



City of Bayonne

LAW DEPARTMENT

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James M. Davis
Mayor

John F. Coffey II, Esq.
Law Director

June 22, 2021

Sent Via E-Mail Only

Jordan Santiago

Opra+request-24085-b4dbe6f0@requests.opramachine.com

RE: OPRA Request #21-572

Dear Mr. Santiago:

The City of Bayonne received your Open Public Records Act (OPRA) request on June 21, 2021. The official Records Custodian, Madelene C. Medina, received your OPRA request on June 21, 2021. As such, the seven (7) business day deadline to respond to your request is June 30, 2021. This response to your request is being provided to you on the 1st business day after the custodian's receipt of said request.

Your OPRA request sought access to the following: See attached OPRA request.

With respect to item 1, your request is "complex" because it fails to specifically identify the documents sought, and therefore this request is not "encompassed" by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J.Super. 166, 180 (App. Div. 2007). 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 *Bent v. Stafford Police Department*, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

At this time, we request clarification of your OPRA request. Please respond in writing and identify the specific government records sought so that we may process your request. In order to process your request, please provide the type of violation and identify from which department you seek the code violations and permits. Failure to provide written clarification of your request will result in the closure of this OPRA request.

With respect to items 2, 3, and 4, no records exist as the City of Bayonne regarding same.

With respect to items 5, 6, 7 and 8, the City will provide a response on or before July 13, 2021.

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 decision by the City of Bayonne to deny 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,



Jessica H. Connors
Assistant City Attorney

Cc: Madelene C. Medina, City Clerk & Records Custodian