



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

February 18, 2025 Government Records Council Meeting

Catherine Edjo Kamoto
Complainant

Complaint No. 2022-667

v.

Borough of Cliffside Park (Bergen)
Custodian of Record

At the February 18, 2025, public meeting, the Government Records Council (“Council”) considered the February 11, 2025, Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the Custodian lawfully denied access to the records responsive to the Complainant’s November 23, 2022, OPRA request, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). N.J.S.A. 47:1A-6; VanBree v. Bridgewater Twp. Police Dep’t, GRC Complaint No. 2014-122 (October 2014).

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 18th Day of February 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: February 20, 2025



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
February 18, 2025 Council Meeting**

**Catherine Edjo Kamoto¹
Complainant**

GRC Complaint No. 2022-667

v.

**Borough of Cliffside Park (Bergen)²
Custodial Agency**

Record Relevant to Complaint: Copies via e-mail of an arrest for Domestic Violence on February 27, 2011 by Cliffside Park Police Department, Agency NJ0020600:

Summons/Warrant No. W20110000650206. Disposition: Dismissed Cliffside Park Municipal Court 001 CNT: 2C:2-1A(1); DEG Simple Assault – Purp/knowingly.

Custodian of Record: Sercan Zoklu

Request Received by Custodian: November 23, 2022

Response Made by Custodian: December 6, 2022

GRC Complaint Received: December 9, 2022

Background³

Request and Response:

On November 23, 2022, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On December 6, 2022, the Custodian responded in writing informing the Complainant that the requested records are confidential under N.J.S.A. 2C:25-33 and Executive Order No. 69 (Gov. Whitman, 1997) (“EO 69”) and are therefore exempt from access under OPRA.

Denial of Access Complaint:

On December 9, 2022, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant stated, “I am trying to get my personal for immigration purposes in Canada. I have until December 20th to submit it. My OPRA request was denied.”

¹ No legal representation listed on record.

² Represented by Christine Gillen, Esq., of Diktas Gillen (Cliffside Park, 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.

Statement of Information:

On March 28, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA request on November 23, 2022, and responded in writing on December 6, 2022. The Custodian further certified that three (3) records were located responsive to the Complainant’s request: an arrest report, a photograph, and a complaint warrant. The Custodian certified that all the responsive records pertain to a domestic violence incident as the Complainant stated in her request.

The Custodian further certified that the Prevention of Domestic Violence Act of 1991 (“DVA”)⁴ provides that all records of domestic violence incidents are confidential and exempt from public access. The Custodian certified that the responsive records are exempt from access pursuant to N.J.S.A. 2C:25-33, N.J.S.A. 47:1A-9(a), and EO 69. The Custodian also cited Pepe v. Pepe, 258 N.J. Super. 157, 162 (Ch. Div. 1992), in support of his position. The Custodian certified that the fact the Complainant is seeking her own records does not alter the confidential nature of the records.⁵

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.

OPRA also provides that:

The provisions of [OPRA] 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)].

N.J.S.A. 2C:25-33 provides in relevant part that “[a]ll records maintained pursuant to [the DVA] shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.” Id. at (a)(7).

⁴ The GRC notes that the Act is codified as N.J.S.A. 2C:25-17 et seq.

⁵ Although the Custodian cited Riley v. N.J. Dept. of Corr., GRC Complainant No. 2013-345 (July 2014) in support of his argument that a complainant seeking his/her own domestic violence records does not alter their confidential nature, that complaint addressed a request for mental health records and is therefore not dispositive here.

In VanBree v. Bridgewater Twp. Police Dep't, GRC Complaint No. 2014-122 (October 2014), the complainant requested, *inter alia*, several mobile video recordings (“MVR”) from police vehicles during an incident which occurred at his home. The custodian determined that the incident was a domestic dispute during which the complainant was arrested and denied access to the requested MVR as confidential domestic violence records. The complainant challenged the custodian’s denial, and the Council subsequently found that the custodian lawfully denied access to the records as confidential pursuant to the DVA.

Here, the Complainant filed the complaint seeking records related to her domestic violence arrest which she asserted was subsequently dismissed by the Cliffside Park Municipal Court. In the SOI the Custodian certified that the responsive records, which consist of an arrest report, a photograph, and a complaint warrant, do relate to a domestic violence incident and are exempt under N.J.S.A. 2C:25-33, applicable to OPRA under N.J.S.A. 47:1A-9(a).

N.J.S.A. 2C:25-33(a)(7) provides that all DVA records are confidential except as otherwise provided by law. Similar to the facts of VanBree, GRC 2014-122, the Complainant was arrested during a domestic violence incident and is seeking records related to her arrest. However, the GRC notes that there is no provision within the statute which allows for disclosure of DVA records for a person seeking his/her own records, even if the offense was dismissed. Thus, the GRC is satisfied that the requested records are part of a domestic violence incident and that the DVA applies here.

Accordingly, the Custodian lawfully denied access to the records responsive to the Complainant’s November 23, 2022 OPRA request, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). N.J.S.A. 47:1A-6; VanBree, GRC 2014-122.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian lawfully denied access to the records responsive to the Complainant’s November 23, 2022 OPRA request, applicable to OPRA by operation of N.J.S.A. 47:1A-9(a). N.J.S.A. 47:1A-6; VanBree v. Bridgewater Twp. Police Dep't, GRC Complaint No. 2014-122 (October 2014).

Prepared By: John E. Stewart

February 11, 2025