

VIA EMAIL [opra+request-67594-93cd3570@requests.opramachine.com]

Freedom of Press

Re: Open Public Records Act/Common Law Request

Dear Sir/Madam:

The East Newark Public School ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on October 3, 2024. The seven business day deadline to respond to your Request is October 22, 2024. Therefore, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Please provide resignation letters regarding all staff who have resigned under the current super independent [sic] Bagolie.

Please be advised that your Request is invalid as overly broad pursuant to N.J.S.A. 47:1A-5(g) (providing that a records custodian shall not be required to search for responsive communications if the request fails to identify the specific accounts, a specific subject matter, and a reasonable time period for the search). Here, "under the current super independent [sic] Bagolie" does not constitute a valid date range that would allow for the District to conduct an appropriate search. See *Wares v. Passaic Cty. Prosecutor's Office*, GRC Complaint No. 2014-330 (June 2015); *Love v. Borough of Spotswood*, GRC Complaint No. 2014-223 (Interim Order March 2015).

Additionally, your Request fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. *MAG Entm't, LLC v. Div. of ABC*, 375 N.J. Super. 534, 549 (App. Div. 2005); *New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007).

Consequently, 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 e.g., *Spectraserv, Inc. v. Middlesex Cty. Utilities Auth.*, 416 N.J. Super. 565, 576 (App. Div. 2010); *Bent v. Twp. of Stafford Police Dep’t*, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency’s files and “analyze, compile, and collate” the requested information. *Id.*; 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). Here, your Request is clearly deficient as it constitutes a blanket request for all letters of resignation submitted during Superintendent Bagolie’s tenure, and your request purports to require the District’s records custodian to conduct research in order to determine when Dr. Bagolie commenced employment with the District and who resigned during the applicable timeframe. See *Parreott v. Asbury Park School District*, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking “all relevant documents” was invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also *Burke v. Ocean Cty.*, 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). Accordingly, your Request is invalid as it fails to comport with OPRA’s specificity requirements.

To the extent that you are purportedly seeking the resignation letters pursuant to the common law right of access, your Request is similarly deficient for the reasons stated above. Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

Emidio D’Andrea

Interim Business Administrator