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February 16, 2021

Via Email (opra+request-20191-3e94692c@requests.opramachine.com)

Mr. Radwan

Re: OPRA Request Dated February 10, 2021

Dear Mr. Radwan:

Please be advised that this Firm represents the Carteret Board of Education (“Board”). The Administration is in receipt of your February 10, 2021 Open Public Records Act (“OPRA”) request addressed to the Carteret School District seeking the following items:

1. A copy of Board President Murray’s email log from October 1, 2018 through November 16, 2018;
2. A copy of “all attorney” from March 1, 2020 through December 16, 2020; and
3. A copy of all emails from Board of Education Vice President Hart concerning the subject, “Reiman”, “Mayor”, “Carteret business Partnership”, “CBP”, “McFadden”, “Charity”, and “Gallo” from January 1, 2018 through April 16, 2019.

Pursuant to the OPRA, its accompanying regulations, and guidance from the Government Records Council (“GRC”), your request is denied for the following reasons. OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. See N.J.S.A. 47:1A-1.1. A custodian of record must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. OPRA places the burden on a custodian of record to prove that a denial of records is lawful pursuant to N.J.S.A. 47:1A-6.

An OPRA requestor must describe the records sought “with the requisite specificity,” see Burke v. Brandes, 429 N.J. Super. 169, 177 (App. Div. 2012) and may not submit a “broad, generic description of documents,” see Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). Further, case law is clear that “the custodian is not required to research [his or her] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request.” Burnett v. City of Gloucester, 415 N.J. Super. 506, 515 (App. Div. 2010),

quoting Donato v. Township of Union, GRC 2005-182, interim order (January 31, 2007) (emphasis added).

Prior OPRA requests for e-mail production similar to the instant request here have been addressed by the GRC. See Elcavage v. West Milford, GRC 2009-07, final decision (April 13, 2010). Upon review, your request for emails, email logs, and “all attorney” are overbroad and fail to define with requisite specificity what you are seeking. As such, your request is denied. Upon receipt of a narrowly-tailored request, the Board will produce any non-privileged records responsive thereto.

Sincerely,
DeCotiis, FitzPatrick, Cole & Giblin, LLP
For the Firm

/s/ Arlene Quinones Perez
Arlene Quiñones Perez, Esq.

cc: Rosa Diaz, Superintendent of Schools (*via e-mail*)
Ellen Skiba, Secretary to Business Administrator/Board Secretary (*via e-mail*)