

WALL TOWNSHIP PUBLIC SCHOOLS
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY
PO Box 1199
Wall, New Jersey 07719-1199

Brian J. Smyth
Business Administrator/Board Secretary

Phone: 732-556-2016
FAX: 732-556-2102

March 3, 2023

Re: OPRA 23-123

<opra+request-40350-264c38de@requests.opramachine.com>

Dear Ms. Cross,

The Wall Township Board of Education, (District) is in receipt of your emailed request that is dated February 24, 2023, wherein you requested record as follows:

"Kindly provide the following: A copy of Mr. Smyth's calendar showing when Brian Smyth was interviewed by the following individuals regarding the Central School Trailer Investigation: 1)Dr. Henry Cram - Interim Wall BOE Superintendent 2)The MCPO - Barbara Suppa, Eric Singer or Kevin Mahoney anyone else assigned to the case in the Monmouth County Prosecutor's Office. 3)Marcie Mackolin, Joseph Mackolin, Anthony Sciarrillo, Dennis McKeever and/or Athina Cornell. 4) Any discussions Mr. Smyth had with Ralph Addonizio regarding the Trailer Investigation 5) Any discussions Mr. Smyth with Adam Nasr regarding the Trailer Investigation 6) Any discussions Mr. Smyth with Cheryl Dyer regarding the Trailer Investigation 7) Any discussions Mr. Smyth with Tracy Handershan regarding the Trailer Investigation 8) Any discussions Mr. Smyth had with Michael Gross or Doug Kovats regarding the purchase of the central school trailers and the multiple Trailer Investigations and how best to demo the trailers during the OPEN Criminal Investigation? 9) The date Mr. Smyth visited the trailers in Princeton in 2007. I do not believe he ever did as he confirmed in the video below of September 9, 2019. I would just like confirmation that he never visited them before their purchase. 10) The date Mr. Smyth shared the pictures of the used trailers that were NOT inspected before their purchase with the following BOE members (I NEED TO FILL IN THE NAMES) before they were purchased on 5.17.2007, 2 months BEFORE the DOE approved the purchase. 11) The date of the call or meeting with the MCPO and who spoke to Mr. Smyth, Mr. Gross, Cheryl Dyer or Ralph Addonizio advising Mr. Smyth that he was allowed to arrange for the demo of the Central School trailers during the MCPO OPEN Criminal Investigation? 12) Any discussion Mr. Smyth had with Mr. Bertrand regarding the demo of the Trailers and providing dumpsters. The time frame for these documents is August 20, 2019 - February 23, 2023." [sic]

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J.Super. 166, 180 (App. Div. 2007). See *Bent v. Stafford Police Department*, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Wall Township Board of Education 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, be-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,



Brian J. Smyth
Records Custodian