



City of Linden
UNION COUNTY, NEW JERSEY

OFFICE OF CITY CLERK
City Hall – 301 North Wood Avenue
(908) 474-8452
Fax: (908) 474-8451

Joseph C. Bodek, RMC, RPPO
City Clerk

Jennifer Honan
Deputy City Clerk

April 21, 2021

Mr. David Sypher
Opra+request-21889-1e321371@requests.opramachine.com

File Number: 2021-323

Re: OPRA Request – Recreation Information

Dear Ms. David Sypher:

The City of Linden received your Open Public Records Act (OPRA) request on April 21, 2021. The official Records Custodian, Joseph C. Bodek, received your OPRA request on April 21, 2021.

You requested the following: See Attached

Please be advised that your Open Public Records Request is being denied in full this request asks questions, or does not identify specific (too vague) government records. As such, your request is an invalid OPRA request and is denied. When a request is “complex” because it fails to specifically identify the documents sought, then that request is not “encompassed” by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007). A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency’s documents. See Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005).

Please contact the department of Recreation at 908-474-8627 to assist you with your questions.

Generally, a custodian is required to allow for inspection or copying of government records “during regular business hour.” N.J.S.A. 47:1A-5(a). Moreover, OPRA provides that a custodian must respond to an OPRA request “no later than seven days after receiving the request.” Enacted on March 20, 2020, P.L. 2020, c.10 amended N.J.S.A 47:1A-5(a) that OPRA’s statutory deadlines do not apply for the duration of a Governor-declared state of emergency pursuant to a public health emergency under the Emergency Health Powers Act (N.J.S.A. 26:13-1 et seq.)

Sincerely,

Joseph C. Bodek
Custodian of Records
City of Linden

New Jersey Government Records Council ("GRC")



What to do if your request for a record has been denied

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes that he or she has been unlawfully denied access to a public record either to file a complaint with the GRC or to file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking such actions.

To file a complaint with the GRC:

- Visit the GRC's website at www.nj.gov/grc for information and to register your complaint. In the alternative, you may contact the GRC by telephone at 1-866-850-0511 or by e-mail at government.records@dca.nj.gov.
- When you file the written complaint, the GRC will offer both you and the public agency non-adversarial, impartial mediation. If mediation is not accepted or is not successful, the GRC will investigate the complaint.
- In some cases, the GRC can award attorney's fees to a complainant or impose a fine against a records custodian.
- There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

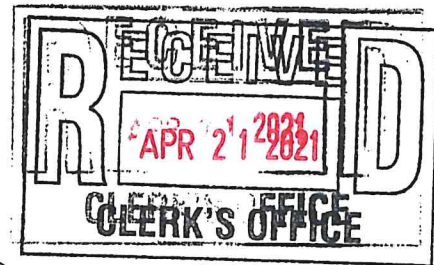
- A requestor may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.
- The court requires a filing fee, and you must serve the lawsuit papers on the appropriate parties.
- The court will schedule a hearing to resolve the dispute.
- If you disagree with the court's decision, you may appeal the decision to the Appellate Division of the Superior Court.
- If you are successful, you may be entitled to reasonable attorney's fees.
- You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.
- Filing suit in Superior Court may result in a faster resolution, because the courts adjudicate cases every day, whereas the GRC only meets once a month.

Government Records Council, P.O. Box 819, Trenton, New Jersey 08625-0819

Talia Pena-Marin

2021-323

From: Joe Bodek
Sent: Tuesday, April 20, 2021 8:32 AM
To: Talia Pena-Marin; Jennifer Honan
Subject: FW: OPRA request - Children's special needs



-----Original Message-----

From: David Sypher <opra+request-21889-1e321371@requests.opramachine.com>
Sent: Monday, April 19, 2021 1:54 PM
To: Joe Bodek <jbodek@linden-nj.org>
Subject: OPRA request - Children's special needs

Dear Linden City,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested: I would like to know if special needs program were closed during COVID-19, if so when will they reopen.

Yours faithfully,

David Sypher

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-21889-1e321371@requests.opramachine.com

Is jbodek@linden-nj.org the wrong address for OPRA requests to Linden City? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=linden_city

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/childrens_special_needs

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.