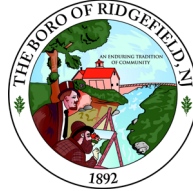


BOROUGH OF RIDGEFIELD
BERGEN COUNTY, NEW JERSEY

700 SHALER BOULEVARD
RIDGEFIELD, NJ 07657



TELEPHONE
201-943-5215

January 28, 2025

VIA E-MAIL [mailto:opra+request-69883-f85060ea@requests.opramachine.com]

Concerned Citizens of Ridgefield

Re: Open Public Records Act/Common Law Request

Dear Sir/Madam:

The Borough of Ridgefield ("Borough") records custodian is in receipt of your Open Public Records Act ("OPRA") and common law request ("Request") submitted on December 18, 2024. Your Request seeks the following:

Any and all of the following documents regarding SPO Andrew Borek relevant to his time of employment with the RPD:

disciplinary reports,

performance review reports,

termination of employment agreements,

DoD records that may be on file with the department, including but not limited to:

DD 13

DD 214

DA 1569

As a threshold matter, please note that the Borough is not in possession of a responsive "termination of employment agreement" for SPO Andrew Borek. With respect to the remainder of your Request, please note that the Borough is legally precluded from releasing any potentially responsive materials as they constitute "personnel records" within the meaning of N.J.S.A. § 47:1A-10 that are exempt from public access. We further note with respect to the portion of your Request seeking DoD records that OPRA exempts "any copy of form DD-214, NGB-22, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United

States or from service in the organized militia of the State, that has been filed by an individual with a public agency” from the definition of a “government record.” See N.J.S.A. § 47:1A-1.1. Thus, any potentially responsive DoD records are clearly exempt from disclosure.

To the extent that you are purportedly seeking SPO Borek’s records pursuant to the common law right of access, in O’Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why he seeks access to the requested documents. See also Gannett Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). Here, your Request lacks any explanation with respect to your purported interest in accessing the records at issue.

In sum, the Borough is denying your Request in its entirety. Your Request is now deemed answered and closed.

Very truly yours,


Linda M. Silvestri
Borough Clerk