



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

FINAL DECISION

April 28, 2020 Government Records Council Meeting

Christopher Hager, Esq.
(o/b/o Brian Geschwindt)
Complainant

Complaint No. 2018-148

v.

Bernards Township (Somerset)
Custodian of Record

At the April 28, 2020 public meeting, the Government Records Council (“Council”) considered the April 3, 2020 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 Complainant’s OPRA requests seeking access to “all documents” regarding the business entity in charge of a gas line at a specific roadway, and “all records” pertaining to bicycle-related incidents occurring at a specific roadway from 2013 to present, are invalid because they represent blanket requests that fail to identify the specific records sought and requires research to adequately fulfill. MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Twp. of Stafford, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass’n v. New Jersey Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). See also Lagerkvist v. Office of the Governor of N.J., 443 N.J. Super. 230, 236-37 (App. Div. 2015); Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012). Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.
2. The Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian’s conduct. Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, no factual causal nexus exists between the Complainant’s filing of a Denial of Access Complaint and the relief ultimately achieved. Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51, 71 (2008). Specifically, Council found that the OPRA requests were invalid and the Custodian lawfully denied access. Therefore, the Complainant is not a prevailing party entitled to an award of a reasonable attorney’s fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 71.

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 April 2020

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: April 30, 2020

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
April 28, 2020 Council Meeting**

**Christopher Hager, Esq.¹
(on behalf of Brian Geschwindt)
Complainant**

GRC Complaint No. 2018-148

v.

**Bernards Township (Somerset)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:

OPRA Request No. 1: “All documents showing the name and address of the business entity(ies) that owned, maintained, and/or was responsible on June 9, 2018, for the gas line located beneath the road surface in or about the area of 209 Madisonville Road, Basking Ridge, N.J.”

OPRA Request No. 2: “From 2013 to the present, all records received by Bernards Township [(“Township”)] (including Basking Ridge) of bicycle accidents, falls, crashes, etc., occurring on Madisonville Road in Basking Ridge.”

OPRA Request No. 3: “From 2013 to the present, all records of bicycle events (rides, fundraisers, races, etc.) registered, approved, and/or authorized by [the Township] (including Basking Ridge) to occur on Basking Ridge public roadways including Madisonville Road.”

Custodian of Record: Denise Szabo
Request Received by Custodian: July 19, 2018
Response Made by Custodian: July 23, 2018
GRC Complaint Received: July 25, 2018

Background³

Request and Response:

On July 19, 2018, the Complainant submitted three (3) Open Public Records Act (“OPRA”) requests to the Custodian seeking the above-mentioned records. On July 23, 2018, the Custodian

¹ The Complainant represents Brian Geschwindt.

² Represented by John P. Belardo, Esq., of McElroy, Deutsch, Mulvaney & Carpenter, LLP (Morristown, NJ). Previously represented by Joseph P. Sordillo, Esq. of the same firm.

³ 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.

Christopher W. Hager, Esq. (on behalf of Brian Geschwindt) v. Bernards Township (Somerset), 2018-148 – Findings and Recommendations of the Executive Director

responded in writing denying access to each request as overly broad, citing Bent v. Twp. of Stafford, 381 N.J. Super. 30, 37 (App. Div. 2005). The Custodian also stated that Township officials were not obligated to research Township records to ascertain which records might be responsive to a broad and unclear OPRA request, citing MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005).

Denial of Access Complaint:

On July 25, 2018, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant contended that that the Township improperly denied all three (3) requests as overly broad. The Complainant also asserted that the cited caselaw were inapplicable, as his requests were sufficiently precise. The Complainant asserted that his OPRA requests were narrowly written to avoid being subject to any OPRA exemption. The Complainant contended that the requests did not require government officials to identify and siphon useful information and were not a research assignment for the public entity.

Statement of Information:

On August 9, 2018, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA requests on July 19, 2013. The Custodian certified that she responded to all three (3) OPRA requests in writing on July 23, 2018.

The Custodian’s Counsel argued that the OPRA requests failed to seek specific identifiable records and were properly denied pursuant to MAG, 375 N.J. Super. 435; Bent, 381 N.J. Super. 30; N.J. Builders Ass’n v. New Jersey Council on Affordable Hous., 390 N.J. Super. 166 (App. Div. 2007); and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Counsel also cited Petrelli v. Branchburg Bd. of Educ., GRC Complaint No. 2010-13 (March 2011).

Counsel first argued that all three (3) OPRA requests sought “all documents” or “all records” and therefore failed to identify specific government records. Regarding Request No. 1, Counsel asserted that the Custodian would have to conduct research to ascertain the identity of the business(es) responsible for the gas line. Counsel asserted that the Custodian would then have to search for and obtain every record containing the name and address of the business(es). Counsel contended that this would result in an impossible number of documents to collate. Counsel also noted that the Complainant did not provide a specific timeframe for this request.

Regarding Request Nos. 2 and 3, Counsel asserted that the Complainant failed to specifically identify government records, such as a police report or complaint, but instead sought “all records” pertaining to bicycle events, accidents, falls, crashes, etc. Counsel contended that these requests required the Custodian to research all the Township’s files to locate responsive records. Counsel also asserted that the requests were overly broad even if narrowed to incidents occurring on Madisonville Road, since the Township did not organize its records by roadway, and still failed to specifically identify government records.

Counsel contended that the Complainant was attempting to utilize OPRA and the

Custodian as a research tool for information or documents he could not identify himself. Counsel thus argued that the Custodian properly denied the requests.

Additional Submissions:

On August 10, 2018, the Complainant submitted a response to the Custodian's SOI. The Complainant asserted that Counsel informed him that the Township received a separate OPRA request that was nearly identical to his. The Complainant also stated that Counsel informed him that the request was narrower than his, as the date range was between 2017-2018 rather than 2013 to present. The Complainant asserted that it was his impression from the conversation that responsive records were located for that OPRA request, and if he withdrew the current matter the Township would produce the records.

The Complainant asserted that this contradicted Counsel's argument that the Complainant's OPRA requests were vague or that the records were unknown to the Township. The Complainant maintained that his OPRA requests were reasonable under the law and should be enforced.

Analysis

Validity of Request

The New Jersey Appellate Division has held that:

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination."* N.J.S.A. 47:1A-1.

[MAG, 375 N.J. Super. at 546 (emphasis added).]

The court reasoned that:

Most significantly, the request failed to identify with any specificity or particularity the governmental records sought. *MAG provided neither names nor any identifiers other than a broad generic description of a brand or type of case prosecuted by the agency in the past.* Such an open-ended demand required the Division's records custodian to manually search through all of the agency's files, analyze, compile and collate the information contained therein, and identify for MAG the cases relative to its selective enforcement defense in the OAL litigation. Further, once the cases were identified, the records custodian would then be required to evaluate, sort out, and determine the documents to be produced and those otherwise exempted.

[*Id.* at 549 (emphasis added).]

The court further held that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt . . . In short, OPRA does not countenance open-ended searches of an agency’s files.” Id. (emphasis added). Bent, 381 N.J. Super. at 37;⁴ N.J. Builders Ass’n, 390 N.J. Super. at 180; Schuler, GRC 2007-151.

The validity of an OPRA request typically falls into three (3) categories. The first is a request that is overly broad (“any and all” requests seeking “records” generically, *etc.*) and requires a custodian to conduct research. MAG, 375 N.J. Super. 534; Donato v. Twp. of Union, GRC Complaint No. 2005-182 (January 2007). The second is those requests seeking information or asking questions. See e.g. Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012). The final category is a request that is either not on an official OPRA request form or does not invoke OPRA. See e.g. Naples v. N.J. Motor Vehicle Comm’n, GRC Complaint No. 2008-97 (December 2008).

Regarding generic requests for “records,” the request at issue in MAG sought “all documents or records evidencing that the ABC sought, obtained or ordered revocation of a liquor license for the charge of selling alcoholic beverages to an intoxicated person in which such person, after leaving the licensed premises, was involved in a fatal auto accident” and “all documents or records evidencing that the ABC sought, obtained or ordered suspension of a liquor license exceeding 45 days for charges of lewd or immoral activity.” Id. at 539-540. The court noted that plaintiffs failed to include additional identifiers such as a case name or docket number. See also Steinhauer-Kula v. Twp. of Downe (Cumberland), GRC Complaint No. 2010-198 (March 2012) (holding that the complainant’s request item No. 2 seeking “[p]roof of submission” was invalid); Edwards v. Hous. Auth. of Plainfield (Union), GRC Complaint No. 2008-183 *et seq.* (Final Decision dated April 25, 2012) (accepting the Administrative Law Judge’s finding that a newspaper article attached to a subject OPRA request that was related to the records sought did not cure the deficiencies present in the request) Id. at 12-13.

The Council also addressed the search/research question in Donato, GRC 2005-182. There, the Council held that pursuant to MAG, a custodian is obligated to search his or her files to find identifiable government records listed in a requestor’s OPRA request. The complainant in Donato requested all motor vehicle accident reports from September 5, 2005 to September 15, 2005. The custodian sought clarification of said request on the basis that it was not specific enough. The Council stated that:

Pursuant to [MAG], the Custodian is obligated to search her files to find the identifiable government records listed in the Complainant’s OPRA request (all motor vehicle accident reports for the period of September 5, 2005 through September 15, 2005). However, the Custodian is not required to research her files to figure out which records, if any, might be responsive to a broad or unclear OPRA request. The word search is defined as “to go or look through carefully in order to find something missing or lost.” The word research, on the other hand, means “a close and careful study to find new facts or information.” (Footnotes omitted.)

⁴ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Complaint No. 2004-78 (October 2004). Christopher W. Hager, Esq. (on behalf of Brian Geshwindt) v. Bernards Township (Somerset), 2018-148 – Findings and Recommendations of the Executive Director

[Id.]

However, the distinction between search and research can be a fact-specific issue. That is, there are instances where the very specificity of a request requires only a search, as would the case be with OPRA requests for communications properly containing all three (3) criteria set forth in Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-7 (April 2010). Conversely, there are instances where a request can be specific enough to induce research, thus rendering it invalid. For instance, in Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012), the complainant submitted four (4) OPRA requests, seeking copies of minutes containing motions to approve other minutes to which the custodian had denied access as overly broad. The Council, citing to Taylor v. Cherry Hill Bd. of Educ. (Camden), GRC Complaint No. 2008-258 (August 2009), and Ray v. Freedom Acad. Charter Sch. (Camden), GRC Complaint No. 2009-185 (Interim Order dated August 24, 2010), determined that the complainant's requests were overly broad:

[S]aid requests do not specify the date or time frame of the minutes sought. Rather, the requests seek those minutes at which the [Union County Board of Education] motioned to approve meeting minutes for four (4) other meetings. Similar to the facts of both Taylor and Ray, the requests herein seek minutes that refer to a topic and would require the Custodian to research the [Union County Board of Education's] meeting minutes in order to locate the particular sets of minutes that are responsive to the Complainant's requests . . . because the Complainant's four (4) requests for minutes "that include a motion made by the Union City Board of Education to approve the minutes . . ." from other meetings fail to identify the specific dates of the minutes sought and would require the Custodian to conduct research in order to locate the responsive records, the Complainant's requests are invalid under OPRA.

[Id. at 10.]

In Lagerkvist v. Office of the Governor of N.J., 443 N.J. Super. 230, 236-37 (App. Div. 2015), the court's rationale of what amounted to research supports the Council's decision in Valdes. There, the court reasoned that plaintiff's request:

. . . would have had to make a preliminary determination as to which travel records correlated to the governor and to his senior officials, past and present, over a span of years. The custodian would then have had to attempt to single out those which were third-party funded events. Next, he would have had to collect all documents corresponding to those events and search to ensure he had accumulated everything, including both paper and electronic correspondence. OPRA does not convert a custodian into a researcher . . .

[Id. at 237.]

In the instant complaint, the Complainant's OPRA requests sought access to "all documents" showing the name of the business entity in charge of a gas line on a specific road at a specific date, as well as "all records" pertaining to bicycle events, accidents, crashes, or falls occurring on a specific road from 2013 to present. The Custodian denied access, stating that each OPRA request was overly broad and did not specifically identify government records.

This complaint ensued, wherein the Complainant argued that his requested were narrowly tailored so that they were not invalid under OPRA. The Complainant asserted that the requests were sufficiently precise to where MAG and Bent were inapplicable. In the SOI, the Custodian maintained that the Complainant's requests were invalid and required her to conduct research to locate responsive records.

Upon reviewing the evidence in accordance with the above caselaw, the GRC is satisfied that the Complainant's requests were invalid, and that the Custodian lawfully denied access. For Request No. 1, the GRC agrees with the Custodian's characterization that the request requires the Custodian to first conduct research to identify which business operated the gas line in question, and thereafter search all of the Township's files to locate "all documents" containing that business's name and address. The courts and the GRC have routinely held that the custodian was not obligated to search all the agency's files to locate responsive records. See MAG, 375 N.J. Super. at 549.

Similarly, the Complainant's Request Nos. 2 and 3 seeking "all records" pertaining to bicycle-related incidents occurring at a specific location since 2013 do not specifically identify government records. Moreover, even if the requests specifically identified records, they include restraints requiring research as contemplated in Valdes, GRC 2011-147, et seq. Specifically, even if Request No. 2 identified "police reports" or "complaints," the Custodian would have to read each report or complaint to determine if it pertained to an incident involving a bicycle and whether it occurred at the identified roadway. Additionally, Request No. 3 requires the Custodian to read through each record documenting events hosted by the Township, and determine which events involved both bicycles and the relevant roadway. Such actions elevate the Custodian to the role of researcher, which is not contemplated under OPRA. See Lagerkvist, 443 N.J. Super. at 230.

Accordingly, the Complainant's OPRA requests seeking access to "all documents" regarding the business entity in charge of a gas line at a specific roadway, and "all records" pertaining to bicycle-related incidents occurring at a specific roadway from 2013 to present, are invalid because they represent blanket requests that fail to identify the specific records sought and require research to adequately fulfill. MAG, 375 N.J. Super. at 549; Bent, 381 N.J. Super. at 37; N.J. Builders Ass'n, 390 N.J. Super. at 180; and Schuler, GRC 2007-151. See also Lagerkvist, 443 N.J. Super. 230; Valdes, GRC 2011-147, et seq. Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.

Prevailing Party Attorney's Fees

OPRA provides that:

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may: institute a proceeding to challenge the custodian's decision by filing an action in Superior Court . . . ; or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

[N.J.S.A. 47:1A-6.]

In Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006), the court held that a complainant is a “prevailing party” if he achieves the desired result because the complaint brought about a change (voluntary or otherwise) in the custodian’s conduct. Additionally, the court held that attorney’s fees may be awarded when the requestor is successful (or partially successful) via a judicial decree, a quasi-judicial determination, or a settlement of the parties that indicates access was improperly denied and the requested records are disclosed. Id.

Additionally, the New Jersey Supreme Court has ruled on the issue of “prevailing party” attorney’s fees. In Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51 (2008), the Court discussed the catalyst theory, “which posits that a plaintiff is a ‘prevailing party’ if it achieves the desired result because the lawsuit brought about a voluntary change in the defendant’s conduct.” Mason, 196 N.J. at 71, (quoting Buckhannon Bd. & Care Home v. West Virginia Dep’t of Health & Human Res., 532 U.S. 598, 131 S. Ct. 1835, 149 L. Ed. 2d 855 (2001)). In Buckhannon, the Supreme Court stated that the phrase “prevailing party” is a legal term of art that refers to a “party in whose favor a judgment is rendered.” (quoting Black’s Law Dictionary 1145 (7th ed. 1999)). The Supreme Court rejected the catalyst theory as a basis for prevailing party attorney fees, in part because “[i]t allows an award where there is no judicially sanctioned change in the legal relationship of the parties” Id. at 605, 121 S. Ct. at 1840, 149 L. Ed. 2d at 863. Further, the Supreme Court expressed concern that the catalyst theory would spawn extra litigation over attorney's fees. Id. at 609, 121 S. Ct. at 1843, 149 L. Ed. 2d at 866.

However, the Court noted in Mason that Buckhannon is binding only when counsel fee provisions under federal statutes are at issue. 196 N.J. at 72 (citing Teeters, 387 N.J. Super. at 429). See also Baer v. Klagholtz, 346 N.J. Super. 79 (App. Div. 2001) (applying Buckhannon to the federal Individuals with Disabilities Education Act), certif. denied, 174 N.J. 193 (2002). “But in interpreting New Jersey law, we look to state law precedent and the specific state statute before us. When appropriate, we depart from the reasoning of federal cases that interpret comparable federal statutes.” 196 N.J. at 73 (citations omitted).

The Mason Court accepted the application of the catalyst theory within the context of OPRA, stating that:

OPRA itself contains broader language on attorney's fees than the former RTKL did. OPRA provides that “[a] requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.” N.J.S.A. 47:1A-6. Under the prior RTKL, “[a] plaintiff in whose favor such an order [requiring access to public records] issues . . . may be awarded a reasonable attorney's fee not to exceed \$500.00.”

N.J.S.A. 47:1A-4 (repealed 2002). The Legislature's revisions therefore: (1) mandate, rather than permit, an award of attorney's fees to a **prevailing party**; and (2) eliminate the \$500 cap on fees and permit a reasonable, and quite likely higher, fee award. Those changes expand counsel fee awards under OPRA.

[Mason at 73-76 (2008).]

The Court in Mason further held that:

[R]equestors are entitled to attorney's fees under OPRA, absent a judgment or an enforceable consent decree, when they can demonstrate (1) "a factual causal nexus between plaintiff's litigation and the relief ultimately achieved"; and (2) "that the relief ultimately secured by plaintiffs had a basis in law." Singer v. State, 95 N.J. 487, 495, [certif. denied] (1984).

[Id. at 76.]

Here, the Complainant sought records pertaining to bicycle incidents occurring at a specific roadway since 2013, as well as documents containing the name and address of the business or businesses in charge of a gas line located at the same roadway. The Custodian denied access to the requests, asserting they were invalid in that no specific government records were identified.

In determining whether the Complainant is a prevailing party, the evidence of record must establish a casual nexus existed between the filing of this complaint and disclosure of records. Having reviewed the evidence, the GRC does not find that such a casual nexus exists. Based upon the findings above, the Complainant's OPRA requests were invalid. Thus, at the time of the subject OPRA requests, no unlawful denial of access occurred, and the Custodian was under no obligation to provide records to the Complainant.

Therefore, the Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian's conduct. Teeters, 387 N.J. Super. at 432. Additionally, no factual causal nexus exists between the Complainant's filing of a Denial of Access Complaint and the relief ultimately achieved. Mason, 196 N.J. at 71. Specifically, Council found that the OPRA requests were invalid and the Custodian lawfully denied access. Therefore, the Complainant is not a prevailing party entitled to an award of a reasonable attorney's fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 71.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Complainant's OPRA requests seeking access to "all documents" regarding the business entity in charge of a gas line at a specific roadway, and "all records" pertaining to bicycle-related incidents occurring at a specific roadway from 2013 to present, are invalid because they represent blanket requests that fail to identify the specific records sought and requires research to adequately fulfill. MAG Entm't, LLC v. Div. of

Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Twp. of Stafford, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass'n v. New Jersey Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). See also Lagerkvist v. Office of the Governor of N.J., 443 N.J. Super. 230, 236-37 (App. Div. 2015); Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012). Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.

2. The Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian's conduct. Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, no factual causal nexus exists between the Complainant's filing of a Denial of Access Complaint and the relief ultimately achieved. Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51, 71 (2008). Specifically, Council found that the OPRA requests were invalid and the Custodian lawfully denied access. Therefore, the Complainant is not a prevailing party entitled to an award of a reasonable attorney's fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 71.

Prepared By: Samuel A. Rosado
Staff Attorney

April 3, 2020