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September 17, 2014

VIA FEDERAL EXPRESS

Honorable Lisa P. Thornton, A.J.S.C.
Monmouth County Superior Court
71 Monument Park
Freehold, NJ 07728

RE: Oceanport Board of Education adv. Bradford, Tamara
Docket No. MON-L-2545-14
Our File No. 10612

Dear Judge Thornton:

With regard to the above-captioned matter and in reply to the Verified Complaint and Order to Show Cause returnable October 16, 2014, please find enclosed an original and one copy of Certification of Dennis W. Kotch, CPA, School Business Administrator/Board Secretary to be filed. If you have any questions or require anything further, please do not hesitate to contact me.

Thank you.

Respectfully yours,

A handwritten signature in black ink that reads "R. Armen McOMBER". The signature is written in a cursive style with some capital letters.

R. ARMEN McOMBER

Handwritten initials "JP" in black ink, located to the right of the printed name.

/fh

Enclosures

cc: Walter M. Luers, Esquire (w/enclosure; via email only)
Peter H. Spaeth, Esquire (w/enclosure; via email only)
Oceanport Board of Education
Attention: Thomas G. Farrell, Superintendent (w/enclosure; via email only)
Attention: Denis W. Kotch, School Business Administrator/Board Secretary
(w/enclosure; via email only)

R. Armen McOmber, Esquire - #018251998
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Attorneys for Defendants, Oceanport Public School
District and Dennis W. Kotch

<p>TAMARA BRADFORD,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>OCEANPORT PUBLIC SCHOOL DISTRICT and DENNIS W. KOTCH in his capacity as Business Administrator and Board Secretary of the Oceanport Public School District,</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MONMOUTH COUNTY DOCKET NO.: MON-L-002545-14</p> <p style="text-align: center;"><u>Civil Action</u></p> <p>CERTIFICATION OF DENNIS W. KOTCH, CPA, SCHOOL BUSINESS ADMINISTRATOR/BOARD SECRETARY</p>
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DENNIS W. KOTCH, CPA, does hereby certify and state as follows:

1. I am currently employed as School Business Administrator/Board Secretary by the Board of Education of the Borough of Oceanport, in the County of Monmouth ("Oceanport Board"). As the School Business Administrator/Board Secretary, I am in essence, the chief financial officer for the Oceanport Board and have general supervision of all fiscal operations including, but not limited to, all business affairs, Business Office personnel, buildings and grounds, and the custodial and maintenance personnel employed by the Oceanport Board. I also serve as the custodian of records of the Oceanport Board and the public access records officer.

2. I received a degree in accounting from the College of New Jersey in 1998. I am a certified public account and hold a valid and appropriate Certificate to act as a School Business Administrator/Board Secretary in the State of New Jersey.

3. I have been employed as the School Business Administrator /Board Secretary of the Oceanport Board since July 1, 2013. I also serve as the School Business Administrator/Board Secretary for the Board of Education of the Shore Regional High School District in the County of Monmouth, the Board of Education of the Borough of West Long Branch, in the County of Monmouth and the Board of Education of the Borough of Monmouth Beach, in the County of Monmouth.

4. I am making this Certification in response to the Order to Show Cause and Verified Complaint filed by Tamara Bradford (“Plaintiff”) against the Oceanport Board and me in my official capacity of School Business Administrator/Board Secretary.

5. On or about January 28, 2014, I received an OPRA request from Plaintiff seeking all resolutions, bid documents and other documents approving contracts that arose from bids for the time period of 1998 to 2007 from general construction, including additions, asbestos removal, fire alarm work, roof repair/installations, window replacements, installations or additions, bathroom upgrades, repair and installations, food service and educational consulting. Upon receipt of the OPRA request, I began a search for the documents at my office at the Maple Place School. I quickly determined that the documents were not in the file cabinets in my office and ascertained that older files were kept in a file storage room at the Wolf Hill Elementary School.

6. Thereafter, I searched the file storage room located in the basement of the Wolf Hill Elementary School with both Spiro Katechis (“Mr. Katechis”), Facilities Manager and JoAnn Welsh (“Ms. Welsh”), Secretary to the Superintendent.

7. The boxes were unfortunately not particularly well-labeled or organized. Together with Mr. Katechis and Ms. Welsh, we went through every single box located in the file storage room. It literally took days to go through the boxes, which also included files unrelated to the Business Office.

8. After searching the entire file storage room, I determined that the documents requested were simply not there. In fact, no business records from any time prior to September of 2003 were located at all. I was able to locate relevant minutes and certain resolutions for the time period between September 1, 2003 through and including June 30, 2006.

9. After not finding the requested documents, I contacted Maria Anne Parry, CPA, PSA (“Ms. Parry”), former School Business Administrator/Board Secretary for the Oceanport Board who left the Oceanport Board to take a new position at the Board of Education of the Monmouth Regional High School District, in the County of Monmouth in 2006. Ms. Parry confirmed that all of the files should be located in the file storage room and, as she had not been in the employ of the Oceanport Board in approximately eight years, she had no knowledge of what had happened to said records. She thereafter forwarded to me certain relevant electronic files in her possession which she had taken with her when she left the Oceanport Board as part of her forms library.

10. I therefore produced to Plaintiff all of the documents I was able to locate and/or receive from Ms. Parry. I do not dispute that the documents produced are not completely responsive to Plaintiff’s OPRA request.

11. Since the filing of the Verified Complaint and Order to Show Cause, I have also contacted Norma M. Tursi ("Ms. Tursi") who was the immediate past School Business Administrator/Board Secretary prior to my employment. I also spoke with Marge Briscione, Business Office Associate employed by the Oceanport Board for the past four years.

12. In speaking to these individuals, I was able to determine that approximately two years ago, many Business Office files from 2007 and before were evidently shredded at the direction of Ms. Tursi. It would appear that the appropriate forms for the destruction of records were not submitted to the New Jersey Division of Asset and Record Management and that no records of what was destroyed were kept.

13. As the custodian of government records for the Oceanport Board, I fully understand my responsibilities and take said responsibilities very seriously. I have done everything humanly possible to attempt to locate the records, but unfortunately, cannot produce what evidently no longer exists.

14. I have implemented changes to the practices of the Business Office of the Oceanport Board so that the statutes and regulations governing records retention and destruction are strictly adhered to going forward.

15. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


DENNIS W. KOTCH

Dated: September 17, 2014