



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

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

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 20, 2025 Government Records Council Meeting

Klarida Papajani
Complainant

Complaint No. 2023-169

v.

Saddle Brook Police Department (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 Complainant’s July 10, 2023 request is invalid because it did not seek identifiable government records, appeared to seek information and would have required the Custodian to conduct research to create a record. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009). Thus, the Custodian did not unlawfully deny access to the subject request. N.J.S.A. 47:1A-6.
2. The Custodian did not unlawfully deny access to the Complainant’s July 11, 2023 OPRA request. 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).

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. 2023-169

v.

**Saddle Brook Police Department (Bergen)²
Custodial Agency**

Records Relevant to Complaint:

July 10, 2023 OPRA request: Electronic copies via e-mail of:

1. “[A]ll times [Information Technology (“IT”)] times/detes (sic)/ reasons searching on computer data police for [the Complainant]” from January 2017 to present.
2. Computer-aided dispatch (“CAD”) “design” on the Complainant from October 11, 2017.
3. “All calls with/against [illegible] logs on details of” the Complainant’s case from October 11, 2017 “including names of police entering on page of [Complainant’s] searching.”

July 11, 2023 OPRA request: Electronic copies via e-mail of “details of any phone calls on [the Complainant] received by the Saddle Brook Police Department (“SBPD”) regarding the October 11, 2017 “BUS involvement of [the Complainant] on 11:45 a.m.” received “by phone call or in person.”

Custodian of Record: Peter Lo Dico

Request Received by Custodian: July 10, 2023; July 11, 2023

Response Made by Custodian: July 14, 2023

GRC Complaint Received: July 18, 2023

Background³

Request and Response:

On July 10, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On July 11, 2023, the Complainant submitted a second (2nd) OPRA request to the Custodian seeking the above-mentioned records. On

¹ No legal representation listed on record.

² Represented by LisaAnne R. Bicocchi, Esq., of Law Offices of John L. Schettino, LLC (Hackensack, 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.

July 14, 2023, the Custodian responded in writing to both OPRA requests disclosing a dispatch and incident report (3 pages) related to the October 11, 2017 incident.

Denial of Access Complaint:

On July 18, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Custodian only partially complied with her July 10, 2023 OPRA request item No. 2. The Complainant further argued that the Custodian failed to disclose records responsive to the July 10, 2023 OPRA request item Nos. 1 and 3, and the July 11, 2023 OPRA request.

Statement of Information:

On August 10, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA requests on July 10, 2023, and July 11, 2023. The Custodian certified that his search included searching for records related to any calls or complaints made to SBPD on October 11, 2017. The Custodian affirmed that no search was conducted for actual audio recordings because any that existed would have been destroyed in November 2017 in accordance with the State’s records retention schedules. The Custodian certified that he responded in writing on July 14, 2023, disclosing a dispatch and incident report related to the October 11, 2017 incident.

The Custodian contended that no unlawful denial of access occurred here because most of the request items were invalid, and no other responsive records existed.⁴ The Custodian argued that the July 10, 2023 OPRA request was “somewhat unintelligible” and was thus invalid under OPRA pursuant to MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546-549 (App. Div. 2005); Matthews v. City of Atlantic City (Atlantic), GRC Complaint No. 2008-123 (February 2009); Librizzi v. Twp. of Verona Police Dep’t (Essex), GRC Complaint No. 2009-213 (Final Decision dated August 24, 2010); and Goeckel v. Verona Police Dep’t (Morris), GRC Complaint No. 2013-356 (July 2014). The Custodian asserted that he believed the OPRA request items were “arguably seeking three things”:

1. Information about the dates and times searches for such records were conducted and the names of police officers that conducted them.
2. Computer design related to the Complainant’s case as of October 11, 2017.
3. Records or reports relating to the October 11, 2017 complaint against the Complainant.

The Custodian argued that SBPD located the disclosed records, and found no records responsive to the July 10, 2023 OPRA request item No. 1. The Custodian averred that no such records showing dates and times of searches ever existed. The Custodian further asserted that the July 10, 2023 OPRA request item No. 2 was “incapable of meaningful interpretation” but that no records related to SBPD’s “computer design” existed. The Custodian argued that if the Complainant was seeking

⁴ The Custodian noted that this complaint was closely related to Papajani v. Saddle Brook Police Dep’t (Bergen), GRC Complaint No. 2023-122 (August 2023), and requested that the GRC consolidate the matters. The GRC reviewed both files and decide not to consolidate them. The Council subsequently adjudicated Papajani, GRC 2023-122 as an Administrative Disposition (No Records Responsive to the Request Exist) at its August 2023 meeting.

some other type of record, a plain reading of the request supports that it was invalid because it failed to identify those records. The

The Custodian argued that the July 11, 2023 OPRA request prompted him to search for any reports maintained by SBPD, which he disclosed to the Complainant. The Custodian reaffirmed that no audio recordings of complaints against the Complainant from October 11, 2017, would have existed because they were destroyed thirty-one (31) days later, well before submission of this OPRA request.

Analysis

Validity of Request

The New Jersey Appellate Division has held that:

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records “readily accessible for inspection, copying, or examination.”* N.J.S.A. 47:1A-1.

[MAG, 375 N.J. Super. at 546 (emphasis added).]

The court reasoned that:

Most significantly, the request failed to identify with any specificity or particularity the governmental records sought. *MAG provided neither names nor any identifiers other than a broad generic description of a brand or type of case prosecuted by the agency in the past.* Such an open-ended demand required the Division's records custodian to manually search through all of the agency's files, analyze, compile and collate the information contained therein, and identify for MAG the cases relative to its selective enforcement defense in the OAL litigation. Further, once the cases were identified, the records custodian would then be required to evaluate, sort out, and determine the documents to be produced and those otherwise exempted.

[Id. at 549 (emphasis added).]

The court further held that “[u]nder OPRA, *agencies are required to disclose only ‘identifiable’ government records* not otherwise exempt In short, OPRA does not countenance open-ended searches of an agency's files.” Id. (emphasis added). Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005);⁵ N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

⁵ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

Invalid OPRA requests typically fall into three (3) categories. The first is a request that is overly broad (“any and all,” requests seeking “records” generically, *etc.*) and requires a custodian to conduct research. MAG, 375 N.J. Super. 534; Donato v. Twp. of Union, GRC Complaint No. 2005-182 (January 2007). The second is those requests seeking information or asking questions. See *e.g.* Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012). The final category is a request that is either not on an official OPRA request form or does not invoke OPRA. See *e.g.* Naples v. N.J. Motor Vehicle Comm’n, GRC Complaint No. 2008-97 (December 2008).

In LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009), the complainant requested the number of Jamesburg residents that held library cards. The GRC deemed that the complainant’s request was a request for information, holding that “because request Item No. 2 of the Complainant’s June 25, 2008 OPRA request seeks information rather than an identifiable government record, the request is invalid pursuant to [MAG]” Id. at 6; see also Ohlson v. Twp. of Edison (Middlesex), GRC Complaint No. 2007- 233 (August 2009).

Here, the Complainant’s July 10, 2023 OPRA request appears to seek “time/dates/reasons” for searching her since, 2017, the “design” of a CAD report, and call details including police officer names conducting searches. The Custodian initially responded disclosing a dispatch and incident report to the Complainant. This complaint ensued, where the Complainant argued that the Custodian failed to disclose responsive records. In the SOI, the Custodian argued that the request was “somewhat unintelligible” and thus invalid. The Custodian proceeded to surmise which records the Complainant may have sought and averred that he performed a search based on his suppositions.

Upon review, the GRC agrees that the subject request is invalid because, as in LaMantia, GRC 2008-140, it sought information in the form of times, dates, reasons, designs and details related to the Complainant and the October 11, 2017 incident. The GRC is further persuaded by its own plain reading of the July 10, 2023 request and its difficulty summarizing the verbiage thereof. Devoid of those request items are the identification of a specific type of record, which supports the Custodian’s SOI argument that he had to effectively guess at what records the Complainant actually sought. Further, longstanding case law provides that the Custodian was not required to “make a preliminary determination as to” those records sought. Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Further, the Custodian was not required to conduct research and collate information from multiple different physical and electronic records to satisfy the request.

Accordingly, the Complainant’s July 10, 2023 request is invalid because it did not seek identifiable government records, appeared to seek information, and would have required the Custodian to conduct research to create a record. See MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; N.J. Builders, 390 N.J. Super. at 180; LaMantia, GRC 2008-140. Thus, the Custodian did not unlawfully deny access to the subject request. N.J.S.A. 47:1A-6.

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 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 July 11, 2023 OPRA request sought records containing the details of calls made to the SBPD regarding an incident involving the Complainant on October 11, 2017. The Custodian responded in writing disclosing a dispatch and incident report. This complaint followed, wherein the Complainant contended that the Custodian failed to disclose all responsive records. In the SOI, the Custodian certified that he provided all records that existed; noting that any relevant audio was likely destroyed in November 2017 in accordance with the State’s records retention schedules.

While this OPRA request is arguably invalid for reasons addressed above, the GRC is satisfied that the disclosed dispatch and police report adequately contains those “details” sought. Further, the GRC is satisfied that to the extent this OPRA request sought audio recordings, none existed because they were likely destroyed several years ago. Further, the Complainant failed to present any competent credible evidence to refute the Custodian’s certification or the video explanation.

Accordingly, the Custodian did not unlawfully deny access to the Complainant’s July 11, 2023 OPRA request. 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.*

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Complainant’s July 10, 2023 request is invalid because it did not seek identifiable government records, appeared to seek information and would have required the Custodian to conduct research to create a record. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); LaMantia v. Jamesburg Pub. Library (Middlesex),

GRC Complaint No. 2008-140 (February 2009). Thus, the Custodian did not unlawfully deny access to the subject request. N.J.S.A. 47:1A-6.

2. The Custodian did not unlawfully deny access to the Complainant's July 11, 2023 OPRA request. 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).

Prepared By: Frank F. Caruso
Executive Director

May 13, 2025