

March 13, 2018

Dear Ms. Fritz,

On March 9th, I received the Board's illegally deficient response to my February 26th OPRA request. The response is a deliberate attempt to cover up government records evidencing a waste of taxpayer dollars until after the School Board election in April. It is particularly outrageous that you are unable to provide hardly any of the records I am seeking about legal services and costs. The taxpayers of Hackensack deserve better.

My OPRA request was originally submitted on February 26, 2018. Your assertion that the request would take 30-45 days to fulfill is a convenient ruse to avoid taxpayer scrutiny. OPRA, in no uncertain terms, states that a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request.

Virtually all of my requests should have been immediately available, but certainly should have been produced within 7 business days.

The current attorneys' contracts, invoices, purchase orders and payments are clearly not subject to any attorney client confidentiality and must be produced immediately. You know this, and the knowing and willful denial of a records request by the custodian of records subjects that custodian to personal liability. The failure to produce these records also smacks of collusion to violate the law and hide information from the public.

The only aspect of the attorneys' bills that could be subject to redaction is the attorney's detailed explanation of his or her time. Redaction, if any is warranted, does not take 30-45 days, and such a proposed timeframe is an outrageous denial under OPRA.

Clearly, the Board's covering up these records is forcing me to file a lawsuit and waste money on legal fees to enforce the OPRA law.

In order to avoid the necessity of legal action, we propose the following records be produced immediately, and not later than Thursday, March 15th:

- 1 .All contracts between the Hackensack Board of Education and any attorney or

law firm for legal services provided from January 1, 2015 to the present. You do not need to reproduce the 2017-2018 Schenck Price agreement, the 2015 DeCotiss agreement or the 2017 Waters agreement, as those have already been produced. All other agreements should be produced, including those with Mr. Salkin or his law firm.

- 2 All bills and invoices for legal services submitted to the Board, from January 1, 2015 to the present.
- 3 All purchase orders and requisitions for legal services, dated from January 1, 2015 to the present.
- 4 Checks or other payment records reflecting payments to Richard Salkin or his law firm, from January 1, 2015 to the present.
- 5 Copies of all 1099's issued by the Board for work or services performed in 2017.

With respect to the attorneys' bills, those portions of the bills which set forth the detailed description of the attorneys' work and communications may be omitted from the response for this Thursday as I understand that those portions of the bills may need to be reviewed for redactions. However, that does not relieve the Board from having to immediately produce other records related to the amounts charged by the attorneys and the amounts the Board has paid the attorneys.

We are also separately proposing that the following be produced by March 27th:

1. Resolutions designating those Board officers and administrators that are authorized to request legal services or advice from legal counsel, from January 1, 2015 to the present.
2. The version of Hackensack Policy No. 3233, which was in effect prior to the current version, adopted June 6, 2017.
3. The version of Hackensack Policy No. 3230, which was in effect prior to the current version, adopted June 6, 2017.
4. The itemized details of tasks performed by Richard Salkin which appear in his bills to the Board, from January 1, 2015 to the present.

Please let me know if you are in agreement with the above in order that we may avoid litigation.

Respectfully,

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