



**State of New Jersey**  
**GOVERNMENT RECORDS COUNCIL**

101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**RICHARD E. CONSTABLE, III**  
*Commissioner*

**FINAL DECISION**

**February 24, 2015 Government Records Council Meeting**

Anonymous  
Complainant  
v.  
NJ State Police  
Custodian of Record

Complaint No. 2014-78

At the February 24, 2015 public meeting, the Government Records Council (“Council”) considered the February 17, 2015 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. The Custodian complied with the Council’s January 30, 2015 Interim Order because he responded in the extended time frame providing to the Complainant all responsive records (with minor redactions of personal identifiers) and simultaneously provided certified confirmation of compliance to the Executive Director.
2. Although the Custodian unlawfully denied access to the responsive OPRA requests, he timely responded to the Complainant’s OPRA request and complied with the Council’s January 30, 2015 Interim Order. Additionally, the evidence of record does not indicate that the Custodian’s violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, 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 24<sup>th</sup> Day of February, 2015

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: February 26, 2015**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director  
February 24, 2015 Council Meeting**

**Anonymous<sup>1</sup>  
Complainant**

**GRC Complaint No. 2014-78**

**v.**

**New Jersey State Police<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic copies via e-mail of every OPRA request filed in January 2014.

**Custodian of Record:** Marco Rodriguez

**Request Received by Custodian:** January 31, 2014

**Response Made by Custodian:** February 11, 2014

**GRC Complaint Received:** February 12, 2014

**Background**

**January 30, 2015 Council Meeting:**

At its January 30, 2015 public meeting, the Council considered the January 20, 2015 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. The Custodian has borne his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of OPRA. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
2. The Custodian may have unlawfully denied access to those OPRA requests which do not contain victim or their family's information. N.J.S.A. 47:1A-6. Notwithstanding the Custodian's statutory obligation to withhold victim's information from anonymous requestors, OPRA does not permit the Custodian to exempt access to those OPRA requests that do not contain victim or their family's information. Accordingly, the Custodian must disclose those OPRA requests to which N.J.S.A. 47:1A-2.2 does not apply. Further, the Custodian must certify to the exact number of OPRA requests to which he believes the exemption applies.

---

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

<sup>2</sup> Represented by Deputy Attorney General ("DAG") Adam R. Gibbons. Previously represented by DAG Megan E. Shafranski.

3. **The Custodian shall comply with item No. 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,<sup>3</sup> to the Executive Director.<sup>4</sup>**
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.

#### Procedural History:

On February 3, 2015, the Council distributed its Interim Order to all parties. On February 6, 2015, the Custodian's Counsel sought an extension of time until February 13, 2015 to comply with the Council's Order, which the GRC granted.

On February 13, 2015, the Custodian responded to the Council's Interim Order. The Custodian certified that he provided the responsive records to the Complainant via e-mail on this day. Additionally, the Custodian affirmed that the redactions consisted of personal identifiers of certain individuals per the privacy interest exemption with the exception of business addresses where applicable. N.J.S.A. 47:1A-1.

#### Analysis

#### Compliance

At its January 30, 2015 meeting, the Council ordered the Custodian to disclose the responsive OPRA requests to which N.J.S.A. 47:1A-2.2 does not apply and to submit certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4, to the Executive Director. On February 3, 2015, the Council distributed its Interim Order to all parties, providing the Custodian five (5) business days to comply with the terms of said Order. Thus, the Custodian's response was due by close of business on February 10, 2015.

On February 6, 2015, the third (3<sup>rd</sup>) business day after receipt of the Council's Order, the Custodian's Counsel sought an extension until February 13, 2015, which the GRC granted. On February 13, 2015, the Custodian e-mailed the responsive records to the Complainant with minor redactions and submitted certified confirmation of compliance to the Executive Director.

Therefore, the Custodian complied with the Council's January 30, 2015 Interim Order because he responded in the extended time frame providing to the Complainant all responsive

---

<sup>3</sup> "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."

<sup>4</sup> 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.

records (with minor redactions of personal identifiers) and simultaneously provided certified confirmation of compliance to the Executive Director.

### **Knowing & Willful**

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 “. . . [i]f 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 (id.; Marley v. Borough of Palmyra, 193 N.J. Super. 271, 294-95 (Law Div. 1993)); 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)).

Although the Custodian unlawfully denied access to the responsive OPRA requests, he timely responded to the Complainant’s OPRA request and complied with the Council’s January 30, 2015 Interim Order. Additionally, the evidence of record does not indicate that the Custodian’s violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, 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. The Custodian complied with the Council’s January 30, 2015 Interim Order because he responded in the extended time frame providing to the Complainant all responsive records (with minor redactions of personal identifiers) and simultaneously provided certified confirmation of compliance to the Executive Director.

2. Although the Custodian unlawfully denied access to the responsive OPRA requests, he timely responded to the Complainant's OPRA request and complied with the Council's January 30, 2015 Interim Order. Additionally, the evidence of record does not indicate that the Custodian's violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, 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: Frank F. Caruso  
Communications Specialist/Resource Manager

Approved By: Dawn R. SanFilippo  
Deputy Executive Director

February 17, 2015



State of New Jersey  
GOVERNMENT RECORDS COUNCIL

101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

RICHARD E. CONSTABLE, III  
Commissioner

INTERIM ORDER

January 30, 2015 Government Records Council Meeting

Anonymous  
Complainant

Complaint No. 2014-78

v.

NJ State Police  
Custodian of Record

At the January 30, 2015 public meeting, the Government Records Council ("Council") considered the January 20, 2015 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. The Custodian has borne his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of OPRA. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
2. The Custodian may have unlawfully denied access to those OPRA requests which do not contain victim or their family's information. N.J.S.A. 47:1A-6. Notwithstanding the Custodian's statutory obligation to withhold victim's information from anonymous requestors, OPRA does not permit the Custodian to exempt access to those OPRA requests that do not contain victim or their family's information. Accordingly, the Custodian must disclose those OPRA requests to which N.J.S.A. 47:1A-2.2 does not apply. Further, the Custodian must certify to the exact number of OPRA requests to which he believes the exemption applies.
3. **The Custodian shall comply with item No. 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,<sup>1</sup> to the Executive Director.<sup>2</sup>**
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.

<sup>1</sup> "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."

<sup>2</sup> 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 30<sup>th</sup> Day of January, 2015

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: February 3, 2015**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
January 30, 2015 Council Meeting**

**Anonymous<sup>1</sup>  
Complainant**

**GRC Complaint No. 2014-78**

**v.**

**New Jersey State Police<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic copies via e-mail of every OPRA request filed in January 2014.

**Custodian of Record:** Marco Rodriguez  
**Request Received by Custodian:** January 31, 2014  
**Response Made by Custodian:** February 11, 2014  
**GRC Complaint Received:** February 12, 2014

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

**Request and Response:**

On January 31, 2014, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. The Complainant noted that he was only seeking the Records Request Receipt (“Receipt”) page showing the request and response. On February 11, 2014, the Custodian responded in writing advising that an extension of time until February 25, 2014 would be necessary to locate all responsive records.

**Denial of Access Complaint:<sup>4</sup>**

On February 12, 2014, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that he submitted an OPRA request to the New Jersey State Police on January 31, 2014 and did not receive a response.

---

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

<sup>2</sup> Represented by Deputy Attorney General Megan E. Shafranski.

<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> At the time of the filing of this OPRA request, the facts support that this complaint was unripe for adjudication because neither the statutory time frame nor had the extended time frame to comply had passed. *See Sallie v. NJ Dep’t of Banking & Ins.*, GRC Complaint No. 2012-151 (April 2009). However, because there was a question of timeliness and because the Complainant disputed the subsequent denial of access, the GRC will adjudicate this complaint based on the merits.

## Supplemental Submissions

On February 25, 2014, the Custodian responded in writing advising that a second (2<sup>nd</sup>) extension until March 11, 2014 would be necessary because he was seeking advice from Counsel on the sufficiency of his response. However, on the same day, the Custodian responded again denying access to responsive records. The Custodian stated that N.J.S.A. 47:1A-2.2 provides that no anonymous requestors shall have access to personal information of a victim or their families. First, the Custodian stated that because the Complainant is anonymous, he could not confirm the Complainant's identity to determine whether he was convicted of an indictable offense. Second, the Custodian stated that the responsive records contain personal information (home and business addresses, telephone numbers, e-mail addresses, *etc.*).

On March 17, 2014, the Complainant submitted to the GRC, via e-mail, the Custodian's response. The Complainant stated that, after filing this complaint, he received the Custodian's initial and subsequent responses. The Complainant disputed the Custodian's denial of access, arguing that OPRA contains no requirement for a requestor to produce identification because such identity is not relevant. The Complainant also argued that he did not request victim's records. Finally, the Complainant asserted that the Custodian's privacy argument is baseless because he could have redacted any information subject to privacy interest prior to disclosure.

### Statement of Information:

On March 26, 2014, the Custodian filed a Statement of Information ("SOI"). The Custodian certified that he received the Complainant's OPRA request on January 31, 2014 and responded on February 11, 2014 and February 25, 2014.<sup>5</sup>

The Custodian certified that the statutorily mandated time frame was impacted by two (2) State of Emergency closings due to inclement weather. Thus, where an initial response was due by February 11, 2014, the closings extended the time frame to February 13, 2014. The Custodian thus argued that his response was timely.

Additionally, the Custodian affirmed that the NJSP received 43 OPRA requests in January 2014. The Custodian certified that he did not provide any records based on N.J.S.A. 47:1A-2.2, which provides that anonymous requestors cannot have access to records containing victim's information.<sup>6</sup>

## Analysis

### Timeliness

OPRA mandates that a custodian must either grant or deny access to requested records

---

<sup>5</sup> The Custodian also certified that he responded on March 12, 2014, although there is no evidence in the record to support any further responses after February 25, 2014.

<sup>6</sup> The GRC notes that on November 1, 2014, OPRA was amended to exempt access to "any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order." N.J.S.A. 47:1A-1.1.

Anonymous v. New Jersey State Police, 2014-78 – Findings and Recommendations of the Executive Director

within seven (7) business days from receipt of said request. 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. Id. Further, a custodian's response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5(g).<sup>7</sup> 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. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

Here, the Complainant filed this complaint on February 12, 2014 asserting that the Custodian failed to respond to his OPRA request. However, the Custodian certified in the SOI that, due to two (2) State of emergency closings during the response time frame, the final day to respond was actually February 13, 2014. The Custodian further certified that his February 12, 2014 written response seeking an extension of time to a date certain was timely.<sup>8</sup> In addition, the Complainant acknowledged receipt of the Complainant's responses in an e-mail to the GRC on March 17, 2014.

Therefore, the Custodian has borne his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of OPRA. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).

### **Unlawful Denial of Access**<sup>9</sup>

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.

OPRA provides that:

[W]here it shall appear that a person who is convicted of any indictable offense under the laws of this State, any other state or the United States is seeking government records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of access provided for . . . shall be denied.

. . .

---

<sup>7</sup> 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.

<sup>8</sup> State offices closed early on February 3, 2014 and were closed the whole day on February 5, 2014.

<sup>9</sup> The GRC notes that upon filing, this complaint was technically unripe for adjudication because there was no denial of access at the time. See Kohn v. Twp. of Livingston (Essex), GRC Complaint No. 2011-343 (Final Decision dated February 26, 2013). However, the GRC will proceed with the adjudication based on the Custodian's subsequent responses, SOI and the Complainant's objections to the Custodian's denial of access.

Anonymous v. New Jersey State Police, 2014-78 – Findings and Recommendations of the Executive Director

[A] custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

N.J.S.A. 47:1A-2.2.

In prior complaints, the Council has determined that custodians lawfully denied access to records under N.J.S.A. 47:1A-2.2. See McGill v. NJ Dep't of Corrections, GRC Complaint No. 2012-90 (April 2013); Killion v. Hammonton Police Dep't (Atlantic), GRC Complaint No. 2013-228 (September 2014). However, the GRC has not had an opportunity to adjudicate a complaint where the complainant was anonymous and the custodian denied access under same. Thus, the issue in this complaint is one of first impression.

Here, the Custodian denied access to 43 OPRA requests because, as an anonymous requestor, the Complainant was not entitled to victim's information. The Complainant disputed this denial, arguing that not only did he not request victim's information, but that the privacy argument is baseless because the Custodian could have redacted any information he deemed to be exempt and provided the remainder of the records.

The GRC is cognizant of the difficulties that a custodian may face when addressing an OPRA request from an anonymous requestor for records that may contain information about a victim or their family. However, the fact that some of the records in the universe of those requested may be exempt does not absolve all such responsive records from disclosure. OPRA specifically states that a custodian must bear the burden of proving that every record falls within the cited exemption. N.J.S.A. 47:1A-6.

Here, the GRC is not satisfied that every single OPRA request was submitted by a victim of a crime or contains victim's information otherwise exempt from access in accordance with N.J.S.A. 47:1A-2.2. Further, the GRC is not satisfied that all 43 OPRA requests would contain victim or their family's information. As noted by the Complainant, the Custodian has the ability to redact information he believes is exempt prior to disclosing records. N.J.S.A. 47:1A-5(g).

Further, the Council has, in the least, applied a reasonableness standard for non-disclosure of victim's information where it is evident that the records contain same. See Tinsley v. NJ State Parole Bd., GRC Complaint No. 2009-195 (November 2010). Such a reasonable standard is applicable where it is evident that victims or their family members are seeking information pertaining to the relevant crime or where requestors sought access to records regarding a particular criminal complaint or investigation. Any other requests, such as press requests, attorney requests, etc., seeking generic law enforcement records including, but not limited to, crime statistics, personnel information or arrest reports, do not contain victim or their family's information and thus do fit within the asserted exemption.

Thus, the Custodian may have unlawfully denied access to those OPRA requests which do not contain victim or their family's information. N.J.S.A. 47:1A-6. Notwithstanding the Custodian's statutory obligation to withhold victim's information from anonymous requestors, OPRA does not permit the Custodian to exempt access to those OPRA requests that do not contain victim or their family's information. See N.J.S.A. 47:1A-2.2. Accordingly, the Custodian must disclose those OPRA requests to which N.J.S.A. 47:1A-2.2 does not apply. Further, the

Custodian must certify to the exact number of OPRA requests to which he believes the exemption applies.

### **Knowing & Willful**

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. The Custodian has borne his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of OPRA. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
2. The Custodian may have unlawfully denied access to those OPRA requests which do not contain victim or their family's information. N.J.S.A. 47:1A-6. Notwithstanding the Custodian's statutory obligation to withhold victim's information from anonymous requestors, OPRA does not permit the Custodian to exempt access to those OPRA requests that do not contain victim or their family's information. Accordingly, the Custodian must disclose those OPRA requests to which N.J.S.A. 47:1A-2.2 does not apply. Further, the Custodian must certify to the exact number of OPRA requests to which he believes the exemption applies.
3. **The Custodian shall comply with item No. 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,<sup>10</sup> to the Executive Director.<sup>11</sup>**
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: Frank F. Caruso  
Communications Specialist/  
Resource Manager

Approved By: Dawn R. SanFilippo, Esq.  
Deputy Executive Director

January 20, 2015

---

<sup>10</sup> "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."

<sup>11</sup> 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.

Anonymous v. New Jersey State Police, 2014-78 – Findings and Recommendations of the Executive Director