



May 9, 2023

Carl Schaerf
Schnader Harrison
140 Broadway
New York NY 10005

Via email: opra+request-42066-ed896837@requests.opramachine.com and
cschaerf@schnader.com

Re: OPRA Request: W200588

Dear Mr. Schaerf:

The Agency received your Open Public Records Act (OPRA) request on April 27, 2023. The seven business day deadline to respond to your request is May 9, 2023. Your request was received as follows:

"This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Annual Building Registration Forms filed for the property known as Grogan/Marineview Housing Project located at One Marineview Plaza, Hoboken, NJ 07030 for the period 1975-1980. Also, any certificates of insurance on file, and any records reflecting lists of employees on site from 1975-80."

Please note the following with respect to your request:

A. With respect to your request for "Annual Building Registration Forms filed for the property known as Grogan/Marineview Housing Project located at One Marineview Plaza, Hoboken, NJ 07030 for the period 1975-1980," no document responsive to your request appears in the Agency's files.

B. With respect to your request for "any certificates of insurance on file ... from 1975-1980," please see the documents attached and listed below:

1. COI; and
2. COI 2.

C. With respect to your request for "any records reflecting lists of employees on site from 1975-80," this portion of your request seeks information, requires research, asks questions and/or does not identify specific government records. If a request does not name specifically identifiable



records or is overly broad, the request is an invalid OPRA request and must be denied. 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.

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 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
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