



BOROUGH OF POMPTON LAKES

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VIA E-MAIL [opra+request-92414-c53374ae@requests.opramachine.com]

Thomas Carson

Re: Open Public Records Act/Common Law Request

Dear Mr. Carson:

The Borough of Pompton Lakes ("Borough") records custodian is in receipt of your Open Public Records Act ("OPRA") and common law request ("Request") submitted after business hours on June 16, 2026. On June 25, 2026, the Borough obtained an extension of the response deadline until July 10, 2026. As such, the Borough is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

- All invoices from RJH Law Enforcement Consultants (Raymond Hayducka) to Pompton Lakes from January 1, 2022, to today, June 16, 2026.
- All hearing recommendations/rulings by RJH Law Enforcement Consultants (Raymond Hayducka).
- Resolution(s) hiring RJH Law Enforcement Consultants (Raymond Hayducka).

With respect to the portion of your Request purportedly seeking invoices, the Borough identified two boxes of invoices as potentially responsive. Please be advised that same are located off-site and as such, you will be charged for the retrieval and return costs in the event that you should still wish for the Borough to search for and produce the potentially responsive materials. The cost to retrieve the boxes from storage is \$143.36, and the cost to return the boxes to storage is \$143.36. Accordingly, you will be charged \$286.72 if you still wish to access any responsive invoices.

With respect to the portions of your Request purportedly seeking hearing recommendations/rulings and resolution(s), please be advised that same are overly broad, as they fail to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. § 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, 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 e.g., Spectraserv, Inc. v. Middlesex Cty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency's files and "analyze, compile, and collate" the requested information. Id.; see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Here, your request is clearly deficient as it constitutes a blanket request for all recommendations/rulings issued by RJH Law Enforcement Consultants (Raymond Hayducka) without specifying any particular legal dispute(s) that Mr. Hayducka allegedly issued a recommendation to the Borough and/or with respect to a case involving the Borough (and resolutions hiring RJH Law Enforcement Consultants/Raymond Hayducka), and your Request purports to require the Borough's records custodian to conduct research in order to determine which materials may potentially be responsive and exercise judgment as to whether or not particular communications from RJH Law Enforcement Consultants in fact constitute "hearing recommendations/rulings," which is beyond the legal obligations of a records custodian under OPRA. See Parreott v. Asbury Park School District, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking "all relevant documents" was invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). The second and third Request items are plainly more akin to litigation discovery demands than requests for specifically identifiable records as OPRA requires. Moreover, the second and third Request items are further objectionable due to the lack of any date limitation. See Wares v. Passaic Cty. Prosecutor's Office, GRC Complaint No. 2014-330 (June 2015); Love v. Borough of Spotswood, GRC Complaint No. 2014-223 (Interim Order March 2015). In sum, these portions of your Request are invalid as they fail to comport with OPRA's specificity requirements.

Notwithstanding the invalidity of these portions of your Request, in the interest of transparency the Borough conducted a good-faith search and identified four records as potentially responsive for the second Request item. To the extent the second Request item may potentially be construed as seeking any specifically identifiable Borough record(s), please note that said record(s) is legally exempt from public access as it constitutes a "personnel record" within the meaning of N.J.S.A. § 47:1A-10, which does not fall within any of the statutory exceptions that may otherwise allow for public access under particular circumstances. Moreover, said record(s) is protected from disclosure by the Borough's deliberative process privilege. See N.J.S.A. § 47:1A-1.1 (exempting "inter-agency or intra-agency advisory, consultative, or deliberative material" from the definition of a "government record"). Lastly, the potentially responsive record(s) is also legally exempt from public access pursuant to N.J.S.A. § 47:1A-1.1 as the content reflects "information generated by or on behalf of [a] public employer in connection with any grievance filed by or against an individual." Accordingly, the Borough is legally precluded from producing the potentially responsive record(s).

To the extent that you are purportedly seeking records pursuant to the common law right of access, your Request is similarly deficient for the reasons explained above. Additionally, in O'Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why

he seeks access to the requested documents. See also Gannett Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). Here, your Request lacks any explanation with respect to your purported interest in accessing the records at issue.

In light of the above, kindly remit a check in the amount of **\$286.72** made payable to the Borough of Pompton Lakes in the event that you should still wish for the Borough to procure the potentially responsive invoices from storage. If we do not receive your payment by close of business on July 31, 2026, we will treat the first Request item as abandoned and close out the remainder of your Request.

Very truly yours,



Elizabeth Brandsness, RMC
Municipal Clerk/Deputy Administrator