

Robbinsville Board of Education

155 Robbinsville Edinburg Road

Robbinsville, NJ 08691

Phone: 609-632-0910 (2201) / Fax: 609-371-7964

February 20, 2020

Dear Sir or Madam:

The Robbinsville Public Schools ("District") records custodian received your Open Public Records Act ("OPRA") request on February 18, 2020. The seven (7) business day deadline to respond to your request is February 27, 2020. As such, the District is timely responding to your OPRA request.

Your OPRA request seeks the following:

- All emails between the dates of 1/1/2017 and date of OPRA request for all school board members both current and former.
- All audio recordings of meeting sessions between the above dates.
- All non-email internal communication between school administrators Foster and Tew to school board.

With respect to the second item of your request, audio recordings of Board meetings from July 2018 through present are available on the Robbinsville School District website [www.robbsville.k12.nj.us]. In order to access the audio recordings that you are seeking, proceed to RBOE, Board Meeting Minutes, and select the school year. Prior to July 2018 the Board of Education did not publish audio recordings of their meetings on the district website. As such, recordings from January 2017 through July 2018 have been downloaded to a thumb drive. Please advise by March 2, 2020 as to whether you prefer to retrieve the thumb drive from the District's Business Office or have it mailed to you. If you wish to receive same by mail, kindly advise of the name and address for the delivery. If we do not receive any further communication from you by March 1, 2020, the District will treat this portion of your OPRA request as abandoned.

With respect to your requests for "all emails . . . for all school board members both current and former" and "all non-mail internal communication," please note that your request is invalid because it fails to identify the content and/or subject of the requested e-mails/internal communications. In Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 & 2009-08 (2010), the Government Records Council held that an OPRA request for e-mails 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) a valid e-mail request must identify the sender and/or the recipient thereof. Accordingly, the District cannot identify and provide any e-mails and/or internal communications based upon the language of your request. Moreover, these items of your request are invalid as an overbroad and blanket request, which improperly requires the District's records custodian to conduct research to identify responsive records. New Jersey courts have consistently held that "OPRA does not countenance open-ended searches of an agency's files." See MAG Entm't, LLC v. Div. of ABC, 275 N.J. Super. 534, 549 (App. Div. 2005). Consequently, a proper request under OPRA must identify with reasonably 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. Twp. of Stafford Police Dept., 381 N.J. Super. 30, 37 (App. Div. 2005).

Your request for non-email internal communications is also overly broad due to the lack of any date limitation. 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).

Lastly, your request for e-mails is also invalid due to the lack of any identifiable senders and/or recipients. In the event that you submit a future OPRA request for communications, you must identify a specific sender and/or recipient that would allow for the District to conduct a search for responsive records. See 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); Gatson v. Bergen Cty. Prosecutor's Office, 2011 WL 6153628 (App. Div. 2011) (upholding the GRC's determination that a request for "all records memos, texts, e-mails, reports, transcripts, notes, letters, audio tapes, statements relating to [an individual]" was invalid because it failed to meet OPRA's specificity requirements); see also Wolosky v. Township of Randolph, GRC Complaint No. 2010-244 (Feb. 2012) ("The request failed to name a specific identifiable sender and recipient: the request seeks e-mails from and to a specific class of employee (specifically, Morris County Municipal Clerks) and not individually named senders and recipients"). Therefore, your request for all e-mails that any current or former school board members sent and/or received over a three-year period is clearly deficient. See Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of law suit discovery).

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Ritter', with a stylized flourish at the end.

Mark A. Ritter

Interim School Business Administrator / Board Secretary / Custodian of School Records