

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Julie A. Kot
School Business Administrator/
Board Secretary



(908) 464-1601 x1400
jkot@bhpsnj.org

Via Electronic Mail

January 12, 2023

Re: Open Public Records Act (OPRA) Request

Dear Mr. Maciejewski:

The Berkeley Heights Public Schools (“District”) records custodian received your Open Public Records Act (“OPRA”) request on Wednesday, January 4, 2023, at 12:50 p.m. The seven-business day deadline to respond to your request is January 13, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

I am submitting this OPRA to provide the wording of the OPRA along with the requestor of the OPRA request that has taken 95 hours to produce per the below meeting minutes. This OPRA request should have been in 2021 or 2022.

Please be advised that your OPRA request is invalid. To the extent that your OPRA request seeks communications, please be advised that the New Jersey Government Records Council 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, 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.” Additionally, 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). See also Wolosky v. Township of Randolph, GRC Complaint No. 2010-244 (Feb. 2012) (holding that the request failed to name a specific identifiable sender and recipient since it sought e-mails from “Morris County Municipal Clerks” and not individually named senders and recipients”).

Here, you not only fail to identify the sender/recipient of the requested communications, but actually ask the records custodian to do so. Moreover, the general time frame is overly broad, and a request for “wording” is a request for information, not an identifiable public record.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Sincerely,

s/ Julie A. Kot

Julie A. Kot

Business Administrator/Board Secretary

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)