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Clerk of the Board
KELLY MAGER

October 17, 2022

VIA E-MAIL [opra+request-35985-48e53ddb@requests.opramachine.com]
PSNJ Ironbound Media

Re: Open Public Records Act Request dated October 11, 2022

Dear Sir or Madam:

The County of Somerset ("County") records custodian received your Open Public Records Act ("OPRA") request on October 11, 2022. The seven business day deadline for the County's response is October 20, 2022. As such, the County is timely responding to your OPRA request in accordance with New Jersey law.

Your OPRA request seeks the following records:

1. Any and all communications to/from the NJ Attorney General's Office regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.
2. Any and all communications to/from the NJSP Superintendent's Office regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.
3. Any and all communications to/from the Somerset County Prosecutor's Office regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.
4. Any and all interoffice communications within the Somerset County Court Clerk's Office regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.

- Mission Statement -

The County of Somerset is committed to excellence and innovation in public service, promoting the well-being of all residents and communities by providing effective, efficient and responsive leadership.

Somerset County Is An Equal Opportunity Employer

5. Any and all communications to/from municipal police departments within Somerset County regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.
6. Any and all communications to/from Firearms Rights groups/individuals/attorneys regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.
7. Any and all communications to/from private citizens regarding the processing of 2C:58-4 Permit to Carry a Handgun applications post SCOTUS Bruen Decision.

Please be advised that your OPRA request is invalid as overly broad. 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 OPRA request is invalid as it lacks a date range and any specific senders/recipients for the communications that you purport to request. Please note that “post SCOTUS Bruen decision” does not constitute a valid date range. 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."). Accordingly, your request for communications clearly does not satisfy OPRA's specification requirements.

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

Very truly yours,



Kelly Mager
Clerk of the Board