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Governor

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Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

August 26, 2025 Government Records Council Meeting

Rotimi Owoh, Esq. (o/b/o African American
Data & Research Institute & Baffi Obafemi)
Complainant

Complaint No. 2022-195

v.
Township of Middle (Cape May)
Custodian of Record

At the August 26, 2025, public meeting, the Government Records Council (“Council”) considered the August 19, 2025, 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. Ms. Bowman’s April 12, 2022 response was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008); Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013). Specifically, Ms. Bowman failed to indicate whether responsive agreements existed between the Borough and any separated police officer.
2. The Custodian unlawfully denied access to the requested settlement agreements. N.J.S.A. 47:1A-6; Libertarians for Transparent Gov’t v. Cumberland Cnty., 250 N.J. 46 (2022). Thus, the Custodian shall locate and disclose those three (3) agreements, and any additional agreements, responsive to the relevant portion of the Complainant’s OPRA request.
3. **The Custodian shall comply with conclusion No. 2 above within twenty (20) business days from receipt of the Council’s Final Decision. In the circumstances where the records ordered for disclosure are not provided to the Complainant, the Council’s Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).**
4. Notwithstanding the Custodian’s insufficient response, she did not unlawfully deny access to the portion of the Complainant’s OPRA request seeking disclosable personnel information of police officers who separated from the Township. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Township of Middle provided all responsive records in its possession. See Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep’t (Camden), GRC Complaint No. 2022-12

(March 2024); Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).

5. The Complainant has achieved “the desired result because the complaint brought about a change (voluntary or otherwise) in the custodian’s conduct.” Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, a 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, 76 (2008). Specifically, the Custodian unlawfully denied access to responsive settlement agreements and is being ordered to disclose them. Therefore, the Complainant is 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 76. **Based on this determination, the parties shall confer in an effort to decide the amount of reasonable attorney’s fees to be paid to Complainant within twenty (20) business days. The parties shall promptly notify the GRC in writing if a fee agreement is reached. If the parties cannot agree on the amount of attorney’s fees, Complainant’s Counsel shall submit a fee application to the Council in accordance with N.J.A.C. 5:105-2.13(c).**

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 26th Day of August 2025

John A. Alexy, 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: August 28, 2025

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
August 26, 2025 Council Meeting**

**Rotimi Owoh, Esq. (on Behalf of African American
Data & Research Institute & Baffi Obafemi)¹
Complainant**

GRC Complaint No. 2022-195

v.

**Township of Middle (Cape May)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of: Names, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present. N.J.S.A. 47:1A-10.

- a. This request includes any agreement entered with each one of the separated police officer(s).
- b. When stating the reason for separation, please note that some police officers separate due to plea deal, criminal convictions, criminal charges, sentences, and or other court agreement or court proceedings that require officers to be separated from your police department and or law enforcement jobs.
- c. Some police officers separate due to internal affairs investigations within the police departments.

Custodian of Record: Kimberly D. Osmundsen

Request Received by Custodian: March 21, 2022

Response Made by Custodian: March 23, 2022; April 12, 2022

GRC Complaint Received: May 16, 2022

Background³

Request and Response:

On March 21, 2022, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On March 23, 2022, Deputy Clerk

¹ The Complainant represents the African American Data & Research Institute (“AADARI”) and Baffi Obafemi.

² Represented by Matthew T. Rooney, Esq., of Blaney, Donohue, & Weinberg, P.C. (Avalon, NJ). Previously represented by Marcus H. Karavan, Esq. of Karavan & Morris, P.C. (Wildwood, NJ).

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.

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Andrea Singley responded in writing on behalf of the Custodian stating that due to the “size of this request,” an extension of time to respond through April 29, 2022, would be necessary. On April 12, 2022, Registrar Emily Bowman responded in writing on behalf of the Custodian disclosing a spreadsheet containing personnel information and advised that same represented “all available documents relative” to the subject OPRA request.

Denial of Access Complaint:

On May 16, 2022, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted the records did not provide the reasons for separation. The Complainant also asserted that per Libertarians for Transparent Gov't v. Cumberland Cnty., 250 N.J. 46 (2022) and AADARI v. Profitt, 2022 N.J. Super. Unpub LEXIS 622 (App. Div. 2022), creating a new spreadsheet or list stating “terminated” or “resigned” or “retired” is not sufficient. The Complainant also stated the response did not state whether any officers left due to a plea deal or court proceeding that precludes them from law enforcement positions. Furthermore, the Complainant asserted the time for compliance had expired.

The Complainant requested the GRC order the Township of Middle (“Township”) to comply with the OPRA request. The Complainant also requested the GRC award counsel fees.⁴

Statement of Information:

On September 14, 2022, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on March 21, 2022. The Custodian certified that the search included forwarding the OPRA request to Human Resources (“HR”). The Custodian certified that after an extension of time, Ms. Bowman responded in writing on April 12, 2022, providing the spreadsheet to the Complainant.

The Custodian asserted, relating to the requested personnel information, no unlawful denial of access occurred. The Custodian argued that the Township engaged in a “good faith effort” to provide the Complainant with responsive information in lieu of actual records containing this information.

The Custodian also argued that the current state of law relating to the disclosure of settlement and other types of agreements has evolved over several years. The Custodian asserted that only recently has New Jersey’s courts provided “affirmative guidance relative to the balancing test between the traditional nondisclosure of personnel records and” N.J.S.A. 47:1A-10. The Custodian noted that Profitt and more recently Libertarians have added to this evolution. The Custodian requested that, given the new case law, the Township should be given an opportunity to revisit the OPRA request and provide appropriate redacted records, should they exist.

⁴ The Complainant further noted that access to the records should have been granted under the “common law ‘right to access public records.’” However, the GRC does not have the authority to address a requestor’s common law right to access records. N.J.S.A. 47:1A-7(b); Rowan, Jr. v. Warren Hills Reg’l Sch. Dist. (Warren), GRC Complaint No. 2011-347 (January 2013); Kelly v. N.J. Dep’t of Transp., GRC Complaint No. 2010-215 (November 2011). Thus, the GRC cannot address any common law right of access to the requested records.

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Additional Submissions:

On May 21, 2025, the GRC sent the Custodian a request for additional information. Specifically, the GRC inquired whether the provided personnel information was collected from an electronic database and whether the spreadsheet was created via Excel.

On May 28, 2025, the Custodian responded to the GRC's request for additional information. The Custodian certified the personnel information provided to the Complainant was generated from the Township's Prime Point service. The Custodian certified, that when the Township receives such a request, HR contacts Prime Point who provides an Excel spreadsheet containing the information. The Custodian affirmed that HR then reviews the spreadsheet to ensure accuracy and to make revisions for any terminology thereon that may not be understandable to the general public.

Analysis

Sufficiency of Response

OPRA provides that if a "custodian is unable to comply with a request for access, the custodian *shall indicate the specific basis therefor . . .* on the request form and promptly return it to the requestor." N.J.S.A. 47:1A-5(g) (emphasis added). In Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008), the Council held that "[t]he Custodian's response was legally insufficient because he failed to respond to each request item individually. Therefore, the Custodian has violated N.J.S.A. 47:1A-5(g)." See also Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013).

Upon review, the GRC is satisfied that Ms. Bowman, on behalf of the Custodian, provided an insufficient response. Here, Ms. Bowman responded to the Complainant's OPRA request by providing a spreadsheet containing the responsive personnel information. However, the response failed to indicate whether any "agreement" existed between the Township and the separated officers. The facts here are on point with those in Paff; thus, it follows there was an insufficient response in the instant complaint.

Therefore, Ms. Bowman's April 12, 2022 response was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272; Lenchitz, GRC 2012-265. Specifically, Ms. Bowman failed to indicate whether responsive agreements existed between the Borough and any separated police officer.

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.

Settlement Agreements

In Libertarians, 250 N.J. 46, the New Jersey Supreme Court reversed the Appellate Division⁵ and ordered disclosure of the settlement agreement with redactions. The Court found that under OPRA, custodians were required to disclose agreements containing the information required to be disclosed under Section 10. Id. at 56. The Court thus held that because the requested settlement agreement contained Section 10 information the defendants were obligated to disclose the record with appropriate redactions. Id. at 57.

Here, the Township disclosed a spreadsheet containing responsive personnel information, but as noted above did not address the portion of the OPRA request seeking settlement agreements. This complaint ensued, wherein the Complainant contended that the Custodian did not address the existence of any agreements. In the SOI, without addressing any search performed, the Custodian argued that recent decisions in Profitt 2022 N.J. Super. Unpub LEXIS 622, and Libertarians 250 N.J. 46, provided “affirmative guidance” on the disclosure of personnel-based settlement agreements. The Custodian thus requested that the Township be given the ability to revisit the request and respond accordingly.

Initially, the GRC finds that at the time the Complainant submitted the subject OPRA request, Libertarians was decided and considered precedentially binding on OPRA requests for settlement agreements spawning from personnel actions. Thus, the Custodian was required at that time to search for and disclose those agreements if they existed. Further, a review of the spreadsheet disclosed to the Complainant reveals the existence of at least three (3) settlements entered into with separated personnel. Thus, notwithstanding that the Custodian did not address her search for or the potential existence of responsive agreements, the spreadsheet provides definitive evidence that at least three (3) responsive records exist. Based on the forgoing, the GRC is persuaded that an unlawful denial of access occurred here.

Accordingly, the Custodian unlawfully denied access to the requested settlement agreements. N.J.S.A. 47:1A-6; Libertarians, 250 N.J. 46. Thus, the Custodian shall locate and disclose those three (3) agreements, and any additional agreements, responsive to the relevant portion of the Complainant’s OPRA request.

Personnel Information

Additionally, the Council in Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010) determined that a public employee’s “name, title, position, salary, payroll record and length of service” was information specifically considered to be a “government record” under N.J.S.A. 47:1A-10. Additionally, prior GRC case law supports the disclosure of database information regarding personnel actions. See Matthews v. City of Atlantic City (Atlantic), GRC Complaint No. 2008-123 (February 2009). However, in Matthews the Council also held that a custodian was not required to disclose a record that did not exist in the format requested. Id.

⁵ Libertarians for Transparent Gov’t v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020).

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While this matter was awaiting adjudication, the GRC issued its decision in Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep't (Camden), GRC Complaint No. 2022-12 (March 2024). There, the complainant raised the same objections as the instant matter, with the custodian providing a spreadsheet containing the requested personnel information. However, the Council found that, in accordance with Paff v. Twp. of Galloway, 229 N.J. 340, 353 (2017), the provided spreadsheet was an acceptable form of disclosure as it was generated through the agency's electronic database. The Council further held that, under Matthews, GRC 2008-123, the custodian was not obligated to explicitly denote whether an officer's separation was the result of a plea agreement or other court proceeding.

Here, the Complainant requested the "[n]ames, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present" on March 21, 2022. On April 12, 2022, following an extension of time, the Township responded in writing providing a spreadsheet containing the requested personnel information. In his Denial of Access Complaint, the Complainant claimed the provided list was insufficient to satisfy his request for the "reasons for separation." The Complainant also contended the response failed to indicate whether officers were separated due to a plea agreement or court proceeding. Following the SOI, the GRC sought additional information from the Custodian on whether the spreadsheet was created from an electronic database. The Custodian responded certifying that the spreadsheet was created from the Township's Prime Point system.

The facts present here parallel those in Voorhees, GRC 2022-12, as the Custodian certified on May 28, 2025, that the information contained within the spreadsheet was derived from the Township's Prime Point system. Therefore, the Custodian's response was permitted in accordance with Paff.

Accordingly, notwithstanding the Custodian's insufficient response, she did not unlawfully deny access to the portion of the Complainant's OPRA request seeking disclosable personnel information of police officers who separated from the Township. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Township provided all responsive records in its possession. See Voorhees, GRC 2022-12; Danis, GRC 2009-156, *et seq.*

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 (App. Div. 2006), the Appellate Division 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. Id. at 432. 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, 71 (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.” (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 held that the phrase “prevailing party” is a legal term of art that refers to a “party in whose favor a judgment is rendered.” Id. at 603 (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, e.g., Baer v. Klagholz, 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.

[196 N.J. at 73-76.]

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, cert. denied, New Jersey v. Singer, 469 U.S. 832 (1984).

[Id. at 76.]

Here, the Complainant sought "[n]ames, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present," as well as any "agreement." The Custodian responded by providing a spreadsheet containing the requested personnel information but did not address the existence of settlement agreements. The Complainant then filed the instant complaint on May 16, 2022, arguing that the Custodian failed to indicate if any agreements existed.

In determining whether the Complainant is a prevailing party entitled to attorney's fees, the GRC is satisfied that the evidence of record supports a conclusion in the affirmative. Specifically, although the Custodian provided a responsive spreadsheet derived from the Township's electronic database, Libertarians supports that she was required to disclose existent settlement agreements, and she is now being ordered to do so. Thus, a causal nexus exists between this complaint and the change in the Custodian's conduct. Mason, 196 N.J. at 76. Accordingly, the Complainant is a prevailing party entitled to attorney fees.⁶

Therefore, the Complainant has achieved "the desired result because the complaint brought about a change (voluntary or otherwise) in the custodian's conduct." Teeters, 387 N.J. Super. at 432. Additionally, a 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 76. Specifically, the Custodian unlawfully denied access to responsive settlement agreements and is being ordered to disclose them. Therefore, the Complainant is 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 76. **Based on this determination, the parties shall confer in an effort to decide the amount of reasonable attorney's fees to be paid to Complainant within twenty (20) business days. The parties shall promptly notify the GRC in writing if a fee agreement is reached. If the parties cannot agree on the amount of attorney's fees, Complainant's Counsel shall submit a fee application to the Council in accordance with N.J.A.C. 5:105-2.13(c).**

⁶ The Council makes this determination with the understanding that the Complainant acted on behalf of a bona fide client at the time of the request. Although the Complainant's status as representing an actual client has been previously challenged, the available evidence on the record is insufficient to address that issue herein. See Owoh, Esq. (O.B.O. AADARI) v. Neptune City Police Dep't (Monmouth), GRC Complaint No. 2018-153 (April 2020) and Owoh, Esq. (O.B.O. AADARI) v. Freehold Twp. Police Dep't (Monmouth), GRC Complaint No. 2018-155 (Interim Order dated September 29, 2020).

Rotimi Owoh, Esq. (on behalf of African American Data & Research Institute and Baffi Obafemi) v. Township of Middle (Cape May), 2022-195 – Findings and Recommendations of the Executive Director

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Ms. Bowman's April 12, 2022 response was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008); Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013). Specifically, Ms. Bowman failed to indicate whether responsive agreements existed between the Borough and any separated police officer.
2. The Custodian unlawfully denied access to the requested settlement agreements. N.J.S.A. 47:1A-6; Libertarians for Transparent Gov't v. Cumberland Cnty., 250 N.J. 46 (2022). Thus, the Custodian shall locate and disclose those three (3) agreements, and any additional agreements, responsive to the relevant portion of the Complainant's OPRA request.
3. **The Custodian shall comply with conclusion No. 2 above within twenty (20) business days from receipt of the Council's Final Decision. In the circumstances where the records ordered for disclosure are not provided to the Complainant, the Council's Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).**
4. Notwithstanding the Custodian's insufficient response, she did not unlawfully deny access to the portion of the Complainant's OPRA request seeking disclosable personnel information of police officers who separated from the Township. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Township of Middle provided all responsive records in its possession. See Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep't (Camden), GRC Complaint No. 2022-12 (March 2024); Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
5. The Complainant has achieved "the desired result because the complaint brought about a change (voluntary or otherwise) in the custodian's conduct." Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, a 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, 76 (2008). Specifically, the Custodian unlawfully denied access to responsive settlement agreements and is being ordered to disclose them. Therefore, the Complainant is 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 76. **Based on this determination, the parties shall confer in an effort to decide the amount of reasonable attorney's fees to be paid to Complainant within twenty (20) business days. The parties shall promptly notify the GRC in writing if a fee agreement is reached. If the parties cannot agree on the amount of attorney's fees,**

Complainant's Counsel shall submit a fee application to the Council in accordance with N.J.A.C. 5:105-2.13(c).

Prepared By: Frank F. Caruso
Executive Director

August 19, 2025