



State of New Jersey  
GOVERNMENT RECORDS COUNCIL

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TRENTON, NJ 08625-0819

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

RICHARD E. CONSTABLE, III  
Commissioner

**FINAL DECISION**

**October 29, 2013 Government Records Council Meeting**

Mary Jean DiLorenzo  
Complainant

Complaint No. 2013-263

v.

Township of Bloomfield Board of Education (Essex)  
Custodian of Record

At the October 29, 2013 public meeting, the Government Records Council (“Council”) considered the October 22, 2013 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 the Custodian did not unlawfully deny access to the requested records based upon the sufficiency of the disclosed record’s content. *See* Katinsky v. River Vale Twp., GRC Complaint No. 2003-68 (November 2003). *See also* Kwanzaa v. Dep’t of Corr., GRC Complaint No. 2004-167 (March 2005), citing N.J.S.A. 47:1A-7(b).

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 29th Day of October, 2013

Robin Berg Tabakin, Esq., Chair  
Government Records Council



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

Steven Ritardi, Esq., Secretary  
Government Records Council

**Decision Distribution Date: November 1, 2013**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
October 29, 2013 Council Meeting**

**Mary Jean Dilorenzo<sup>1</sup>  
Complainant**

**GRC Complaint No. 2013-263**

v.

**Township of Bloomfield Board of Health (Essex)<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic copies via e-mail of all invoices, bills, statements or records from or for the Bloomfield Animal Clinic – Dr. Felix Escudero, for the period January 1, 2011 until November 30, 2012.

**Custodian of Records:** Karen Lore  
**Request Received by Custodian:** December 6, 2012  
**Response Made by Custodian:** December 13, 2012  
**GRC Complaint Received:** September 13, 2013

**Background<sup>3</sup>**

**Request and Response:**

On December 6, 2012, the Complainant submitted an Open Public Records Act (“OPRA”) request seeking the above-listed records. On December 13, 2012, the fifth (5<sup>th</sup>) business day following receipt of said request, the Custodian responded in writing informing the Complainant that the Custodian would need an extension of time until December 21, 2012, in order to address the request because some of the requested records are in storage and need to be retrieved.

**Denial of Access Complaint:**

On September 13, 2013, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant states that she provided the records request to the Custodian on December 6, 2012, and that the Custodian responded to the request on December 20, 2012.<sup>4</sup>

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> Represented by Ronald J. Ricci, Esq., of Ricci & Fava, LLC (Woodland Park, NJ).

<sup>3</sup> The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

<sup>4</sup> This is a timely response because it was within the statutorily-mandated time period, as extended.

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The Complainant states that in response to her OPRA request she received fifty-one (51) pages of records from the Custodian. The Complainant contends that the total balance, listed as the new balance on the most current invoice, appeared to be whited-out. The Complainant also states that on some items, although notes are handwritten, some invoices contain typed information. The Complainant states that she is concerned that the typed information did not appear on the original invoices and may be masking some of the handwritten notes. The Complainant further states that some information on the records appears to have been redacted; however, she was not provided with a redaction index providing a legal reason for the redactions. The Complainant requests that the GRC conduct an in camera examination of the disclosed records side-by-side with the originals.

#### Statement of Information:

On October 3, 2013, the Custodian filed a Statement of Information (“SOI”). The Custodian certifies that she received the Complainant’s OPRA request on December 6, 2012, and that she responded to the request on December 13, 2012, informing the Complainant that she would need an extension of time until December 21, 2012, in order to address the request because some of the records are in storage and need to be retrieved. The Custodian certifies that on December 20, 2012, she disclosed to the Complainant fifty-one (51) pages of records, which were all of the records responsive to the request.

The Custodian certifies that the Board of Health (“Board”) does not receive original invoices for the payment and processing of animal medical bills due to multiple payees of animal medical care. The Custodian further certifies that invoices are submitted to other payees prior to Board processing, and that a copy of the invoice is provided to the Board to indicate the Board’s portion to be paid. The Custodian certifies that vendors are notified to have outstanding balance amounts removed from invoices so as to only reflect the amounts owed by the municipality. The Custodian certifies that the records disclosed to the Complainant are copies as maintained by the Board and that no redactions were made by the Board prior to disclosure.

#### Analysis

#### Unlawful Denial of Access

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.

Here, the Complainant alleged that she was denied access to the requested records because some information appeared to be redacted from the original records and she was not provided with a legal reason for the redactions. The Complainant also objected to the content of the records, specifically that typed information which did not appear on the original invoices may be masking some of the handwritten notes on the records.

In Katinsky v. River Vale Twp., GRC Complaint No. 2003-68 (November 2003), the complainant indicated to the GRC that the records provided to him by the custodian were "incomplete, improper and inaccurate." Conversely, the custodian certified that copies of the requested documents given to the complainant were complete and correct. The Council determined that:

[t]he facts in this case indicate that the custodian provided the requester with the requested documents, and the custodian certified that they were complete, correct and contained no redactions. Therefore, the request in this case has been satisfied. The integrity of the requested documents is outside of the authority of the [Council]. For these reasons, the Council should dismiss the Complaint.

Id.

Subsequently, in Kwanzaa v. Dep't of Corr., GRC Complaint No. 2004-167 (March 2005), the Complainant was dissatisfied with the record that was disclosed. The Council determined that "...[t]he document requested has been disclosed to the Complainant. Pursuant to N.J.S.A. 47:1A-7(b), *the content of the document is not in the Council's jurisdiction*. Since the requested record has been disclosed, this portion of the complaint should be dismissed." (Emphasis added.) See also Paff, supra, citing Toscano v. NJ Dep't of Labor, GRC Complaint No. 2005-59 (September 2005) which held that the GRC does not have authority over the condition of records provided by a Custodian.

Here, there is no dispute between the parties that the records responsive to the request were disclosed to the Complainant. Rather, the Complainant alleged that she was denied access to some of the information contained in the disclosed records because the records appeared to have been redacted and contain typewriting that may be masking handwritten notes. The Custodian certified that the records disclosed to the Complainant are copies as maintained by the Board and that no redactions were made by the Board prior to disclosure. As a possible reason for the records appearing to have been redacted, the Custodian certified that vendors are notified to have outstanding balance amounts removed from invoices so as to only reflect the amounts owed by the municipality.

Therefore, the Custodian did not unlawfully deny access to the requested records based upon the sufficiency of the disclosed record's content. See Katinsky, supra. See also Kwanzaa, supra, citing N.J.S.A. 47:1A-7(b).

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that the Custodian did not unlawfully deny access to the requested records based upon the sufficiency of the disclosed record's content. See Katinsky v. River Vale Twp., GRC Complaint No. 2003-68 (November 2003). See also Kwanzaa v. Dep't of Corr., GRC Complaint No. 2004-167 (March 2005), citing N.J.S.A. 47:1A-7(b).

Prepared By: John E. Stewart, Esq.

Approved By: Brandon D. Minde, Esq.  
Executive Director

October 22, 2013