



WEST LONG BRANCH PUBLIC SCHOOLS

Administrative Offices

135 Locust Avenue

West Long Branch, New Jersey 07764

(732) 222-5900 Fax (732) 222-9325

Christina Egan
Superintendent of Schools

Corey J. Lowell, SFO
School Business Administrator

October 29, 2024

Via Email

Daniel Maxwell

**Re: OPRA request dated October 8, 2024
OPRA request dated October 9, 2024**

Dear Mr. Maxwell:

You recently requested documents from the West Long Branch Board of Education ("Board" or "District") pursuant to an Open Public Records Act ("OPRA") request dated October 8, 2024 and another OPRA request dated October 9, 2024. The time in which a public entity has to respond to an OPRA request begins to run the day after the custodian of records receives such a request. Your requests were both received by the District on October 9, 2024. The seventh (7th) business day within which to respond to your requests was October 21, 2024 as the District was closed on October 14, 2024. At that time, the District anticipated providing you with a response by November 12, 2024.

At this time, the following is provided in response to your OPRA requests:

1. Contracts for employment of services with Natalie A. Gagliardi-Levine a/k/a Natalie Levine.

Enclosed please find the document that is responsive to your request.

2. Applications for employment or services submitted by Natalie A. Gagliardi-Levine a/k/a Natalie Levine.

Enclosed please find Natalie A. Gagliardi-Levine's resume. Please note that personal information has been redacted under the reasonable expectation of privacy OPRA exemption. *See N.J.S.A. 47:1A-1.*

Please further note that employment applications are exempt from disclosure under the OPRA as personnel records. *See N.J.S.A. 47:1A-10; See also Louis Paul Toscano v. New Jersey Department of Human Services, Division of Health Services, GRC Complaint No.*



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2010-147 (May 24, 2011) (employment application is not among the enumerated list of releasable records set forth at N.J.S.A. 47:1A-10 and Executive Order 26 (McGreevey 2002) states that only resumes of successful candidates shall be disclosed once that candidate is hired); Christina Moreira v. Elizabeth Board of Education (Union), 2017-24 (June 25, 2019) ; Jeffrey Goodwin v. Borough of Woodlynne (Camden), GRC Complaint No. 2020-172 (May 31, 2022).

3. Letters or emails reflecting the acceptance of Natalie A. Gagliardi-Levine a/k/a Natalie Levine as an employee or service provider.

Please be advised that your request #3 is overly broad, vague, and/or unclear, as it fails to identify with reasonable clarity the specific government records to which you seek access. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30 (App. Div. 2005). In this regard, the Appellate Division has held that "[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*** litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make ***identifiable*** government records 'readily accessible for inspection, copying, or examination.' N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC at 546. The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt ... In short, OPRA does not countenance ***open-ended searches of an agency's files.***" (Emphasis added.) Id. at 549.

When making OPRA requests specifically for communications, such as, letters and emails, same should include content and/or subject matter, specific date or range of dates, and sender and / or recipient. Id.; Ciszewski v. Sparta Police Dep't (Sussex), GRC Complaint No. 2013-79 (October 2013); Ciszewski v. Newton Police Dep't (Sussex), GRC Complaint No. 2013-90 (October 2013); and Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-07 (April 2010). Although your request identifies a subject matter, it fails to identify the date and /or date range, and the sender and /or recipient.

At this time, we request clarification of your request. Please respond in writing and identify the date and / or date range, and the sender and / or recipient. Failure to provide such written clarification will result in the closure of this portion of your request.

However, please note that even if clarification is provided, such communications may be withheld or redacted under the OPRA exemptions including, but not limited to, the personnel records exemption, N.J.S.A. 47:1A-10.



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4. Letters or emails reflecting communications to or from Natalie A. Gagliardi-Levine a/k/a Natalie Levine concerning her application for employment or provision of services, negotiations about the terms of such employment or the provision of services, and, formal or informal agreements related to such employment or the provision of services.

Please be advised that your request #4 is overly broad, vague, and/or unclear, as it fails to identify with reasonable clarity the specific government records to which you seek access. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30 (App. Div. 2005). In this regard, the Appellate Division has held that "[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* litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make *identifiable* government records 'readily accessible for inspection, copying, or examination.' N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC at 546. The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt ... In short, OPRA does not countenance *open-ended searches of an agency's files*." (Emphasis added.) Id. at 549.

When making OPRA requests specifically for communications, such as, letters and emails, same should include content and/or subject matter, specific date or range of dates, and sender and / or recipient. Id.; Ciszewski v. Sparta Police Dep't (Sussex), GRC Complaint No. 2013-79 (October 2013); Ciszewski v. Newton Police Dep't (Sussex), GRC Complaint No. 2013-90 (October 2013); and Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-07 (April 2010). Although your request identifies a sender and /or recipient and subject matter, it fails to identify the date and /or date range.

At this time, we request clarification of your request. Please respond in writing and identify the date and / or date range. Failure to provide such written clarification will result in the closure of this portion of your request.

However, please note that even if clarification is provided, such communications may be withheld or redacted under the OPRA exemptions including, but not limited to, the personnel records exemption, N.J.S.A. 47:1A-10.

5. Records reflecting the title position of Natalie A. Gagliardi-Levine a/k/a Natalie Levine and the compensation to be paid or which has been paid to Natalie A. Gagliardi-Levine a/k/a Natalie Levine.

Please be advised that your request #5 for "records" is overly broad, vague, and/or unclear, as it fails to identify with reasonable clarity the specific government records to



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which you seek access. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30 (App. Div. 2005). In this regard, the Appellate Division has held that "[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 litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.' N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC at 546. The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency's files." (Emphasis added.) Id. at 549.

Nonetheless, the attached employment contract reflects the current title and compensation for Natalie A. Gagliardi-Levine. If you are seeking additional documents, then we request clarification of your request. Please respond in writing and identify the specific record sought. Failure to provide such written clarification will result in the closure of this portion of your request.

6. Letters of Recommendation received from others concerning employee or service provider, Natalie A. Gagliardi-Levine a/k/a Natalie Levine.

Letters of recommendation are exempt from disclosure under the OPRA as personnel records. See N.J.S.A. 47:1A-10; See also David J. Meenan v. Township of Edgewater Park, GRC Complaint No. 2016-178 (June 27, 2017) (letters of recommendation are personnel records that do not fall within any of the delineated categories of personnel documents and information that can be disclosed pursuant to N.J.S.A. 47:1A-10). As such, your request #6 is denied.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

Corey J. Lowell
Custodian of Records

Enclosures