

TOWNSHIP OF DENVILLE

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December 2, 2019

Via Email: opra+request-8211-d62483ae@requests.opramachine.com

**RE: OPEN PUBLIC RECORDS ACT REQUEST TOWNSHIP OF DENVILLE
RECEIVED NOVEMBER 25, 2019**

Dear Ms. Sedita:

You had submitted an Open Public Records Act ("OPRA") request, which was received by the Records Custodian on November 25, 2019. Pursuant to the Open Public Records Act, the Township has seven (7) business days, beginning the day after receipt of your request, to provide a response to your request, that day being December 6, 2019.

Your OPRA request states the following:

According to public tax information, 7 Lake Lenore Road was owned by Habitat for Humanity. In late 2014 however, the property was sold/transferred for \$1.00 to the township.

With the information above, I am requesting all documents from the township on

- 1. Reason and justification for the acquisition of the said property.*
- 2. Future plans for stated property*

Please be advised that your request is overbroad under OPRA because it seeks information, rather than identifying specific records, which would require interpretation and research by the custodian to determine what records might be responsive to your request. Such interpretation and research is not required under OPRA.

OPRA "is not intended as a research tool . . . 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." See N.J.S.A. 47:1A-1; MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546, 549 (App. Div. 2005). OPRA requires the Township to provide specifically identified records. It does not require the Township to answer questions, provide information, or conduct research. See, e.g., Wilcox v. Twp. of West Caldwell, GRC Complaint No. 2004-28 (Oct. 2004) (holding that a request for the name of the person who made a zoning violation complaint was not a valid OPRA request because it asked for information, not access to a government record). "OPRA does not convert a custodian

into a researcher” Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015); see also Elcavage v. W. Milford Twp., GRC Complaint No. 2006-64 (May 2008) (“[T]he Custodian had no legal duty to conduct research to locate records potentially responsive to the Complainant’s request.”). A valid OPRA request must “identify with . . . specificity or particularity the government records sought.” MAG Entm’t, supra, 375 N.J. Super at 549.

If you are able to narrow your request to properly identify specific documents, please do not hesitate to contact me directly so that the Township can provide the records that you seek.

Your OPRA request is now deemed answered and closed. 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 denial of 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.

Sincerely,

Kathryn Bowditch-Leon

Kathryn Bowditch-Leon, Municipal Clerk
TOWNSHIP OF DENVILLE, NEW JERSEY