



Avon School

www.AvonSchool.com

Lincoln and Fifth Avenues • Avon-by-the-Sea, NJ 07717

Phone: 732.775.4328 • Fax: 732.775.0761



February 5, 2025

VIA E-MAIL (opra+request-71295-54847f2c@requests.opramachine.com)

Re: OPRA Request

To Mr. Clark:

The Avon School District ("District") records custodian received your Open Public Records Act ("OPRA") request on January 29, 2025. As such, the seven (7) business day deadline to respond to your request is February 7, 2025. This response is therefore being timely submitted in accordance with New Jersey law. See N.J.S.A. 47:1A-5.

Your OPRA requests seek the following records listed below.

"Electronic copies of communications including electronic communications between Netta Architects and Avon BOE during 2024 & 2025"

As a threshold matter, requests seeking "all documents" are held to be overly broad and unclear. Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 3 (App. Div. 2005) (holding that request for "any and all" records did not amount to a request for an identifiable government record); see also New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007). This type of records research is not required. 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); See 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." See e.g., Spectraserv, Inc. v. Middlesex Cnty. 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 is not intended to be used as a research tool used to force government officials to manually search, analyze, identify and siphon useful information. MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005).

Here, many of these requests seeking written communications and emails are overly broad. The GRC has 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 Cty. College, GRC Complaint No. 2013-266 (Jan. 2016); Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 and 2009-08 (April 2010).

In Elcavage v. West Milford Twp., 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."



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Here, your request does not specify the content and/or subject matter and a date or range of dates and are thus overly broad.

If you wish to amend the requests so that it contains all three Elcavage requirements, please inform us as to your revised request.

Sincerely,

Amy S. Lerner

Amy S. Lerner

School Business Administrator/Board Secretary

Government Records Custodian