



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

101 SOUTH BROAD STREET

PO Box 819

TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

October 6, 2025 Government Records Council Meeting

Rotimi Owoh, Esq. (African American
Data & Research Institute)
Complainant

Complaint No. 2022-290

v.

Mendham Police Department (Morris)
Custodian of Record

At the October 6, 2025, public meeting, the Government Records Council (“Council”) considered the September 29, 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. The Custodian’s May 18, 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, the Custodian failed to indicate whether responsive agreements existed between Mendham Township Police Department and any separated employees included in the spreadsheet
2. 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 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).
3. 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 current Custodian shall disclose the settlement agreement identified in her September 2, 2022 legal certification, and any additional agreements, responsive to the relevant portion of the Complainant’s OPRA request.
4. **The Custodian shall comply with conclusion No. 3 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).

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 the current Custodian 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 6th Day of October 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: October 7, 2025

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
October 6, 2025 Council Meeting**

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

GRC Complaint No. 2022-290

v.

**Mendham Police Department (Morris)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: Maria Coppinger³

Request Received by Custodian: March 18, 2022

Response Made by Custodian: March 29, 2022; April 19, 2022; May 18, 2022

GRC Complaint Received: June 27, 2022

Background⁴

Request and Response:

On an unknown date,⁵ the Complainant submitted an Open Public Records Act (“OPRA”)

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

² Represented by John M. Mills, III, Esq., of Mills & Mills, P.C. (Morristown, NJ).

³ The current Custodian of Record is Karen Bellamy.

⁴ 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.

⁵ The Complainant stated “unsure of exact date” in the Denial of Access Complaint and the OPRA request submitted by the Custodian did not contain a date.

Rotimi Owoh, Esq. (on behalf of African American Data & Research Institute) v. Mendham Police Department (Morris), 2022-290 – Findings and Recommendations of the Executive Director

request to the Custodian seeking the above-mentioned records. On March 29, 2022, the Custodian responded in writing seeking clarification on whether the subject OPRA request was limited only to Mendham Township Police Department (“MTPD”) officers or all employees within the Township of Mendham (“Township”). The Custodian also asked the Complainant to identify the specific types of payroll records sought. On April 6, 2022, the Complainant responded stating that his OPRA request was limited to “police only” and that he was seeking “last salary at separation.”

On April 19, 2022, the Custodian responded in writing extending the response time frame through May 20, 2022, due to the need to conduct a search that will not disrupt agency operations. On May 18, 2022, the Custodian responded in writing disclosing a spreadsheet containing responsive personnel information.

Denial of Access Complaint:

On June 27, 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), AADARI v. Profitt, 2022 N.J. Super. Unpub. LEXIS 622 (App. Div. 2022), and AADARI v. Franchetta, 2022 N.J. Super. Unpub. LEXIS 879 (App. Div. 2022), creating a new spreadsheet or list stating “terminated,” “resigned,” or “retired” is insufficient. 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.⁶

The Complainant requested the GRC order MTPD to comply with the OPRA request. The Complainant also requested the GRC award counsel fees.⁷

Statement of Information:

On December 20, 2022, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on March 18, 2022. The Custodian certified she responded in writing on March 29, 2022, seeking clarification, which she received on April 6, 2022. The Custodian certified that her search included contacting the Township’s Chief Financial Officer (“CFO”), who pulled information from several spreadsheets. The Custodian certified that, following an extension of time, she responded in writing on May 18, 2025, disclosing a spreadsheet containing the responsive information.

The Custodian asserted that no unlawful denial of access occurred relating to the requested personnel information. The Custodian argued that, notwithstanding the Complainant’s failure to

⁶ The Complainant noted that information on three (3) officers was properly provided; however, the Custodian subsequently certified that those officers never worked for MTPD. It is probable the Complainant’s filing included an artifact statement from a separate complaint he previously filed with the GRC.

⁷ 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.

Rotimi Owoh, Esq. (on behalf of African American Data & Research Institute) v. Mendham Police Department (Morris), 2022-290 – Findings and Recommendations of the Executive Director

identify a specific record, the CFO provided information aggregated from several spreadsheets maintained in her office.

Additional Submissions:

On August 28, 2025, the GRC sent the Custodian a request for additional information. Specifically, the GRC inquired whether the Custodian conducted a search for agreements with separated police officers and whether any existed.

On September 2, 2025, the current Custodian responded to the GRC's request for additional information. Therein, the current Custodian certified that she was hired after the events pertinent to this complaint. The current Custodian averred that she had insufficient knowledge of the search performed at the time the Township received the OPRA request. The current Custodian affirmed that, after receipt of the GRC's request for additional information, she performed a new search and located one (1) separation agreement responsive to the subject OPRA request. The current Custodian noted that the agreement remained on file with the Township.

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 the Custodian provided an insufficient response. Specifically, the Custodian responded to the Complainant's OPRA request by providing the CFO's spreadsheet containing the responsive personnel information. However, the response failed to indicate whether any "agreement" existed between the MTPD and the separated employees listed in the spreadsheet. The facts here are on point with those in Paff; thus, it follows there was an insufficient response in the instant complaint.

Therefore, the Custodian's May 18, 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, the Custodian failed to indicate whether responsive agreements existed between MTPD and any separated employees included in the spreadsheet.

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.

Personnel Information

Regarding personnel information, 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.

In the instant matter, 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 an unknown date. On May 18, 2022, following clarification and an extension of time, the Township responded in writing providing a spreadsheet containing the requested personnel information. In the 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. In the SOI, the Custodian certified that the spreadsheet was composed of information the CFO aggregated from multiple other spreadsheets.

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 those raised in 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 spreadsheet provided 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 facts parallel those in Voorhees, GRC 2022-12, as the Custodian certified in the SOI that the information contained within the spreadsheet was derived from several existing spreadsheets maintained by the CFO. 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.*

Settlement Agreements

In Libertarians, 250 N.J. 46, the New Jersey Supreme Court reversed the Appellate Division⁸ 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. The Custodian did not address any search for, or the existence of, responsive settlement agreements in the SOI. Based on this, the GRC submitted a request for additional information regarding the potential existence of settlement agreements. The current Custodian responded on September 2, 2025, certifying that while she had no knowledge of any prior search, she conducted one and was able to locate one responsive settlement agreement.

The evidence of record now shows that a settlement agreement exists, but that the Custodian did not provide it to the Complainant. Based on Libertarians and the current Custodian's September 2, 2025 legal certification, the GRC must conclude 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 current Custodian shall disclose the settlement agreement identified in her September 2, 2022 legal certification and any additional agreements responsive to the relevant portion of the Complainant's OPRA request.

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.

⁸ Libertarians for Transparent Gov't v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020).

Rotimi Owoh, Esq. (on behalf of African American Data & Research Institute) v. Mendham Police Department (Morris), 2022-290 – Findings and Recommendations of the Executive Director

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 June 27, 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 multiple other spreadsheets, Libertarians supports that she was required to disclose existing settlement agreements, and the current Custodian 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.⁹

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 the current Custodian 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).**

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian’s May 18, 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.

⁹ 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) v. Mendham Police Department (Morris), 2022-290 – Findings and Recommendations of the Executive Director

- (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, the Custodian failed to indicate whether responsive agreements existed between Mendham Township Police Department and any separated employees included in the spreadsheet
2. 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 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).
 3. 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 current Custodian shall disclose the settlement agreement identified in her September 2, 2022 legal certification, and any additional agreements, responsive to the relevant portion of the Complainant's OPRA request.
 4. **The Custodian shall comply with conclusion No. 3 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).**
 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 the current Custodian 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

September 29, 2025