



The Borough of Sayreville

Municipal Clerk's Office

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Deanna Palevo

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Re: Request for Access to Public Records

Greetings:

This letter shall serve as the Borough's response to your OPRA request seeking "Records or reports involving a Mrs. Patricia A. Palevo on the date of 03/21/2010." Initially, your request is invalid as being overly broad by failing to identify the specific records being requested. Generally, OPRA requests that fail to seek specific identifiable governmental records or are overly broad, are invalid under OPRA pursuant to MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 435 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007); and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). See Petrelli v. Branchburg Board of Education, GRC Complaint No. 2010-13 (March 2011). The New Jersey Superior Court has held that "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." (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). The Court further held that "under 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. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files." Id. at 549 (emphasis added). " Id. at 549 (Emphasis added.) A valid OPRA Request cannot seek "any and all" nor all of any one type of documents. Requests for "any and all documents" on a specific subject are considered "overly broad." Spectraserv, Inc. v. Middlesex County Utilities Authority, 416 N.J. Super. 565, 577-578 (App. Div. 2010). Accordingly, if an OPRA Request simply requests for all copies of a certain type of public record, such Request does not seek a specific identifiable government record and is thus invalid pursuant to MAG, supra, Bent, supra, New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007), and the Council's decision in Schuler, supra. See Petrelli, supra.

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Here, your OPRA request seeks "records or reports" but fails to identify a specific type of record or report, or even a department within which such record or report may exist. As such, your OPRA request is denied as invalid.

Notwithstanding the foregoing, the Borough was able to ascertain a potential record being in response to your request from the Borough Police Department; however, such police investigatory record is exempt from disclosure under OPRA as being be denied as a death and suicide investigation report pursuant to N.J.S.A. 47:1A-9(a), and Executive Order 26, Paragraph 4(b). See Leslie Posnock, Esq. v. Monmouth County Sheriff's Office, GRC Complaint No. 2006-4 (Decided November 15, 2006).

If I can be of any further assistance, please do not hesitate to call my office.

Very truly yours,


Jessica Morelos, RMC
Municipal Clerk

JM/jo