



County of Burlington

Legal Department

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Eve A. Cullinan, *County Administrator*

Board of Commissioners

Felicia Hopson, Director
Daniel O'Connell, Deputy
Allison Eckel
Tom Pullion
Balvir Singh

Via Email: opra+request-56781-91707378@requests.opramachine.com

January 18, 2024

John Moss

Re: OPRA Request 0048-24

Dear Mr. Moss:

I am in receipt of your recent OPRA request, whereby you requested the following:

Pertaining to Herbert Conaway, County Medical Director:

Salary History

All benefits, including but not limited to: medical, retirement, car, cell phone, etc.

Hours log from last 12 months

Vacation/personal/sick days taken in the last 12 months

Health dept. employees names, titles and compensation

Email and text correspondences from government email/cell phones with:

County Commissioner Dan O'Connell

County Commissioner Felisha Hopkins

County Commissioner Tom Pullion

County Clerk Joanne Schwartz

County Surrogate Brian Carlin

County Sheriff James Kostoplis

Joseph Andl

Attached please find the document responsive to your request for "Health dept. employees names, titles and compensation". Please note that any employees highlighted in the attached document are temporary employees. Please be advised that a search of our files indicates that there are no documents or records made, maintained or kept on file by the County of Burlington responsive to your request for "salary history". Specifically, no such document exists that includes a list of previous salaries. Notwithstanding the above, Dr. Conaway's salary history is as follows:

3/18/19- \$150,000

1/1/2020- \$151,500

1/1/2021- \$154,454

1/1/2022- \$157,466

1/11/2023- \$159,966

Please be advised that with regard to your request for "All benefits...", "Hours log...", and Vacation/personal/sick days taken..." those records are exempt from disclosure pursuant to N.J.S.A. 47:1A-10 which exempts from disclosure "[p]ersonnel and pension records, except specific information identified

as follows: a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received..."

Please be advised that your request for "emails with..." is denied as overly broad. Pursuant to the GRC decision in Elcavage in order for a request for emails to be sufficiently specific under OPRA the request must identify a reasonable time frame, the sender and/or recipient, and the subject. See Elcavage v. West Milford Township GRC Complaint no. 2009-07 April 2010). The request fails to identify a subject and a time frame for the requested email search, and as such is overly broad.

Additionally, your request for "text correspondence" is overly broad as it is not limited as to time. OPRA is not intended to be used as a research tool to force government officials to identify and provide useful information. MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). Rather, the OPRA's purpose is to make identifiable government records "readily accessible for inspection, copying or examination." Id. (quoting N.J.S.A. 47:1A-1). Should you wish to provide a time frame for the above email and text correspondence search, please contact Deanna Perez at dperez@co.burlington.nj.us to narrow 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 County of Burlington 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.

We now consider our response complete. Thank you for the opportunity to be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Dina Rocco".

DINA ROCCO
Custodian of Public Records
Burlington County

Encl.