



State of New Jersey
GOVERNMENT RECORDS COUNCIL

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

FINAL DECISION

August 28, 2012 Government Records Council Meeting

Baruch B. Blaustein
Complainant

Complaint No. 2011-104

v.

Lakewood Board of Education (Ocean)
Custodian of Record

At the August 28, 2012 public meeting, the Government Records Council (“Council”) considered the August 21, 2012 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because the Custodian disclosed to the Complainant all records ordered for disclosure pursuant to the Order and a document index explaining the lawful basis for each redaction, and provided certified confirmation of compliance to the Executive Director within the time period provided for compliance with said Order, as extended, the Custodian fully complied with the Council’s June 26, 2012 Interim Order.
2. Custodian Lydia R. Silva failed to respond to the complaint; however on July 5, 2012, Arlene Biesiada was appointed to replace Ms. Silva as Custodian. The evidence of record reveals that Ms. Biesiada fully complied in a timely manner with the Council’s June 26, 2012 Interim Order by disclosing all records with appropriate redactions that were ordered for disclosure pursuant to the Order and by providing certified confirmation of compliance to the Executive Director within the time period provided for compliance, as extended. Therefore, it is concluded that the Custodian’s actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.



Final Decision Rendered by the
Government Records Council
On The 28th Day of August, 2012

Robin Berg Tabakin, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Denise Parkinson Vetti, Secretary
Government Records Council

Decision Distribution Date: September 5, 2012

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
August 28, 2012 Council Meeting**

Baruch B. Blaustein¹
Complainant

GRC Complaint No. 2011-104

v.

Lakewood Board of Education (Ocean)²
Custodian of Records

Records Relevant to Complaint: Closed session minutes from March 28, 2006 to March 28, 2011.³

Request Made: March 28, 2011

Response Made: April 6, 2011

Custodian: Arlene Biesiada⁴

GRC Complaint Filed: April 6, 2011⁵

Background

June 26, 2012

At the June 26, 2012 public meeting, the Government Records Council (“Council”) considered the June 19, 2012 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that:

1. Because the Custodian’s response to the Complainant’s OPRA request for the requested closed session minutes failed to specify a lawful basis for a denial to the record, the Custodian’s response to the Complainant’s request is insufficient pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-6., and Morris v. Trenton Police Department, GRC Complaint No. 2007-160 (May 2008).
2. Because the Custodian failed to provide a lawful reason for denying the Complainant access to the requested records, the Custodian shall disclose to the Complainant the records responsive to the Complainant’s request for closed session minutes of the Board from March 28, 2006 to March 28, 2011.

¹ No legal representation listed on record.

² Represented by John E. Croot, Esq., Schwartz Simon Edelstein & Celso LLC (Whippany, NJ).

³ There were other records requested that are not relevant to this complaint.

⁴ Ms. Biesiada replaced Lydia R. Silva as the Custodian on July 5, 2012.

⁵ The Complainant signed the Denial of Access Complaint on said date.

3. **The Custodian shall comply with item #2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4, to the Executive Director.**
4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

June 27, 2012

Council's Interim Order ("Order") distributed to the parties.⁶

June 27, 2012

E-mail from the Custodian's Counsel to the GRC. The Custodian's Counsel puts his appearance on record.

June 27, 2012

Council's Order distributed to the Custodian's Counsel.

June 29, 2012

E-mail from the GRC to the Custodian's Counsel. The GRC confirms an earlier telephone conversation this date wherein Counsel requested, and the GRC granted, the Custodian a five (5) business day extension of time to prepare and submit the certification of compliance with the Council's Interim Order. Counsel is informed the certification of compliance will be due on July 13, 2012.

July 11, 2012

E-mail from the Custodian's Counsel to the GRC. Counsel states that the School District has a newly appointed Custodian and that he has been recently appointed as the new Custodian's Counsel. Counsel states that the District is putting revised systems in place in order to properly comply with OPRA. Counsel further states that to comply with the Council's Order the Custodian must retrieve five (5) years of executive session minutes which comprise 2000 pages of records responsive to the request. Counsel states that the records must be reviewed and likely redacted in preparation for disclosure to the Complainant in compliance with the Order. Counsel asks the GRC for an additional extension of time to comply with the Council's Order.

July 11, 2012

E-mail from the GRC to the Custodian's Counsel. The GRC Executive Director grants the Custodian a thirty (30) day extension of time to comply with the Council's Order. The Executive Director informs Counsel that the certification of compliance will be due no later than August 10, 2012.

⁶ UPS Next Day Air® Proof of Delivery revealed that the Order was delivered to the Custodian on June 28, 2012 at 9:40 a.m.
Baruch B. Blaustein v. Lakewood Board of Education (Ocean), 2011-104 – Supplemental Findings and Recommendations of the Executive Director 2

August 10, 2012

Letter from the Custodian's Counsel to the GRC. The Custodian's Counsel forwards to the GRC the Custodian's certification dated August 10, 2012. The Custodian certifies that pursuant to the terms of the Order she disclosed to the Complainant copies of approved minutes of executive sessions of the Lakewood Board of Education from March 28, 2006 to March 28, 2011 with appropriate redactions together with a redaction index.

Analysis

Whether the Custodian complied with the Council's June 26, 2012 Interim Order?

At its June 26, 2012 public meeting, the Council determined that the Custodian shall disclose the records responsive to the Complainant's request for closed session minutes of the Board from March 28, 2006 to March 28, 2011 within five (5) business days from receipt of the Council's Interim Order with appropriate redactions as necessary, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4, to the Executive Director.

The GRC granted two (2) extensions of time requested by the Custodian's Counsel which extended the time for compliance with the terms of the Council's Order to August 10, 2012.

On August 10, 2012, the Custodian provided certified confirmation that she provided to the Complainant the records responsive to the Complainant's request for closed session minutes of the Board from March 28, 2006 to March 28, 2011, together with a redaction index for all appropriate redactions.

Therefore, because the Custodian disclosed to the Complainant all records ordered for disclosure pursuant to the Order and a document index explaining the lawful basis for each redaction, and provided certified confirmation of compliance to the Executive Director within the time period provided for compliance with said Order, as extended, the Custodian fully complied with the Council's June 26, 2012 Interim Order.

Whether the Custodian's actions rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances?

OPRA states that:

“[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty ...” N.J.S.A. 47:1A-11.a.

OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically OPRA states:

“... If the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA]...” N.J.S.A. 47:1A-7.e.

Certain legal standards must be considered when making the determination of whether the Custodian’s actions rise to the level of a “knowing and willful” violation of OPRA. The following statements must be true for a determination that the Custodian “knowingly and willfully” violated OPRA: the Custodian’s actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian’s actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian’s actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (Berg); the Custodian’s actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J.Super. 86, 107 (App. Div. 1996).

In the matter before the Council, Custodian Lydia R. Silva failed to respond to the complaint; however on July 5, 2012, Arlene Biesiada was appointed to replace Ms. Silva as Custodian. The evidence of record reveals that Ms. Biesiada fully complied in a timely manner with the Council’s June 26, 2012 Interim Order by disclosing all records with appropriate redactions that were ordered for disclosure pursuant to the Order and by providing certified confirmation of compliance to the Executive Director within the time period provided for compliance, as extended. Therefore, it is concluded that the Custodian’s actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Because the Custodian disclosed to the Complainant all records ordered for disclosure pursuant to the Order and a document index explaining the lawful basis for each redaction, and provided certified confirmation of compliance to the Executive Director within the time period provided for compliance with said Order, as extended, the Custodian fully complied with the Council’s June 26, 2012 Interim Order.
2. Custodian Lydia R. Silva failed to respond to the complaint; however on July 5, 2012, Arlene Biesiada was appointed to replace Ms. Silva as Custodian. The evidence of record reveals that Ms. Biesiada fully complied in a timely manner with the Council’s June 26, 2012 Interim Order by disclosing all records with appropriate redactions that were ordered for disclosure pursuant to the Order and by providing certified confirmation of compliance to the

Executive Director within the time period provided for compliance, as extended. Therefore, it is concluded that the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Prepared By: John E. Stewart, Esq.

Approved By: Karyn Gordon, Esq.
Acting Executive Director

August 21, 2012



State of New Jersey
GOVERNMENT RECORDS COUNCIL

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PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

INTERIM ORDER

June 26, 2012 Government Records Council Meeting

Baruch B. Blaustein
Complainant

Complaint No. 2011-104

v.

Lakewood Board of Education (Ocean)
Custodian of Record

At the June 26, 2012 public meeting, the Government Records Council ("Council") considered the June 19, 2012 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because the Custodian's response to the Complainant's OPRA request for the requested closed session minutes failed to specify a lawful basis for a denial to the record, the Custodian's response to the Complainant's request is insufficient pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-6., and Morris v. Trenton Police Department, GRC Complaint No. 2007-160 (May 2008).
2. Because the Custodian failed to provide a lawful reason for denying the Complainant access to the requested records, the Custodian shall disclose to the Complainant the records responsive to the Complainant's request for closed session minutes of the Board from March 28, 2006 to March 28, 2011.
3. **The Custodian shall comply with item #2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4,¹ to the Executive Director.²**
4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

¹ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

² Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

Interim Order Rendered by the
Government Records Council
On The 26th Day of June, 2012

Steven F. Ritardi, Esq., Acting Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Denise Parkinson Vetti, Secretary
Government Records Council

Decision Distribution Date: June 27, 2012

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
June 26, 2012 Council Meeting**

Baruch B. Blaustein¹
Complainant

GRC Complaint No. 2011-104

v.

Lakewood Board of Education (Ocean)²
Custodian of Records

Records Relevant to Complaint: Closed session minutes from March 28, 2006 to March 28, 2011.³

Request Made: March 28, 2011

Response Made: April 6, 2011

Custodian: Lydia R. Silva

GRC Complaint Filed: April 6, 2011⁴

Background

March 28, 2011

Complainant's Open Public Records Act ("OPRA") request. The Complainant requests the records relevant to this complaint listed above on an official OPRA request form. The Complainant indicates that the preferred method of delivery is via e-mail.

April 6, 2011⁵

Custodian's response to the OPRA request. The Custodian responds in writing via letter to the Complainant's OPRA request on the seventh (7th) business day following receipt of such request. The Custodian states that access to the requested record is denied because an analysis must be completed by the Lakewood Board of Education ("Board") and the Board's attorney.

April 6, 2011

Denial of Access Complaint filed with the Government Records Council ("GRC") with the following attachments:

- Complainant's OPRA request dated March 28, 2011
- Custodian's response to the OPRA request dated April 6, 2011

¹ No legal representation listed on record.

² No legal representation listed on record.

³ There were other records requested that are not relevant to this complaint.

⁴ The Complainant signed the Denial of Access Complaint on said date.

⁵ The Custodian's response is not dated but the Complainant states that the request was denied on April 6, 2011. The Custodian's response is signed by Business Administrator Robert Green.

The Complainant states that he was notified by the Board's secretary on April 5, 2011 that his requested records were ready to be picked up. The Complainant states that he went to the Board's office to pick up the records and noticed that the closed session minutes, which are the records relevant to this complaint, were not included with the other disclosed records. The Complainant states that the Board secretary told him that the closed session minutes were withheld from disclosure as attorney-client privileged material. The Complainant further states that he told the Board secretary that he knew the closed session minutes were not entirely attorney-client privileged and that he would be back on April 6, 2011 to pick up said minutes.

The Complainant states that when he went to the Board's office on April 6, 2011 to pick up the closed session minutes, the Custodian refused to disclose said minutes or give him a denial in writing. The Complainant further states that he told the Custodian that he had contacted the GRC and the GRC informed the Complainant that the Custodian is required under OPRA to provide the Complainant with a denial in writing. The Complainant states that the Custodian then provided him with a written denial.

The Complainant does not agree to mediate this complaint.

April 15, 2011

Request for the Statement of Information ("SOI") sent to the Custodian.

April 29, 2011

Letter from the GRC to the Custodian. The GRC sends a letter to the Custodian indicating that the GRC provided the Custodian with a request for an SOI on April 15, 2011 and to date has not received a response. Further, the GRC states that if the SOI is not submitted within three (3) business days, the GRC will adjudicate this complaint based solely on the information provided by the Complainant.⁶

January 25, 2012

Telephone call from the Complainant to the GRC. The Complainant asks the GRC if he can add other records to his March 28, 2011 OPRA request.

January 25, 2012

E-mail from the GRC to the Complainant. The GRC informs the Complainant that he cannot add other records to his previous OPRA request and that if he wants to request additional records from the Custodian he will have to file another OPRA request.

January 26, 2012

E-mail from the Complainant to the GRC. The Complainant informs the GRC that he never received a copy of the Custodian's submission to the GRC in response to his complaint and asks the GRC if the Custodian submitted a response to the complaint.

⁶ The Custodian did not respond to the GRC's correspondence.

January 27, 2012

E-mail from the GRC to the Complainant. The GRC informs the Complainant that the GRC never received a submission from the Custodian to the GRC's request for the SOI.

Analysis

Whether the Custodian timely responded to the Complainant's OPRA request?

OPRA provides that:

"[i]f the custodian is unable to comply with a request for access, the custodian shall indicate the specific basis therefor on the request form and promptly return it to the requestor. The custodian shall sign and date the form and provide the requestor with a copy thereof ..." N.J.S.A. 47:1A-5.g.

OPRA also provides that:

"[u]nless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access ... or deny a request for access ... as soon as possible, but *not later than seven business days after receiving the request* ... In the event a custodian fails to respond within seven business days after receiving a request, *the failure to respond shall be deemed a denial of the request* ..." (Emphasis added.) N.J.S.A. 47:1A-5.i.

OPRA further provides that:

"...[t]he public agency shall have the burden of proving that the denial of access is authorized by law..." N.J.S.A. 47:1A-6.

OPRA mandates that a custodian must either grant or deny access to requested records within seven (7) business days from receipt of said request. N.J.S.A. 47:1A-5.i. As also prescribed under N.J.S.A. 47:1A-5.i., a custodian's failure to respond within the required seven (7) business days results in a "deemed" denial. Further, a custodian's response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5.g.⁷ Thus, a custodian's failure to respond in writing to a complainant's OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a "deemed" denial of the complainant's OPRA request pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i., and Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

⁷ It is the GRC's position that a custodian's written response either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days, even if said response is not on the agency's official OPRA request form, is a valid response pursuant to OPRA.

In the instant complaint, the Custodian did respond to the Complainant in writing on the seventh (7th) business day following receipt of the Complainant's OPRA request; however, the Custodian failed to specify a lawful basis for denying the Complainant's request.

N.J.S.A. 47:1A-5.g. provides that if a custodian cannot comply with a request for access, the custodian must indicate the specific basis for non-compliance on the request form and promptly return it to the requestor. Additionally, N.J.S.A. 47:1A-6 places the "burden of proving that the denial of access is authorized by law" on the custodian. In order to comply with OPRA, the statute is clear that a denial must be specific and must be sufficient to prove that a custodian's denial is authorized by OPRA.

GRC decisions have consistently reinforced the statutory mandate that custodians provide a legally valid reason for any denial of records. Specifically, in Morris v. Trenton Police Department, GRC Complaint No. 2007-160 (May 2008), the Custodian denied access to the requested records without providing the specific legal basis for said denial. The Council held that "while the Custodian's denial of the Complainant's request was within the time allowed by N.J.S.A. 47:1A-5.i., the Custodian's failure to supply the requestor with a detailed lawful basis for denial violates N.J.S.A. 47:1A-5.g."

In this instant complaint, the Custodian provided the Complainant with a written response on the seventh (7th) business day following receipt of the request in which the Custodian stated that access to the requested record is denied because an analysis must be completed by the Board and the Board's attorney. The Custodian failed to provide the specific legal basis for the denial.

Accordingly, because the Custodian's response to the Complainant's OPRA request for the requested closed session minutes failed to specify a lawful basis for a denial to the record, the Custodian's response to the Complainant's request is insufficient pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-6., and Morris, supra.

Whether the Custodian unlawfully denied access to the requested records?

OPRA provides that:

"...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, *with certain exceptions...*" (Emphasis added.) N.J.S.A. 47:1A-1.

Additionally, OPRA defines a government record as:

"... any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been *made, maintained or kept on file ... or that has been received* in the course of his or its official business ..." (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA places the onus on the Custodian to prove that a denial of access is lawful. Specifically, OPRA states:

“...[t]he public agency shall have the burden of proving that the denial of access is authorized by law...” N.J.S.A. 47:1A-6.

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

The Custodian denied the Complainant access to closed session minutes of the Board from March 28, 2006 to March 28, 2011 because the Custodian asserted that an analysis must be completed by the Board and the Board’s attorney. The Custodian thereafter never disclosed the closed session minutes in redacted or unredacted form to the Complainant or further communicated with the Complainant concerning the requested closed session minutes. OPRA places the burden on the Custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6. and here the Custodian failed to meet that burden.

Therefore, because the Custodian failed to provide a lawful reason for denying the Complainant access to the requested records, the Custodian shall disclose to the Complainant the records responsive to the Complainant’s request for closed session minutes of the Board from March 28, 2006 to March 28, 2011.

Whether the Custodian’s actions rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances?

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian’s compliance with the Council’s Interim Order.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Because the Custodian’s response to the Complainant’s OPRA request for the requested closed session minutes failed to specify a lawful basis for a denial to the record, the Custodian’s response to the Complainant’s request is insufficient pursuant to N.J.S.A. 47:1A-5, g., N.J.S.A. 47:1A-6., and Morris v. Trenton Police Department, GRC Complaint No. 2007-160 (May 2008).
2. Because the Custodian failed to provide a lawful reason for denying the Complainant access to the requested records, the Custodian shall disclose to the Complainant the records responsive to the Complainant’s request for closed session minutes of the Board from March 28, 2006 to March 28, 2011.

3. **The Custodian shall comply with item #2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4,⁸ to the Executive Director.⁹**
4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: John E. Stewart, Esq.

Approved By: Karyn Gordon, Esq.
Acting Executive Director

June 19, 2012

⁸ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

⁹ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.