



# Rochelle Park School District

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**VIA E-MAIL [[opra+request-55181-ca021130@requests.opramachine.com](mailto:opra+request-55181-ca021130@requests.opramachine.com)]**

*Rochelle Park Republican Party*

Re: OPRA and Common Law Request

Dear Sir or Madam:

The Rochelle Park School District ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on November 13, 2023. The seven business day deadline to respond to your Request is November 22, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Copies of all minutes and discussions regarding the appointment of least experienced member of the Board of Education Trustee Member Jorge Martinez as the Superintendent's Designee. Was a legal opinion requested on this appointment.

With respect to the portion of your Request seeking minutes and discussions, please be advised that your request is overly broad, as it fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, 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 e.g., Spectraserv, Inc. v. Middlesex Cty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency's files and "analyze, compile, and collate" the requested information. Id.; see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Here, your request is clearly deficient as it purportedly seeks all minutes regarding the appointment of Jorge Martinez and purports to require the District's records custodian to conduct research in order to determine which documents may potentially be relevant to your request. See Parreott v. Asbury Park School District, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking "all relevant documents" was

invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of law suit discovery). Accordingly, this portion of your Request is invalid as it fails to comport with OPRA's specificity requirements.

Moreover, your Request is further invalid due to the lack of any date limitation for the records that you are purportedly seeking. See Wares v. Passaic Cty. Prosecutor's Office, GRC Complaint No. 2014-330 (June 2015); Love v. Borough of Spotswood, GRC Complaint No. 2014-223 (Interim Order March 2015). As such, the District is not legally obligated to search for any potentially responsive records. Notwithstanding the invalidity of this portion of your Request, we note that there are a lack of any District minutes that are responsive to your Request.

With respect to the portion of your Request inquiring whether a legal opinion was requested on this appointment, please be advised that your Request constitutes an invalid request for information. Please note that OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. § 47:1A-1; MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool . . . to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein." Id. at 549; see also Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics). The Appellate Division repeated these principles in holding:

[A]gencies are only obligated to disclose identifiable government records. The statute "only allows requests for records, not requests for information." A proper request "must identify with reasonable clarity those documents that are desired." "Wholesale requests for general information to be analyzed, collated and compiled" by the agency are outside OPRA's scope.

Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (citations omitted); see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request).

In light of the above, the portion of your Request seeking information with respect to whether a legal opinion was requested clearly constitutes a request for information that is outside of the scope of OPRA.

To the extent that you have submitted your Request under the common law right of access, your Request is also denied. In O'Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why he seeks access to the requested documents. See also Gannett

Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). Here, your Request lacks any explanation with respect to your purported interest in accessing the information at issue. Notwithstanding, even if you had explained your precise interest in accessing the information, all portions of your Request would still be deficient for the reasons set forth above.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

James Riley, Ed.D.  
Business Administrator