Unless otherwise noted, the relevant time period for which documents are requested pertain to the period from January 1, 2016 to present. In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents serving the same function during the relevant time period, even though the title of earlier documents may differ from current versions.
- B. The document request calls for all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your directors, administrators, employees, teachers, or others).
- C. Submit production in written and electronic format.
- D. The following procedures shall apply to the production, inspection and copying of paper documents:
- i. The producing parties shall produce original, complete documents. Documents shall be produced in the order that the documents are maintained in the producing party's files, in original folders, with the folder's original file tabs.
  - ii. All attachments to responsive documents shall be produced attached to the responsive documents.
  - iii. No portion of any documents will be masked and the entire document shall be produced.
  - iv. The producer shall label each group of documents in the following manner: Response to Document Request No. 1; Response to Document Request No. 2, etc., and attach the label to the corresponding documents.
  - v. The producer will provide a key to all abbreviations used in the documents. The key will be attached to the appropriate documents.
- E. This Request is directed to Township of Mahwah, as well as any Township officials, Council members, committee members, administrators, including any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.
- F. If one or more documents or any portions thereof requested herein are withheld under a claim of privilege or otherwise, identify each document or portion thereof as to which the objection is made, together with the following information:
- i. Each author or maker of the document;

- ii. Each addressee or recipient of the document or person to whom its contents were disclosed or explained;
  - iii. The date thereof;
  - iv. The title or description of the general nature of the subject matter of the document and the number of pages;
  - v. The present location of the document;
  - vi. Each person who has possession, custody or control of the document; and
  - vii. The basis on which the objection is made.
- G. In the event that any document that would have been responsive to this Request has been destroyed or discarded, identify that document and also include:
- i. The date of the document's destruction or discard;
  - ii. The reason for the destruction or discard; and
  - iii. The persons authorizing and/or carrying out such destruction or discard.

#### DEFINITIONS

1. "You," "your," and "Township" means the Township of Mahwah, as well as any Township officials, the Mayor, Council members, committee members, administrators, and includes any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.
2. "Document" includes writings, recordings, drawings, graphs, photographs, phone records, compact discs, video cassettes, computer files, electronic/magnetic files of any type and any other data compilations from which information can be obtained and translated, if necessary, by use of detection devices into reasonably usable form.
3. "Any" includes "all" and vice versa.
4. "Person[s]" means any natural person, individual, any entity (whether partnership, corporation, limited liability company or corporation, trust, estate, incorporated or unincorporated association or cooperation), any governmental agency or entity and any other legal or commercial entity however organized.
5. The conjunctions "and" and "or" shall be interpreted conjunctively and shall not be interpreted disjunctively to exclude any information otherwise within the scope of this

Request. References to the singular include the plural and references to the plural include the singular.

6. The terms "all" and "each" shall be construed as all and each.
7. The terms "his" or "he" shall refer to either gender and is intended to be gender-neutral.
8. "Concerning" means relating to, pertaining to, referring to, describing, evidencing or constituting.
9. "Ordinance No. 1806" means the ordinance designated, *An Ordinance Amending Chapter IX "Recreational Facilities" of The Revised General Ordinance of the Township of Mahwah, Section 9-1.3 "Use of Facilities,"* adopted on or about June 29, 2017.
10. "Township" means the Township of Mahwah, in Bergen County, New Jersey, including but not limited to the Mayor, Council members, committee members, administrators, and includes any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.

#### SCHEDULE

1. All documents, communications, and other items related to the Township's proposal, consideration, or enactment of Township of Mahwah Ordinance No. 1806 and/or any other initiative to restrict the public's access to the Township including its recreational facilities based on residence. This includes but is not limited to:
  - a. Notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from the June 5, 2017 Ordinance Committee Meeting.
  - b. Notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from the June 8, 2017 Township Council Meeting.
  - c. Notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from the June 29, 2017 public meeting.
  - d. Notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any other meeting in which the Mayor, Council members, or members of their staffs, or members of the Ordinance Committee discussed concerns about non-Mahwah residents gaining access to the Township including, but not limited to, its recreational facilities.
  - e. Social media postings considered, created and/or commented on by the Mayor, Council members, or members of their staffs that relate in any way to the proposal and adoption of Ordinance No. 1806.

- f. Social media postings considered, created and/or commented on by the Mayor, Council members, or members of their staffs that relate in any way to concerns about non-Mahwah residents gaining access to the Township including, but not limited to, its recreational facilities.
  - g. All materials, studies, emails, correspondence, reports, and memorandums that were generated, reviewed, or related to the Township's proposal, consideration, and enactment of Ordinance No. 1806.
  - h. All complaints received by the Township concerning access to Township parks and recreational facilities, including written complaints as well as records of verbal complaints.
  - i. All communications (including text messages and email communications, made or received by any Township officials, whether internally or with third parties) related to Ordinance 1806 or related to concerns about non-Mahwah residents gaining access to the Township including, but not limited to, its recreational facilities.
  - j. Documents, notes, minutes, communications (including text messages and email communications, made or received by any Township officials, whether internally or with third parties) regarding Ordinance 1806 or concerns about the presence of Orthodox Jews or members of any other religious faith in the Township including, but not limited to, its recreational facilities.
2. For each Township official who played a role in the proposal and adoption of Township of Mahwah Ordinance No. 1806 or any other initiative to restrict non-residents from accessing the Township including, but not limited to, recreational facilities such as parks and playgrounds, please identify his/her name, title, and role in the process.

