



FREEHOLD REGIONAL HIGH SCHOOL DISTRICT

Sean P. Boyce, CPA
Assistant Superintendent for
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December 22, 2022

EMAIL (opra+request-37012-dd1a1373@requests.opramachine.com)

Bryan Bender:

Dear Mr. Bender.

This letter is in response to your OPRA Request that was contained within your November 29, 2022, email to me as the Board's Records Custodian. By way of my email to you on December 8, 2022, I advised that the Board required an extension of time in excess of the seven business day timeframe until Friday, December 22, 2022 in order to complete its searches and provide a response to your Request. This response is being provided to you within that extended time frame.

OPRA defines a "government record" of a public entity as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ..." N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business and which are not otherwise exempt from production. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 537 (App. Div. 2005).

The Board's response to your Request is follows:

1. *I am requesting all emails between Don Markese, Michael Dillon, Michael Mendes, Dr. Charles Sampson, Dr. Nicole Hazel, Dr. Jennifer Sharp, and Bark during the time frame of February 1, 2022, and April 15, 2022, and regarding the subject of investigation or inquiry into how the FRHSD is using bark.*

Response: Upon a thorough search of all the email accounts identified within the Request during the timeframe identified, the Board did not locate any responsive email communications. As such, the Board does not have any responsive records to this Request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the District to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08625, or by e-mail at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SB', followed by a horizontal line.

Sean Boyce, CPA

Assistant Superintendent for Business Administration/Board Secretary
Records Custodian