



*Borough of Clementon
101 Gibbsboro Road * Clementon, NJ 08021
(856) 783-0284*

March 8, 2021

Nicholas Magner
Via Electronic Transmittal

Dear Mr. Magner

The Borough of Clementon received your Open Public Records Act (OPRA) request on March 1, 2021. The official Records Custodian, Jenai Johnson, received your OPRA request on March 2, 2021. This response to your request is being provided to you on the 4th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

1. Count of all current and in-progress applications in process with Clementon Police Department (CPD), for Firearms Purchaser Identification Card and/or Handgun Purchase Permit.
2. Count of all applications not yet approved that have been in process at CPD longer than 30 days.
3. Count of all applications denied by CPD from 2/1/20-2/28/2021

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and items 1 thru 3 are denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J.Super. 166, 180 (App. Div. 2007). 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 Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

Item #4 of your request states, "List the reason(s) why the applications in Item 3 above were denied (leave out any personal information)". N.J.S.A 47:1A1.1 exempts Personal Firearms Records from disclosure. Additionally, a "list of reason(s)" would require research and the creation of a document by the custodian.

* A list of OPRA's exemptions is attached to this response letter.

This response is being transmitted to you via a PDF document sent via Electronic Mail, as per your request.

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 Borough of Clementon 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 GRC 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.

Please do not hesitate to contact me if I can be of any further assistance in this matter.

Sincerely,

Jenai L. Johnson
Municipal Clerk/Administrator
Clementon Borough