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December 6, 2021

Elyla Huertas
American Civil Liberties Union Foundation
PO Box 32159
Newark, NJ 07102

Re: OPRA request received October 5, 2021

Dear Ms. Huertas:

The New Jersey Educational Facilities Authority (the “Authority”) received your Open Public Records Act (“OPRA”) request October 5, 2021. The official Records Custodian, Jamie O’Donnell, requested extensions in accordance with N.J.S.A. 47:1A-5.i. The last extension date was until December 6, 2021. This response to your request is being provided to you on December 6, 2021.

Your OPRA request seeks the following documents:

At this time, we request the following government records for the period of January 10, 2020 to present:

1. All communications, including email and letters, sent to or from Beth Medrash Govoha (“BMG”) or any of its officers, employees, agents, representatives, attorneys, or affiliates;
2. All other written communications, including emails, letters, or memoranda, sent to, from, or within the New Jersey Educational Facilities Authority or any of its officers, employees, agents, representatives, attorneys, or affiliates, regarding grant applications submitted by or grant awards to BMG;
3. All written communications, including emails, letters, or memoranda, sent to, from, or within the New Jersey Educational Facilities Authority or any of its officers, employees, agents, representatives, attorneys, or affiliates, regarding the use, status, or actual or potential disposition of Building Our Future Bond Act funds that had been allocated to or reserved for grants awarded to or sought by BMG;
4. All reports, budgets, spreadsheets, and other financial documents regarding or reflecting the use, status, or actual or potential disposition of Building Our Future Bond Act funds, including funds that had been allocated to or reserved for grants awarded to or sought by BMG;
5. All records, including notes, minutes, and transcripts, of oral communications regarding grant applications submitted by or grant awards to BMG or the use, status, or actual or potential disposition of Building Our Future Bond Act funds that had been allocated to or reserved for grants awarded to or sought by BMG; and
6. Any other documents regarding grant applications submitted by or grant awards to BMG or the use, status, or actual or potential disposition of Building Our Future Bond Act funds that had been allocated to or reserved for grants awarded to or sought by BMG.

The Authority has determined that your October 5, 2021, OPRA request is overly broad and substantially disruptive to Authority operations. Government agencies are required to disclose only identifiable government records that are specifically described in the request. *Gannett N.J. Partners v. Middlesex*, 379 N.J. Super. 205, 212 (App. Div. 2005).

Neither OPRA nor the common law countenances open ended searches of agency files, *MAG Entm't, LLC v. Div. of Alcoholic Bev. Control*, 375 N.J. Super. 534, 549 (App. Div. 2005), or permits a blanket request for every document an agency has on file on a topic. *Bent v. Twp. of Stafford*, 381 N.J. Super. 30, 37 (App. Div. 2005).

OPRA does not require that custodians conduct research when responding to OPRA requests. See *Lagerkvist v. Office of Governor of State*, 443 N.J. Super. 230, 237 (App. Div. 2015) (citing *MAG Entm't, LLC*, 375 N.J. Super. at 546-49). "A requestor is obliged to identify the documents sought with some particularity, thus enabling government to maintain transparency while completing necessary day-to-day functions." *Ibid.* "A records request must be well defined so that the custodian knows precisely what records are sought. The request should not require the records custodian to undertake a subjective analysis to understand the nature of the request. Seeking particular information from the custodian is permissible; expecting the custodian to do research is not." *Paff v. Galloway Twp.*, 229 N.J. 340, 355 (2017).

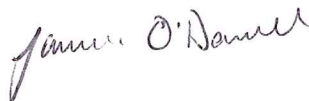
However, in an effort to accommodate your OPRA request, the Authority has identified the enclosed documents that may contain the particular information that you are seeking in Item #2 above:

- Letter from Troutman Sanders to Secretary of Higher Education Zakiya Smith Ellis dated January 10, 2020.
- Letter from Secretary of Higher Education Zakiya Smith Ellis to Beth Medrash Govoha dated February 14, 2020.

These records are being transmitted to you via email, as per your request.

This response does not waive or limit any other rights afforded this Authority under OPRA, which are all expressly reserved. If you have any further questions please contact Jamie O'Donnell, Custodian of Records, New Jersey Educational Facilities Authority at jamie.odonnell@njefa.nj.gov.

Sincerely,



Jamie O'Donnell
Records Custodian