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September 17, 2025

Via Email Only
James Mattoon

Re: OPRA Request Dated September 9, 2025

Dear Mr. Mattoon:

You recently requested documents from the Manalapan-Englishtown Board of Education ("Board" or "District") pursuant to an Open Public Records Act ("OPRA") request dated September 9, 2025. The time in which a public entity has to respond to an OPRA request begins to run the day after the custodian of records receives such a request. The seventh (7th) business day within which to respond to your request is September 18, 2025.

At this time, the following is provided in response to your OPRA request:

- 1. Copies of any and all resumes provided by applicants and maintained by the district for ALL new teacher hires from January 1, 2025 to present. In addition, a complete list of the position they were hire for, starting salary (as approved by BOE), and assigned school for the 2025-2026 school year for the new hire(s). Lastly, please provide the number of applicants for each position that these new hires fulfilled (ie. a total of 7 applicants for grade 5 position at school ABC, Mary Smith was hired for this position starting salary 100k per year).**

Your request for "any and all resumes" is overly vague and / or unclear and fails to identify with reasonable clarity the specific government records to which you seek access. See MAG Entertainment, LLC v. Division Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30 (App. Div. 2005). In this regard, the Appellate Division has held that "[w]hile 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 at 546. The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government

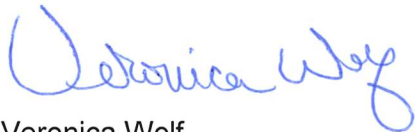
records not otherwise exempt ... **In short, OPRA does not countenance open-ended searches of an agency's files.**" (Emphasis added.) Id. at 549. N.J.S.A. 47:1A-1.1 defines a government record as "...any paper...document...that has been made, maintained, or kept on file... in the course of official business." **At this time, we request clarification of your request of which resumes specifically you are seeking.. Please respond in writing and identify specifically the government record(s) sought.** Failure to provide such written clarification will result in the closure of your request.

Further, OPRA does not require public agencies "to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.'" MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. March 2005). Thus, the requestor must specifically identify the records sought. Moreover, public agencies are not required to provide a record that does not exist **or to create a record**. N.J.S.A. 47:1A-9; Librizzi v. Township of Verona Police Department, GRC Complaint No. 2009-213 (August 2010); See also Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. March 2005). **Accordingly, please be advised that no such "list" in the remainder of your request is currently maintained by the District. As such, this specific request is denied.**

Should you have any questions, please feel free to contact me.

Thank you.

Sincerely,



Veronica Wolf
Business Administrator/Board Secretary/Custodian of Records