



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

May 30, 2023 Government Records Council Meeting

Thomas Hauser
Complainant

Complaint No. 2021-167

v.

NJ Office of the Attorney General
Custodian of Record

At the May 30, 2023 public meeting, the Government Records Council (“Council”) considered the April 18, 2023 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 portion of the Complainant’s June 30, 2021 request seeking “all documents relating to the June 11, 2021 boxing exhibition at the Showboat Hotel . . .” is invalid because it failed to identify a specific record and required research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). See also Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to that portion of the Complainant’s request. N.J.S.A. 47:1A-6.
2. Celebrity Boxing Entertainment, LLC’s script submitted to New Jersey State Athletic Control Board in furtherance of their investigation in the potential licensure of the June 11, 2021 event is exempt from disclosure under N.J.A.C. 13:1E-3.2(a)(1). N.J.S.A. 47:1A-9(a). Thus, the Custodian has lawfully denied access to the requested script. N.J.S.A. 47:1A-6. Because the script is exempt under the cited regulation, the GRC does not address whether the trade secret and proprietary exemption also applies to the script.

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 30th Day of May 2023

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: June 6, 2023

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 30, 2023 Council Meeting**

**Thomas Hauser¹
Complainant**

GRC Complaint No. 2021-167

v.

**N.J. Office of the Attorney General²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of “[a]ll documents relating to the June 11, 2021 boxing exhibition held at the Showboat Hotel featuring Lamar Odom and Aaron Carter, including but not limited to any script for the main event.”

Custodian of Record: Ivonnely Colon-Fung
Request Received by Custodian: June 30, 2021
Response Made by Custodian: July 2, 2021
GRC Complaint Received: July 22, 2021

Background³

Request and Response:

On June 30, 2021, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On July 2, 2021, the Custodian responded in writing denying the subject OPRA request on two (2) bases. The Custodian first stated that the request was invalid because it failed to identify a specific “government record” and would require research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); Gannett N.J. Partners v. Middlesex Cnty., 379 N.J. Super. 205, 212 (App. Div. 2005). The Custodian further stated that the event was not subject to the regulatory jurisdiction of the New Jersey State Athletic Control Board (“SACB”) and that any script that may exist in their possession would be “confidential and proprietary property of Celebrity Boxing.”

Later on July 2, 2022, the Complainant e-mailed the Custodian disputing her denial of access. The Complainant first argued that his request was not overly broad; however, he would “be satisfied with receiving” a script from the main event. The Complainant further argued that

¹ No legal representation listed on record.

² No legal representation listed on record.

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.

whether SACB had regulatory jurisdiction over the event did not impact the existence of responsive records. The Complainant also disputed that any responsive scripts would be exempt from disclosure. The Complainant renewed his OPRA request at that time, noting that he hoped the denial was inadvertent and not representative of a “cover[-]up” of “possible wrongdoing.” On July 6, 2021, the Custodian responded acknowledging receipt of the Complainant’s e-mail and advised that the subject OPRA request was “reopen[ed]” with a due date of July 15, 2021. On the same day, the Complainant e-mailed the Custodian thanking her and adding that the proprietary exemption could no longer apply because he understands that the “script was followed at the June 11, 2021 exhibition.”

On July 15, 2021, the Custodian responded in writing to the Complainant’s reopened OPRA request denying access to records maintained by the SACB under N.J.A.C. 13:1E-3.2(a)(1), which exempted access to “[r]ecords concerning background investigations or evaluations for public employment, appointment to public office, or licensing, whether open, closed, or inactive.”

Denial of Access Complaint:

On July 22, 2021, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant stated that on June 11, 2021, an event was advertised and promoted to the public as a boxing match and betting odds were set by gambling sites “such as Bovada.” The Complainant noted that such an event would typically fall under the jurisdiction of the SACB; he understood the event was “‘scripted’ entertainment rather than a combat sports competition” and thus “not subject to the regulatory purview of the SACB.” The Complainant asserted that he was told that to confirm the latter Celebrity Boxing Entertainment, LLC (“CBE”) “made a copy of the script available” to the SACB. The Complainant contended that the issue is whether the event was falsely advertised and that betting on a “fixed” event was allowed to occur without the SACB’s oversight.

The Complainant disputed the Custodian’s denial of his OPRA request for the reasons set forth in his July 2, and 6, 2021 e-mails to the Custodian. The Complainant further argued that the Custodian’s July 15, 2021 supplemental denial abandoning her original bases for a completely new one was “blatant nonsense”. The Complainant contended that the denials in total were “disingenuous” and a “disservice” to the citizens of the State.

Statement of Information:

On August 4, 2021, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on June 30, 2021. The Custodian certified that her search included contacting the SACB’s Deputy Attorney General (“DAG”), who confirmed that records associated with the event existed. The Custodian noted that, while not part of her search, counsel for CBE was contacted to opine on the subject OPRA request. The Custodian certified that she responded in writing on July 2, 2021 and again on July 15, 2021 denying the Complainant’s OPRA request on various grounds. The Custodian certified that the current known responsive records are twenty-three (23) pages of e-mails and the script; all are exempt from disclosure under OPRA.

The Custodian first argued that she lawfully denied access to the Complainant's request because, except for the "script," he failed to identify specific government records. MAG, 375 N.J. Super. 534; Toscano v. N.J. Dep't of Labor, Div. of Vocational Rehab. Servs., GRC Complaint No. 2010-293 (March 2012). The Custodian argued that the Complainant sought "[a]ll records" related to the boxing match, and at no point after submission of the OPRA request did he amend or clarify his request to see specific government records. The Custodian further noted that SACB's DAG advised that due to the nature of the investigation surrounding the event, potentially responsive records could exist in their files, the Office of the Attorney General's ("OAG") files, and possibly within the Division of Law's ("DOL") files. The Custodian argued that it would be difficult to ascertain the full universe of responsive records related to the subject request.

The Custodian next argued that the Complainant "narrowed his request to the script" on July 6, 2021, which is nonetheless exempt from disclosure as well. N.J.S.A. 47:1A-9(a); N.J.A.C. 13:1E-3.2(a)(1); Heimlich v. N.J. Dep't of Law & Pub. Safety, Div. of Consumer Affairs, GRC Complaint No. 2011-274 (December 2012); Marck v. N.J. Div. of Consumer Affairs, GRC Complaint No. 2014-285 (June 2015). The Custodian contended that CBE provided the script to SACB as part of their "investigative inquiries" into the event for potential requisite licensing that such an event could require. The Custodian asserted that as such, the script was exempt as part of the SACB's licensing review.

The Custodian finally argued that throughout the process, CBE consistently maintained the confidentiality of "information, documents, and correspondence" by repeatedly marking it as "confidential and proprietary business information." The Custodian reiterated that CBE was contacted regarding the subject OPRA request and asked to provide additional justifications for non-disclosure. The Custodian averred that CBE maintained its confidentiality to both the script and any communications between the parties. The Custodian noted that anyone in possession of potentially responsive records or who had knowledge of the event was required to sign confidentiality agreements that: 1) prohibited them from disclosing any information publicly; and 2) limited the basis for disclosure as legally necessary. The Custodian also noted that CBE advised that any disclosures would cause irreparable harm to their "shareholders, investors, and participants." The Custodian thus argued that she lawfully denied access to the script. Newark Morning Ledger, Co. v. N.J. Sports and Exposition Auth., 423 N.J. Super. 140 (App. Div. 2011); Weiner v. N.J. Dep't of Human Servs., Div. of Med. Assistance & Health Benefits, GRC Complaint No. 2017-170 (May 2020); Long v. Camden Cnty. Mun. Util. Auth., GRC Complaint No. 2018-124 (February 2021).

Additional Submissions:

On August 5, 2021, the Complainant responded to the SOI. Therein, the Complainant argued that the Custodian's continued assertions that his OPRA request was invalid constitute a "ridiculous assertion." The Complainant argued that it was impossible for him to know the "full universe" of responsive records well enough to identify those he sought with specificity. The Complainant argued that he did know that said "universe of documents responsive to [the] request is small and easily reviewable." The Complainant asserted that the Custodian's own SOI statements that CBE marked "information, documents, and correspondence" as confidential offer support that she has reviewed that universe.

The Complainant next contended that N.J.A.C. 13:1E-3.2(a)(1) does not apply here because the regulation only applied to situations where individuals submitted applications for “public employment, appointment to public office, or licensing. . .” Id. The Complainant argued that CBE was not seeking a license and did not submit an application; thus, the exemption did not apply to responsive records. The Complainant also contended that both Council decisions cited by the Custodian in the SOI were inapposite to the facts present here because both involved individuals submitted applications for licensing.

The Complainant further argued that the presence of the words “confidential” or “proprietary” on a document does not automatically render same exempt from disclosure under OPRA. The Complainant also contended that none of the decisions cited by the Custodian apply to the facts here. The Complainant thus requested that the GRC compel disclosure of “all documents responsive” to the subject OPRA request.

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 v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

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.

Moreover, in Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008), the Council similarly held that a request seeking “[a]ny and all documents and evidence” relating to an investigation being conducted by the Somerset County Prosecutor’s Office was invalid, reasoning that:

[B]ecause the records requested comprise an entire SCPO file, the request is overbroad and of the nature of a blanket request for a class of various documents rather than a request for specific government records. Because OPRA does not require custodians to research files to discern which records may be responsive to a request, the Custodian had no legal duty to research the SCPO files to locate records potentially responsive to the Complainant’s request pursuant to the Superior Court’s decisions in [MAG], [Bent] and the Council’s decisions in Asarnow v. Department of Labor and Workforce Development, GRC Complaint No. 2006-24 (May 2006) and Morgano v. Essex Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (February 2008).

⁴ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

[Id. See also Schulz v. NJ State Police, GRC Complaint No. 2014-390 (Interim Order dated July 28, 2015) (holding that the portion of the request seeking “all documents” was overly broad and thus invalid).]

Additionally, in Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015), the court held that plaintiff’s request was invalid because it required research. In reaching this conclusion, the court reasoned that:

The custodian in this case 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.]

Here, a portion of the Complainant’s June 30, 2021 request sought “all documents relating to the June 11, 2021 boxing exhibition at the Showboat Hotel . . .” The Custodian denied the request in part as invalid because it failed to identify a specific “government record.” The Complainant disputed the Custodian’s denial but noted that he would be satisfied with receiving only the script of the event. Following additional responses, the Complainant filed this complaint; both parties maintained their position as to the validity of the subject OPRA request. The Complainant asserted in his response to the SOI that the “universe of documents responsive to [the] request is small and easily reviewable” and that the Custodian was able to locate certain records.

However, the GRC is persuaded that a majority of the request, which the exception of the identification of the event script, is invalid. A plain reading of the request supports that it fails to identify any specific records. Rather, the request sought “all documents” associated with the event; such a request obviously requires research that the Lagerkvist court said the custodian was not required to undertake. See also Feiler-Jampel, GRC 2007-190. Specifically, the Custodian would have to search through every document in OAG’s possession to determine whether any referred to the event in question.

Further, whether the universe of records is presumed to be “small and easily reviewable” does not impact a requestor’s responsibility to identify specific types of government records in an OPRA request. The Complainant’s assertion that he could not know the exact records maintained by OAG is a common condition for requestors. However, a requestor is not required to know and ask for an individually specific record. Instead, a valid OPRA request is easily achievable by seeking, in addition to a specific record such as the script at issue here, types of records with reasonable clarity. See *e.g.* Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010) (setting forth criteria for submitting a valid request for e-mails under OPRA). Ultimately, extensive case law exists wherein OPRA requests seeking generic “documents” or

“records” are considered invalid; thus, it follows that this portion of the Complainant’s request is similarly invalid.

Accordingly, the portion of the Complainant’s June 30, 2021 request seeking “all documents relating to the June 11, 2021 boxing exhibition at the Showboat Hotel . . .” is invalid because it failed to identify a specific record and required research. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; N.J. Builders Ass’n, 390 N.J. Super. at 180; Schuler, GRC 2007-151; Feiler-Jampel, GRC 2007-190. See also Lagerkvist, 443 N.J. Super. at 236-237. Thus, the Custodian lawfully denied access to that portion of the Complainant’s request. N.J.S.A. 47:1A-6.

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.

OPRA provides that:

A government record shall not include . . . trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure (emphasis added).

[N.J.S.A. 47:1A-1.1.]

OPRA further provides that:

The provisions of this act . . . shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to [OPRA] . . . any other statute; resolution of either or both Houses of the Legislature; *regulation promulgated under the authority of any statute* or Executive Order of the Governor; *Executive Order of the Governor*; Rules of Court; any federal law; federal regulation; or federal order.

[N.J.S.A. 47:1A-9(a) (emphasis added).]

The New Jersey Department of Law & Public Safety’s (“LPS”) regulations provide that:

In addition to records designated as confidential pursuant to the provisions of N.J.S.A. 47:1A-1 *et seq.* . . . the following records shall not be considered government records subject to public access pursuant to N.J.S.A. 47:1A-1 *et seq.* . . . (1) Records concerning background investigations or evaluations for public employment, appointment to public office, or licensing, whether open, closed, or inactive.

[N.J.A.C. 13:1E-3.2(a)(1).]

In both Heimlich, GRC 2011-274 and Marck, GRC 2014-285, the Council held that a lawful denial of access to applications and license renewal forms submitted to the Division of Consumer Affairs based on N.J.A.C. 13:1E-3.2(a)(1).

Having determined that a majority of the request was invalid, the GRC now turns to the event script. The parties both agree that CBE sent a copy of the June 11, 2021 event script to OAG. Further, there is no dispute that OAG was maintaining the script at the time of the Complainant's OPRA request.

The Complainant has contended that the Custodian unlawfully denied access to the script because neither exemption applied. The Complainant argued that N.J.A.C. 13:1E-3.2(a)(1) only applied to instances where an application for licensure is submitted. The Complainant noted that CBE did not submit an application for licensure; thus, neither the LPS's regulation nor the cited case law is applicable to the script. The Complainant further argued that the trade secret exemption did not apply because he understood that the script was followed on June 11, 2021. The Complainant also argued that adding a "confidential" or "proprietary" label to a document does not make it so. The Complainant also contended that none of the case law cited applied to script. Conversely, the Custodian maintained her position that she lawfully denied access to the script. The Custodian argued that the regulatory exemption applied because CBE sent the script to SACB as part of their investigation into whether licensure was required for the June 11, 2021 event. Further, the Custodian outlined the ways CBE attempted to maintain its confidentiality of the script, to include the labeling the script as such and requiring execution of confidentiality agreements significantly limiting dissemination. The Custodian also noted that CBE expressed that disclosure would cause irreparable harm to "shareholders, investors, and participants."

A plain reading of LPS's regulation provides that "[r]ecords concerning background investigations or evaluations for . . . licensing" are exempt from disclosure regardless of their status. Absent from this provision is the requirement that a party must first file an application to be engaged in "background investigations or evaluations" with an LPS division. While the Complainant asserted that the provision required submission of an application, likely informed by the records at issue in both Heimlich, GRC 2011-274 and Marck, GRC 2014-285, there is no language supporting such. Thus, it is possible that the exemption could apply here.

However, paramount to the exemption is that a background investigation or evaluation regarding licensure must have occurred. The evidence of record here supports that SACB did conduct an investigation to determine whether CBE's event should be licensed. The evidence of record further supports that CBE submitted the script to SACB as part of that investigation into potential licensure. Finally, the evidence of record supports that through its investigation, SACB ultimately determined that licensure was not required and closed their investigation. Relying on these facts, the GRC finds that N.J.A.C. 13:1E-3.2(a)(1) apply to the script and that the Custodian lawfully denied access to it.

Accordingly, CBE’s script submitted to SACB in furtherance of their investigation in the potential licensure of the June 11, 2021 event is exempt from disclosure under N.J.A.C. 13:1E-3.2(a)(1). N.J.S.A. 47:1A-9(a). Thus, the Custodian has lawfully denied access to the requested script. N.J.S.A. 47:1A-6. Because the script is exempt under the cited regulation, the GRC does not address whether the trade secret and proprietary exemption also applies to the script.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The portion of the Complainant’s June 30, 2021 request seeking “all documents relating to the June 11, 2021 boxing exhibition at the Showboat Hotel . . .” is invalid because it failed to identify a specific record and required research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). See also Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to that portion of the Complainant’s request. N.J.S.A. 47:1A-6.
2. Celebrity Boxing Entertainment, LLC’s script submitted to New Jersey State Athletic Control Board in furtherance of their investigation in the potential licensure of the June 11, 2021 event is exempt from disclosure under N.J.A.C. 13:1E-3.2(a)(1). N.J.S.A. 47:1A-9(a). Thus, the Custodian has lawfully denied access to the requested script. N.J.S.A. 47:1A-6. Because the script is exempt under the cited regulation, the GRC does not address whether the trade secret and proprietary exemption also applies to the script.

Prepared By: Frank F. Caruso
Executive Director

April 18, 2023⁵

⁵ This complaint was scheduled for the Council’s April 25, 2023 meeting, but was tabled for additional review.