



## State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS  
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*Governor*

TAHESHA L. WAY  
*Lieutenant Governor*

JACQUELYN A. SUÁREZ  
*Commissioner*

### FINAL DECISION

#### May 20, 2025 Government Records Council Meeting

Jason Ritchwood  
Complainant

Complaint No. 2023-217

v.

Village of South Orange (Essex)  
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 the subparts of the Complainant’s request item No. 1, and the remaining request items are invalid because they required substantive research and legal analysis to determine those records responsive thereto. 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); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015); Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied access to the subject requests because they were invalid. N.J.S.A. 47:1A-6.

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 20<sup>th</sup> 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**

**Jason Ritchwood<sup>1</sup>  
Complainant**

**GRC Complaint No. 2023-217**

**v.**

**Village of South Orange (Essex)<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic records via e-mail of:

1. All issued summons and complaints from the Village of South Orange Police Department (“SOPD”) under N.J.S.A. 39:3-4 and the disposition thereof from January 20, 2020 through August 31, 2023 to include:
  - a. Whether the summons or complaint resulted in a contract towing.
  - b. Whether a warrant was obtained or is consent by owner was acquired.
  - c. Towing company name, owner, contact information, and contract.
  - d. Whether the vehicle was privately owned “or acting in interstate commerce.”
2. The “record” showing the “right and authority” of SOPD to issue summons and complaints to private property on public streets.
3. The “record” showing the “right and authority” of SOPD to remove private property from a public streets.
4. “[A]ny formal or informal 39:3-4 policy provided to [SOPD].”

**Custodian of Record:** Ojetta Davis

**Request Received by Custodian:** August 28, 2023

**Response Made by Custodian:** September 6, 2023

**GRC Complaint Received:** September 11, 2023

**Background<sup>3</sup>**

**Request and Response:**

On August 28, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On September 6, 2023, the Custodian responded in writing disclosing a fifty-nine (59) page report containing 2,705

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

<sup>2</sup> No legal representation listed on record.

<sup>3</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.

summonses partially responsive to OPRA request item No. 1. The Custodian stated that the remainder of the request items and sub-items “are not OPRA records and thus are denied.”

#### Denial of Access Complaint:

On September 11, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Custodian’s denial of the OPRA request based on validity was unlawful because it did not fall within any of OPRA’s exemptions.<sup>4</sup> The Complainant contended that the Custodian was attempting to shield the Village of South Orange (“Village”) from liability for “seizing private parties property using an unwritten custom or policy to misapply N.J.S.A. 39:3-4 . . . without exception specifically outlined in N.J.S.A. 39:3-1.” The Complainant thus alleged that the Custodian knowingly and willfully violated OPRA and the Council should impose the civil penalty on her pursuant to N.J.S.A. 47:1A-11.

#### Statement of Information:

On September 22, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on August 28, 2023. The Custodian certified that she responded in writing on September 6, 2023 disclosing a list of summonses for the applicable time period and denying the remainder of the OPRA request.

The Custodian stated that by way of background, the genesis of this OPRA request was removal of the Complainant’s vehicle from a public roadway on June 17, 2022 due to a violation of N.J.S.A. 39:3-4. The Custodian stated that the vehicle was towed to an impound and the Complainant issued a summons.<sup>5</sup> The Custodian averred that since that time, the Complainant has filed five (5) Denial of Access Complaints, a civil rights complaint, and an Internal Affairs investigation all stemming from the summons. The Custodian argued that the Complainant’s questions regarding the incident were already answered during the related court hearing. The Custodian asserted that notwithstanding this, she satisfied her statutory duty to the Complainant’s “duplicative and frequent” OPRA requests, numbering forty-four (44) in a fifteen-month period, to avoid Denial of Access Complaints.

The Custodian contended that here, the Complainant’s request was largely invalid per MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546-549 (App. Div. 2005), N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007), and Bart v. Passaic Cnty. Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009), because it failed to identify government records. The Custodian argued that as the subparts of OPRA request item No. 1, she would have been required to conduct exhaustive research and cross-referencing. The Custodian further contended that the remainder of the Complainant’s request asks questions and

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<sup>4</sup> The Complainant noted in his Denial of Access Complaint transmittal e-mail that he did not take issue with the disclosure of the summons list responsive to OPRA request item No. 1.

<sup>5</sup> The Custodian noted that the Complainant was found guilty of a N.J.S.A. 39:3-4 violation in South Orange Municipal Court on January 20, 2023.

seeks information, which is not considered a valid OPRA request pursuant to the forgoing case law. The Custodian also noted that no records responsive to OPRA request item No. 4 exist.<sup>6</sup>

## 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);<sup>7</sup> N.J. Builders, 390 N.J. Super. at 180; Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

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.

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<sup>6</sup> The Custodian also argued that the Complainant was not a prevailing party because he was a *pro se* litigant not represented by an attorney pursuant to Feld v. City of Orange Twp., 2019 N.J. Super. Unpub. LEXIS 903 (App. Div. 2019) and Pitts v. N.J. Dep’t of Corr., GRC Complaint No. 2005-71 (April 2006). However, the GRC notes that the Complainant did not seek a fee award as part of his Denial of Access Complaint.

<sup>7</sup> Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

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).

Regarding generic requests for “records,” the request at issue in MAG sought “all documents or records evidencing that the ABC sought, obtained or ordered revocation of a liquor license for the charge of selling alcoholic beverages to an intoxicated person in which such person, after leaving the licensed premises, was involved in a fatal auto accident” and “all documents or records evidencing that the ABC sought, obtained or ordered suspension of a liquor license exceeding 45 days for charges of lewd or immoral activity.” *Id.* at 539-540. The court noted that plaintiffs failed to include additional identifiers such as a case name or docket number. See also Steinhauer-Kula v. Twp. of Downe (Cumberland), GRC Complaint No. 2010-198 (March 2012) (holding that the complainant’s request item No. 2 seeking “[p]roof of submission” was invalid); Edwards v. Hous. Auth. of Plainfield (Union), GRC Complaint No. 2008-183 *et seq.* (Final Decision dated April 25, 2012) at 12-13 (accepting the Administrative Law Judge’s finding that a newspaper article attached to a subject OPRA request that was related to the records sought did not cure the deficiencies present in the request).

Moreover, in Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008), the Council similarly held that a request seeking “[a]ny and all documents and evidence” relating to an investigation being conducted by the Somerset County Prosecutor’s Office was invalid, reasoning that:

[B]ecause the records requested comprise an entire SCPO file, the request is overbroad and of the nature of a blanket request for a class of various documents rather than a request for specific government records. Because OPRA does not require custodians to research files to discern which records may be responsive to a request, the Custodian had no legal duty to research the SCPO files to locate records potentially responsive to the Complainant’s request pursuant to the Superior Court’s decisions in [MAG], [Bent] and the Council’s decisions in Asarnow v. Department of Labor and Workforce Development, GRC Complaint No. 2006-24 (May 2006) and Morgano v. Essex Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (February 2008).

[*Id.*; See also Schulz v. NJ State Police, GRC Complaint No. 2014-390 (Interim Order dated July 28, 2015) (holding that the portion of the request seeking “all documents” was overly broad and thus invalid).]

Additionally, in Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015), the court held that plaintiff’s request was invalid because it required research. In reaching this conclusion, the court reasoned that:

The custodian in this case would have had to make a preliminary determination as to which travel records correlated to the governor and to his senior officials, past

and present, over a span of years. The custodian would then have had to attempt to single out those which were third-party funded events. Next, he would have had to collect all documents corresponding to those events and search to ensure he had accumulated everything, including both paper and electronic correspondence. OPRA does not convert a custodian into a researcher.

[Id. at 237.]

More recently, in Carter v. N.J. Dep't of Cmty. Affairs, Div. of Local Gov't Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019),<sup>8</sup> the complainant requested docketing records stemming from an appeal of an agency's final decision pertaining to a specific statute. The GRC found the request to be invalid, as it would cause the custodian to conduct research. On appeal, the court found that the request lacked a case name, party name, or docket number. The court also found that the records required the custodian "to search through thousands of cases to identify documents relevant to the request." Slip op. at \*9-10. The court further found that the custodian would have to review each file to determine whether it was applicable to the specific issue identified by the complainant. The court therefore held that the request was invalid under OPRA.

In the matter before the Council, the Complainant's OPRA request item No. 1 all summons and complaints" related to N.J.S.A. 39:3-4 and included subparts seeking certain information therefor. The Complainant's OPRA request item Nos. 2 and 3 sought "the record" providing SOPD the "right and authority" to issue a summons and remove "private property" from a "public street." The Complainant's OPRA request item No. 4 sought "any formal or informal policies" related to N.J.S.A. 39:3-4 sent to SOPD. The Custodian responded disclosing a list of over 2,700 summonses and denied the remainder of the request as "not OPRA records."

This complaint followed, wherein the Complainant contended that the Custodian knowingly and willfully violated OPRA by denying his request without providing a specific lawful basis therefor. In the SOI, the Custodian contended that the request as stated was invalid pursuant to MAG, N.J. Builders, and Bart, because it required extensive research and information.

Regarding the subparts of OPRA request item No. 1, the GRC is satisfied that same is similar to both Lagerkvist and Carter. Specifically, the Custodian would be required to cross-reference each of the 2,700 summonses against a numerous variety of records to determine disposition, whether towing occurred, whether warrants were issued, who towed the vehicle (including business and contact information), and whether the vehicle was privately owned or falling within the amorphous term of "conducting interstate commerce." The Custodian was not obligated to conduct such onerous research under prevailing case law.

Regarding the remaining OPRA request items, the Custodian would have had to determine which records met the qualifiers contained in each. Specifically, request item Nos. 2 and 3 sought generic "records," which has routinely been considered invalid. See MAG, 375 N.J. Super. at 546; Feiler-Jampel, GRC 2007-190. Further, the Custodian would have to search through an unknown universe of records and subjectively determine whether any provided SOPD "the right and authority" to issue a summons to and remove from a public street "private property." Also, request

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<sup>8</sup> Affirmed on appeal from Carter v. N.J. Dep't of Cmty. Affairs, GRC Complaint No. 2016-262 (August 2018).

item No. 4 would require the Custodian to search for and locate any record referring to N.J.S.A. 39:3-4 over an indefinite period of time and determine whether it constituted “formal” or “informal” advice specifically “provided to” SOPD. See MAG, 375 N.J. Super. at 546; Lagerkvist. Pursuant to all prevailing case law, the Custodian is not required to perform such an open-ended search and subjectively determine whether any records could reasonably be considered responsive to the request items.

Accordingly, the subparts of the Complainant’s request item No. 1, and the remaining request items are invalid because they required substantive research and legal analysis to determine those records responsive thereto. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Lagerkvist, 443 N.J. Super. at 236-37; Carter, 2019 N.J. Super. Unpub. LEXIS 2510; Feiler-Jampel, GRC 2007-190. Thus, the Custodian lawfully denied access to the subject requests because they were invalid. N.J.S.A. 47:1A-6.

The GRC notes that it will not address the knowing and willful issue as requested by the Complainant because no unlawful denial of access has occurred.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that the subparts of the Complainant’s request item No. 1, and the remaining request items are invalid because they required substantive research and legal analysis to determine those records responsive thereto. 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); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015); Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied access to the subject requests because they were invalid. N.J.S.A. 47:1A-6.

Prepared By: Frank F. Caruso  
Executive Director

May 13, 2025