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CLIFTON

Push for public records access

Ex-council member files a complaint

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A former Clifton councilwoman filed a complaint with the state that has the potential to set a precedent on the way some public records, such as contracts and budgets, are provided for the public, an expert on records-access matters said Friday.

Mary Sadrakula claimed in a complaint to the state Government Records Council that city school officials at first denied her request to review a contract before



Sadrakula

allowing her to examine it on Tuesday. Then, she claimed, she wasn't allowed to take photos of the documents and was made to wait until two days later to receive copies, even though she wanted just a handful of pages and the school board office had a set of copies available.

The state's Open Public Records Act, known as OPRA, requires "immediate access" to budgets, bills, vouchers and other documents. At issue was a contract with a tree service to remove trees at School 16.

The Clifton Board of Education sent a letter to the state on Friday asking that the complaint be dismissed because the records were ultimately provided.

Sadrakula claimed in her complaint that the district didn't want her to have possession of the records to use at a school board meeting on Wednesday evening. The district told the state that the allegation was "without merit" because Sadrakula "knew the contents" of the documents when she attended the meeting because she had reviewed them. She received copies of the documents on Thursday.

John Paff, a prominent advocate for open public records in the state, said the complaint gives the state an opportunity to "set a standard"

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for when government agencies are required to supply copies of documents that fall under the immediate access provision of the public records law. Having a hard copy, he said, is preferable to referring to notes.

Paff, the chairman of the New Jersey Libertarian Party's Open Government Advocacy Project, said he doesn't know of any previous case that clarifies when government agencies should provide copies of such documents. "You either have to provide copies immediately or you don't," he said.

In some cases, he said government agencies might argue that they don't have enough time to make copies of large documents right away. But in cases that involve only a few pages, he said, "I can't see that being much of a burden."

Sadrakula claimed in her complaint, filed with the state on Thursday, that a woman who worked for the city made copies of the records but then "made a show of tearing up the copies." The woman was not identified in the complaint. C.J. Griffin, the attorney representing Sadrakula in the matter, has previously represented The Record in a public records case.

According to the complaint, Al Marchione, the director of buildings and grounds for the city's schools, told Sadrakula that the district superintendent "would not let her review the records." The superintendent, Richard Tardalo, could not be reached for comment Friday night.

Marchione said on Friday that he had not spoken directly to Tardalo but was initially instructed by the business office to deny Sadrakula's request to review the documents and to inform her they would be mailed to her "within seven days" — the maximum amount of time gov-

ernment entities are allowed to respond to public records requests.

Marchione said he does not typically handle public records requests. The district's regular public records custodian was not in the office that day.

After Sadrakula objected, she said another school official, after consulting an attorney, told her she could review the documents, but copies would not be immediately available. Marchione, she said, told her she could not take pictures of the documents, a claim that Marchione denied and said might have been a misunderstanding.

However, an attorney for the district, Frances L. Febres, told the state that Sadrakula "was directed not to take pictures of the records with her phone."

Paff said he does not know of another case in which someone was told not to take photos of a public document they were examining. "What possible harm could that do?" he said.

Marchione said he gave the original documents to a secretary to make copies prior to Sadrakula reviewing them. He said he did not witness anyone tearing up the documents, but added that he was not in the room the entire time that Sadrakula was there.

Febres wrote that "an additional reason why copies were not produced was because the requested contract was in the process of being amended."

Sadrakula said the city mailed her two pages of a contract with the Rich Tree Service of South Plainfield but had only shown her one page on Wednesday. The new page, Sadrakula said, was for a larger amount of money.

Staff Writer Minjae Park contributed to this article.