



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
201.327.0727 www.wandellschool.org Fax: 201.236.8166



January 25, 2024

VIA E-MAIL [opra+request-55939-bdb67935@requests.opramachine.com]
Brian Hampel

Re: Open Public Records Act/Common Law Request

Dear Mr. Hampel:

The Saddle River School District ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on December 18, 2023. On January 4, 2024, the District obtained an extension of time to respond to your Request until January 25, 2024. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

All complaints filed against Board Member Evelyn Nissirios between January 1, 2023, and March 31, 2023, as received by the Superintendent/Principal, Dr. Gina Cinotti, using the email address of gcinotti@wandellschool.org

This includes, but is not limited to, written complaints and emails documenting allegations of wrongdoing against Ms. Nissirios.

Dr. Cinotti' [sic] response to each complaint: This includes any written communication from Dr. Cinotti acknowledging receipt of the complaint, outlining any investigation or internal procedures taken, and/or providing a decision or resolution regarding the complaint.

Ms. Evelyn Nissirios' recent reappointment to a board seat by the Saddle River Board, amid significant public scrutiny and opposition, including concerns raised by a newly elected Councilperson of Saddle River regarding the selection process, necessitates prompt attention to this request. It's essential that any related documents be provided as swiftly as possible, given the urgency of the situation.

Should there be a need for an extension, I expect a comprehensive explanation detailing the reasons for the delay, along with a projected timeline for the provision of the requested information.



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Common Law Reason: Access to these records is crucial for understanding the nature of the complaints against Ms. Nissirios and the Board's response. This information is vital for public oversight and maintaining trust in our local government.

The District conducted a good-faith search and identified ten pages of e-mails (which also contain multiple attachments) as potentially responsive to your Request. The table below identifies the records that are being denied in whole or in part, as well as the legal basis for each denial, as required by N.J.S.A. 47:1A-6.

List of all records provided, <u>with redactions</u> , or <u>denied in their entirety</u> .	If records are <u>disclosed with redactions</u> , give a general nature description of the redactions.	If records were <u>denied in their entirety</u> , give a general nature description of the record.	List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
E-mail correspondence from a citizen to John Peros, copied to Emily Kaufman, Yasmin Elshami, Elizabeth Salazer, Business Office, Kaitlyn Lawler, and Evelyn Nissirios with attachment re: Concerns Regarding Board Member dated February 27, 2023 which was forwarded to Dr. Gina Cinotti by Mr. Peros (2 pages plus 10 pages of attachments)		Sensitive communication transmitted from a private citizen to the District's elected officials	This record has been withheld as allowing access to this communication from a private citizen to elected officials in confidence regarding a sensitive subject would clearly violate the reasonable expectation of privacy of this citizen. <u>See N.J.S.A.</u> § 47:1A-1 (providing that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy); <u>see also Gannett New Jersey Partners, LP v. Cty. of Middlesex</u>, 379 N.J. Super. 205, 217 (App. Div. 2005) (determining that citizens possess a privacy interest when contacting public officials). This e-mail was further withheld as same contains the private citizen's personal contact information, which is also exempt from public access pursuant to <u>N.J.S.A.</u> 47:1A-1. <u>See also N.J.S.A.</u> 47:1A-1.1 (exempting "unlisted telephone numbers" from the definition of a "government record").



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E-mail correspondence from a citizen to John Peros, copied to Emily Kaufman, Yasmin Elshami, Elizabeth Salazer, Business Office, Kaitlyn Lawler, and Evelyn Nissirios with attachment re: Concerns Regarding Board Member dated March 3, 2023 which was forwarded to Dr. Gina Cinotti by Mr. Peros (3 pages plus 3 pages of attachments)		Sensitive communication transmitted from a private citizen to the District's elected officials	This record has been withheld as allowing access to this communication from a private citizen to elected officials in confidence regarding a sensitive subject would clearly violate the reasonable expectation of privacy of this citizen. <u>See N.J.S.A. § 47:1A-1</u> (providing that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy); <u>see also Gannett New Jersey Partners, LP v. Cty. of Middlesex</u>, 379 N.J. Super. 205, 217 (App. Div. 2005) (determining that citizens possess a privacy interest when contacting public officials). This e-mail was further withheld as same contains the private citizen's personal contact information, which is also exempt from public access pursuant to <u>N.J.S.A. 47:1A-1</u>. <u>See also N.J.S.A. 47:1A-1.1</u> (exempting "unlisted telephone numbers" from the definition of a "government record").
E-mail correspondence from a citizen to John Peros and Dr. Gina Cinotti, copied to Emily Kaufman, Yasmin Elshami, Elizabeth Salazer, Business Office, Kaitlyn Lawler, and Evelyn Nissirios re: Concerns Regarding Board Member dated March 6, 2023 (3 pages)		Sensitive communication transmitted from a private citizen to the District's elected officials	This record has been withheld as allowing access to this communication from a private citizen to elected officials in confidence regarding a sensitive subject would clearly violate the reasonable expectation of privacy of this citizen. <u>See N.J.S.A. § 47:1A-1</u> (providing that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy); <u>see also Gannett New Jersey Partners, LP v. Cty. of Middlesex</u>, 379 N.J. Super. 205, 217 (App. Div. 2005) (determining that citizens possess a privacy interest when contacting public officials).



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E-mail correspondence from a citizen to John Peros and Dr. Gina Cinotti, copied to Emily Kaufman, Yasmin Elshami, Elizabeth Salazer, Business Office, and Kaitlyn Lawler re: Concerns Regarding Board Member dated March 24, 2023 (4 pages plus 18 pages of attachments)		Sensitive communication transmitted from a private citizen to the District's elected officials	This record has been withheld as allowing access to this communication from a private citizen to elected officials in confidence regarding a sensitive subject would clearly violate the reasonable expectation of privacy of this citizen. <u>See N.J.S.A. § 47:1A-1</u> (providing that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy); <u>see also Gannett New Jersey Partners, LP v. Cty. of Middlesex</u>, 379 N.J. Super. 205, 217 (App. Div. 2005) (determining that citizens possess a privacy interest when contacting public officials). This e-mail was further withheld as same contains the private citizen's personal contact information, which is also exempt from public access pursuant to <u>N.J.S.A. 47:1A-1</u>. <u>See also N.J.S.A. 47:1A-1.1</u> (exempting "unlisted telephone numbers" from the definition of a "government record").

To the extent that you have submitted your Request under the common law right of access, your Request is also denied. The District's interests in safeguarding both the citizen's privacy interest and Ms. Nissirios's interest in precluding potentially defamatory allegations from being publicly disseminated clearly exceeds your purported interest in accessing the materials in order to "understand the nature of the complaints against Ms. Nissirios and the Board's response," especially in light of the sensitive nature of the underlying communications.



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Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Sincerely,

Kaitlyn Lawler
Board Secretary