

MONMOUTH COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF COUNTY COUNSEL

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January 5, 2022

VIA ELECTRONIC MAIL ONLY

Norman Carvajal
Email: opra+request-27697-da4a9f86@requests.opramachine.com

Re: **OPRA REQUEST 2033-21 – RECEIVED – DECEMBER 13, 2021**

Dear Mr. Carvajal:

The County of Monmouth received your Open Public Records Act (OPRA) request on December 13, 2021. As such, the seven (7) business day deadline to respond to your request was December 22, 2021. The County advised that additional time was required a response would be forthcoming on or before Wednesday, January 5, 2022. Please accept this correspondence as the County's response to your request.

Your request seeks the following *"I respectfully request a list of addresses of residential properties damaged by fire for the month of November 2021."*

Please be advised that your request, as currently written, is denied, as it is not a request for specific identifiable government records. I direct your attention to the GRC opinion re: Complaint No. 2008-51 which provides in relevant part:

"[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.'" MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). The Court further held that *"[u]nder 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. In short, OPRA does not countenance open-ended searches of an agency's files. Emphasis supplied. Page 5.*

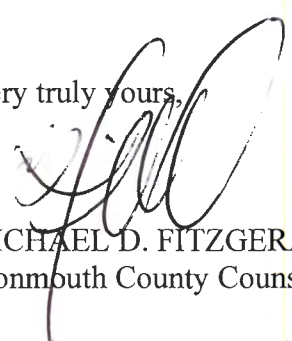
Furthermore, "a requestor must specifically describe the document sought because OPRA operates to make identifiable government records 'accessible.' As such, a proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." Page 6. Requests for "any and all documents" which do not provide identifiers other than broad generic descriptions do not satisfy this requirement. Custodians are also not required to conduct research or create new records in response to an OPRA request and are permitted to deny access for such requests.

If you resubmit your request identifying specific documents, the County will make every effort to provide any responsive documents that exist.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth 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 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. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Should you have any further questions with reference to your request, please feel free to contact the undersigned.

Very truly yours,


MICHAEL D. FITZGERALD
Monmouth County Counsel

MDF/arl

cc: Marion Masnick, Clerk of the Board
Cynthia Scott, Monmouth County Sheriff's Office
Tammy Kelly, Monmouth County Fire Marshal's Office

Masnick, Marion

OPRA 2033-21

From: Norman Carvajal <opra+request-27697-da4a9f86@requests.opramachine.com>
Sent: Friday, December 10, 2021 3:57 PM
To: Masnick, Marion
Subject: [EXTERNAL]OPRA request - Fire Damaged Properties

OFFICE OF CLERK OF THE BOARD

2021 DEC 13 A 9:03

To Whom It May Concern

I respectfully request a list of addresses of residential properties damaged by fire for the month of November 2021

I would really appreciate it if you could email me this information

Sincerely,

Norman Carvajal

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-27697-da4a9f86@requests.opramachine.com

Is mmasnick@co.monmouth.nj.us the wrong address for OPRA requests to Monmouth County? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=monmouth_county

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/fire_damaged_properties_83

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.
