

May 29, 2022

Dear Anonymous Requestor,

The New Jersey State League of Municipalities (League) has received your request for public records made under the New Jersey Open Public Records Act (OPRA) and the common law. Your request was received April 21, 2022. You have requested, for the period of time between January 1, 2018 and April 21, 2022,

"Copies of any and all public records containing one or more of the following keywords in relation to communications and documents specifically involving "OPRA" or the "Open Public Records Act" (see search details below list):

"Frivolous"	"Time consuming"	"Stalking"	"Tony Vauss"
"Unduly"	"Voluminous"	"Intimidate"	"Vauss"
"Burden"	"Expensive"	"Intimidating"	"Resolution"
"Burdened"	"Harass"	"Too Many"	"Lawsuit"
"Burdensome"	"Harassment"	"Irvington"	"Legislation"
"Overburden"	"Harm"	"Elouise"	
"Overburdening"	"Abuse"	"McDaniel"	
"Overburdened"	"Stalk"	"McDaniel"	

In reviewing your request, I have identified two separate categories of records being sought: 1) "Communications", and 2) "Documents." I have further defined these two categories using the listing of records you have provided in your request.

- 1) Communications – Emails, letters, text/SMS messages.
- 2) Documents – Publications, speeches, audio recordings, video recordings, online posts, online articles, trainings, presentations, curriculum, newsletter articles, memos, books, manuals, opinion pieces, editorials, agendas, minutes, templates, sample or draft resolutions, sample or draft legislation.

Although your request provides specific search criteria within a general topic ("OPRA" and the "Open Public Records Act"), it does not necessarily narrow the scope of the request to specific identifiable documents. This makes fulfillment of your request very difficult without additional clarification. Given the unique nature, purpose and operations of the League, the following provides perspective in order to assist with obtaining the records you seek.

1) Communications

As for the Communications category, a preliminary search of emails alone returned over 325,000 possible responsive records. Part of the reason for the large number of possible

responsive emails is due to the signature line that appears in all League staff emails, "*NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.*" These emails will need to be individually reviewed to determine their relevance to your request, and for possible redaction or exemption from production in accordance with applicable law.

As such your request, as it pertains to communications records requires additional time beyond the seven (7) business days to fulfill because of its voluminous nature. OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.1. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

Your request requires an extension of time until at least **June 21, 2022**.

2) Documents

Your request, as it pertains to Documents, cannot be fulfilled without additional clarification.

Although a records custodian is not required to research files to figure out which records, if any, might be responsive to a broad or unclear OPRA request (see, MAG Entertainment v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005)) I have attempted, for the purposes of this request, a search of League records where "OPRA" or the "Open Public Records Act" are known to be or would likely be the topic. Such records include:

- a) Articles appearing in the New Jersey Municipalities magazine,
- b) Blog postings on the League's Town Crier Blog,
- c) Items appearing in the League's "Daily Update", "Weekly Round-Up", and "Legislative Alerts."
- d) League Conference Resolutions,
- e) Model municipal resolutions written by the League,
- f) Municipal resolutions received by the League,
- g) PowerPoint slide decks and other materials presented and provided at various seminars and webinars,
- h) Publications.

As an initial response to your request for Documents, the League has included an index of materials with web links to relevant documents. Please note, that some items are not available via web link. This has been noted within the index, and when this occurs PDF files of these records have been attached.

I believe that the specific records referenced above encompass the types of records you request. Please advise whether you believe these specific documents will fulfill your records request. If there are other specifically identifiable documents which you believe are necessary to fulfill your request, please respond by providing the specific document you are looking for, or a detailed explanation of such document so that I may better assist you.

As the request is further clarified, the League will produce records, as appropriate, on a rolling basis or all at one time, as you wish.

I am more than willing to discuss the types of records created and maintained by the League and clarify any questions you may have. You may call me directly at 609-695-3481 x 137, during League hours between 9 a.m. and 4:30 p.m.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Frank Marshall', written in a cursive style.

Frank Marshall

League Records Custodian
Associate General Counsel