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September 17, 2020

Via Email (william.n.sosis@gmail.com)

William Sosis

RE: Mansfield Township Open Public Records Act request

Dear Mr. Sosis:

The Township of Mansfield received your Open Public Records Act (OPRA) request on June 13, 2020. The official Records Custodian, Dena Hrebenak, received your OPRA request on the same date and forwarded it to me.

Your OPRA request sought access to the following information:

For the period January 1, 2014 to the present, all public records including but not limited to communications, meetings, and documents RELATING to the Mount Bethel Church Project. Mount Bethel Church is located in the Port Murray section of Mansfield Township, Warren County, New Jersey.

This request is overly broad and does not identify a specific government record. While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use 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. N.J.S.A. 47:1A-1." MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005). The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt... In short, OPRA does not countenance open-ended searches of an agency's files." Id. at 549. In Donato v. Township of Union, GRC Complaint No. 2005-182 (February 2007), the Council held that "the custodian is obligated to search her files to find the identifiable government records listed in the

Complainant's OPRA request. However, the Custodian is not required to research her files to figure out which records, if any, might be responsive to a broad or unclear OPRA request.

While your request does identify a project within the Township, your request for "all public records" is too broad in that it would require the Custodian to review all documents in the Township to determine which are responsive. This is not permissible under OPRA. In addition, if you are seeking email communications, please amend your request to provide the following: (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) identify the sender and/or the recipient thereof. See Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010).

The Township Clerk has a subfolder for Mount Bethel Church and she will upload those documents through OPRA Machine; however, for the reasons stated above the Custodian cannot certify that these records are the only records in the Township that reference this project.

At this time, we request clarification or amendment of your OPRA request. Once we receive clarification as to exactly what identifiable government records you are seeking, we will attempt to assist you. Please respond in writing and identify the specific government records you are seeking so that compliance therewith can be achieved. Failure to provide written clarification of your request will result in the closure of this OPRA request.

You have a right to challenge the decision made by the Township of Mansfield to deny your access to the documents sought. 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 website 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.

Very truly yours,



Katrina L. Campbell

cc: Township Clerk (via email only)