



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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Governor

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Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 20, 2025 Government Records Council Meeting

Klarida Papajani
Complainant

Complaint No. 2023-159

v.

Pascack Valley Regional High
School District (Bergen)
Custodian of Record

At the May 20, 2025, public meeting, the Government Records Council (“Council”) considered the May 13, 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 Complainant’s OPRA request item No. 1. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian has borne his burden of proof that he lawfully denied access to the Complainant’s OPRA request item No. 2. Specifically, the Custodian certified in the Statement of Information, and the record reflects, that no records responsive to the OPRA request exist. N.J.S.A. 47:1A-6; see Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005).

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 20th Day of May 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 27, 2025

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 20, 2025 Council Meeting**

**Klarida Papajani¹
Complainant**

GRC Complaint No. 2023-159

v.

**Pascack Valley Regional
High School District (Bergen)²
Custodial Agency**

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

1. “Last 6 years of dance team schedule/contract.”
2. “[T]ry out for the last 3 years . . . showing which place” the Complainant’s child was rated “on skills and all they did at try out”

Custodian of Record: Yas Usami

Request Received by Custodian: June 21, 2023

Response Made by Custodian: June 28, 2023

GRC Complaint Received: July 11, 2023

Background³

Request and Response:

On June 21, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On June 28, 2023, the Custodian responded in writing stating that the OPRA request was “GRANTED to the extent there are documents in existence,” and disclosing the following:

1. Dance Team schedules from 2019 through 2023.
2. Contracts for the 2018-2019, 2019-2020, 2022-2023, and 2023-2024 school years.
3. Contract for the 2023 summer camp.

¹ No legal representation listed on record.

² Represented by Rodney T. Hara, Esq., of Fogarty & Hara, Esqs. (Fair Lawn, 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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Denial of Access Complaint:

On July 11, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that regarding OPRA request item No. 1, the Custodian failed to disclose schedules or contracts for two (2) years. The Complainant argued that regarding OPRA request item No. 2, the Custodian did not disclose any records.

Statement of Information:⁴

On December 27, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA request on June 21, 2023. The Custodian certified that his search included contacting the District’s technology department and other individuals that may possess responsive records. The Custodian certified that he responded in writing on June 28, 2023, disclosing multiple pages of Dance Team schedules and contracts. The Custodian identified that records disclosed as:

1. Dance schedule – “2019-2020, 2021-2022, 2022-2023, and 2023 school years.”
2. Dance Team Contracts – “2018-2019, 2022-2023, and 2023-2024 school years and 2023 summary.”

The Custodian also certified that no records responsive to OPRA request item No. 2 existed.

The Custodian contended that there were no records sought by the Complainant that existed at the time of his response to the subject OPRA request. The Custodian cited Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005) and Paff v. Twp. of Berkeley Heights (Union), GRC Complaint No. 2007-271 (November 2008) in support of his argument.

Additional Submissions:

On April 28, 2025, the GRC sent a request for additional information to the Custodian. The GRC stated that the Custodian identified disclosed records in the SOI that called into question whether additional schedules and contracts existed. The GRC thus sought a certified response to the following:

1. Does the District maintain a Dance Team schedule for the 2018-2019 school year, which falls within the six (6) year time frame identified by the Complainant?
 - a. If yes, please explain why those contracts were not disclosed to the Complainant.
2. Does the District maintain Dance Team contracts for the 2020-2021 and 2021-2022 school years, or any additional summer contracts during the six (6) year time frame identified by the Complainant?
 - a. If yes, please explain why those contracts were not disclosed to the Complainant.

The GRC requested that the Custodian’s response be submitted no later than May 1, 2025.

⁴ On August 4, 2023, this complaint was referred to mediation. On November 28, 2023, this complaint was referred back to the GRC for adjudication.

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On April 30, 2025, the Custodian responded to the GRC's request for additional information. Therein, the Custodian certified that upon receipt of the GRC's request, he conducted another search of the Pascack Valley Regional High School District's ("District") records and determined that none of the records identified in the GRC's request existed.

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 request item No. 1

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 also 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).

In the instant matter, the Complainant's OPRA request item No. 1 sought Dance team schedules and contracts for a six (6) year period. The Custodian responded in writing disclosing multiple pages of schedules and several contracts. This complaint followed, wherein the Complainant contended that the Custodian failed to disclose records for two (2) years. In the SOI, the Custodian certified that he provided certain schedules and contracts; however, the identified records did not match those he attached to the SOI. Based on this, the GRC sought additional information from the Custodian on April 28, 2025. Specifically, the GRC asked the Custodian to certify whether a 2018-2019 schedule and 2020-2021, 2021-2022, and additional summer contracts existed. In response, the Custodian certified that none of those records existed.

Upon review, the evidence of record supports that Custodian disclosed all records in the District's possession responsive to OPRA request item No. 1. Further, there is no evidence in the record to refute the Custodian's certification. Thus, a conclusion in line with Danis is appropriate for this request item.

Accordingly, the Custodian did not unlawfully deny access to the Complainant's OPRA request item No. 1. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis, GRC 2009-156, *et seq.*

OPRA request item No. 2

The Council has previously found that, where a custodian certified that no responsive records exist, no unlawful denial of access occurred. Pusterhofer, GRC 2005-49. Here, the Complainant's OPRA request item No. 2 sought "try out for the last 3 years . . . showing which place" the Complainant's child was rated "on skills and all they did at try out . . .". The Custodian responded disclosing records to the Complainant but did not directly address this item.⁵ Following the filing of this complaint, the Custodian certified in the SOI that no records responsive to OPRA request item No. 2 existed. Upon review, the GRC is persuaded that no unlawful denial of access has occurred because, as in Pusterhofer, GRC 2005-49, no records exist. Specifically, the Custodian certified to this fact and there is no evidence in the record to refute the certification. Thus, a conclusion in line with Pusterhofer is appropriate for this request item.

Accordingly, the Custodian has borne his burden of proof that he lawfully denied access to the Complainant's OPRA request item No. 2. Specifically, the Custodian certified in the SOI, and the record reflects, that no records responsive to the OPRA request exist. N.J.S.A. 47:1A-6; see Pusterhofer, GRC 2005-49.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian did not unlawfully deny access to the Complainant's OPRA request item No. 1. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian has borne his burden of proof that he lawfully denied access to the Complainant's OPRA request item No. 2. Specifically, the Custodian certified in the Statement of Information, and the record reflects, that no records responsive to the OPRA request exist. N.J.S.A. 47:1A-6; see Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).

Prepared By: Frank F. Caruso
Executive Director

May 13, 2025

⁵ The GRC notes that the Custodian's response was insufficient to the extent he failed to address each individual OPRA request item. Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008). Klarida Papajani v. Pascack Valley Regional High School District (Bergen), 2023-159 – Findings and Recommendations of the Executive Director