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April 3, 2019

**Via E-mail**

S. Fernandez NJ  
[opra+request-4567-1308159a@requests.opramachine.com](mailto:opra+request-4567-1308159a@requests.opramachine.com)

**Re: Response to OPRA Request received 03/25/2019**

Dear S. Fernandez NJ,

This firm represents the Township of North Bergen (the "Township"). The Township is in receipt of your public records request, dated March 25, 2019, which was submitted pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"). You indicated that the Township could produce the documents electronically. The response to your request has been completed as follows:

1. "Documentation of filed petitions from residents on behalf of candidate Nicholas Sacco for candidacy in the North Bergen 2019 elections. I would like to know how many petitions were submitted for Nicholas Sacco and his team to be legally placed on the ballot this upcoming election."

**Response:** Requests for information are not proper under OPRA; rather, a request must seek specific, identifiable records. MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005). While OPRA may provide access to governmental records otherwise unavailable, your request is not a proper request for specific documents within OPRA's reach, but rather a broad-based demand for information, research and analysis, which, as noted in MAG, is "outside the statutory ambit." MAG, at 550.

Notwithstanding the foregoing, and without waiver of any rights or privileges under OPRA or the common law, the Township hereby submits that:

- **346 filed petitions were required to enable a candidate to run for Commissioner. 1132 petitions were submitted to the Township Clerk for candidate Nicholas Sacco.**

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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://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.

If you have any further questions, please do not hesitate to contact me.

Best regards,



Joseph A. Garcia  
For the Firm

Encl.

cc: Erin Barillas, RMC