

Warren County Community College Foundation sued for failing to provide documents under OPRA



By [David Foster | The Express-Times](#)

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A Somerset County woman has challenged the [Warren County Community College Foundation's](#) claim that it's not subject to the state's [Open Public Records Act](#).

Blanca Carroll filed a civil suit earlier this month in state Superior Court against the nonprofit, which secures donations and grants for the college. She alleges the foundation violated OPRA by denying her access to copies of records she requested in August, according to court documents.

Michael Lavery, the foundation's attorney, responded to the request by stating the nonprofit is not subject to the open records law, but did provide some of the seven items Carroll requested, according to the lawsuit.

Carroll received copies of the foundation's bylaws and certificate of incorporation, but some of the documents the foundation did not provide included meeting minutes and an OPRA request form from the nonprofit, the lawsuit states.

[Walter Luers](#), Carroll's attorney, said the foundation is subject to OPRA because the college controls the foundation board.

"Warren County Community College appoints all of the trustees to the foundation," Luers said. "They don't even bother to distinguish between the two."

Attorney Suzanne Marasco, of the Princeton-based law firm Hill Wallack, is representing the foundation. She declined comment.

Shortly before Carroll's OPRA request, The Express-Times reported there was a [argument to be made the foundation was violating the open record and meeting acts](#).

Luers, who lost a case earlier this month that the Port Authority of New York and New Jersey is subject to OPRA, also argues in the lawsuit that WCCC Foundation Executive Director [Samir Elbassiouny](#) doesn't separate himself from the college.

The Oxford Township attorney said Elbassiouny is an employee of the college and is executive director of the foundation. Luers added his phone number and email address is the same for both.

"The foundation really doesn't have a separate existence apart from the college," Luers said. "Really, it's a slam dunk."

Elbassiouny did not return a message for comment.

Lavery previously stated WCCC pays Elbassiouny's salary as foundation executive director.

Carroll wants the court to rule that the foundation is subject to OPRA and must release the documents requested in August. She is also asking that the foundation pay her for her costs and litigation fees.

The case is scheduled for Nov. 30 before Judge Amy O'Connor at the Warren County Courthouse in Belvidere.

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