



City of Linden

Union County, New Jersey

Office of the City Clerk
City Hall - 301 North Wood Avenue
Linden, New Jersey 07036
(908) 474-8452
Fax: (908) 474-8451

Joseph C. Bodek, RMC, RPPO
City Clerk

Jennifer Honan
Deputy City Clerk

March 12, 2020

Kelly Roman
Opramachine request #9527-05a5cccd

Dear Ms. Roman:

The City of Linden is in receipt of your public records request, dated February 28, 2020, which was submitted pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"). You indicated that you would like any documents responsive to your request to be transmitted electronically. Please see the response to your request below:

See attached

Response: This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007) A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. See Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

Please be further advised that Municipal Court records do not fall under the Open Public Records Act. Contact the Municipal Court directly to inquire about obtaining copies of court documents. They may be reached at (908)474-8426.

With regard to your request for timesheets, please be advised that the professionals are not required to scan in on the City employee time recording system therefore, there are no records relative to your request.

If your request for access to a government record has been denied or unfilled within seven (7) business days as required by law, you have the right to challenge the decision by the BCIA 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 Counsel ("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, New Jersey 08625, or by email at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in the Superior Court should be directed to the Court Clerk in your County.

Thank you for your anticipated cooperation.

Very truly yours

Jennifer Honan
Deputy Municipal Clerk, CMR, RMC

Jennifer Honan

#2020 - 222

From: Kelly Roman <opra+request-9527-05a5cccd@requests.opramachine.com>
Sent: Friday, February 28, 2020 8:41 AM
To: Jennifer Honan
Subject: Internal review of OPRA request - Scutari lawsuit and No Show Job

Dear Jennifer Honan,

I am requesting that you review my OPRA request again. You refused all four items that I requested. Only items 1 and 2 were written with the language "any and all".

I am still requesting the information for items 3 and 4.

For items 1 and 2, can you please provide what I am entitled to have in regards to the lawsuit. If I am able to have a copy of the whole file on this matter or not, please inform me.

I did request for the deposition, which you denied as well.

If you do not have an answer for this, please provide a legal opinion as to what I am able to be provided with.

Thank you.

Yours sincerely,

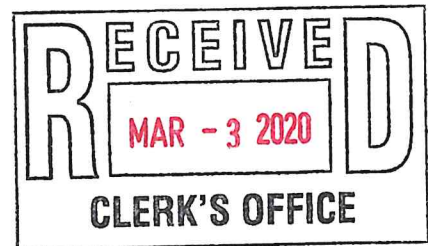
Kelly Roman

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

Good Afternoon

Attached please find a response to your OPRA request.
Any questions, please contact our office. Thank You

Jenn Honan
Deputy Municipal Clerk, CMR, RMC



Please use this UNIQUE email address for all replies to this request and no other:
opra+request-9527-05a5cccd@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/scutari_lawsuit_and_no_show_job

Please note that in some cases publication of requests and responses will be delayed.

New Jersey Government Records Council ("GRC")



What to do if your request for a record has been denied

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes that he or she has been unlawfully denied access to a public record either to file a complaint with the GRC or to file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking such actions.

To file a complaint with the GRC:

- Visit the GRC's website at www.nj.gov/grc for information and to register your complaint. In the alternative, you may contact the GRC by telephone at 1-866-850-0511 or by e-mail at government.records@dca.nj.gov.
- When you file the written complaint, the GRC will offer both you and the public agency non-adversarial, impartial mediation. If mediation is not accepted or is not successful, the GRC will investigate the complaint.
- In some cases, the GRC can award attorney's fees to a complainant or impose a fine against a records custodian.
- There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

- A requestor may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.
- The court requires a filing fee, and you must serve the lawsuit papers on the appropriate parties.
- The court will schedule a hearing to resolve the dispute.
- If you disagree with the court's decision, you may appeal the decision to the Appellate Division of the Superior Court.
- If you are successful, you may be entitled to reasonable attorney's fees.
- You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.
- Filing suit in Superior Court may result in a faster resolution, because the courts adjudicate cases every day, whereas the GRC only meets once a month.

Government Records Council, P.O. Box 819, Trenton, New Jersey 08625-0819