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

## FINAL DECISION

### April 29, 2025 Government Records Council Meeting

Heidi Glancey  
Complainant

GRC Complaint No. 2022-392

v.

N.J. Division of Consumer Affairs  
Custodian of Record

At the April 29, 2025 public meeting, the Government Records Council (“Council”) considered the April 15, 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 did not unlawfully deny access to the portion of the Complainant’s July 14, 2022 OPRA request seeking Certificates of Insurance. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, DCA provided all responsive records containing the requested insurance information and that no additional insurance certificates were maintained. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian may have unlawfully denied access to the portion of the Complainant’s OPRA request seeking all subsequent licenses issued by DCA to Sergio’s. See N.J.S.A. 47:1A-6; Macek v. Bergen Cnty. Sheriff’s Office, GRC Complaint No. 2017-156, *et seq.* (Interim Order dated June 25, 2019). Specifically, the evidence of record is inconclusive as to the existence and disclosability of any subsequent licenses issued to Sergio’s. Thus, the Custodian shall conduct a search for and disclose to the Complainant all documents responsive to her request for all licenses issued by DCA to Sergio’s between January 2005 through July 14, 2022, with any applicable redactions. In the event no records are located, the Custodian must provide a certification to the Complainant stating such.
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 circumstance 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).**

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 29<sup>th</sup> Day of April 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: May 5, 2025**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
April 29, 2025 Council Meeting**

**Heidi Glancey<sup>1</sup>  
Complainant**

**GRC Complaint No. 2022-392**

**v.**

**NJ Division of Consumer Affairs<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic copies of “all Home Improvement Contractor License . . . certificate[s] of insurance, and subsequent licenses issued by the Division of Consumer Affairs from January 2005 through July 14, 2022, for “SERGIO’s HOME IMP.” (“Sergio’s”).<sup>3</sup>

**Custodian of Record:** Francine Widrich  
**Request Received by Custodian:** July 14, 2022  
**Response Made by Custodian:** July 25, 2022  
**GRC Complaint Received:** August 5, 2022

**Background<sup>4</sup>**

**Request and Response:**

On July 14, 2022, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On July 25, 2022, Lucie Moreira responded in writing on the Custodian’s behalf extending the response time frame an additional seven (7) business days. On July 26, 2022, the Custodian responded in writing providing electronic copies of the following with redactions for personal and financial information:

1. Certificate of Trade Name of Sergio’s Home Imp., dated May 24, 2005.
2. Home Improvement Contractor Application for Initial Registration submitted by Sergio E. Alvarez, Owner, on behalf of Sergio’s, dated February 16, 2006.
3. Letters dated April 26, 2006, and August 17, 2006, to Sergio’s from the NJ Off. of the Attorney Gen. (“NJAG”), requesting additional information.
4. Certificate of Liability Insurance issued by Selective Service Center, for policy period February 27, 2006 – February 27, 2007.

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> Represented by Deputy Attorney General Siobhan Krier.

<sup>3</sup> The Complainant sought additional records that are not at issue in this complaint.

<sup>4</sup> 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. Declarations Page issued through Fitchburg Mutual Ins. Co. issued to Sergio's for policy period October 20, 2009 – October 20, 2010.
6. Screenshot of DCA Renewal Questionnaire indicating insurance coverage through John M. Brown Insurance Agency Inc. for policy periods: October 22, 2014 – October 22, 2015, and October 22, 2015 – October 22, 2017.
7. Screenshot of two (2) DCA Renewal Questionnaires, one undated and the other dated March 20, 2018, both without indication of insurance coverage.
8. Screenshot of DCA Renewal Questionnaire showing bond insurance for period of October 22, 2018 – October 22, 2019.
9. Screenshot of DCA Renewal Questionnaire showing bond insurance for period of April 8, 2019 – April 8, 2020.
10. Screenshot of DCA Renewal Questionnaire indicating insurance coverage through Preferred Contractors Insurance Company for period of October 22, 2019 – October 22, 2020.
11. Screenshot of DCA Renewal Questionnaire indicating insurance coverage through Preferred Contractor Insurance Company for period of October 22, 2020 – October 22, 2021.
12. Screenshot of DCA Renewal Questionnaire indicating insurance coverage through Utica First Insurance Company for period of April 21, 2021 – April 21, 2023.

The Custodian noted that Complainant's request was considered closed.

#### Denial of Access Complaint:

On August 5, 2022, the Complainant filed a Denial of Access Complaint with the Government Records Council ("GRC"). The Complainant stated that she submitted the subject OPRA request on July 14, 2022, seeking each certificate of insurance and subsequent licenses issued by the Division of Consumer Affairs ("DCA") to Sergio's from January 2005 through July 2022. The Complainant stated that she received an incomplete response from DCA on July 26, 2022. The Complainant asserted that she identified "many gaps" in the disclosed records and that she did not receive certificates of insurance and licensees for all the years requested. The Complainant stated that she contacted DCA to address the missing documentation and was advised that applicants were no longer required to submit proof of insurance, which she has since learned is inaccurate. The Complainant asserted that DCA "seemed confident" that additional documents existed but DCA did not disclose them. The Complainant stated that following the disclosure, she left two separate messages with DCA but did not receive a response.

The Complainant asserted that the responsive documents disclosed by the Custodian were "incomplete/missing years." The Complainant noted that in some instances she received screenshots and not actual copies of certificates of insurance. The Complainant included in her Denial of Access Complaint copies of the disclosed records and a DCA printout as of August 5, 2022, showing an "active license" status set to expire on March 31, 2023, with regard to Sergio's. The Complainant expressed the urgency of receiving complete copies of the requested records.

### Statement of Information:<sup>5</sup>

On October 4, 2022, the Custodian filed a Statement of Information (“SOI”) attaching legal certifications from Ms. Moreira and Camille Hakk. The Custodian certified that she received the Complainant’s OPRA request on July 14, 2022. The Custodian certified that Ms. Moreira responded in writing on her behalf on July 25, 2022, requesting an additional seven (7) business days to respond to the Complainant’s OPRA request. The Custodian certified that the Home Improvement Contractor’s Unit (“HICU”) conducted the search for responsive records within the files maintained in DCA’s electronic certified system. The Custodian certified that HICU provided .pdf copies of the responsive records on July 25, 2022. See Moreira Cert. ¶ 4. The Custodian affirmed that Ms. Hakk redacted those records to remove criminal background check information, as well as personal and financial information. See Hakk Cert. ¶ 3. The Custodian certified that, on July 26, 2022, she responded in writing to the Complainant’s OPRA request disclosing electronic copies of the redacted records.

The Custodian certified that home improvement contractors renew the licenses online and “do not always submit a copy of the certificate of insurance.” The Custodian stated that “[i]n most instances, the insurance information is reported on the renewal application section.” The Custodian certified that a thorough search was conducted and DCA confirmed that there was no additional insurance certificates maintained. See Moreira Cert. ¶ 6. The Custodian also certified that certain documents that may have been responsive to the Complainant’s OPRA request may have been destroyed in accordance with the Records Disposition Schedule and approved by Records Management Services on April 29, 2022 (Authorization No. 142821) and June 15, 2022 (Authorization #144126).

### Analysis

#### 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 Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010), the Council found that the custodian did not unlawfully deny access to the requested records based on the custodian’s certification that all such records were provided to the complainant. The Council held that the custodian’s certification, in addition to the lack of refuting evidence from the complainant, was sufficient to meet the custodian’s burden of proof. See, e.g., Burns v. Borough of Collingswood, GRC Complaint No. 2005-68 (September 2005); Holland v. Rowan Univ., GRC Complaint No. 2014-63, *et seq.* (March 2015). However, in Macek v. Bergen Cnty. Sheriff’s Office, GRC Complaint No. 2017-156, *et seq.* (Interim Order dated June

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<sup>5</sup> On September 8, 2022, this complaint was referred to mediation. On September 20, 2022, this complaint was referred back to the GRC for adjudication.

25, 2019), the Council held that evidence contained in the record suggested that additional responsive records may exist. Based on this, the Council ordered the custodian to perform another search and submit a certification regarding the results of that search.

In the instant matter, the Complainant requested, among other records, certificates of insurance and subsequent licenses issued by DCA. The Custodian responded disclosing several records and closing the OPRA request. In the Denial of Access Complaint, the Complainant asserted that the Custodian's response was "incomplete/missing years." The Complainant also asserted that through her interactions with DCA, they "seemed confident" that additional documents existed but had not yet disclosed them. In the SOI, the Custodian certified that the HICU conducted a search and provided .pdf copies of records responsive to the Complainant's OPRA request on July 26, 2022. The Custodian further certified that no additional insurance certificates were maintained. The Custodian certified that home improvement contractors do not always submit a copy of the certificate of insurance and in most instances the insurance information is reported on the renewal application section. However, the Custodian did not specifically address the Complainant's request with regard any licenses issued to Sergio's by DCA.

Regarding the portion of the Complainant's OPRA request for certificates of insurance, no competent, credible evidence exists to refute the Custodian's certification that DCA disclosed the responsive records and that no additional insurance certificates were maintained. The Complainant's unsubstantiated assertion alone is not a sufficient basis to override or otherwise discredit the Custodian's certification. Thus, without evidence to the contrary, the GRC is satisfied with the Custodian's certification, and as the record reflects, that DCA disclosed all certificates of insurance responsive to the Complainant's request. See Danis, GRC 2009-156, *et seq.*

Accordingly, the Custodian did not unlawfully deny access to the portion of the Complainant's July 14, 2022 OPRA request seeking Certificates of Insurance. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, DCA provided all responsive records containing the requested insurance information and that no additional insurance certificates were maintained. See Danis, GRC 2009-156, *et seq.*

Regarding the portion of the Complainant's OPRA request for all subsequent licenses issued by DCA, the Complainant asserted that the records she received were "incomplete/missing pages." The Custodian did not reference or otherwise address this portion of the Complainant's OPRA request in her initial response or in the SOI. However, the evidence of record, including the renewal questionnaires and proofs of insurance, indicates that subsequent licenses may have been issued by DCA to Sergio's during the subject timeframe. Thus, as the record stands before the Council, the GRC is not satisfied that the evidence supports that all records responsive to this portion of the Complainant's OPRA request were disclosed. Based on this, it is appropriate to follow the Council's holding in Macek, GRC 2017-156 *et seq.*, and require additional action on the portion of the Complainant's OPRA request seeking all subsequent licenses issued by DCA to Sergio's for the subject timeframe.

Accordingly, the Custodian may have unlawfully denied access to the portion of the Complainant's OPRA request seeking all subsequent licenses issued by DCA to Sergio's. See N.J.S.A. 47:1A-6; Macek, GRC 2017-156 *et seq.* Specifically, the evidence of record is

inconclusive as to the existence and disclosability of any licenses issued to Sergio's. Thus, the Custodian shall conduct a search for and disclose to the Complainant all documents responsive to her request for all licenses issued by DCA to Sergio's between January 2005 through July 14, 2022, with any applicable redactions. In the event no records are located, the Custodian must provide a certification to the Complainant stating such.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends that the Council find that:

1. The Custodian did not unlawfully deny access to the portion of the Complainant's July 14, 2022 OPRA request seeking Certificates of Insurance. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, DCA provided all responsive records containing the requested insurance information and that no additional insurance certificates were maintained. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian may have unlawfully denied access to the portion of the Complainant's OPRA request seeking all subsequent licenses issued by DCA to Sergio's. See N.J.S.A. 47:1A-6; Macek v. Bergen Cnty. Sheriff's Office, GRC Complaint No. 2017-156, *et seq.* (Interim Order dated June 25, 2019). Specifically, the evidence of record is inconclusive as to the existence and disclosability of any subsequent licenses issued to Sergio's. Thus, the Custodian shall conduct a search for and disclose to the Complainant all documents responsive to her request for all licenses issued by DCA to Sergio's between January 2005 through July 14, 2022, with any applicable redactions. In the event no records are located, the Custodian must provide a certification to the Complainant stating such.
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 circumstance 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).**

Prepared By: Jennifer C. Howell  
Staff Attorney

April 15, 2025