

## Brian Asarnow

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**From:** Brian Asarnow [b.asarnow@comcast.net]  
**Sent:** Friday, July 14, 2017 10:47 AM  
**To:** 'lou.kilmer@dca.nj.gov'  
**Subject:** no fire inspections - 3 long branch commercial properties  
**Attachments:** long.branch.fire.inspections.absent.pdf

To: Mr. Louis Kilmer, Acting Director DCA – Div. of Fire Safety Administration  
and Bureau Chief , Bureau of Fire Code Enforcement  
PO Box 809, Trenton, NJ 08625

Hello Mr. Kilmer:

Good morning.

I just did 2 OPRAS for 3 multi unit commercial properties with which I compete for tenants and found little or no fire inspections as well as no necessary mercantile license renewals for 2015 and 2016 (mercantile license requirements are that a zoning permit first be issued and these are also unknown)  
My tenants, on the other hand, must obtain all these permits including undergoing a police background check for the mercantile license. This can add 2 months and about \$200 and is no doubt used against me by these other property owners. One tenant last year tried to get out of the contract and go back around the corner when he learned of the permit requirements at my building. Local Fire bureau as well as building and planning & zoning and code enforcement, and now city administration is headed by Mr. Kevin Hayes. He oversaw the recent opra responses or lack thereof according to clerk's office. There is a lot more corruption/official misconduct in Long Branch where that came from. I do not pay to play – I expose and seek accountability.

Pursuant to the 2 OPRA's, I reviewed the files at City Hall and took notes of all inspections and permits issued for the properties. The attachment first shows my summary and Long Branch's response, then the 5/26 opra for 2 properties around the corner and proof of the number of units, then the 6/13 opra for the other property along with proof of the number of units there. (The zoning dept. failed to include these zoning permits which had the attached plans but I got thru building dept. files – Mr. Hayes overlooked this)

Aside from the obvious inequity and violation of my rights to equal protection, if true, this is a serious breach of the fire code and public safety.

I urge you to take immediate action to get to the bottom of whether any other fire inspections occurred at those locations as requested thru my 2 OPRAS's and otherwise. If not, I would urge you to contact the AG's office under whom DCA works as this malfeasance is criminal in nature as Mr. Hayes well knows the law and at the very least, this is surely to my detriment under the official misconduct statute.

If you call or cause a visit and find the certificates exist and Long Branch is simply violating OPRA, please so advise and I will proceed on that basis.

Thank you for your time and for your hoped for prompt attention to this matter. I will follow up later next week if I don't hear back by then.

Very Truly Yours,  
Mr. Brian Asarnow, Owner  
55 Community Place  
Long Branch, NJ 07740

Cell: 732-822-2834

## Mary Moss

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**From:** Brian Asarnow <b.asarnow@comcast.net>  
**Sent:** Friday, July 07, 2017 3:03 PM  
**To:** Mary Moss  
**Cc:** Kathy Schmelz  
**Subject:** incomplete opras

Hi Mary:

Please note my review of 5/26/17 and 6/13/17 opras and my renewed request for documents. which I will expect by end of next week. Please advise in next day or two if further documents being submitted. If so, I will expect them available by end of next week.

5/26/17 OPRA: Block 237, Lot 33 – 15-17 So. Seventh Ave;

Plans show at least 68 units at site.

Zoning permits: 1 (Matts Pest Control) None other for any unit with fire inspections in 2015, 2016 or not fire inspected.

Mercantile Licenses: 1 in 2015 (for owners), 4 in 2016 (including 1 for owner) None other for any unit with fire inspections in 2015, 2016 or not fire inspected.

CO's: 1 in 2015, 6 in 2016, a few prior to 2015 which may or may not pertain to 2015/2016 tenants

Fire Inspections: 13 in 2015, 23 in 2016

**Need item 2. Need items 3-6 for all 68 units in 2015 and 2016.**

5/26/17 OPRA: Block 237, Lot 34 – 300 Broadway (co issued to ownerx 10/8/14):

Plans/photos show at least 6 units at site.

Zoning permits: none for any unit.

Mercantile Licenses: 1 in 2015 (receipt-Magnolia Baby), 2 in 2016 (Magnolia Baby, Detail Express)

CO's: 2 in 2015 (Magnolia Baby, Jersey Shore Boat/Yacht), 1 in 2016 – Detail Express

Fire Inspections: 4 in 2015 (2 – Riviera Doors/Windows, Magnolia Baby, Detail Express), 2 in 2016 (Jersey Shore Boat/Yacht, Detail Express)

**Need item 2. Need items 3-6 for at least 6 units in 2015 and 2016.**

6/13/17 OPRA: Block 352, Lot 12 aka 179 Branchport Ave.;

Plans show at least 16 units at site.

Zoning permits: some predate 2015 but not known if current tenants.

Mercantile Licenses: 1 in 2015, 1 in 2016

CO's: 0 in 2015, 2 in 2016, a few prior to 2015 which may or may not pertain to 2015/2016 tenants

Fire Inspections: 0 in 2015, 4 in 2016

**Need item 2. Need items 3-6 for at least 16 units in 2015 and 2016.**

Very Truly Yours,  
Brian Asarnow  
55 Community Place  
Long Branch, NJ 07740  
732-870-2570

Plan/zone —  
Health —  
Fire/Code —  
Due 7/18/17

## Brian Asarnow

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**From:** Mary Moss [mmoss@longbranch.org]  
**Sent:** Monday, July 10, 2017 3:12 PM  
**To:** Brian Asarnow  
**Cc:** Sydney Johnson; Kathy McNulty  
**Subject:** RE: OPRA from Brian Asarnow  
**Attachments:** SLB Clerk17071015210.pdf

Mr. Asarnow,

Please see attached files provided by the Health Department.

Thank you,

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**From:** Mary Moss  
**Sent:** Monday, July 10, 2017 1:21 PM  
**To:** 'Brian Asarnow' <b.asarnow@comcast.net>; Sydney Johnson <sjohnson@longbranch.org>; Kathy McNulty <kmcnulty@longbranch.org>  
**Subject:** FW: OPRA from Brian Asarnow  
**Importance:** High

Mr. Asarnow,

- 
1. Fire/Code has advised that they have supplied all the files they had for both properties.
  2. I have copied Health Department in regards your statement below (in RED) for them to respond to.

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Monday, July 10, 2017 1:11 PM  
**To:** Mary Moss <mmoss@longbranch.org>  
**Subject:** RE: OPRA from Brian Asarnow

Ok – but fire and health should know today if they are producing more records. Shouldn't have to wait until 7/18 for answer on that.

Documents should be available then, if any.  
thanks

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**From:** Mary Moss [mailto:mmoss@longbranch.org]  
**Sent:** Monday, July 10, 2017 11:13 AM  
**To:** Brian Asarnow  
**Subject:** RE: OPRA from Brian Asarnow

Yes, I actually printed it out and treated it as an OPRA (See attached)



CITY OF LONG BRANCH

OPEN PUBLIC RECORDS ACT REQUEST FORM

344 Broadway

Phone 732-571-5686 / Fax 732-222-8835

kschmelz@longbranch.org

Kathy L. Schmelz, RMC, City Clerk



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

Requestor information fields: First Name (Brian), Last Name (Asarnow), E-mail Address (b.asarnow@comcast.net), Mailing Address (55 Community Place), City (Long Branch), State (NJ), Zip (07740), Telephone (732-870-2570, 822-2834), Preferred Delivery (Pick Up, On-Site Inspect), Signature, Date (5/26/17)

Payment Information

Payment information fields: Maximum Authorization Cost, Select Payment Method (Cash, Check, Money Order), Fees (Letter size pages - \$0.05 per page, Legal size pages - \$0.07 per page, Other materials - actual cost), Delivery (Delivery/postage fees), Extras (Special service charge)

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- 1) zoning and zoning board files for block 237 lots 33 & 34 including all site plans filed and site plan approvals
2) fire inspector's log of all annual fire inspections made in 2015 and 2016 for above locations showing all occupants and units inspected.
3) All fire inspection certificates for 2015 and 2016 for above locations showing all occupants and units inspected.
4) all mercantile licenses and renewals issued to occupants at above locations in 2015 and 2016. If none, state "none"
5) All certificates of occupancy for occupants in item 4 preceding. If none, state "None"
6) All zoning permits issued to occupants in item 4 preceding. If none, state "None"

AGENCY USE ONLY

Agency use only fields: Est. Document Cost, Est. Delivery Cost, Est. Extras Cost, Total Est. Cost, Deposit Amount, Estimated Balance, Deposit Date

AGENCY USE ONLY

Agency use only fields: Disposition Notes (Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.), In Progress, Denied, Filled, Partial, Open, Closed

AGENCY USE ONLY

Agency use only fields: Tracking Information (Tracking #, Rec'd Date, Ready Date, Total Pages), Final Cost (Total, Deposit, Balance Due, Balance Paid), Records Provided, Custodian Signature, Date

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PARKING

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PARKING	\$45	45	45
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MIKE MORE		WINDOW CLEAN	JOHN TOW	CHARLES BUSH	CHARLES BUSH	SOOT BUSTER	V. P.	PEDRO	HOLA	JIM	ROY B.	ROY B.	ROY B.	ROY B.	ROY B.	ROY B.	ROY B.	ROY B.	ROY B.												
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PARKING

CL jersey shore >  
 housing >  
 office & commercial

Posted 7 days ago

## \$1095 / 630ft<sup>2</sup> - 15' x 30' Warehouse/Workshop with Loft (Long Branch)

image 9 of 9



15' x 30' Warehouse/Workshop with 15' x 12' Loft area!  
 Huge work area accessible from either the 12' garage door  
 or through the man door!  
 Unit available for your immediate use! Only \$1,095.00 per month!

Broadway Business Park located at 400 Broadway Long Branch, NJ 07740 has a special offer for Contractors, Roofers, Painters, Plumbers, Cabinet Makers, Landscapers, Car Stereo Installers, Pool Cleaning Co.'s, Recording Studios, Auto Detailers' or any local small business ready to grow.

Great Location off Broadway near Long Branch City Hall and Police Station.

- \* Security cameras record & monitor facility
- \* High speed internet access available
- \* No CAM charges
- \* No real estate taxes
- \* Unlimited 24/7 access

Asarnow 6.13.17 OPRA items

1) zoning and zoning board files for block 352 lot 12 aka 179 Branchport, Ave. including all site plans filed and site plan approvals.



2) All fire inspection certificates for 2015 and 2016 for above location showing all occupants and units inspected.

3) All mercantile licenses and renewals issued to occupants at above location in 2015 and 2016. If none, state "none"

4) All certificates of occupancy for occupants in item 2 & 3 proceeding. If none, state "None"

5) All zoning permits issued to occupants in items 2&3 preceding. If none, state "None"

6) Construction plans for all units and lofts at above location and any zoning permits and siteplan approvals and public notice thereto.

7) Construction plans for all units and lofts at Block 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave. and any zoning permits and siteplan approvals and public notice thereto.

8) Construction plans for all units and lofts at Block 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave per zoning permit 8115 II and siteplan approvals and public notice thereto.

9) 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave: Second Request:

- Zoning permits for: Maps, Ambassador Limo, Adams Limo

10) Block 237, lot 34 aka 400 Broadway: Second Request;

- Zoning permits for: Jersey Shore Boat & Yacht Services, Magnolia Baby, Detail Express, HR Design & Build, Shear Revival.
- Mercantile Licenses for : Jersey Shore Boat & Yacht Services, Magnolia Baby, HR Design & Build, Shear Revival, Riviera Doors & Windows

179 Branchport Ave

2 STORY  
FRAME  
DWELLING

A-1  
1 STY  
FRAME  
BLDG.

B-1 & B-2

G-1 thru G-5

2 STY SHED

G-6

D-1

CARS IN LOT



side-walk

side-walk

side-walk

G-1  
1 stn.

G-2

F5

F4

F3

F2

F1

2nd  
Floor

E-1

E-2

E-3

Block-352  
Lot-12



## Brian Asarnow

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**From:** Brian Asarnow [b.asarnow@comcast.net]  
**Sent:** Wednesday, August 09, 2017 3:13 PM  
**To:** 'Frank.Clark@dca.nj.gov'  
**Cc:** 'Louis.Kilmer@dca.nj.gov'  
**Subject:** FW: no fire inspections - 3 long branch commercial properties  
**Attachments:** long.branch.fire.inspections.absent.pdf

Gentlemen:

I am not going away. Perhaps you both overlooked so I'll try one last time.

The questions of 7/26 and 7/28 are simple and within your jurisdiction.

I expect honest service from public officials.

According to Mr. Hayes, Mr. Clark visited and cleared him.

Don't think Mr. Clark would have visited if all units did not need inspection and locals had discretion not to enforce but I'll await your answer.

If you choose instead to collude/conspire and cover up for those you are supposed to be monitoring that will be fine too.

I'll add you to the website fairtrialnj.org., seek accountability including adding you to the ongoing conspiracy matter should discovery so indicate.

Very Truly Yours,  
Brian D. Asarnow

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Friday, July 28, 2017 11:38 AM  
**To:** 'Frank.Clark@dca.nj.gov'  
**Cc:** 'Louis.Kilmer@dca.nj.gov'  
**Subject:** FW: no fire inspections - 3 long branch commercial properties

Gentlemen:

I await your reply.

Also, is it your opinion that each unit does not require inspection?

If so, on what basis? I believe it is your duty to opine on the subject.

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Wednesday, July 26, 2017 12:02 PM  
**To:** 'Frank.Clark@dca.nj.gov'  
**Cc:** 'Louis.Kilmer@dca.nj.gov'  
**Subject:** FW: no fire inspections - 3 long branch commercial properties

Hi Mr. Clark;

Mr. Hayes told me at the city council meeting last night that you had visited and cleared him yesterday.

Please confirm.

If true, what, if any, records did you review as proof that all the units were inspected for the three properties?

Were they hardcopies or in the computer or in a logbook?

I will pursue thru opra.

Thanks so much,

Brian Asarnow

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Monday, July 24, 2017 4:32 PM  
**To:** 'Clark, Frank'  
**Cc:** 'Janukowicz, Jean'; 'Louis.Kilmer@dca.nj.gov'  
**Subject:** RE: no fire inspections - 3 long branch commercial properties

And I gave the results of my review of the fire inspections which I assume Mr. Kilmer forwarded to you and which I again attach.

I'm willing to take a lie detector test.

You mean no one went down there to look into this yet? Each unit is to be inspected by code.

Not close to being done and no inspection certificates provided. So the public safety is at risk.

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**From:** Clark, Frank [mailto:Frank.Clark@dca.nj.gov]  
**Sent:** Monday, July 24, 2017 1:18 PM  
**To:** b.asarnow@comcast.net  
**Cc:** Janukowicz, Jean  
**Subject:** FW: no fire inspections - 3 long branch commercial properties

Mr. Asarnow,

I had a conversation with Mr. Haze from Long branch. He stated that you reviewed all of the inspection files you requested in the city clerk's office.

As far as your other concerns they do not fall within the jurisdiction of the New Jersey Division of Fire Safety.

I hope your review of the files satisfied your concerns.

*This e-mail contain(s) advisory, consultative and deliberative material and is intended only for the person(s) named as recipient(s).*

**Frank Clark, Supervisor**  
**Local Assistance and Monitoring Unit**  
**Office Of The State Fire Marshal**  
**New Jersey Division Of Fire Safety**  
**Cell 609-475-5320**  
[frank.clark@dca.nj.gov](mailto:frank.clark@dca.nj.gov)

----- Original message -----

From: Brian Asarnow <b.asarnow@comcast.net>  
Date: 7/21/17 11:07 AM (GMT-05:00)  
To: "Kilmer, Louis" <Louis.Kilmer@dca.nj.gov>  
Subject: RE: no fire inspections - 3 long branch commercial properties

Hi Mr. Kilmer:

Wonder if anything preliminary determined yet – didn't hear from Long Branch that the records are being provided.  
thanks

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**From:** Kilmer, Louis [<mailto:Louis.Kilmer@dca.nj.gov>]  
**Sent:** Friday, July 14, 2017 12:34 PM  
**To:** 'Brian Asarnow'  
**Cc:** Clark, Frank  
**Subject:** RE: no fire inspections - 3 long branch commercial properties

Mr. Asarnow,

I have copied Frank Clark our Supervisor of Local Assistance on your e-mail. I am requesting that he look into the matter. He will get back to you after he has an opportunity to investigate. Thank you.

Lou Kilmer

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**From:** Brian Asarnow [<mailto:b.asarnow@comcast.net>]  
**Sent:** Friday, July 14, 2017 10:47 AM  
**To:** Kilmer, Louis  
**Subject:** no fire inspections - 3 long branch commercial properties

To: Mr. Louis Kilmer, Acting Director DCA – Div. of Fire Safety Administration  
and Bureau Chief , Bureau of Fire Code Enforcement  
PO Box 809, Trenton, NJ 08625

Hello Mr. Kilmer:

Good morning.

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Aside from the obvious inequity and violation of my rights to equal protection, if true, this is a serious breach of the fire code and public safety.

I urge you to take immediate action to get to the bottom of whether any other fire inspections occurred at those locations as requested thru my 2 OPRAS's and otherwise. If not, I would urge you to contact the AG's office under whom DCA works as this malfeasance is criminal in nature as Mr. Hayes well knows the law and at the very least, this is surely to my detriment under the official misconduct statute.

If you call or cause a visit and find the certificates exist and Long Branch is simply violating OPRA, please so advise and I will proceed on that basis.

Thank you for your time and for your hoped for prompt attention to this matter. I will follow up later next week if I don't hear back by then.

Very Truly Yours,  
Mr. Brian Asarnow, Owner  
55 Community Place  
Long Branch, NJ 07740

Cell: 732-822-2834