

OFFICE OF THE PROSECUTOR

County of Atlantic



CARY S. SHILL

First Assistant Prosecutor

MARIO C. FORMICA

Deputy First Assistant Prosecutor

DAMON G. TYNER
Atlantic County Prosecutor

4997 Unami Boulevard, Suite 2

P.O. Box 2002

Mays Landing, NJ 08330

609-909-7800 – Fax 609-909-7802



DAREN J. DOOLEY

Chief of County Detectives

July 24, 2019

Concerned Taxpayer
OPRA Machine

Re: New Jersey Open Public Records Act # 19-90

Concerned Taxpayer:

You recently submitted an OPRA request on July 22, 2019 for: "Disposition or status of the investigation involving employee Ken Anderson from Berkeley Township involving theft of time from the town." Please let this letter serve as an official response to your request.

Unfortunately the Atlantic County Prosecutor Office (ACPO) must deny your request. Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt.'" MAG Entm't, LLC v. Div of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005). See also Burke v. Brandes, 429 N.J. Super 169, 174 (App. Div. 2012) ("[A]gencies are only obligated to disclose identifiable government records."). You have not requested an identifiable government record and therefore, your request must be denied.

Additionally, it should be noted that generally speaking, law enforcement agencies do not comment on the existence and/or status of potential criminal investigations. If you are seeking a particular comment on any potential investigation, you should contact the ACPO's Public Information Officer, Donna Weaver.

In the event that you disagree with this determination, you may appeal to the Government Records Council or the Superior Court of New Jersey as provided by N.J.S.A. 47:1A-6 and 7.

Respectfully,

John J. Lafferty, IV
Assistant Prosecutor
Custodian of Records