

WALL TOWNSHIP PUBLIC SCHOOLS  
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY

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Brian J. Smyth  
Business Administrator/Board Secretary

Phone: 732-556-2016  
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March 23, 2017

Betsy Cross  
[REDACTED]

Re: OPRA 17-062

Dear Ms. Cross,

The Wall Township Board of Education received your clarification dated February 27, 2017 associated with your initial request of February 8, 2017 which was previously responded to on February 17, 2017. As communicated to you on March 9, 2017, your request required an extension of time until March 16, 2017, and as communicated to you on March 17, 2017, your request required additional time until March 24, 2017.

Your clarification advised as follows:

- 1) May I have a copy of any and all correspondence with attachments to and from Cheryl Dyer, Robert Romano, Brian Smyth, Jill Antonello, Bari Bradley, all BOE members, any correspondence sent into the "Contract the BOE link" on the BOE website, any correspondence to and from any member of the Department of Education, ie, Lester Richens, David Joye, Robert Bumpus etc, any vendor who did the work regarding the mold issue including but not limited to, Insurance Restoration Specialists, ServPro Preliminary Structural Drying & Mold Remediation, AllRisk, Inc., Partner Engineering & Science Inc, the Wall BOE's Environmental Consultant, and the Board of Health regarding the recent mold problems at Central School beginning with January 15, 2017, through the date you return the request.
- 2) If any other firms have been hired since this email, please include all their correspondence as well since January 15, 2017.
- 3) Please provide legible copies of all documents if they were provided in color please send them in color.
- 4) Did the remediation firm mention that this serious mold issue would have been caught and fixed sooner with routine maintenance?

In response to item one (1.), you have requested any and all correspondence; however, you have provided a date concerning the documents sought from January 15, 2017 through today's date. I note that in this instance, you have identified additional individuals, as well as clarification of who you deem members of the Department of Education. Once again, 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 required by Brent v. Stafford Police Department, 381 N.J. Super, 30 (App. Div. 2005). However, in an attempt to respond to your request, the district has performed a search of district correspondence to and from the named individuals related to mold remediation at Central Elementary School from January 15, 2017 to the date of your clarification. The following documents have been located and are provided: (I caution you, however, that as I indicated before, to the extent that you have not identified a specific document and/or provided meaningful clarification, the response may be incomplete.)

- Email correspondence with attachments, if applicable, to and from Robert Romano, Brian Smyth, Cheryl Dyer, Jill Antonello, Bari Bradley, all Board of Education members, irs-restoration.com, doe.state.nj.us, partnersi.com, and mcrhc.org with respect to mold remediation at Central Elementary School between the dates of January 15, 2017, to March 23, 2017.

In response to your new additional request (item two 2.), your request is overly broad and fails to identify with reasonable clarity the specific government records sought as required by Brent v. Stafford Police Department, 381 N.J. Super, 30 (App. Div. 2005), and is therefore, denied.

In response to item three (3.), we have utilized our best efforts to scan the documents and forward them in the manner in which you have requested based upon the information sought hereinabove. The following document is provided. There does not appear to be any further clarification with regard to the matter originally set forth in Item 3, and accordingly, our response to you is reiterated, to the extent that it fails to identify with reasonable clarity the specific government records sought, as required by Brent v. Stafford Police Department, 381 N.J. Super, 30 (App. Div. 2005). However, to the extent that we have previously provided you a copy of the Mold Evaluation at Central Elementary School dated February 2, 2017, attached please find a color copy that we have again, scanned.

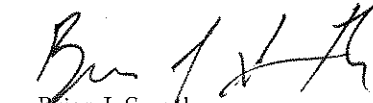
- Mold Evaluation Central Elementary School, dated February 2, 2017, prepared by Partner Engineering & Science, Inc.

In response to item four (4.), once again, your demand asks questions and does not specifically identify a government record. There does not appear to be any further clarification by you with regard to this matter, and accordingly, the original response provided to you as of the February 17, 2017 correspondence remains unchanged. 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 623 pages, are being transmitted to you via e-mail (as per your request) in six separate documents due to the size of 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 unfiled 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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://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