

Hanover Township Public Schools

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Vanessa M. Wolsky
Business Administrator/Board Secretary

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April 17, 2024

VIA E-MAIL [\[opra+request-60148-865646a5@requests.opramachine.com\]](mailto:opra+request-60148-865646a5@requests.opramachine.com)

Michael Gottesman
Founder NJPEC

Re: Open Public Records Act/Common Law Request

Dear Mr. Gottesman:

The Hanover Township Board of Education (“District”) records custodian received your Open Public Records Act (“OPRA”) and common law request (“Request”) on April 8, 2024. The seven business day deadline to respond to your Request is April 17, 2024. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Any and all documents, emails or letters received from or sent to the Pacific Justice Institute or any of its affiliated entities or its Attorney, Karyn White, by any Board Member or any member of the Administration of the Hanover Township Public Schools District.

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 of the District’s documents/correspondence relating to the Pacific Justice Institute, 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 lawsuit discovery). Accordingly, your Request is invalid as it fails to comport with OPRA’s specificity requirements.

To the extent that your Request may be construed as purportedly seeking communications, please be advised that this portion of your Request is also invalid as overly broad. Both New Jersey courts and the GRC have upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean County College, GRC Complaint No. 2013-266 (Jan. 2016).

In Elcavage v. West Milford Township, GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: “[I]n order to specifically identify an e-mail the OPRA request must contain (1) **the content and/or subject of the e-mail**, (2) **the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted**, and (3) **identification of the sender and/or the recipient thereof**.”

Here, your Request lacks all three necessary components for a valid communications request. First, your Request lacks a specific content or subject for the communications that you are purportedly seeking. Second, requests seeking correspondence but omitting specific senders and/or recipients are invalid. See Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist., GRC Complaint No. 2018-8 (Sept. 2019); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982 (App. Div. 2015) (holding, in part, that a request for correspondence received by the public entity’s employees, agents, or City Council lacked the requisite level of specificity because it failed to provide the names of any of the entity’s employees or agents); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). Even if your Request may be construed as identifying one specific individual (Karyn White, Esq.), you failed to identify anyone affiliated with the District, and the District is not legally obligated to search its entire e-mail server for potential communications with Ms. White (and without any limiting subject matter).

Lastly, your Request is invalid due to the lack of any date limitation. See also 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).

In sum, your Request is invalid as it fails to comport with OPRA’s specificity requirements.

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

Very truly yours,

Vanessa M Wolsky

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