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July 14, 2025

Via Email: opra+request-78159-e0374473@requests.opramachine.com

Michael Somma

Re: OPRA Request-Documents HR-0426-0525

Dear Mr. Somma,

Please be advised that I serve as OPRA counsel to the Township of Clark. Your Open Public Records Act (OPRA) request was received by the Clerk's office on July 7, 2025. As such, the seven (7) business day deadline to respond to your request is July 16, 2025. This response to your request is being provided on the 5th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

"I just want to be clear that it is the town's statement that they do not maintain records of documents that are mandated to be completed and sent to the NJ Division of Pensions and Benefits? Specifically document HR-0426-0525 as shown in the NJ Division of Pensions and Benefits website

(https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.nj.gov%2ftreasury%2fpensions%2fdocuments%2fforms%2fhr0426.pdf&c=E,1,ZdvLhc0U6pS7Bv0w1e5_5w_cAeKhIEKvQvvsDbpFCDJkipb89NHfsobXq3Eq0HcSH2zivLGPr28mLKKroHv0AaOPqIWCWwOlRykXJtC7twR58,&typo=1)."

Your request is denied as it is overly broad and unclear and is not limited to particularized identifiable government records. See *MAG Entertainment, LLC v. ABC*, 375 N.J. Super. 534, 546-48 (App. Div. 2005). "[A] proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." See *Bent v. Stafford Police Dept.*, 381 N.J. Super. 30, 37 (App. Div. 2005). A proper OPRA request must state "a specific subject matter that [is] clearly and reasonably

described with sufficient identifying information." *Burke v. Brandes*, 429 N.J. Super. 169, 176 (App. Div. 2012). The law provides that while "the custodian is obligated to search [his] files to find the identifiable government records listed in the Complainant's OPRA request...the Custodian is not required to research [his] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request." *Burnett v. County of Gloucester*, 415 N.J. Super. 506, 515 (App. Div. 2010), quoting *Donato v. Township of Union*, GRC 2005-182, interim order (January 31, 2007).

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 clerk 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 Council 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,
La Corte, Bundy, Varady & Kinsella

/s/Robert F. Varady
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cc: Edith Merkel (via email)
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