



HOUSING & MORTGAGE FINANCE AGENCY

Jacquelyn A. Suárez | Chair • Melanie R. Walter | Executive Director

October 29, 2024

S. Soloway
Brass Tacks Consulting, LLC

Via email: opra+request-68095-d03b1fcf@requests.opramachine.com

Re: OPRA Request: C225210

Dear Mr. Soloway:

The Agency received your Open Public Records Act (OPRA) request on October 21, 2024. The seven business day deadline to respond to your request is October 30, 2024. Your request was received as follows:

“The Operator, and Management Documents/Packages including agreements, licenses, ownership, residents agreements, certifications for 3051 & 3053 Chapel Ave West. Cherry Hill, NJ. Camden County.

- Form 10 and Audits for Jewish Federation Apartments, HMFA#544

(Jewish Federation Apartments, Gesher House entities, Bernard Dubin, Capital Realty etc).”

Please note the following with respect to your request:

A. You have requested that the Agency's response be provided by email. Please note that due to the size or number of documents responsive to your request, the response may require one or more subsequent emails. If the first email does not reflect all the documents referenced herein, please check for any follow-up emails. If not received, or if you are unable to open any attachment, please contact me immediately. Emails containing attachments totaling more than 5 MB may utilize a download link which will be generated and forwarded to you by LeapFILE, the Agency's file transfer service. If you receive a transfer confirmation from LeapFILE but do not receive the link or are unable to download the documents through the link, please contact me immediately.

B. To the extent you requested “The Operator, and Management Documents/Packages including agreements, licenses, ownership, residents agreements, certifications for 3051 & 3053 Chapel Ave West. Cherry Hill, NJ. Camden County,” this portion of your request refers ambiguously to several broad categories of records (i.e. “agreements”, “certifications”, etc.) without specifying particular records or documents or the dates of Agency action. If a request does not name specifically identifiable records or is overly broad, a custodian may deny the request. Such



requests seek information, require research, ask questions and/or do not identify specific government records. Agencies are only obligated to disclose identifiable government records. See, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), The statute "only allows requests for records, not requests for information." Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). A proper request "must identify with reasonable clarity those documents that are desired." *Ibid*. When a request is "complex" because it fails to specifically identify the documents sought, that request is not consistent with OPRA. See, New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007). A valid OPRA request must identify with reasonable clarity those documents that are desired. See, Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research, anticipate what the requestor may be seeking, nor to create new records in response to an OPRA request.

To enable a comprehensive records search, a new OPRA request would need to be filed with language identifying the specific records you are seeking. Nevertheless, based upon the information you provided the following record is reasonably believed to be responsive to your request:

1. 1508 Self-Management Agreement 1-28-2020

C. To the extent your request identifies specific records (i.e. "Form 10 and Audits for Jewish Federation Apartments, HMFA#544"0, please see the documents attached and listed below:

1. Form 10 - Jewish Federation
2. 2023 Audit, HMFA # 1508

The Agency reserves the right to raise any other grounds for denial not raised in this response. Failure of the Agency to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See Paff v. Twp. of Plainsboro, A-2122-05T2 (App. Div. 2007), affirming, Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled within the seven business day period, you have a right to challenge the decision by the Agency 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



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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.

Sincerely,

Peter Yasenchak
OPRA Custodian
Division of Regulatory Affairs
609-278-8803
pyasenchak@njhmfa.gov