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Freeholder Liaison



H. James Polos
Executive Director

IMPROVEMENT AUTHORITY
MIDDLESEX COUNTY ♦ NJ

October 19, 2020

Charles Kratovil

Via E-mail: opra+request-17742-96cb5fe9@requests.opramachine.com

Re: OPRA Request 113-20

Dear Mr. Kratovil

The undersigned is the Custodian of Records for the Middlesex County Improvement Authority. Your Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1.1. et seq., request, submitted via electronic mail sent on October 18, 2020 has been forwarded to me for response. Please accept this letter in response to your request.

Please be advised that a request pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA") must identify the records sought with specificity. Bart v. Passaic County Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). OPRA does not permit open-ended requests for every document an agency has on file. Spectraserv, Inc. v. Middlesex Cnty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010). OPRA "is not intended as a research tool litigant may use to force government officials to identify and siphon useful information." MAG Entertainment, LLC vs. Division of Alcohol Beverage Control, 375, N.J. Super. 534, 546 (App. Div. 2005). A request that compels a government entity to "research, analyze, collate, and compile general information" has been held to be improper. Id at 548. As such, requests for "any and all" documents on a specific subject are considered overly broad. Bent v. Stafford Twp. Police Dept., 381 N.J. Super. 30, 37 (App. Div. 2005). A custodian may reject a request that is overly broad or vague so as to prevent identification of the records sought. New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 172 (App. Div. 2007). Moreover, OPRA does not require the creation of a new government record that does not exist at the time of the request. Paff v. Galloway Tp., 444 N.J. Super. 495, 504 (App. Div. 2016).

I have addressed each request individually below, please find attached the following in response to your request:

- Bill list for the July 8, 2020 meeting of the Board of Commissioners

If your request for access to a government record has been denied or unfilled within seven (7) business days as required by law, you have a right to challenge a decision to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access

Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Carol Byrnes
Custodian of Records