



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

February 24, 2026 Government Records Council Meeting

Michael E. Farmer
(o/b/o Surenda Vallabhaneni)
Complainant

Complaint No. 2023-15

v.

Monroe Township Board of Education (Middlesex)
Custodian of Record

At the February 24, 2026, public meeting, the Government Records Council (“Council”) considered the February 17, 2026, 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 has borne her burden of proof that the proposed special service charge of \$530.22 comprised of 16.2 hours at an hourly rate of \$32.73 to review 4,128 rows of e-mail data responsive to the Complainant’s OPRA request is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg’l High Sch., 360 N.J. Super. 191 (Law Div. 2002); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim Order dated May 26, 2015). Thus, the Custodian shall disclose the responsive records, with redactions where applicable to the Complainant upon receipt of the proposed special service charge or deposit. See Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).

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 24th Day of February 2026

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 26, 2026



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
February 24, 2026 Council Meeting**

**Michael F. Farmer
(On Behalf of Surenda Vallabhaneni)¹
Complainant**

GRC Complaint No. 2023-15

v.

**Monroe Township Board of Education (Middlesex)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:

1. “Board member Christine Skurbe e-mail logs with metadata for the period from June 1, 2022 to August 31, 2022. Please include to and from, date and subject line in the responsive records.
2. A log of sent and received e-mails from [Ms.] Skurbe from January 1, 2022, to May 6, 2022, including the sender name, recipient name(s), date and subject line.”

Custodian of Record: Lisa Goldstein
Request Received by Custodian: November 15, 2022
Response Made by Custodian: November 28, 2022
GRC Complaint Received: January 24, 2023

Background³

Request and Response:

On November 15, 2022, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On November 28, 2022, the Custodian responded in writing informing the Complainant that a search was conducted, which yielded 4,128 rows of e-mail log information. The Custodian stated that each row would need to be reviewed to remove confidential information and would thus require a special service charge. The Custodian provided a detailed estimate as follows:

Number of Rows of Data:	4,128
Employee’s Hourly Rate:	\$32.73

¹ The Complainant, of Aloia Law Firm (Bloomfield, NJ), represents Surenda Vallabhaneni.

² Represented by David L. Disler, Esq., of Porzio Bromberg & Newman (Morristown, 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.

Michael F. Farmer (On Behalf of Surenda Vallabhaneni) v. Monroe Township Board of Education (Middlesex), 2023-15 – Findings and Recommendations of the Executive Director

Estimated Hours to Fulfill This Request: 16.2
Total Estimate Special Service Charge: \$530.22

The Custodian requested that Complainant advise in writing whether he would accept or reject the assessed fee and that work would begin once she received a deposit of \$265.11. The Custodian noted that the above cost did not include actual costs associated with disclosure on a flash drive or through hard copies of the requested records. Finally, the Custodian stated that the Complainant may, if he so chose, modify his OPRA request to limit the number of responsive records.

On December 2, 2022, the Complainant e-mailed the Custodian, contending that reviewing and removing confidential information from the e-mail logs would not require an extraordinary expenditure of time and effort and asking the Custodian to reconsider the special service charge.

Denial of Access Complaint:

On January 24, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the special service charge was excessive and that he disagreed that reviewing 4,128 rows of e-mail logs demands an extraordinary expenditure of time and effort.

Statement of Information:

On March 13, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on November 15, 2022. The Custodian certified that, upon receiving the logs, she determined it would take approximately 16.2 hours to complete the review of the responsive records, which would total \$530.22 at the Custodian’s hourly rate of \$32.73. The Custodian certified that she responded in writing on November 28, 2022, detailing the effort required to produce the records, the special service charge associated with the request, and the deposit required in order to begin production of the records.

The Custodian argued that imposing a special service charge when fulfilling an OPRA request requires an “extraordinary” expenditure of time and effort is lawful under N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg’l High School, 360 N.J. Super. 191 (Law Div. 2022); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (2015); and Vessio v. Twp. of Barnegat (Ocean), GRC Complaint No. 2006-70. The Custodian noted that she arrived at her estimation through a representative sample and the extrapolation of the timing to review that sample to the entire responsive list. The Custodian further noted that the estimation does not include time taken for the Custodian to speak with Ms. Skurbe to determine the context surrounding the entries, the time necessary to create the logs, or the time needed to speak with Monroe Township Board of Education (“Board”) counsel on whether redactions might be appropriate. The Custodian certified her responses to the 14-point analysis are as follows:

1. What records are requested?

Response: E-mail logs, with metadata, for board member Christine Skurbe from June 1, 2022 to August 31, 2022, including to, from, date, and subject line and a list of sent and

received e-mails from board member Skurbe from January 1, 2022 to May 6, 2022, including sender name, recipient name(s) and subject line.

2. Give a general nature description and number of the government records requested.

Response: E-mail logs include the subject of the message, the recipients, the time, the date, and other information. Confidential and protected information can be found in all of the categories, including the subject of the e-mail and the sender or recipient of an e-mail. The request resulted in 4,128 rows of e-mail log information. Each row contains all of the above categories, which may include many possible recipients or e-mail addressed carbon copies/blind carbon copied.

3. What is the period of time over which the records extend?

Response: January 1, 2022 to August 31, 2022.

4. Are some or all of the records sought archived or in storage?

Response: No.

5. What is the size of the agency (total number of employees)?

Response: 1,186 employees and over 6,500 students.

6. What is the number of employees available to accommodate the records request?

Response: One.

7. To what extent do the requested records have to be redacted?

Response: All records would need to be reviewed for student information, attorney-client privilege, work product doctrine.

8. What is the level of personnel, hourly rate and number of hours, if any, required for a government employee to locate, retrieve, and assemble the records for copying?

Response:

Employee	Hours Spent	Hourly Rate
OPRA Custodian	1.1	\$32.73

9. What is the level of personnel, hourly rate, and number of hours, if any, required for a government employee to monitor the inspection or examination of the records requested?

Response:

Employee	Hours Spent	Hourly Rate
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OPRA Custodian	15.1	\$32.73
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10. What is the level of personnel, hourly rate, and number of hours, if any, required for a government employee to return records to their original storage place?

Response:

Employee	Hours Spent	Hourly Rate
OPRA Custodian	0	\$32.73

11. What is the reason that the agency employed, or intends to employ, the particular level of personnel to accommodate the records request?

Response: The Complainant’s OPRA requires detailed analysis of over four thousand rows of information. There are many types of information which might need to be redacted from the e-mail logs. Therefore, the reviewer will need to be familiar with OPRA rules and be able to coordinate with the Board President, Ms. Skurbe, and Board Counsel.

12. Who (name and job title) in the agency will perform the work associated with the records request and that person’s hourly rate?

Response: Lisa Goldstein, OPRA Custodian/Records Custodian, \$32.73 per hour.

13. What is the availability of information technology and copying capabilities?

Response: Information technology and copying capabilities are available. Those services are limited by the volume of OPRA requests being processed. The office has received 23 requests from February 13, 2023 to March 13, 2023.

14. Give a detailed estimate categorizing the hours needed to identify, copy or prepare for inspection, produce, and return the requested documents.

Response: It is estimated that the identification, copying, inspection, review, production, and review of the requested documents will take 16.2 hours.

Analysis

Special Service Charge

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.

Whenever a records custodian asserts that fulfilling an OPRA records request requires an “extraordinary” expenditure of time and effort, a special service charge may be warranted pursuant to N.J.S.A. 47:1A-5(c). In this regard, OPRA provides that:

Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an *extraordinary expenditure of time and effort to accommodate the request*, the public agency may charge, in addition to the actual cost of duplicating the record, a *special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies*

[Id. (emphasis added).]

The determination of what constitutes an “extraordinary expenditure of time and effort” under OPRA must be made on a case-by-case basis and requires an analysis of a variety of factors. These factors were discussed in Courier Post, 360 N.J. Super. at 199. There, the plaintiff publisher filed an OPRA request with the defendant school district, seeking to inspect invoices and itemized attorney bills submitted by four law firms over a period of six and a half years. Id. at 193. Lenape assessed a special service charge due to the “extraordinary burden” placed upon the school district in responding to the request. Id.

Based upon the volume of documents requested and the amount of time estimated to locate and assemble them, the court found the assessment of a special service charge for the custodian’s time was reasonable and consistent with N.J.S.A. 47:1A-5(c). Courier Post, 360 N.J. Super. at 202. The court noted that it was necessary to examine the following factors to determine whether a records request involves an “extraordinary expenditure of time and effort to accommodate” pursuant to OPRA: (1) the volume of government records involved; (2) the period of time over which the records were received by the governmental unit; (3) whether some or all of the records sought are archived; (4) the amount of time required for a government employee to locate, retrieve and assemble the documents for inspection or copying; (5) the amount of time, if any, required to be expended by government employees to monitor the inspection or examination; and (6) the amount of time required to return the documents to their original storage place. Id. at 199.

The court determined that, in the context of OPRA, the term “extraordinary” will vary among agencies depending on the size of the agency, the number of employees available to accommodate document requests, the availability of information technology, copying capabilities, the nature, size and number of documents sought, as well as other relevant variables. Id. at 202. “[W]hat may appear to be extraordinary to one school district might be routine to another.” Id.

Here, the Complainant disagreed with the special service charge of \$530.22 and asserted that the charge was excessive. Conversely, the Custodian argued, and the 14-point analysis makes clear, that the Custodian is the only employee out of 1,186 individuals capable of performing the review of the records. The Custodian also certified that, in reviewing these records, she would

need an additional time not included in her estimate of 16.2 hours to coordinate with Ms. Skurbe and counsel to determine proper redactions.

In complaints where the GRC is tasked with addressing a special service charge dispute, it must decide first whether the charge was warranted. If the GRC reaches a conclusion that the charge was warranted, then it must address whether the fee was reasonable. See, e.g., Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim Order dated May 26, 2015).

Initially, the GRC notes that there is no dispute that the requested records are “government records” subject to disclosure in their base form per Paff v. Twp. of Galloway, 229 N.J. 340 (2017). However, the New Jersey Supreme Court did open a pathway for agencies to charge “a service-fee charge when the request for a record requires ‘a substantial amount of manipulation or programming of information technology’” and the potential for redactions. Id. at 354 (citing N.J.S.A. 47:1A-5(d)); 358 (citing N.J.S.A. 47:1A-5(a)).

The GRC is persuaded that the assessed charge was warranted. The Custodian is the only employee capable of performing this review. Additionally, the Board has information technology and copying capabilities limited by the volume of OPRA requests being processed at the time of the SOI. This request encompasses 8 months of e-mail logs, and the Custodian certified that the estimated 16.2 hours would include the identification, copying, inspection, review, and production of the records. Therefore, under these circumstances, and given the amount of time necessary to review a voluminous amount of data, the special service charge here is warranted.

In next determining whether the proposed charge is reasonable, the GRC is equally persuaded in the affirmative. Specifically, the request requires an estimated 16.2 hours of review of 4,128 rows of e-mail logs, as well as additional time not included in the estimate to confer with Ms. Skurbe and counsel for possible redactions. Moreover, the Custodian is not charging separately for copying costs that are associated with production of these records. All the foregoing supports that the proposed special service charge was reasonable and warranted.

Accordingly, the Custodian has borne her burden of proof that the proposed special service charge of \$530.22 comprised of an estimated 16.2 hours at an hourly rate of \$32.73 to review 4,128 rows of e-mail data responsive to the Complainant’s OPRA request is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J. Super. 191; Rivera, GRC 2009-311; Palkowitz, GRC 2014-302. Thus, the Custodian shall disclose the responsive records, with redactions where applicable to the Complainant upon receipt of the proposed special service charge. See Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian has borne her burden of proof that the proposed special service charge of \$530.22 comprised of 16.2 hours at an hourly rate of \$32.73 to review 4,128 rows of e-mail data responsive to the Complainant’s OPRA request is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post v.

Lenape Reg'l High Sch., 360 N.J. Super. 191 (Law Div. 2002); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim Order dated May 26, 2015). Thus, the Custodian shall disclose the responsive records, with redactions where applicable to the Complainant upon receipt of the proposed special service charge or deposit. See Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).

Prepared By: Brenda B. Alves
Staff Attorney

February 17, 2026