

BOROUGH OF FAIR HAVEN
748 River Road



New Jersey 07704

ALLYSON M. CINQUEGRANA • BOROUGH CLERK • MUNICIPAL BUILDING • 732/747-0241 • FAX 732/747-6962

May 29, 2019

Dear ASK NJ Media Co.

As the Borough of Fair Haven's ("Borough") Records Custodian, I received your Open Public Records Act ("OPRA") request dated May 20, 2019. As such, the seven (7) business day deadline to respond to your request is May 30, 2019. The Borough is timely providing you with a response to your request accordingly.

For ease of reference, the Borough notes that your OPRA request seeks the following:

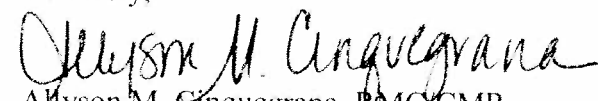
1. Please provide the name, office address, and telephone number of the employee that has been designated by your municipality under this requirement.

With respect to your request, as a threshold matter, please be advised that your request is invalid because it fails to identify with reasonable clarity the specific government records sought. See Murphy v. N.J. Dept. of Corrections, GRC Complaint No. 2015-340. The request may not be a description of information that requires the custodian to search the agency's files and "analyze, compile and collate" the requested information. Id. See also MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005). Moreover, the law is clear that "OPRA does not countenance open-ended searches of an agency's files." MAG Entertainment, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005). As such, your request is legally deficient, and the Borough of Fair Haven cannot respond in its present form.

In addition, your final statement in the OPRA request does not request any record, but merely states a requirement under the Americans with Disabilities Act of 1990. Your OPRA request is now deemed answered and closed. In the event of a clarification or appeal, the Borough reserves the right to raise any other ground for denial not raised in this response. The failure of the Borough to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Thank you for your attention to this matter and professional courtesies.

Sincerely,


Allyson M. Cinquegrana, RMC/CMR
Borough Clerk/Assistant Administrator

AMC