



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

December 15, 2020 Government Records Council Meeting

Maurice Ragland
Complainant

Complaint No. 2019-68

v.

Atlantic City Police Department (Atlantic)
Custodian of Record

At the December 15, 2020 public meeting, the Government Records Council (“Council”) considered the December 8, 2020 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 did not fully comply with the Council’s November 10, 2020 Interim Order. Specifically, although the Custodian submitted evidence that a response was sent to the Complainant on March 26, 2019, and provided certified confirmation of compliance to the Executive Director, she failed to do so in a timely manner.
2. In the matter before the Council, the Custodian failed to timely respond to the Complainant’s OPRA request. N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). Additionally, the Custodian failed to fully comply with the Council’s November 10, 2020 Interim Order. However, the Custodian ultimately demonstrated that responsive records were provided to the Complainant on March 26, 2019. 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 15th Day of December 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: December 17, 2020

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
December 15, 2020 Council Meeting**

**Maurice Ragland¹
Complainant**

GRC Complaint No. 2019-68

v.

**Atlantic City Police Department (Atlantic)²
Custodial Agency**

Records Relevant to Complaint: Hard copies via U.S. mail of:

Records contained in police case #11-138214, including:

1. CDR-2 Complaint Warrant form.
2. Affidavit and all supporting documents used to find probable cause, including unedited testimony given to judicial officer.
3. Records, notes, and reports of judicial officer V. Cirigliano who administered oath and found probable cause to arrest.
4. Complete chain of evidence report starting from when drugs were removed from person to their return from the lab.
5. Complete lab report and all supporting documents.
6. All police reports, including those of William Jackson, Edward Rafter, Chris McMahon, Alexos Smith, and an unnamed officer who jumped out of a police car.

Custodian of Record: Paula Geletei

Request Received by Custodian: March 12, 2019

Response Made by Custodian: March 24, 2019; March 25, 2019; March 26, 2019

GRC Complaint Received: March 26, 2019

Background

November 10, 2020 Council Meeting:

At its November 10, 2020 public meeting, the Council considered the October 27, 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, found that:

1. The Custodian did not bear her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to

¹ No legal representation listed on record.

² Represented by Karl Timbers, Esq., Assistant City Solicitor (Atlantic City, N.J.).

- respond in writing to the 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 dated October 31, 2007).
2. **The Custodian may have unlawfully denied access to the responsive records at issue in this complaint. N.J.S.A. 47:1A-6. Specifically, the record is unclear whether the Custodian provided the Complainant with responsive records or provided the Complainant with a complete response. Thus, the Custodian must perform a complete search for responsive records and disclose those that exist. Should the Custodian determine that records responsive to a particular OPRA request item were exempt or did not exist records, she must certify to this fact by item.**
 3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver³ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁴ to the Executive Director.⁵**
 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 November 12, 2020, the Council distributed its Interim Order to all parties. On November 20, 2020, the Custodian's Counsel responded to the Council's Interim Order, providing a certification from the Custodian, copies of the requested records, as well as returned mail receipts. Counsel also provided a certified confirmation of compliance to the Executive Director.

Counsel asserted that Item No. 4 of the Complainant's request sought criminal investigatory records and were exempt from disclosure under OPRA. N.J.S.A. 47:1A-1.1. However, Counsel stated that because the Complainant made references to requirements on producing exculpatory evidence, the records were disclosed. Additionally, Counsel stated that the

³ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

⁴ "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."

⁵ 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.

remaining items were judicial records and not maintained by the Atlantic City Police Department (“ACPD”). See Simmons v. Mercado, 464 N.J. Super. 77 (App. Div.), certif. granted, 2020 LEXIS 1218 (Oct. 26, 2020). See also Demeco v. Bergen Cnty. Superior Ct., GRC Complaint No. 2017-101 (May 2017); Tomkins v. City of Newark Mun. C.t., GRC Complaint No. 2013-159 (July 2013).

The Custodian certified that on March 13, 2019, she attempted to inform the Complainant via letter that he needed to submit his request to the Atlantic City Municipal Court (“Court”) and included a copy of a judiciary request form. The Custodian also certified that she told the Complainant that his request would be forwarded to the ACPD to locate records responsive to item No. 4. The Custodian certified that she received records responsive to item No. 4 on March 14, 2019 and mailed them to the Complainant on March 24, 2019.

The Custodian certified that her first mailing was returned on March 25, 2019 because it did not include the Complainant’s inmate number within the address. The Custodian certified that she resent the mailing that same day inclusive of the inmate number. The Custodian certified that her second mailing containing responsive records was returned on March 26, 2019. The Custodian certified that the mailing was resent that same day to include the partial response as well as the judiciary request form. The Custodian certified that neither mailing that was resent has been returned as of November 20, 2020.

Analysis

Compliance

At its August 25, 2020 meeting, the Council ordered the Custodian to conduct a complete search for responsive records, and to provide a complete response to the Complainant. The Council also ordered the Custodian to submit certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4, to the Executive Director. On November 12, 2020, 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 November 19, 2020.

On November 20, 2020, the sixth (6th) business day after receipt of the Order, the current Custodian responded to the Council’s Interim Order, Counsel responded in writing, providing a certification from the Custodian. Therein, the Custodian certified that responsive records were provided to the Complainant on March 26, 2019 after making several previous attempts. The Custodian certified that she provided records responsive to the Complainant’s OPRA request item No. 4 and stated that the Complainant needed to request the remaining records from the Court. Although the Custodian provided a response to the GRC, same was untimely. Thus, the Custodian did not fully comply due to her untimely submissions.

Therefore, the Custodian did not fully comply with the Council’s November 10, 2020 Interim Order. Specifically, although the Custodian submitted evidence that a response was sent to the Complainant on March 26, 2019, and provided certified confirmation of compliance to the Executive Director, she failed to do so in a timely manner.

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)).

In the matter before the Council, the Custodian failed to timely respond to the Complainant’s OPRA request. N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). Additionally, the Custodian failed to fully comply with the Council’s November 10, 2020 Interim Order. However, the Custodian ultimately demonstrated that responsive records were provided to the Complainant on March 26, 2019. 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 did not fully comply with the Council’s November 10, 2020 Interim Order. Specifically, although the Custodian submitted evidence that a response was sent to the Complainant on March 26, 2019, and provided certified confirmation of compliance to the Executive Director, she failed to do so in a timely manner.
2. In the matter before the Council, the Custodian failed to timely respond to the Complainant’s OPRA request. N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). Additionally, the Custodian failed to fully comply with the Council’s November 10, 2020 Interim Order. However, the Custodian ultimately demonstrated that responsive

records were provided to the Complainant on March 26, 2019. 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: Samuel A. Rosado
Staff Attorney

December 8, 2020



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

INTERIM ORDER

November 10, 2020 Government Records Council Meeting

Maurice Ragland
Complainant

Complaint No. 2019-68

v.

Atlantic City Police Department (Atlantic)
Custodian of Record

At the November 10, 2020 public meeting, the Government Records Council (“Council”) considered the October 27, 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 Custodian did not bear her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to respond in writing to the 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 dated October 31, 2007).
2. The Custodian may have unlawfully denied access to the responsive records at issue in this complaint. N.J.S.A. 47:1A-6. Specifically, the record is unclear whether the Custodian provided the Complainant with responsive records or provided the Complainant with a complete response. Thus, the Custodian must perform a complete search for responsive records and disclose those that exist. Should the Custodian determine that records responsive to a particular OPRA request item were exempt or did not exist records, she must certify to this fact by item.
3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver¹**

¹ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,² to the Executive Director.³

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.

Interim Order Rendered by the
Government Records Council
On The 10th Day of November 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: November 12, 2020

² "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."

³ 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.

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
November 10, 2020 Council Meeting**

**Maurice Ragland¹
Complainant**

GRC Complaint No. 2019-68

v.

**Atlantic City Police Department (Atlantic)²
Custodial Agency**

Records Relevant to Complaint: Hard copies via U.S. mail of:

Records contained in police case #11-138214, including:

1. CDR-2 Complaint Warrant form.
2. Affidavit and all supporting documents used to find probable cause, including unedited testimony given to judicial officer.
3. Records, notes, and reports of judicial officer V. Cirigliano who administered oath and found probable cause to arrest.
4. Complete chain of evidence report starting from when drugs were removed from person to their return from the lab.
5. Complete lab report and all supporting documents.
6. All police reports, including those of William Jackson, Edward Rafter, Chris McMahon, Alexos Smith, and an unnamed officer who jumped out of a police car.

Custodian of Record: Paula Geletei

Request Received by Custodian: March 12, 2019

Response Made by Custodian: March 24, 2019; March 25, 2019; March 26, 2019

GRC Complaint Received: March 26, 2019

Background³

Request and Response:

On March 6, 2019, the Complainant submitted an Open Public Records Act (“OPRA”) request to Ava Davenport at the Atlantic City Police Department (“ACPD”) seeking the above-mentioned records.

¹ No legal representation listed on record.

² Represented by Karl Timbers, Esq., Assistant City Solicitor (Atlantic City, N.J.).

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.

Denial of Access Complaint:

On March 26, 2019, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that he submitted his request on March 6, 2019, and as of March 21, 2019 he has not received a response from the Custodian. The Complainant asserted that he was entitled to the requested records under the constitutions of New Jersey and the United States, state statutes, and N.J. Court Rules.

The Complainant asserted that he had an automatic right to post-indictment discovery pursuant to State v. Ball, 381 N.J. Super. 545, 562 (App. Div. 2005), R. 3:9-1, and R. 3:13-3(c). The Complainant asserted that the U.S. Supreme Court held that the prosecution must provide evidence favorable to a defendant upon request when the evidence is material to guilt or punishment. See Brady v. Maryland, 373 U.S. 83 (1963). The Complainant also contended that pursuant to R. 3:13-3(c), he requested that the requested records be forwarded to him. The Complainant added that the records pertained to himself and no one else.

Statement of Information:

On May 24, 2019, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on March 12, 2019, when it was forwarded by Ms. Davenport. The Custodian certified that ACPD’s computer system crashed in August 2016, making it difficult to retrieve records from before that date, and the records at issue were dated from 2011. However, the Custodian certified that a search of ACPD’s recovered systems located responsive records. The Custodian certified that the located records were reviewed by the City Solicitor’s Office and approved for release.

The Custodian certified that she initially responded in writing on March 24, 2019, the ninth (9th) business day after receipt of the OPRA request. The Custodian certified that the letter response was returned on March 25, 2019. The Custodian certified that the records were re-mailed that same day, and again on March 26, 2019. The Custodian certified that the response was returned each time.

Additional Submissions:

On September 15, 2020, the GRC requested additional information from the Custodian. Specifically, the GRC requested “evidence, if any, that [the Custodian] or [the Atlantic City Clerk’s Office] attempted to mail the responsive records on the asserted dates, and that they were returned to [the Atlantic City Clerk’s Office]. The Custodian was given until the end of business on September 22, 2020 to provide a response. The GRC did not receive a response thereafter.

On October 14, 2020, the GRC requested an update from the Custodian’s Counsel as to whether the Custodian will provide a response to the GRC’s request for additional information. The GRC did not receive a response from the Custodian thereafter.

Analysis

Timeliness

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). 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).⁴ 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 dated October 31, 2007).

The GRC initially notes that in the absence of additional information, the record is unclear whether the Custodian provided any response to the Complainant, timely or otherwise. Notwithstanding, the Custodian certified that she received the Complainant's OPRA request on March 12, 2019. Even assuming the Custodian mailed her response on March 24, 2019, the response fell outside the statutorily mandated seven (7) business day time frame, as it was the ninth (9) business day after receipt of the Complainant's OPRA request.

Therefore, the Custodian did not bear her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to respond in writing to the 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, GRC 2007-11.

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.

In the instant matter, the Custodian certified that she attempted to mail her response to the Complainant on three (3) separate occasions, with the mail being returned to her office each time. However, the record does not contain any evidence beyond the Custodian's certification, such as a copy of the cover letter accompanying the records, the address used to send the response, or the returned envelope. Moreover, although the Custodian provided copies of the responsive records as part of the SOI, she did not address whether the records were responsive to all or a portion of the Complainant's request items.

⁴ 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.

Therefore, the Custodian may have unlawfully denied access to the responsive records at issue in this complaint. N.J.S.A. 47:1A-6. Specifically, the record is unclear whether the Custodian provided the Complainant with responsive records or provided the Complainant with a complete response. Thus, the Custodian must perform a complete search for responsive records and disclose those that exist. Should the Custodian determine that records responsive to a particular OPRA request item were exempt or did not exist records, she must certify to this fact by item.

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 did not bear her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to respond in writing to the 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 dated October 31, 2007).
2. The Custodian may have unlawfully denied access to the responsive records at issue in this complaint. N.J.S.A. 47:1A-6. Specifically, the record is unclear whether the Custodian provided the Complainant with responsive records or provided the Complainant with a complete response. Thus, the Custodian must perform a complete search for responsive records and disclose those that exist. Should the Custodian determine that records responsive to a particular OPRA request item were exempt or did not exist records, she must certify to this fact by item.
3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver⁵ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁶ to the Executive Director.⁷**

⁵ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

⁶ "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."

⁷ 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

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: Samuel A. Rosado
Staff Attorney

October 27, 2020

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.

Maurice Ragland v. Atlantic City Police Department (Atlantic), 2019-68 – Findings and Recommendations of the Executive Director