



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

December 2, 2013

Mr. Bill Wolfe
bill_wolfe@comcast.net

Re: OPRA Request

Dear Mr. Wolfe:

We received your Open Public Records Act (OPRA) request via e-mail on November 25, 2013. Specifically, your request seeks:

- “1. All correspondence, emails, meeting notes, and phone logs documenting all communications between Pinelands staff and representatives of South Jersey Gas Co. during the period April 2012 until the present;
2. The meeting schedule of Executive Director Wittenberg for the period Jan. 1, 2012 until the present.
3. The meeting schedule of Counselor Roth for the period Jan. 1, 2012 until the present.
4. The meeting schedule for planner Larry Liggett for the period Jan. 1, 2012 until the present.
5. The meeting schedule for all Commissioners attending meetings at the Commission's Office, from June 1, 2013 until the present.”

With regard to your first request for all “correspondence, emails, meeting notes, and phone logs documenting all communications between Pinelands staff and representatives of South Jersey Gas Co.” for the approximately 19 month period commencing on April 2012, your request is very broad. Specifically, your request would require the Commission to comb through its records for a 19 month period to identify responsive government records. As discussed in MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J.Super. 534, 546-549 (App.Div.2005) and its progeny, OPRA operates to make identifiable government records “readily accessible for inspection, copying or examination.” Id. (quoting N.J.S.A. 47:1A-1). It is not intended to be a research tool to require government officials to identify and siphon useful information. Id. at 546. OPRA also does not require a records custodian to conduct research among his/her agency’s records. Under OPRA, agencies are only required to disclose readily “identifiable” government records not otherwise exempt. Id. at 549. Wholesale request for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein. Id. Given that your first request is not for specific

documents within OPRA's reach, but rather a broad-based demand for research, outside of its statutory ambit, that request is DENIED.

With regard to your second through fifth requests, you have asked for copies of meeting schedules of Executive Director Wittenberg, Ms. Roth and Mr. Liggett from January 1, 2012 through the present and for all Commissioners from June 1, 2013 through the present. Pursuant to Gannett v. County of Middlesex, 379 N.J. Super. 205 (app.Div.2005), appointment calendars and other documents such as meeting schedules, are exempt from disclosure under OPRA. Id. at 217-218 relying on North Jersey Newspapers Co. v. Passaic County Bd. of Chosen Freeholders, 127 N.J. 9 (1992) (A person's privacy interest includes the people and places that one communicates with as well as the resulting conversation. Id. at 16-18). As a result, your request for meeting schedules is also DENIED.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Carter", with a long horizontal flourish extending to the right.

Keith M. Carter
Regulatory Programs Specialist/Records Custodian

Sincerely,

[SIGNATURE]