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Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-5127-15T2

STEVEN WRONKO,

Plaintiff-Appellant,

v.

TOWNSHIP OF JACKSON and
ANN MARIE EDEN, RMC, in her
capacity as City Clerk and
Custodian of Records for the
Township of Jackson,

Defendants-Respondents.

Argued November 28, 2017 – Decided December 12, 2017

Before Judges Fasciale, Summers and Moynihan.

On appeal from Superior Court of New Jersey,
Law Division, Ocean County, Docket No. L-0679-
16.

CJ Griffin argued the cause for appellant
(Pashman Stein Walder Hayden, PC, attorneys;
CJ Griffin, of counsel and on the brief).

Robin La Bue argued the cause for respondent
(Gilmore & Monahan, PC, attorneys; Robin La
Bue, on the brief).

Jeanne LoCicero argued the cause for amicus
curiae American Civil Liberties Union of New
Jersey (American Civil Liberties Union of New
Jersey Foundation, attorneys; Edward L.

Barocas, Iris Bromberg, and Jeanne LoCicero,
on the brief).

PER CURIAM

Plaintiff appeals from a June 22, 2016 order dismissing the complaint and rejecting plaintiff's contention that defendants violated the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 to -13. Plaintiff maintains, as does the American Civil Liberties Union, that his request for attorney invoices and settlement agreements is the type envisioned pursuant to OPRA. We agree and reverse.

Plaintiff requested "[c]opies of all attorney invoices for Jackson Township from January 1, 2015 through December 31, 2015," and "[c]opies of all litigation settlement agreements from January 1, 2010 through December 19, 2015 for Holmdel Township."¹ Defendant Township of Jackson denied the request because plaintiff did not identify a specific case or matter. The judge agreed with defendant and dismissed the complaint.

On appeal, plaintiff argues his request was valid pursuant to Burnett v. County of Gloucester, 415 N.J. Super. 506 (App. Div. 2010). Plaintiff maintains that his request was sufficiently clear and not overly broad. Plaintiff contends that the judge

¹ Plaintiff later corrected his request to identify Jackson Township, not Holmdel Township.

erred by concluding the request might result in production of a large amount of documents. We agree with plaintiff in every respect.

Our review of "a trial judge's legal conclusions concerning access to public records under OPRA [is] de novo." Paff v. Ocean Cty. Prosecutor's Office, 446 N.J. Super. 163, 175 (App. Div.), certif. granted, 228 N.J. 403 (2016). "We will not disturb factual findings as long as they are supported by adequate, substantial, and credible evidence." Id. at 175-76. "We apply the same standard of review to the court's legal conclusions with respect to whether access to public records is appropriate under the common-law right of access." Drinker Biddle & Reath, LLP v. N.J. Dep't of Law & Pub. Safety, 421 N.J. Super. 489, 497 (App. Div. 2011).

"Any analysis of OPRA must begin with the recognition that the Legislature created OPRA intending to make government records 'readily accessible' to the state's citizens 'with certain exceptions[] for the protection of the public interest.'" Gilleran v. Bloomfield, 227 N.J. 159, 170 (2016) (alteration in original) (quoting N.J.S.A. 47:1A-1); see also Mason v. City of Hoboken, 196 N.J. 51, 65 (2008). To effectuate that purpose, OPRA establishes "a comprehensive framework for access to public records." Mason, supra, 196 N.J. at 57. OPRA requires, among other things, prompt

disclosure of records and provides "different procedures to challenge [a custodian's] decision[] denying access." Ibid.

In assessing the sufficiency of the agency's proofs submitted in support of its claim for nondisclosure, "a court must be guided by the overarching public policy in favor of a citizen's right of access." Courier News v. Hunterdon Cty. Prosecutor's Office, 358 N.J. Super. 373, 383 (App. Div. 2003) (citing N.J.S.A. 47:1A-1). Absent the necessary proofs, "a citizen's right of access is unfettered." Ibid. If it is determined access has been improperly denied, the access sought shall be granted. N.J.S.A. 47:1A-6.

OPRA does not "'authorize a party to make a blanket request for every document' a public agency has on file. Rather, a party requesting access to a public record under OPRA must specifically describe the document sought." Bent v. Twp. of Stafford Police Dep't, Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005) (quoting Gannett N.J. Partners, LP v. Cty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005)). "While OPRA provides [a] . . . 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." MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005).

Blanket requests for unspecified documents are not proper under OPRA. The request "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." Bent, supra, 381 N.J. Super. at 37. "OPRA does not authorize unbridled searches of an agency's property," ibid., that "would substantially disrupt agency operations," N.J.S.A. 47:1A-5(g). "[T]he custodian may deny [a request] after attempting to reach a reasonable solution . . . that accommodates the interests of the requestor and the agency." Ibid. A proper OPRA request must state "a specific subject matter that [is] clearly and reasonably described with sufficient identifying information." Burke v. Brandes, 429 N.J. Super. 169, 176 (App. Div. 2012).

To limit a blanket request, a requestor should identify the subject matter of the type of document sought. We have determined requests that identified a specific subject matter with sufficient identifying information were not overly broad even where a custodian was required to search and locate records according to a specific topic area. For example, OPRA permitted a request for "[a]ny and all settlements, releases or similar documents entered into, approved or accepted from [January 1, 2006] to present." Burnett, supra, 415 N.J. Super. at 508 (first alteration in original). The fact that the plaintiff did not "specify[] the

matters to which the settlements pertained did not render his request a general request for information obtained through research, rather than a request for a specific record." Id. at 513-14. We have also permitted an OPRA request for documents relating to E-ZPass benefits provided to Port Authority retirees because it "was confined to a specific subject matter that was clearly and reasonably described with sufficient identifying information." Burke, supra, 429 N.J. Super. at 176-78. We concluded that the request for the specific documents "was limited to particularized identifiable government records, namely, correspondence with another government entity, rather than information generally." Id. at 176. These permissible requests did not require a custodian to exercise discretion, survey employees, or conduct research; rather, the responsive records were self-evident. See id. at 177.

With these guiding principles in mind, we conclude plaintiff's OPRA request complied with the statute and governing case law.

We reverse and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION