



OFFICE OF THE PROSECUTOR

County of Atlantic

4997 Unami Boulevard
P.O. Box 2002
Mays Landing, NJ 08330

William E. Reynolds
Prosecutor

(609) 909-7900 • Fax: (609) 909-7806

February 26, 2024

Erin

opra+request-58547-ec179eee@requests.opramachine.com

Re: Open Public Records Act Request #24-25

Dear Madam:

This letter is in response to your public records request under the Open Public Records Act, received by this agency via email on February 19, 2024, seeking the following:

- 1) *“Emails TO and FROM Lynn Heyer regarding Jason Samaritano from December 1, 2021 through February 20, 2023 including TO, FROM, SUBJECT, TIME, DATE, COPIED INDIVIDUALS, and ALL ATTACHMENTS;*
- 2) *Emails TO and FROM Jonathan Santoliquido regarding Jason Samaritano from December 1, 2022 to February 20, 2023 including TO, FROM, SUBJECT, TIME, DATE, COPIED INDIVIDUALS, and ALL ATTACHMENTS”*

A request for records pursuant to the Open Public Records Act must specifically identify the government records sought. “[A]gencies are only obligated to disclose identifiable government records... Wholesale requests for general information to be analyzed, collated and compiled by the agency are outside OPRA’s scope.” Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012). The requestor must “describe the records sought with the requisite specificity and narrow the scope of the inquiry to a discrete and limited subject matter.” Simmons v. Mercado, 247 N.J. 24, 43 (2021) (quoting Burke, 429 N.J. Super. at 177-78) (internal brackets omitted). Moreover, OPRA does not “authorize a party to make a blanket request for every document a public agency has on file.” Bent v. Twp. of Stafford Police Dep’t, Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005) (citation and internal quotation marks omitted).

As your requests do not specifically identify the records you seek, they are overbroad, blanket requests for “general information...to be analyzed, collated and compiled[.]” Further, pursuant to the Open Public Records Act (OPRA), criminal investigatory records do not constitute government records and, therefore, are not subject to public disclosure. N.J.S.A. 47:1A-1.1. Additionally, OPRA does not supersede any exemption of a public record from

public access made pursuant to the Rules of Court. N.J.S.A. 47:1A-9a. Among those exemptions is attorney work product, which is not subject to case discovery. R. 3:13-3(d); R. 4:10-2(c). “Documents that fall within the scope of the work-product doctrine are also shielded from OPRA.” O’Boyle v. Borough of Longport, 218 N.J. 168, 185 (2014). Thus, I must respectfully deny your request for the above information. Please note that the failure of the Atlantic County Prosecutor’s Office to assert an exception, exemption or privilege does not act as a waiver of any ground for denial.

Very truly yours,

Kristen Pulkstenis
Assistant Prosecutor
Custodian of Records