

WALL TOWNSHIP PUBLIC SCHOOLS
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY
PO Box 1199
Wall, New Jersey 07719-1199

Brian J. Smyth
Business Administrator/Board Secretary

Phone: 732-556-2016
FAX: 732-556-2102

February 17, 2017

Betsy Cross


Re: OPRA 17-062

Dear Ms. Cross,

The Wall Township Board of Education received your Open Public Records Act (OPRA) request on February 8, 2017.

Your OPRA request sought access to the following:

"... I would like to see all documentation showing that and that no additional steps have been recommended to the Wall BOE for Central School.

1) May I have a copy of any and all correspondence with attachments to and from Cheryl Dyer, Robert Romano, Brian Smyth, all BOE members, the Department of Education, the vendor who did the work, the Wall BOE's Environmental Consultant, and the Board of Health regarding the recent mold problems at Central School.

2) May I also have a copy of the request for proposals or request for bids that went out to hire a firm for mold remediation. If RFP's or bid's were not entertained by the Wall BOE, please advise how you selected the firm you hired with all documentation they sent you and vice versa before hiring them. How many vendor's did you approach before hiring the firm selected? You make no mention of the name of the firm hired in your letter posted on Central School's website so I am wondering what their qualifications were and who our environmental consultant is?

3) May I also have a copy of any correspondence, including the assessment report, from the remediation firm sent to anyone at the Wall BOE and vice versa. I would expect to see all of the various reports they sent the Wall BOE. A copy of Cheryl Dyer's email is below that was posted yesterday on Central School's web page yesterday.

4) Did the remediation firm mention if this issue would have been caught and fixed sooner with routine maintenance? "

In response to item number 1, your request for any and all correspondence with attachments is overly broad and fails to identify with reasonable clarity the specific government records sought, as is required by Bent v. Stafford Police Department, 381 NJ Super 30,37 (App. Div. 2005). More specifically, your request fails to provide a date range for the public records you are requesting as such your request is overly broad and therefore requires clarification. Please provide a date range for the public records sought under item 1. Additionally, please know that your request, based on the number of individuals and entities included in your request, may take more than the seven business days from receiving your clarification, to respond. We will advise accordingly after I receive your clarification providing a date range.

In response to item number 2, please be advised that the district did not prepare a "request for proposals or request for bids" and therefore no document exists that would be responsive to your request. The remainder of your request under item 2, seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is complex because it

fails to identify with reasonable clarity those documents that are desired, then that request is not encompassed by OPRA. See *New Jersey Builders Association v., New Jersey Council on Affordable Housing*, 390 NJ Super. 166, 180 (App. Div. 2007). A proper request under OPRA 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. See *Bent v. Stafford Police Department*, 381 NJ Super. 30, 37 (app. Div. 2005). Custodians are not required to conduct research in response to an OPRA request. However, in an effort to be responsive to your request and although not specifically requested, attached, please find the following proposals that the district received to perform mold remediation at Central Elementary School:

- Insurance Restoration Specialists, Mold Cleaning - Attic Space, dated February 3, 2017
- ServPro Preliminary Structural Drying & Mold Remediation, dated February 3, 2017
- AllRisk, Inc. Estimate 2017-01-30-1933-1, dated January 30, 2017
- AllRisk, Inc. Estimate 2017-01-30-1933-1-PW, dated January 30, 2017
- AllRisk, Inc. Estimate 2017-01-30-1933-1-OT dated January 30, 2017

In response to item 3, your request for any and all correspondence is overly broad and therefore denied. Your request fails to identify with reasonable clarity the specific government records sought, as is required by *Bent v. Stafford Police Department*, 381 NJ Super 30,37 (App. Div. 2005). However, in that you have requested the "assessment report", attached please find the following:

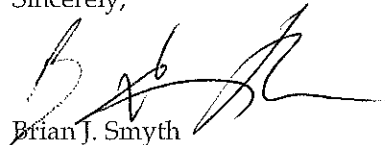
- Mold Evaluation Central Elementary School, dated February 2, 2017, prepared by Partner Engineering & Science, Inc.

In response to item 4, your request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is complex because it fails to specifically identify the document sought, then that request is not encompassed by OPRA. See *New Jersey Builders Association v., New Jersey Council on Affordable Housing*, 390 NJ Super. 166, 180 (App. Div. 2007).

These records, totaling 78 pages, are being transmitted to you via e-mail, as per your request. Pursuant to N.J.S.A. 47:1A-5.b., the cost associated with this request is \$0.00.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Wall Township Board of Education to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Brian J. Smyth
Business Administrator

BJS/dc

Cc: Cheryl Dyer, Superintendent