

**BOROUGH OF FAIR LAWN**  
**OPEN PUBLIC RECORDS ACT REQUEST FORM**

8-01 FAIR LAWN AVENUE  
FAIR LAWN, NJ 07410  
201-794-5340 FAX 201-475-1581  
mbojanowski@fairlawn.org

Marilyn B. Bojanowski, RMC, Municipal Clerk

329-2020

Manager

Finance

ATTORNEY

RECEIVED  
MUNICIPAL CLERK'S OFFICE

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information – Please Print**

|                                                                                                                                                                                                                                                                            |                                                            |                                  |                                          |                              |                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------|------------------------------------------|------------------------------|--------------------------------------------|
| First Name                                                                                                                                                                                                                                                                 | <u>Taeho</u>                                               | MI                               |                                          | Last Name                    | <u>Kim</u>                                 |
| Email address                                                                                                                                                                                                                                                              | <u>Opra+request-12733-d9f4743@requests.opramachine.com</u> |                                  |                                          |                              |                                            |
| Mailing Address                                                                                                                                                                                                                                                            |                                                            |                                  |                                          |                              |                                            |
| City                                                                                                                                                                                                                                                                       |                                                            | State                            |                                          | Zip                          |                                            |
| Telephone                                                                                                                                                                                                                                                                  |                                                            |                                  |                                          |                              |                                            |
| Preferred Delivery:                                                                                                                                                                                                                                                        | Pick Up <input type="checkbox"/>                           | US Mail <input type="checkbox"/> | On-Site Inspect <input type="checkbox"/> | Fax <input type="checkbox"/> | E-mail <input checked="" type="checkbox"/> |
| If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I <u>HAVE</u> / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States. |                                                            |                                  |                                          |                              |                                            |
| Signature                                                                                                                                                                                                                                                                  |                                                            |                                  |                                          | Date                         | <u>5/28/2020</u>                           |

**Payment Information**

|                            |                                                                                                                      |             |
|----------------------------|----------------------------------------------------------------------------------------------------------------------|-------------|
| Maximum Authorization Cost | \$                                                                                                                   |             |
| Select Payment Method      |                                                                                                                      |             |
| Cash                       | Check                                                                                                                | Money Order |
| Fees:                      | Letter size pages - \$0.05 per page<br>Legal size pages - \$0.07 per page<br>Other materials (CD, DVD, etc) – actual |             |
| Delivery:                  | Delivery / postage fees additional depending upon delivery type.                                                     |             |
| Extras:                    | Special service charge dependent upon request.                                                                       |             |

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

**1. A list of all lawsuits and cases in which any officer of the Police Department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).**

**2. Please provide copies of the complaint in any lawsuits and cases described in above.**

Pursuant to N.J.S.A. 39:4-131, all mailed, faxed or emailed requests for accident reports will be assessed an administrative charge of \$5.00, plus any fee that may apply pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"). Any "in person" request for accident reports will not incur the administrative charge of \$5.00 but will be subject to all applicable OPRA fees.

Due: 6/5/2020

ext 6-16-2020

|                    |  |
|--------------------|--|
| Est. Document Cost |  |
| Est. Delivery Cost |  |
| Est. Extras Cost   |  |
| Total Est. Cost    |  |
| Deposit Amount     |  |
| Estimated Balance  |  |
| Deposit Date       |  |

**Disposition Notes**  
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

|             |   |        |  |
|-------------|---|--------|--|
| In Progress | - | Open   |  |
| Denied      | - | Closed |  |
| Filled      | - | Closed |  |
| Partial     | - | Closed |  |

| Tracking Information |                  | Final Cost       |  |
|----------------------|------------------|------------------|--|
| Tracking #           | <u>329-2020</u>  | Total            |  |
| Rec'd Date           | <u>5/28/2020</u> | Deposit          |  |
| Ready Date           | <u>6-23-2020</u> | Balance Due      |  |
| Total Pages          |                  | Balance Paid     |  |
| Records Provided     |                  |                  |  |
| Custodian Signature  |                  | Date             |  |
| <u>Sandra Elwood</u> |                  | <u>6-23-2020</u> |  |



**Borough of Fair Lawn**  
POST OFFICE BOX 376, FAIR LAWN, NEW JERSEY • 07410

201-794-5340  
Fax: 201-475-1581  
mbojanowski@fairlawn.org

MARILYN B. BOJANOWSKI, RMC  
MUNICIPAL CLERK

SANDRA M. OLIVOLA, RMC  
DEPUTY MUNICIPAL CLERK

June 23, 2020

**Via Email (opra+request-12733-d9f4743@requests.opramachine.com)**  
Taeho Kim

**Re: OPRA Request 329-2020**

Dear Taeho Kim:

The Borough of Fair Lawn (the "Borough") is in receipt of your request, dated May 28, 2020, and received the same day, pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., requesting the following:

1. A list of all lawsuits and cases in which any officer of the Police Department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any) and final compensation amount (if any)
2. Please provide copies of complaint in any lawsuits and cases described in above.

The Borough requested until on or about June 15, 2020 to gather potentially responsive documents, review and respond to this request. This letter is to acknowledge receipt of the request and, after consultation with counsel, the Borough responds as follows.

Please be advised that a request pursuant to OPRA must identify the records sought with specificity. Bart v. Passaic County Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). A custodian may reject a request that is overly broad or vague so as to prevent identification of the records sought. New Jersey Builders Ass'n v. New Jersey

Council on Affordable Housing, 390 N.J. Super. 166, 172 (App. Div. 2007), cert. denied 190 N.J. 394 (2007). Moreover, the Appellate Division held in MAG Entertainment, LLC v. Division of ABC, supra, 375 N.J. Super. at 549, that pursuant to New Jersey's Open Public Records Act (OPRA):

Agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government agency are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files.

Please be further advised that your request is objectionable, and subject to denial because it is vague, unclear, overbroad, and ambiguous, as it does not make clear what type of lawsuits are included in the request. Moreover, it is not clear what the phrase "case in which any officer ... was involved" is referencing. Finally, it is well settled that OPRA only allows requests for records, not requests for information. See Bent v. Twp. of Stafford Police Dep't, Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005).

Without waiving any of the above-mentioned exceptions and/or reasons for non-disclosure of the information you seek in your request, and subject to those exceptions and/or reasons, the Borough will make an effort to supply the information to which you are entitled under OPRA as it becomes available. At this time, we are able to provide the following responses to your request:

In response to Request No. 1, the Borough does not maintain a list of "lawsuits and cases" and has no records responsive to this request.

In response to Request No. 2, the Borough has identified the following attached documents in response to your request.

- Enclosed herewith are copies of the publicly filed civil complaints in the Borough's possession, including the filed civil court complaints: Flax v. Borough of Fair Lawn, BER-L-004326-18 (dismissed); Bastinck v. Borough of Fair Lawn, BER-L-007589-19 (pending); and Corcoran v. Borough of Fair Lawn, 2:18-cv-13875 (pending); and Cabibbo v. Borough of Fair Lawn, Case No.: 2:16-cv-04521 (Settlement Agreement attached).
- The Borough is also in possession of a Complaint-Summons, in response to this request and it is attached hereto. Please be advised that pursuant to N.J.S.A. 47:1A-1.1, this document has been redacted to protect the disclosure of personal identifying information, including date of birth, home addresses, social security numbers, and driver license numbers.

Thank you.

Very truly yours,

*Marilyn B. Bojanowski, RMC*

Marilyn B. Bojanowski, RMC  
Municipal Clerk