



State of New Jersey
GOVERNMENT RECORDS COUNCIL
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

FINAL DECISION

January 25, 2011 Government Records Council Meeting

Adrian O. Mapp
Complainant

Complaint No. 2009-334

v.

Borough of Roselle (Union)
Custodian of Record

At the January 25, 2011 public meeting, the Government Records Council (“Council”) considered the January 18, 2011 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because the Custodian disclosed to the Complainant the requested personnel file records in unredacted form and provided certified confirmation of compliance to the Executive Director within ten (10) business days from receipt of the Council’s Interim Order, the Custodian complied with the Council’s November 30, 2010 Interim Order.
2. Although the Custodian unlawfully denied the Complainant access to the contents of his personnel file pending the Complainant’s execution of the Borough’s authorization and release form, the Custodian did comply in a timely manner with the Council’s November 30, 2010 Interim Order by promptly disclosing to the Complainant the requested personnel file. As such, it is concluded that the Custodian’s actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.



Final Decision Rendered by the
Government Records Council
On The 25th Day of January, 2011

Robin Berg Tabakin, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Charles A. Richman, Secretary
Government Records Council

Decision Distribution Date: February 7, 2011

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
January 25, 2011 Council Meeting**

**Adrian O. Mapp¹
Complainant**

GRC Complaint No. 2009-334

v.

**Borough of Roselle (Union)²
Custodian of Records**

Records Relevant to Complaint: Complainant's OPRA requests labeled December No. 1 through December No.6 described in Exhibit A (attached).³

Requests Made: December 16, 2009

Responses Made: December 28, 2009

Custodian: Rhona C. Bluestein

GRC Complaint Filed: December 30, 2009⁴

Background

November 30, 2010

At the November 30, 2010 public meeting, the Government Records Council ("Council") considered the November 23, 2010 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that:

1. Because the Complainant's requests labeled December No. 1 through December No. 5 fail to specify identifiable government records and would require the Custodian to conduct research, said requests are invalid pursuant to MAG Entertainment LLC. V. Div. of Alcoholic Beverage Control, 375 N.J.Super. 534 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J.Super. 30 (App. Div. 2005), Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445 (App. Div. 2009), and the Council's decision in Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).
2. Because the Complainant as an individual in interest had access to his personnel records, and because there is no provision in OPRA or any other

¹ No legal representation listed on record.

² Represented by Kraig M. Dowd, Esq. (West Paterson, NJ).

³ The Complainant requested that all of the records in each request be provided to him via e-mail.

⁴ The GRC received the Denial of Access Complaint on said date.

law cited by the Custodian which provides for the Custodian to withhold said records from disclosure pending the Complainant's execution of an authorization and release form, the Custodian violated N.J.S.A. 47:1A-6. by unlawfully denying the Complainant access to these records. Therefore, the Custodian must disclose to the Complainant in the requested medium, or another meaningful medium, the records requested in the Complainant's request labeled December No. 6.

3. If the records require a substantial amount of manipulation, the Custodian shall calculate in addition to the actual cost of duplicating the records, a special service charge cost which is reasonable and based on the cost for any extensive use of information technology or for the labor cost of personnel providing the service actually incurred by the agency for converting the records relevant to the complaint into the requested medium, or another meaningful medium, and thereafter provide the Complainant with an opportunity to review and object to the charge pursuant to N.J.S.A. 47:1A-5.c. and N.J.S.A. 47:1A-5.d.
4. **If applicable, the Custodian shall calculate the appropriate special service charge in accordance with Paragraph No. 3 above and shall make the amount of the charge available to the Complainant within three (3) business days from receipt of the Council's Interim Order. The Custodian shall disclose to the Complainant the requested personnel file records with any appropriate redactions and a detailed document index explaining the lawful basis for any such redaction upon the Complainant's payment of the special service charge, if any, within ten (10) business days from receipt of the Council's Interim Order and simultaneously provide certified confirmation of compliance in accordance with N.J. Court Rule 1:4-4, to the Executive Director. If a special service charge is applicable and the Complainant fails to pay the special service charge for the requested records by the tenth (10th) business day from receipt of the Council's Interim Order, the Custodian shall provide a certification to that effect in accordance with N.J. Court Rule 1:4-4 to the Executive Director.**
5. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

December 3, 2010

Council's Interim Order ("Order") distributed to the parties.

December 13, 2010

Certification of the Custodian in response to the Council's Interim Order, attaching a copy of an e-mail from the Custodian to the Complainant dated December 13, 2010.

The Custodian certifies that she received the Council's November 30, 2010 Interim Order on December 3, 2010. The Custodian also certifies that on December 13, 2010, pursuant to the Council's Order, she disclosed to the Complainant the contents of his personnel file dated from January 2007 to December 15, 2009. The Complainant further certifies that the records were disclosed in their entirety, without any redactions and in the medium requested by the Complainant. The Custodian provides the GRC with a copy of the e-mail forwarding the records to the Complainant.

Analysis

Whether the Custodian complied with the Council's November 30, 2010 Interim Order?

The Council's Order allowed the Custodian ten (10) business days to provide certified confirmation of compliance. The Custodian complied with the Council's Order and submitted a certification of compliance to the Executive Director on the fifth (5th) business day after receipt of the Council's Interim Order. The Custodian certified that she disclosed to the Complainant the contents of his personnel file dated from January 2007 until December 15, 2009. The Complainant further certified that the records were disclosed in their entirety, without any redactions and in the medium requested by the Complainant.

Accordingly, because the Custodian disclosed to the Complainant the requested personnel file records in unredacted form and provided certified confirmation of compliance to the Executive Director within ten (10) business days from receipt of the Council's Interim Order, the Custodian complied with the Council's November 30, 2010 Interim Order.

Whether the Custodian's denial of access to the requested records rises to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances?

OPRA states that "[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty ..." N.J.S.A. 47:1A-11.a.

OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically OPRA states:

"... If the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA]..." N.J.S.A. 47:1A-7.e.

Certain legal standards must be considered when making the determination of whether the Custodian's actions rise to the level of a "knowing and willful" violation of OPRA. The following statements must be true for a determination that the Custodian "knowingly and willfully" violated OPRA: the Custodian's actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian's actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (Berg); the Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J.Super. 86, 107 (App. Div. 1996)).

Here, although the Custodian unlawfully denied the Complainant access to the contents of his personnel file pending the Complainant's execution of the Borough's authorization and release form, the Custodian did comply in a timely manner with the Council's November 30, 2010 Interim Order by promptly disclosing to the Complainant the requested personnel file. Therefore, it is concluded that the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Because the Custodian disclosed to the Complainant the requested personnel file records in unredacted form and provided certified confirmation of compliance to the Executive Director within ten (10) business days from receipt of the Council's Interim Order, the Custodian complied with the Council's November 30, 2010 Interim Order.
2. Although the Custodian unlawfully denied the Complainant access to the contents of his personnel file pending the Complainant's execution of the Borough's authorization and release form, the Custodian did comply in a timely manner with the Council's November 30, 2010 Interim Order by promptly disclosing to the Complainant the requested personnel file. As such, it is concluded that the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Prepared By: John E. Stewart, Esq.
Mediator

Approved By: Catherine Starghill, Esq.
Executive Director

January 18, 2011



State of New Jersey
GOVERNMENT RECORDS COUNCIL
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

INTERIM ORDER

November 30, 2010 Government Records Council Meeting

Adrian O. Mapp
Complainant

Complaint No. 2009-334

v.

Borough of Roselle (Union)
Custodian of Record

At the November 30, 2010 public meeting, the Government Records Council ("Council") considered the November 23, 2010 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because the Complainant's requests labeled December No. 1 through December No. 5 fail to specify identifiable government records and would require the Custodian to conduct research, said requests are invalid pursuant to MAG Entertainment LLC. V. Div. of Alcoholic Beverage Control, 375 N.J.Super. 534 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J.Super. 30 (App. Div. 2005), Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445 (App. Div. 2009), and the Council's decision in Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).
2. Because the Complainant as an individual in interest had access to his personnel records, and because there is no provision in OPRA or any other law cited by the Custodian which provides for the Custodian to withhold said records from disclosure pending the Complainant's execution of an authorization and release form, the Custodian violated N.J.S.A. 47:1A-6. by unlawfully denying the Complainant access to these records. Therefore, the Custodian must disclose to the Complainant in the requested medium, or another meaningful medium, the records requested in the Complainant's request labeled December No. 6.
3. If the records require a substantial amount of manipulation, the Custodian shall calculate in addition to the actual cost of duplicating the records, a special service charge cost which is reasonable and based on the cost for any extensive use of information technology or for the labor cost of personnel providing the service actually incurred by the agency for converting the records relevant to the complaint



into the requested medium, or another meaningful medium, and thereafter provide the Complainant with an opportunity to review and object to the charge pursuant to N.J.S.A. 47:1A-5.c. and N.J.S.A. 47:1A-5.d.

4. **If applicable, the Custodian shall calculate the appropriate special service charge in accordance with Paragraph No. 3 above and shall make the amount of the charge available to the Complainant within three (3) business days from receipt of the Council's Interim Order. The Custodian shall disclose to the Complainant the requested personnel file records with any appropriate redactions and a detailed document index explaining the lawful basis for any such redaction upon the Complainant's payment of the special service charge, if any, within ten (10) business days from receipt of the Council's Interim Order and simultaneously provide certified confirmation of compliance in accordance with N.J. Court Rule 1:4-4¹, to the Executive Director. If a special service charge is applicable and the Complainant fails to pay the special service charge for the requested records by the tenth (10th) business day from receipt of the Council's Interim Order, the Custodian shall provide a certification to that effect in accordance with N.J. Court Rule 1:4-4 to the Executive Director.**
5. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Interim Order Rendered by the
Government Records Council
On The 30th Day of November, 2010

Robin Berg Tabakin, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Charles A. Richman, Secretary
Government Records Council

Decision Distribution Date: December 3, 2010

¹ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
November 30, 2010 Council Meeting**

**Adrian O. Mapp¹
Complainant**

GRC Complaint No. 2009-334

v.

**Borough of Roselle (Union)²
Custodian of Records**

Records Relevant to Complaint: Complainant's OPRA requests labeled December No. 1 through December No.6 described in Exhibit A (attached).³

Requests Made: December 16, 2009

Responses Made: December 28, 2009

Custodian: Rhona C. Bluestein

GRC Complaint Filed: December 30, 2009⁴

Background

December 16, 2009

Complainant's Open Public Records Act ("OPRA") requests. The Complainant requests the records relevant to this complaint listed above in six (6) separate letters referencing OPRA.

December 28, 2009

Custodian's responses to the OPRA requests. The Custodian responds in writing to the Complainant's OPRA request on the sixth (6th) business day following receipt of such request. The Custodian prepares six (6) separate responses corresponding to the Complainant's six (6) separate OPRA requests. The Custodian's responses for OPRA Requests labeled December No. 1 through December No. 5 deny the Complainant access to the requested records because the Custodian contends that the Complainant failed to request specific, identifiable records. The Custodian further contends that each of the five (5) requests is too broad, non-specific, generic and unclear. The Custodian states that she is therefore unable to conduct a productive review of agency files in order to locate the requested records, if any. With respect to the Complainant's December No. 6 request, the Custodian responds to the Complainant's OPRA request by informing him that she needs an extension of time to confer with counsel.

¹ No legal representation listed on record.

² Represented by Kraig M. Dowd, Esq. (West Paterson, NJ).

³ The Complainant requested that all of the records in each request be provided to him via e-mail.

⁴ The GRC received the Denial of Access Complaint on said date.

December 30, 2009

Letter from the Custodian to the Complainant. The Custodian informs the Complainant that his December No. 6 request seeks the contents of his personnel file. The Custodian informs the Complainant that pursuant to N.J.S.A. 47:1A-10., personnel records are exempt from disclosure except for an individual's name, title, position, salary, payroll record, length of service, date of separation, reason for separation and the amount and type of pension received. The Custodian informs the Complainant that to ensure disclosure of personnel file material is authorized by the Complainant, the Complainant must sign a release permitting such disclosure because personnel records can only be disclosed upon "presentation of a subpoena, Court Order or release." The Custodian further informs the Complainant that she is acting on advice of legal counsel and when she receives the executed release from the Complainant she will inform the Complainant of the costs associated with copying the file. The Custodian encloses an Authorization & Release for the Complainant to execute and return.

December 30, 2009

E-mail from the Complainant to the Custodian. The Complainant informs the Custodian that by requiring him to execute a release to obtain a copy of his personnel file, she has failed to comply with the provisions of OPRA. The Complainant states that the Custodian invited him to her office a few months ago to pick up a copy of his personnel file and now she is obstructing his ability to do so. The Complainant states that he will not execute the Custodian's Authorization & Release and renews his request that a copy of his personnel file be delivered to him via e-mail.

March 19, 2008

Denial of Access Complaint filed with the Government Records Council ("GRC") with the following attachments:

- Exhibit A containing the Complainant's OPRA requests labeled December No. 1 through December No. 6 dated December 16, 2009
- Custodian's six (6) separate responses to the Complainant's six (6) OPRA requests dated December 28, 2009
- Letter from the Custodian to the Complainant dated December 30, 2009
- E-mail from the Complainant to the Custodian dated December 30, 2009

The Complainant states that he submitted his OPRA requests on December 16, 2009. The Complainant further states that the Custodian denied him access to all of the records he sought in those requests labeled December No. 1 through December No. 5. The Complainant contends that in a previous OPRA request dated October 23, 2009, he requested the same records that he sought in requests labeled December No. 1, December No. 2, December No. 4 and December No. 6 and was also denied the records at that time. The Complainant states that the Custodian denied him the records requested in December No. 6 although he is an individual in interest.

The Complainant does not agree to mediate this complaint.

January 8, 2010

Request for the Statement of Information sent to the Custodian.

January 14, 2010

E-mail from the Custodian to the GRC. The Custodian requests an extension of time to prepare and submit the SOI.

January 14, 2010

E-mail from the GRC to the Custodian. The GRC grants the Custodian a five (5) business day extension of time to prepare and submit the SOI.

January 25, 2010

E-mail from the Custodian's Counsel to the GRC. Counsel requests an extension of time for the Custodian to submit the SOI.

January 25, 2010

E-mail from the GRC to the Custodian's Counsel. The GRC grants Counsel a five (5) business day extension of time to submit the SOI.

February 2, 2010

Custodian's SOI with the following attachments:⁵

- Exhibit A containing the Complainant's OPRA requests labeled December No. 1 through December No. 6 dated December 16, 2009
- Custodian's six (6) separate responses to the Complainant's six (6) OPRA requests dated December 28, 2009

The Custodian certifies that she was unable to conduct a meaningful search for the records requested by the Complainant in the requests labeled December No. 1 through December No. 5 because the requests were overly broad and did not specifically identify a record. With respect to the Complainant's request labeled December No. 6, the Custodian certifies that she retrieved the Complainant's official personnel file and that only one (1) such file exists. The Custodian also certifies that she is unaware of any records that may have been destroyed in accordance with the Records Destruction Schedule established and approved by New Jersey Department of State, Division of Archives and Records Management. The Custodian further certifies that the retention period for the Complainant's personnel file is six (6) years following termination of employment, which will be August 2015.

The Custodian certifies that she received the Complainant's OPRA requests on December 17, 2008 and responded to the requests on December 28, 2009. The Custodian certifies that she denied the Complainant access to the records listed in the Complainant's requests labeled December No. 1 through December No. 5 because his requests were overly broad, non-specific, generic and unclear, and as such prevented her from responding to or otherwise beginning an appropriate review of the files for any records that may have been responsive to the Complainant's request. The Custodian certifies that the Complainant requested "any and all e-mail and other written correspondence, directly or indirectly relating to [the Complainant and/or his] position as Chief Financial Officer." The Custodian further certifies that the Complainant exacerbated the difficulty of locating

⁵ Additional correspondence was submitted by the Custodian but it is not relevant to this complaint.
Adrian Mapp v. Borough of Roselle (Union), 2009-334 – Findings and Recommendations of the Executive Director

the requested records by seeking all such items which may have been sent from one individual or multiple individuals to any or all of a number of other individuals. The Custodian certifies that under OPRA requestors are required to request identifiable records readily accessible for inspection, copying or examination because OPRA operates to make only identifiable records accessible. The Custodian therefore certifies that the Complainant's requests labeled December No. 1 through December No. 5, as framed, did not constitute valid OPRA requests.

In support of her argument the Custodian cites, among other legal authority, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534 (App. Div. 2005) and Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005).

With respect to the Complainant's request labeled December No. 6, the Custodian certifies that she responded to the Complainant on December 30, 2009 and informed him that "his personnel records would be provided, at [the Complainant's] convenience to physically pick up, so long as he executed a release form..." The Custodian avers that the Complainant refused to execute the release and also rejected receipt of the records in hard copy format. The Custodian certifies that the Complainant demanded the records in electronic form. The Custodian avers that, pursuant to N.J.S.A. 47:1A-5.d., she only has to provide a copy of the records in the medium requested if the agency maintains the record in that medium and if the agency does not maintain the record in the medium requested, it may be provided in some other meaningful medium. The Custodian certifies that she was willing to provide the record in another meaningful medium; to wit, actual paper copies because personnel files are maintained by the agency in that medium in the normal course of its business.

The Custodian certifies that part of her responsibility is to protect the confidentiality of employee personnel files. The Custodian avers that the Complainant's request was submitted via e-mail so she required him to sign the release to ensure that the disclosure of his personnel file was authorized by him. The Custodian further certifies that although the Complainant may be an individual in interest under N.J.S.A. 47:1A-10, his personnel file is still not disclosable under OPRA until he authorizes its release.

The Custodian certifies that she did not violate OPRA by requiring the Complainant to sign a release prior to disclosure of his personnel file. Rather, the Custodian avers she "merely sought additional safeguards to ensure the disclosure of [the personnel file]...was proper."

Analysis

Whether the Custodian unlawfully denied access to the requested records?

OPRA provides that:

"...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, *with certain exceptions...*"
(Emphasis added.) N.J.S.A. 47:1A-1.

Additionally, OPRA defines a government record as:

“... any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been *made, maintained or kept on file ... or that has been received* in the course of his or its official business ...” (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA also provides that:

“Whenever...the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies...[t]he requestor shall have the opportunity to review and object to the charge prior to it being incurred.” N.J.S.A. 47:1A-5.c.

OPRA further provides that:

“A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the public agency maintains the record in that medium. If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record...[that] require[es] a substantial amount of manipulation...the agency may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency...” N.J.S.A. 47:1A-5.d.

OPRA states that:

“A request for access to a government record shall be in writing...” N.J.S.A. 47:1A-5.g.

OPRA also states that:

“[u]nless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived ... *The requestor shall be advised by the custodian when the record can be made available. If the record is not*

made available by that time, access shall be deemed denied.” (Emphasis added). N.J.S.A. 47:1A-5.i.

OPRA provides that:

“ ... the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that an individual’s name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of pension received shall be a government record...” N.J.S.A. 47:1A-10.

OPRA further provides however that:

“...personnel or pension records of any individual shall be accessible when...*authorized by an individual in interest*; and data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment...shall be a government record.” (Emphasis added.) N.J.S.A. 47:1A-10.

OPRA places the onus on the Custodian to prove that a denial of access is lawful. Specifically, OPRA states:

“...[t]he public agency shall have the burden of proving that the denial of access is authorized by law...” N.J.S.A. 47:1A-6.

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. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

In this complaint the Complainant filed six (6) separate OPRA requests all dated December 16, 2009. The Complainant consecutively labeled the requests from December No. 1 through December No. 6. The Custodian responded in writing to the Complainant’s OPRA requests on December 28, 2009, the sixth (6th) business day after receipt of the requests. Each of the Complainant’s six (6) requests is in the form of an e-mail and each request contains from one (1) to nine (9) enumerated paragraphs, totaling thirty (30) enumerated paragraphs in the aggregate. Each paragraph describes an uncertain quantity of records.

Complainant’s OPRA requests labeled December No. 1 through December No. 5 described in Exhibit A.

The Custodian averred that she denied the Complainant access to these requested records, which are in the general nature of written correspondence, because the Complainant's requests were overly broad, non-specific, generic and unclear, and as such prevented her from responding to or otherwise beginning an appropriate review of the files for any records that may have been responsive to the Complainant's request.

All of the Complainant's OPRA requests identified as December No. 1 through December No. 5, with the exception of paragraphs 6 and 7 of December No. 5,⁶ are formatted as follows:

"Any and all emails and other written correspondence, directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle [⁷] [⁸] between/from January 1, 2009 to December 15, 2009."⁹

The Custodian responded to each of the above-referenced five (5) requests by informing the Complainant that she was denying him access to the requested records because his request was too broad, non-specific, generic and unclear. The Custodian said that due to the structure of the Complainant's requests she could not commence a productive review of the files to determine if any of the records existed. The Custodian further informed the Complainant that under OPRA requestors are required to request specific, identifiable records and that the Complainant's requests, as framed, did not constitute valid OPRA requests. The Custodian encouraged the Complainant to amend and resubmit his requests.

The New Jersey Superior Court has held that "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.'* N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J.Super. 534, 546 (App. Div. 2005). The Court further held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency's files." (Emphasis added.) *Id.* at 549.

Further, in Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005),¹⁰ the Superior Court references MAG in that the Court held that a requestor must specifically describe the document sought because OPRA operates to make identifiable government records "accessible." "As such, a proper request under OPRA must identify

⁶ The requests in these two paragraphs ask for deleted e-mails.

⁷ Here the Complainant inserts such language as "sent by," "sent from," "received by," "from or to," "sent by or received by," "from...to," "from any...to any," and "sent by, copied by, or forwarded by."

⁸ Here the Complainant names one or more individuals usually followed by the phrase "individually or collectively."

⁹ The Complainant's requests identified as December No. 1, December No. 4 and December No. 5 replace "January 1, 2008" with "January 1, 2009" on one, two and six occasions, respectively.

¹⁰ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents.”¹¹

Additionally, in New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007) the court cited MAG by stating that “...when a request is ‘complex’ because it fails to specifically identify the documents sought, then that request is not ‘encompassed’ by OPRA...” The court also quoted N.J.S.A. 47:1A-5.g in that “[i]f a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency.” The court further stated that “...the Legislature would not expect or want courts to require more persuasive proof of the substantiality of a disruption to agency operations than the agency’s need to...generate new records...”

Furthermore, in Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009) the Council held that “[b]ecause the Complainant’s OPRA requests # 2-5 are not requests for identifiable government records, the requests are invalid and the Custodian has not unlawfully denied access to the requested records pursuant to MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005) and Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005).”

Moreover, in Bart v. Passaic County Public Housing Agency, Docket No. 406 N.J. Super. 445 (App. Div. 2009), the court stated that:

“...[OPRA] does not, however, require custodians of government records to undertake research for a requestor. The requestor must identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and "analyze, compile and collate" the requested information.” (citing MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005) and Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005)).

Due to the structure of the Complainant’s contingency-laden requests there could be hundreds, if not thousands, of combinations that could potentially result in discovery of a record responsive to the Complainant’s request. For this reason, the total number of records requested is uncertain. Each of the twenty-nine (29) enumerated paragraphs in the Complainant’s requests labeled December No. 1 through December No. 5 are overly broad and fail to specifically identify the record(s) sought. The requests ask for all written correspondence that even indirectly relates to the Complainant or the Complainant’s job description that was sent or received by, between and amongst numerous individuals in an individual or collective capacity during a one (1) or two (2) year period. Not only are the Complainant’s requests overly broad but they also would require the Custodian to make subjective judgments to determine which records might be responsive to the Complainant’s requests.

¹¹ As stated in Bent, *supra*.

Therefore, because the Complainant's requests labeled December No. 1 through December No. 5 fail to specify identifiable government records and would require the Custodian to conduct research, said requests are invalid pursuant to MAG, *supra*, Bent, *supra*, Bart, *supra* and the Council's decision in Schuler, *supra*.

Complainant's OPRA request labeled December No. 6 described in Exhibit A.

The Complainant's request No. 6 seeks a copy of "any and all documents within the entire content of Complainant's personnel file from January 1, 2007 to December 15, 2009." The Custodian averred in the SOI that she responded to this request on December 30, 2009, and informed the Complainant that "his personnel records would be provided, at [the Complainant's] convenience to physically pick up, so long as he executed a release form..." The evidence of record reveals, however, that the Custodian did not so inform the Complainant. Rather, the record reveals the Custodian informed the Complainant that "[u]pon my receipt of the original executed Release, I will provide you with the costs associated with the copying of your personnel file and when same will be available to you." Accordingly, the Custodian was informing the Complainant that the records were denied unless and until the Complainant signed the Custodian's release form, and even then the records would be made available at the Custodian's convenience, not the Complainant's convenience.

Regardless of whether the Complainant or someone else submitted a request for the Complainant's personnel file, the Custodian is required under OPRA to disclose the Complainant's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of pension received plus specific experiential, educational or medical qualifications that were necessary for the Complainant's employment. N.J.S.A. 47:1A-10. The Custodian failed to disclose this information within the required time frame under OPRA, as extended. Instead, a day after the Custodian requested an extension of time to respond to the Complainant's request; she presented the Complainant with an Authorization & Release and informed the Complainant that he was required to execute the instrument because personnel records could only be disclosed upon "presentation of a subpoena, Court Order or release."

The Custodian has misinterpreted OPRA. Nowhere in N.J.S.A. 47:1A-10 does it state that personnel records may only be disclosed upon presentation of a subpoena, court order or release and the Custodian failed to cite any other law so providing. N.J.S.A. 47:1A-10. provides only that "...personnel or pension records...shall be accessible when...*authorized* by an individual in interest..." (Emphasis added.) However, there is no requirement that any specific type of authorization form need be executed by the Complainant or that the agency may require that a separate release and/or authorization form be executed by the Complainant before the provisions of N.J.S.A. 47:1A-10 take effect.

If a third party is seeking information from someone's personnel records (beyond that information which must be disclosed under OPRA), the custodian of those personnel records would need to obtain an authorization from an individual in interest before

disclosing the records to said third party.¹² In the instant complaint, however, the matter is simplified because the Complainant asked that his personnel records be disclosed to him, who he identified as “...**an individual in interest**...” (Emphasis in original.) Authorization for disclosure of personnel records is inherent in a request for disclosure of those records when such request is submitted by an individual in interest.

In Hewitt v. Longport Police Department, GRC Complaint No. 2004-1489 (March 2005), the Council explained that “...N.J.S.A. 47:1A-10 is a codified version of Executive Order 11 (1974) and [it] has been applied and understood that [the] only individuals who have access to personnel and pension records are specific public officials and the person who is the subject of the personnel file. An ‘individual in interest’ is to mean the person who is the subject of the personnel file...”

Applying the Council’s rationale in Hewitt to the instant complaint, if the person who is the subject of the personnel file has access to the personnel records, and an individual in interest is the person who is the subject of the personnel file, then the individual in interest has access to the personnel records. The Complainant is an individual in interest; therefore the Complainant has access to the personnel records under OPRA.

The Custodian also averred, however, that because the Complainant did not appear in person to tender his OPRA request she wanted to ensure that disclosure of the Complainant’s personnel file was indeed authorized by him. However, even if the Custodian had reason to suspect fraud, she could have telephoned the Complainant or otherwise secured his authorization in a number of ways, short of demanding that he sign a release.

Accordingly, because the Complainant as an individual in interest had access to his personnel records, and because there is no provision in OPRA or any other law cited by the Custodian which provides for the Custodian to withhold said records from disclosure pending the Complainant’s execution of an authorization and release form, the Custodian violated N.J.S.A. 47:1A-6 by unlawfully denying the Complainant access to these records.

The Custodian also certified in the SOI that the Complainant demanded that the personnel file records be delivered to him in electronic form. The Custodian argued that, pursuant to N.J.S.A. 47:1A-5.d., she only has to provide a copy of the records in the medium requested if the agency maintains the record in that medium and if the agency does not maintain the record in the medium requested, it may be provided in some other meaningful medium. The Custodian certified that paper copies would suffice as some other meaningful medium because personnel files are maintained by the agency in that medium in the normal course of its business.

The Custodian’s assertion is not correct. Paper copies are distinctly different than electronic copies; therefore paper copies cannot be considered a meaningful medium if a requestor has specified electronic copies. In Wolosky v. Township of Frankford

¹² Assuming that no other law required disclosure or disclosure was not essential to the performance of official duties of a person duly authorized by this State or the United States.

(Sussex), GRC Complaint No. 2008-254 (November 2009), where the complainant requested delivery of certain records via fax or e-mail and the custodian stated that she did not maintain the records in a format that was conducive to such delivery, the Council decided:

“...in this complaint, if the Custodian does not maintain any of the records responsive in an electronic medium, *she is required to convert the records in order to provide them electronically via e-mail.*” (Emphasis added.)

In the instant complaint, as in Wolosky, *supra*, since the Custodian certified that she does not maintain the personnel files in an electronic medium, she is required to convert the records to such a medium. If the Custodian does not have the capacity at the agency level to convert the paper records into a pdf or similar medium such that the records can be e-mailed to the Complainant, the Custodian can have the records converted by an outside service. Should the Custodian obtain an outside service to convert the records, and the records require a substantial amount of manipulation, the Custodian may charge pursuant to N.J.S.A. 47:1A-5.d., “...in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency...” Pursuant to N.J.S.A. 47:1A-5.c “...[t]he requestor shall have the opportunity to review and object to the charge prior to it being incurred.”

Whether the Custodian’s denial of access to the requested records rises to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances?

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian’s compliance with the Council’s Interim Order.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Because the Complainant’s requests labeled December No. 1 through December No. 5 fail to specify identifiable government records and would require the Custodian to conduct research, said requests are invalid pursuant to MAG Entertainment LLC. V. Div. of Alcoholic Beverage Control, 375 N.J.Super. 534 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J.Super. 30 (App. Div. 2005), Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445 (App. Div. 2009), and the Council’s decision in Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).
2. Because the Complainant as an individual in interest had access to his personnel records, and because there is no provision in OPRA or any other law cited by the Custodian which provides for the Custodian to withhold said records from disclosure pending the Complainant’s execution of an

authorization and release form, the Custodian violated N.J.S.A. 47:1A-6. by unlawfully denying the Complainant access to these records. Therefore, the Custodian must disclose to the Complainant in the requested medium, or another meaningful medium, the records requested in the Complainant's request labeled December No. 6.

3. If the records require a substantial amount of manipulation, the Custodian shall calculate in addition to the actual cost of duplicating the records, a special service charge cost which is reasonable and based on the cost for any extensive use of information technology or for the labor cost of personnel providing the service actually incurred by the agency for converting the records relevant to the complaint into the requested medium, or another meaningful medium, and thereafter provide the Complainant with an opportunity to review and object to the charge pursuant to N.J.S.A. 47:1A-5.c. and N.J.S.A. 47:1A-5.d.
4. **If applicable, the Custodian shall calculate the appropriate special service charge in accordance with Paragraph No. 3 above and shall make the amount of the charge available to the Complainant within three (3) business days from receipt of the Council's Interim Order. The Custodian shall disclose to the Complainant the requested personnel file records with any appropriate redactions and a detailed document index explaining the lawful basis for any such redaction upon the Complainant's payment of the special service charge, if any, within ten (10) business days from receipt of the Council's Interim Order and simultaneously provide certified confirmation of compliance in accordance with N.J. Court Rule 1:4-4¹³, to the Executive Director. If a special service charge is applicable and the Complainant fails to pay the special service charge for the requested records by the tenth (10th) business day from receipt of the Council's Interim Order, the Custodian shall provide a certification to that effect in accordance with N.J. Court Rule 1:4-4 to the Executive Director.**
5. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: John E. Stewart, Esq.

Approved By: Catherine Starghill, Esq.
Executive Director

November 23, 2010

¹³ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

EXHIBIT A

GRC Complaint No. 2009-334

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]
Sent: Wednesday, December 16, 2009 6:28 PM
To: Rhona C. Bluestein
Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 1

OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 1

Kindly provide me with copies of the following public records:

1. **Any and all email and other written correspondence, directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilor Jamel Holley to Yves Aubourg, Christine Dansereau, and Cecelia Dallis Ricks, individually or collectively between/from **January 1, 2008 to December 15, 2009**.
2. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilor Yves Aubourg, to Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 1, 2009 to December 15, 2009**.
3. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilor Christine Dansereau, to Yves Aubourg, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 1, 2008 to December 15, 2009**.
4. **Any and all email and other written correspondence, directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilor Cecelia Dallis Ricks to Yves Aubourg, Christine Dansereau, and Jamel Holley, individually or collectively between/from **January 1, 2008 to December 15, 2009**.
5. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, to other Roselle Borough employees between/from **January 1, 2008 to December 15, 2009**.
6. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, to Roselle Park's CFO Ken Blum between/from **January 1, 2008 to December 15, 2009**.
7. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, to Roselle Park's Mayor Joseph Delorio between/from **January 1, 2008 to December 15, 2009**.
8. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer**, sent by Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, to Roselle Park's Borough Council members, individually or collectively between/from **January 1, 2008 to December 15, 2009**.
9. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position of Chief Financial Officer** of Roselle Borough, sent from any of the following council members: Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks or Jamel Holley

between/from **January 1, 2008 to December 15, 2009.**

Please provide all documents by email

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]
Sent: Wednesday, December 16, 2009 6:30 PM
To: Rhona C. Bluestein
Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 2

OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 2

Kindly provide me with the following public records:

1. **Any and all email and other written correspondence, directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **to Allan C. Roth, Esq., Rachel M. Caruso, Esq., and John Hudak, Esq., individually or collectively between/from January 1, 2008 to December 15, 2009.**

2. **Any and all email and other written correspondence, directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **addressed to, copied to or forwarded to** any of the following individuals between/from **January 1, 2008 to December 15, 2009.**
 - a. Rachel M. Caruso, Esq.
 - b. John Hudak, Esq.
 - c. Allan Roth, Esq.
 - d. Joe Salemma, Esq.

Please provide all documents by email.

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]
Sent: Wednesday, December 16, 2009 6:32 PM
To: Rhona C. Bluestein
Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 3

OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 3

Kindly provide me with copies of the following public records:

1. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **to Larry Caroselli and/or Joe Salemma between/from January 1, 2008 to December 15, 2009.**
2. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **to George Devanney between/from January 1, 2008 to December 15, 2009.**
3. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **to Charlotte DeFilippo between/from January 1, 2008 to December 15, 2009.**
4. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **to Assemblyman Jerry Green between/from January 1, 2008 to December 15, 2009.**
5. Any and all email and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle Borough**, from any of the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, **addressed to, copied to or forwarded to any of the following individuals between/from January 1, 2008 to December 15, 2009.**

- Larry Caroselli
- Charlotte DeFilippo
- George Devanney
- Assemblyman Jerry Green
- Former Assemblyman Neil Cohen
- Barbara Cochran
- Richard Lenihan
- Arlene Murphy

Please provide all documents by email.

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]
Sent: Wednesday, December 16, 2009 6:33 PM
To: Rhona C. Bluestein
Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 4

OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 4

Kindly provide me with the copies of the following public records:

1. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent from Borough Clerk Rhona Bluestein or any member of her staff between/from **January 01, 2008 to December 15, 2009**
2. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, received by Borough Clerk Rhona Bluestein or any member of her staff between/from **January 01, 2008 to December 15, 2009**
3. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by or received by Rhona Bluestein in her role as the **Appointing Authority** for Roselle Borough between/from **January 01, 2009 to December 15, 2009**
4. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by **Joanne Drake** between/from **January 01, 2008 to December 15, 2009**
5. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, received by **Joanne Drake** between/from **January 01, 2008 to December 15, 2009**
6. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by or received by **Joanne Drake** in her role as the **Deputy Appointing Authority** for Roselle Borough between/from **January 01, 2009 to December 15, 2009**

Please provide all documents by email.

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]
Sent: Wednesday, December 16, 2009 6:35 PM
To: Rhona C. Bluestein
Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 5

OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 5

Kindly provide me with copies of the following public records:

1. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by, copied by, or forwarded by Tasia Blocker to the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 01, 2009 to December 15, 2009**
2. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by, copied by, or forwarded by Frank Taylor to the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 01, 2009 to December 15, 2009**
3. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by, copied by, or forwarded by Magretta Morgan to the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 01, 2009 to December 15, 2009**
4. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by, copied by, or forwarded by Althea Headley to the following Roselle Borough elected officials: Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively between/from **January 01, 2009 to December 15, 2009**
5. Any and all emails and other written correspondence, **directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle**, sent by, copied by, or forwarded by Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, to any of the following employees within the Finance Department between/from **January 01, 2009 to December 15, 2009**:
 - o Tasia Blocker
 - o Althea Headley
 - o Magretta Morgan
 - o Frank Taylor

12/28/2009

6. **Any and all deleted emails, directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle, from or to Councilors Yves Aubourg, Christine Dansereau, Cecelia Dallis Ricks, and Jamel Holley, individually or collectively, between/from January 01, 2008 to December 15, 2009:**
7. **Any and all deleted emails, directly or indirectly relating to me and/or my position as Chief Financial Officer of Roselle, from or to Tasia Blocker, Althea Headley, Magretta Morgan and Frank Taylor, individually or collectively, between/from January 01, 2009 to December 15, 2009:**

Please provide all documents by email.

Rhona C. Bluestein

From: Adrian Mapp [aomapp@gmail.com]

Sent: Wednesday, December 16, 2009 6:38 PM

To: Rhona C. Bluestein

Subject: OPRA Request from Adrian O. Mapp to Roselle Borough - December No. 6

OPRA request from Adrian O. Mapp to Roselle Borough - December No. 6

Kindly provide me, **an individual in interest**, with the following records:

- Copies of any and all documents within (the entire content) my personnel file from January 2007 to December 15 2009.

Please provide all documents by email.