



Office of the University Custodian of Records  
7 College Avenue • New Brunswick • New Jersey 08901-1260  
PHONE: 848-932-7434 • FAX: 732-932-1245

June 8, 2012

*Via E-mail Only*  
Edward Hammond  
3103 Powell Circle  
Austin, TX 78704  
ehpricklyresearch.com

**OPEN PUBLIC RECORDS ACT REQUEST # 1275**

Dear Mr. Hammond:

As a follow-up to my letters dated May 15, 2012 and May 29, 2012 in the above-referenced matter, the University further responds to your request for records pursuant to the Open Public Records Act ("OPRA") as follows:

**Item 4**

You requested the itinerary and receipt for each airfare involving travel to Africa by James Simon, or other persons currently or formerly affiliated with his lab, including but not limited to H. Rodolfo Juliani, Quing Li Wu and Cara Welch from January 1, 2006 to the present. On May 15 and May 29, 2012, this office provided you with responsive records but also explained that the records have been difficult to locate and that the Department of Plant Biology and Pathology was still searching for records. The Department of Plant Biology and Pathology has since advised this office that it has completed its search and one additional record exists:

1. 1275 Travel 4-18-09 JS

Additional records do not exist. In an effort to fully respond, however, the following record is being provided with this letter:

2. 1275 Kriegner Travel Services Travel Dates

This record shows flights booked through Kriegner Travel Services and provides the date, the traveler, a brief itinerary and the cost of each flight.

**Item 5**

You requested "all contracts, subcontracts and work orders pursuant thereto with the US Agency for International Development in relation to The Partnership for Food Industry Development/Natural Products and/or the New Use Agricultural Plant Products program." In

my letter dated May 29, 2012, I advised that one additional responsive agreement existed but additional time was needed because it was in storage. The following record is now being provided to you with this letter, via e-mail as requested:

1. 06102082 USAID Sub-Agreement - REDACTED

As explained previously, N.J.S.A. 47:1A-1.1 states:

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential: pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.

In accordance with this provision, pages 8 through 16 of "06102082 USAID Sub-Agreement" have been redacted to remove the project description containing the details and specifics of the research project.

Pursuant to N.J.S.A. 47:1A-5(c), an agency is authorized to impose a special service charge where the agency must make an extraordinary expenditure of time and effort to accommodate a request to inspect government records. Normally, and as permitted under OPRA, the University would impose a special service fee for redactions. To date, this office has expended 1 hour reviewing and redacting the records provided herein and on May 29, 2010. As explained in my letter dated May 29, 2012, we waived the service fee for the documents provided with that letter, and we will do so for the record provided herein as well. We reserve the right, however, to charge service fees as permitted under the law for additional records that must be redacted.

The contracts and sub-contracts you requested access to are located in multiple departments and multiple locations. We have been diligently searching for responsive records since we received your request. As a result of our continued search, we have recently located 10 additional records that are responsive to your request for sub-agreements pursuant to a USAID contract. As with the records previously provided, these records must be reviewed and redacted to remove material exempt from public access pursuant to OPRA. And, as explained above, OPRA permits the University to charge a special services fee for the actual cost to redact the records. N.J.S.A. 47:1A-5(c). This office estimates it will take an employee an additional 3 hours at \$40.06 per hour to review and redact the 10 records in accordance with OPRA, for a total special services fee of \$120.18.

You must pay the special services fee of \$120.18 prior to the work being completed. You may send a check in the amount of \$120.18 payable to "Rutgers University" to the following address:

Kimberlee M. Pastva, Compliance Associate  
Office of the Secretary  
Rutgers, The State University of New Jersey  
7 College Avenue  
New Brunswick, New Jersey 08901-1260

Once payment is received the records will be reviewed and redacted and released to you via e-mail, as requested.

If your request has been denied, you may take your appeal to the Government Records Council which has mediation and dispute resolution procedures or you may file a lawsuit with the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1, et seq. A brochure listing the procedures for appeal is being provided to you with this letter.

Very truly yours,



Kimberlee M. Pastva  
Compliance Associate  
848-932-2457