



City of Linden  
UNION COUNTY, NEW JERSEY

OFFICE OF CITY CLERK

City Hall – 301 North Wood Avenue  
(908) 474-8452  
Fax: (908) 474-8451

Joseph C. Bodek, RMC, RPPO  
City Clerk

Jennifer Honan  
Deputy City Clerk

May 22, 2023

VIA E-MAIL [jopra+request-42592-6866ba0f@requests.opramachine.com](mailto:jopra+request-42592-6866ba0f@requests.opramachine.com)

Max Kolbe

Re: Open Public Records Act/Common Law Request

Dear Mr. Kolbe:

The City of Linden ("City") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on May 11, 2023. The seven business day deadline to respond to your Request is May 22, 2023. As such, the City is timely responding to your Request in accordance with New Jersey law.

Your Request seek the following records:

An email log from Jan 1, 2020 to May 1, 2023, where either the sender or recipient email address includes "@njleg.org"

Please ensure the log includes the email subject, sender, recipient(s), and date and time.

Please be advised your Request is legally deficient. Both New Jersey courts and the GRC have upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean County College, GRC Complaint No. 2013-266 (Jan. 2016).

In Elcavage v. West Milford Township, GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: "[I]n order to specifically identify an e-mail the OPRA request must contain (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) **identification of the sender and/or the recipient thereof.**" Requests seeking correspondence but omitting specific senders and/or recipients are invalid. See Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist., GRC Complaint No. 2018-8 (Sept. 2019). Here, your Request is invalid as it lacks any specific senders/recipients for the e-mail log that you are purportedly seeking. In Coughlin v. Borough of High Bridge, GRC Complaint No. 2011-120 (Sept. 2012), the GRC held that

*a request identifying e-mails sent to or from the Borough's golf department failed OPRA's specificity requirements, explaining:*

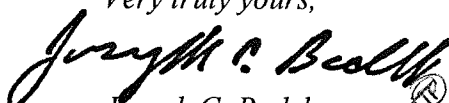
*In order for the Custodian to respond to this request, the Custodian would be required to evaluate all e-mails in their database in order to determine whether the named recipients of such communications were employed in the golf department. Such a request is not feasible. Pursuant to Elcavage and MAG, it is not the Custodian's duty to discern which e-mails in their database have been received by or sent to a golf department employee. A search for the individual employees' names and related e-mail addresses would constitute research that is not the statutory duty of a Custodian.*

*See also Wolosky v. Township of Randolph, GRC Complaint No. 2010-244 (Feb. 2012) ("The request failed to name a specific identifiable sender and recipient: the request seeks e-mails from and to a specific class of employee (specifically, Morris County Municipal Clerks) and not individually named senders and recipients.")*

*Here, your Request for an e-mail log where the sender or recipient e-mail address includes "@njleg.org" clearly does not satisfy OPRA's specificity requirements, and would require the City's records custodian to conduct research in order to respond to your Request. 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). Accordingly, the City cannot respond to your Request in its present form.*

*Your Request is now deemed answered and closed. Thank you for your attention to this matter.*

*Very truly yours,*

  
Joseph C. Bodek  
City Clerk