

ELIZABETH PUBLIC SCHOOLS
Every Child, Achieving Excellence

Olga Hugelmeyer
Superintendent of Schools

Harold E. Kennedy, Jr.
School Business Administrator/Board
Secretary

December 6, 2019

Ms. Danielle Fienberg
opra+request-7720-08c943c5@requests.opramachine.com

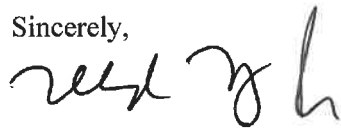
Dear Ms. Fienberg:

I am in receipt of your revised request for records pursuant to the State's Open Public Records Act ("OPRA") as per the attached message for which you were notified on November 12, 2019 that an extension of time beyond the seven (7) days to fulfil was needed to search, gather, copy and create in the requested medium the requested responsive records, if any, responsive to your request. As noted in the message, your request seeks contracts, invoices, budgets, vouchers from January 2016. Additionally, the invoices requested were reviewed and redacted under Federal and State privacy laws applicable to students under the Family and Educational Records Act (FERPA) and information protected by other privileges (i.e., attorney-client and/or deliberative process privilege).

The records that are responsive to your request are available at:

https://epsnj-my.sharepoint.com/:f/g/personal/kennedha_epsnj_org/Et7BRJT5n_xMldMfH6JdF8wB6HGQW6pTCE3TFqPhn87ZZg?e=tOHzfd

Sincerely,



Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary

Office of the School Business Administrator/Board Secretary

Kennedy, Harold

From: Danielle Fienberg <opra+request-7720-08c943c5@requests.opramachine.com>
Sent: Wednesday, November 6, 2019 1:34 PM
To: Kennedy, Harold
Subject: Re: OPRA Request

Dear Harold Kennedy,

You are out of compliance with the immediate access N.J.S.A. 47:1A-5(e). "See Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007): The Council held that "immediate access language of OPRA (N.J.S.A. 47:1A-5(e)) suggests that the Custodian was still obligated to immediately notify the Complainant . . ." Inasmuch as OPRA requires a custodian to respond within a statutorily required time frame, when immediate access records are requested, a custodian must respond to the request for those records immediately, granting or denying access, requesting additional time to respond or requesting clarification of the request."

Please see Verry v. Borough of South Bound Brook (Somerset), GRC Complaint No. 2013-43 et seq. (Interim Order dated September 24, 2013): "[A] valid OPRA request requires a search, not research. [...]When it comes to [...] documents stored on a computer, a simple keyword search may be sufficient to identify any records that may be responsive to a request."

Also of note. Burke V. Brandes, "[...] valid under OPRA because it "was confined to a specific subject matter that was clearly and reasonably described with sufficient identifying information . . . [and] was limited to particularized identifiable government records, namely, correspondence with another government entity, rather than information generally."

The records I have requested are specific, narrow, and limited in scope. Again, I ask you to produce the: Contracts, Invoices, Budgets, Vouchers in regards to Mr. Flaum (the specific individual) and DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C (the specific legal firm.) As you know, and as publicly available records indicate, there is a narrow period of time in which this firm and this individual would have records with this district due to their appointment in January of 2016, and as such, they are identifiable and retrievable from that period through now.

Yours sincerely,
Danielle Fienberg

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

See Attached

Harold Kennedy

School Business Administrator/Board Secretary

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-7720-08c943c5@requests.opramachine.com

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/invoices_and_payments

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.
