

Government Records Request

Receipt

Requestor Information

David Sciarra
 Education Law Center
 60 Park Place, Suite 300
 Newark, NJ 07102

Request Date: July 1, 2011
 Maximum Authorized Cost: \$500.00
 Email

Request Number: W59598

Request Status: Filled Closed

Ready Date: October 6, 2011

Custodian Contact Information
 Chief of Staff

Records Custodian
 100 Riverview Plaza
 P.O. Box 500
 Trenton, NJ 08625-0500

OPRA.CUSTODIAN@doe.state.nj.us
 609-943-4599

By _____

Status of Your Request

Your request for government records (# W59598) from the Chief of Staff has been reviewed and has been Filled Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Chief of Staff. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost:	\$0.00
Deposit:	\$0.00
Total Amount Paid:	\$0.00
Balance Due:	\$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
COS	001	49 pages of responsive e-mails and attachments	N		N	Y	

10-06-2011 Request filled and closed.

9/21/2011 The requestor was notified that the review of records is still ongoing. We will need an extension to October 5, 2011 to complete the review.

9/7/2011 The requestor was notified that the review of records is still ongoing. We will need an extension to September 21, 2011 to complete the review.

The requestor was notified on August 24, 2011 that potentially responsive records are still being reviewed. Due to staff vacations, an extension until September 7, 2011 will be needed.

The requestor was notified on August 17, 2011 that records are still being reviewed and we will need an extension until August 24,

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2011.

The requestor was notified on July 27, 2011 that potentially responsive records are still being reviewed and that we will need an extension to August 17, 2011.

The requestor was notified on July 20, 2011, that we an extension until July 27, 2011, will be necessary for us to finish determining how many records are responsive to the request.

The request was clarified on July 11, 2011. The new deadline is July 20, 2011.

The requestor was notified on July 8, 2011, that we need clarification of the request so that we can look for responsive records without having to conduct research.

As currently written, we still would have to conduct research to determine what, if any, records are responsive. For example, we would have to conduct research to find out who qualifies as an ?employee, trustee, attorney, consultant, representative, or any other person acting on behalf of the FNF.?

Custodians have no legal duty to conduct research to locate records responsive to OPRA requests pursuant to the Superior Court?s decisions in MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council of Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007) and the Government Records Council?s decision in Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (March 2008).

This request is due July 13, 2011.

Your request for government records (# W59598) is as follows:

The request was clarified on July 11, 2011, to be the following:

- 1) Letters, memoranda and emails, including attachments, to Acting Commissioner Christopher Cerf and Assistant Commissioner Andy Smarik from the Foundation for Newark's Future (FNF) and the following trustees and/or employees of the FNF from January 1, 2011 until the present date: Mayor Cory Booker, Paul Bernstein (Chair), Enrico Gaglioti, Jen Holleran, Whitney Tilson, and Gregory Taylor.
- 2) Letters, memoranda and emails, including attachments, to the Foundation for Newark's Future (FNF) and the following individual trustees and/or employees of the FNF from Acting Commissioner of Education Cerf and Assistant Commissioner Smarick from January 1. 2011 until present date: Mayor Cory Booker, Paul Bernstein (Chair), Enrico Gaglioti, Jen Holleran, Whitney Tilson, and Gregory Taylor.

Pursuant to OPRA and common law, Education Law Center (ELC) requests that the NJ Department of Education provide the records specified below. Please note that ELC is not asking the Department to conduct analysis or research,

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but merely to search for and provide the specific documents described in this request. Please also note that there is a significant public interest in the release of these documents.

- 1) Letters, memoranda and emails, including attachments, from the Foundation for Newark's Future (FNF), or from any employee, trustee, attorney, consultant, representative, or any other person acting on behalf of the FNF, to the Acting Commissioner of Education or his designee from January 1, 2011 until the present date.
- 2) Letters, memoranda and emails, including attachments, from the Acting Commissioner of Education or his designee to the FNF, or any person acting on behalf of FNF, from January 1, 2011 until the present date.