



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

March 31, 2026 Government Records Council Meeting

Anne Vukicevich
Complainant

Complaint No. 2023-288

v.

Moorestown Township (Burlington)
Custodian of Record

At the March 31, 2026, public meeting, the Government Records Council (“Council”) considered the March 24, 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:

1. Notwithstanding that the OPRA request was initially delivered to the Custodian’s “Junk” mail, she did not bear her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to immediately respond in writing to the Complainant’s request for immediate access records, namely attorney invoices, either granting access, denying access, seeking clarification or requesting an extension of time results in a “deemed” denial pursuant to N.J.S.A. 47:1A-5(e), N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i). See Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007) (holding that the custodian was obligated to notify the complainant immediately as to the status of “immediate access” records). See also Harris v. N.J. Dep’t of Corr., GRC Complaint No. 2011-65 (August 2012).
2. The Complainant’s request is invalid because it failed to identify a specific record and would require the Custodian to perform research and make subjective determinations. 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 (App. Div. 207); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230 (App. Div. 2015); Schuler v. Borough of Bloomsbury, GRC 2007-151 (February 2009). Thus, the Custodian lawfully denied access to the subject request. N.J.S.A. 47:1A-6; see Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. Dec. 10, 2019); Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012).

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 31st Day of March 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: April 2, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
March 31, 2026 Council Meeting**

**Anne Vukicevich¹
Complainant**

GRC Complaint No. 2023-288

v.

**Moorestown Township (Burlington)²
Custodial Agency**

Records Relevant to Complaint: “Attorney invoices/bills for any consults/representation/legal services provided to [Moorestown Township (“Township”)] for [r]esponses to OPRA requests and Denial of Access Lawsuits/GRC Complaints from 1/1/2018 to present.”

Custodian of Record: Patricia Hunt

Request Received by Custodian: November 20, 2023

Response Made by Custodian: None.

GRC Complaint Received: November 20, 2023

Background³

Request and Response:

On September 28, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On October 18, 2023, the Complainant e-mailed the Custodian seeking a status update on the subject OPRA request.

Denial of Access Complaint:

On November 20, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that she submitted the subject OPRA request to the Custodian on September 28, 2023, through “OPRAMachine.com,” a third party OPRA request website. The Complainant stated that she sent a follow-up email to the Custodian on October 18, 2023, through OPRAMachine.com. The Complainant stated that the Custodian did not respond to the subject OPRA request or follow-up email.

¹ No legal representation listed on record.

² Represented by Stephen E. Raymond, Esq. of Raymond, Coleman, Heinold, LLP (Moorestown, 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:⁴

On May 2, 2024, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she did not receive the Complainant’s OPRA request in September 2023. The Custodian certified that upon receipt of the Denial of Access Complaint on November 16, 2023, she conducted a search of the Township’s online OPRA portal system managed by GovPilot and her emails for the subject OPRA request, which revealed no results. The Custodian certified that after receiving confirmation of the complaint from the GRC on November 20, 2023, she conducted a second (2nd) search for the subject OPRA request, which again returned no results. The Custodian averred that on the same day she reviewed her “Junk” folder where she located the Complainant’s OPRA request and follow-up communication. The Custodian stated that she did not provide a written response because the Complainant had already filed a complaint with the GRC and indicated an interest in mediating same.

The Custodian stated that the Complainant has filed numerous OPRA requests through GovPilot on at least eight (8) separate dates since 2021, all to which she timely responded. The Custodian certified that, conversely, the Complainant sent the subject OPRA request through OPRAmachine. The Custodian stated the subject request was inadvertently delivered to her “Junk” folder and she was unaware of its submission until she received this complaint. The Custodian noted that she previously received e-mails sent through OPRAmachine without issue and could not determine why the subject OPRA request ended up in her “Junk” folder. The Custodian stated that her failure to respond to the subject OPRA request was inadvertent and that she did not knowingly and willfully fail to respond.

The Custodian further averred that to avoid this issue going forward, she programmed her e-mail account to recognize e-mails from OPRAmachine as valid e-mail and not spam. The Custodian also certified that she now periodically checks her “Junk” folder to ensure no OPRA requests were inadvertently diverted thereto.

The Custodian argued that, having been able to review the subject request, same is invalid on its face as it would require her to conduct research, which is not required under OPRA pursuant to MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005), and Bent v. Stafford Police Dep’t., 381 N.J. Super. 30, 37 (App. Div. 2005). The Custodian argued that the request required her to review six (6) years of attorney bills line-by-line to determine if any charge related to the narrow subjects identified in the OPRA request. The Custodian argued that the foregoing request constitutes “research” consistent with the GRC’s FAQ guidance on the issue. The Custodian further asserted that a valid request would have sought invoices from 2018 to present. The Custodian stated that the Complainant would then be able to review each to determine which charges were related to the narrow subjects included in the OPRA request.

⁴ On January 4, 2024, this complaint was referred to mediation. On April 3, 2024, this complaint was referred back to the GRC for adjudication.

Analysis

Timeliness

OPRA mandates that a custodian must either grant or deny access to requested records within seven (7) business days from receipt of said request. N.J.S.A. 47:1A-5(i). A custodian's failure to respond within the required seven (7) business days results in a "deemed" denial. Id. Further, a custodian's response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5(g).⁵ Thus, a custodian's failure to respond in writing to a complainant's OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a "deemed" denial of the complainant's OPRA request pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), and Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

Likewise, barring extenuating circumstances a custodian's failure to respond immediately in writing to a complainant's OPRA request for immediate access records either granting access, denying access, seeking clarification, or requesting an extension of time, also results in a "deemed" denial of the request pursuant to N.J.S.A. 47:1A-5(e), N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i). See Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007) (holding that the custodian was obligated to notify the complainant immediately as to the status of "immediate access" records). See also Harris v. N.J. Dep't of Corr., GRC Complaint No. 2011-65 (August 2012).

In Inzelbuch, Esq. v. Office of Admin. Law, GRC Complaint No. 2017-53 (December 2018), the complainant argued that the custodian failed to respond to the subject OPRA request. Following the filing of the complaint, the custodian e-mailed the complainant to advise that he had just located the OPRA request in his "Junk" mail and would respond accordingly. In the SOI, the custodian certified that he did not become aware of the OPRA request until after the filing of this complaint, which he discovered in his spam folder. Upon review, the Council found that no "deemed" denial occurred, reasoning that:

[T]he Custodian explained from the outset of the complaint that the request went into his junk mail and that he did not locate it until after the filing of the complaint. The Custodian also certified that he never received the faxed request . . . it is reasonable that the Custodian would not have received the subject OPRA request because he was not regularly monitoring a junk mail folder. Further, the GRC finds it reasonable that the Custodian may not have considered checking his junk mail to see if any e-mails were erroneously directed there within the seven (7) business day time frame. Ultimately, the facts here support that the Custodian physically received the request on April 4, 2017 when alerted to it after receipt of this complaint. The facts further support that the Custodian took the proper steps to respond to it once received; thus, no "deemed" denial of access occurred here.

⁵ A custodian's written response either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days, even if said response is not on the agency's official OPRA request form, is a valid response pursuant to OPRA.

[Id. at 3-4.]

In the matter before the Council, the Complainant sought “immediate access” records, specifically attorney invoices. N.J.S.A. 47:1A-5(e). The Complainant submitted her September 28, 2023 OPRA request and her October 18, 2023 follow-up via OPRAMachine. The Complainant subsequently filed this complaint after receiving no responses. In the SOI, the Custodian certified that she did not receive the subject OPRA request or subsequent communication because both were inadvertently filtered into her “Junk” folder. The Custodian certified she did not locate the OPRA request until November 20, 2023, after notification of the instant complaint. The Custodian further stated that she did not respond because the complaint had already been filed with the GRC because the Complainant had indicated her interest in mediating the complaint.

Upon review, the GRC finds that the facts of this complaint are distinguishable from Inzelbuch, Esq., GRC 2017-53. Specifically, in the SOI, the Custodian certified that she located the OPRA request in her “Junk” mail on November 20, 2023. However, the Custodian also certified that she did not respond to the request because of the complaint filing and the Complainant’s willingness to mediate same. The Custodian’s failure to respond to the Complainant here is what distinguishes this matter from Inzelbuch, Esq. Due to this lack of response upon discovery of the OPRA request in the “Junk” mail folder, the GRC must find that although the Custodian did not receive the OPRA request until this complaint filing, her failure to act thereafter resulted in a “deemed” denial.

Therefore, notwithstanding that the OPRA request was initially delivered to the Custodian’s “Junk” mail, she did not bear her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to immediately respond in writing to the Complainant’s request for immediate access records, namely attorney invoices, either granting access, denying access, seeking clarification or requesting an extension of time results in a “deemed” denial pursuant to N.J.S.A. 47:1A-5(e), N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i). See Herron, GRC 2006-178 (holding that the custodian was obligated to notify the complainant immediately as to the status of “immediate access” records). See also Harris, GRC 2011-65.

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). See also Bent, 381 N.J. Super. 30;⁶ N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166 (App. Div. 207); Schuler v. Borough of Bloomsbury, GRC 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. 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).

With respect to requests requiring research, the distinction between search and research is fact sensitive. That is, there are instances where the very specificity of a request requires only a search. As the Council determined in Verry v. Borough of S. Bound Brook (Somerset), GRC Complaint Nos. 2013-43 and 2013-53 (Interim Order dated September 24, 2013), “a valid OPRA request requires a search, not research . . . what will be sufficient to determine a proper search will depend on how detailed the OPRA request is, and will differ on a case-by-case basis. What a custodian is not required to do, however, is to actually read through numerous [records] to determine if same is responsive: in other words, conduct research.”

Conversely, there are instances where a request can be specific enough to induce research, thus rendering it invalid. For instance, in Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012), the complainant submitted four (4) OPRA requests seeking copies of meeting minutes containing motions to approve other minutes. The Council, citing Taylor v. Cherry Hill Bd. of Educ. (Camden), GRC Complaint No. 2008-258 (August 2009) and Ray v. Freedom Academy Charter Sch. (Camden), GRC Complaint No. 2009-185 (August 2010), determined that the requests were overly broad:

⁶ Affirmed on appeal regarding Bent v. Stafford Police Dep’t., GRC Complaint No. 2004-78 (October 2004).

[S]aid requests do not specify the date or time frame of the minutes sought. Rather, the requests seek those minutes at which the UCBOE motioned to approve meeting minutes for four (4) other meetings. Similar to the facts of both Taylor and Ray, the requests herein *seek minutes that refer to a topic and would require the Custodian to research the UCBOE's meeting minutes in order to locate the particular sets of minutes that are responsive to the Complainant's requests . . .* because the Complainant's four (4) requests for minutes "that include a motion made by the Union City Board of Education to approve the minutes" from other meetings fail to identify the specific dates of the minutes sought and would require the Custodian to conduct research in order to locate the responsive records, the Complainant's four (4) requests are invalid under OPRA.

[Id. at 10 (emphasis added) (citing N.J. Builders Ass'n, 390 N.J. Super. at 180; Bent, 381 N.J. Super. at 37; MAG, 375 N.J. Super. at 546; Schuler, GRC 2007-151; Donato, GRC 2005-182). See also Valdes v. Gov't Records Council, GRC Complaint No. 2013-278 (September 2014).]

In Lagerkvist v. Office of the Governor, 443 N.J. Super. 230 (App. Div. 2015), the court's rationale of what amounted to research supports the Council's decision in Valdes. There, the court reasoned that the plaintiff's request:

[W]ould 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. Dec. 10, 2019),⁷ 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.

Here, Complainants' OPRA request sought "[a]ttorney invoices/bills for any consults/representation/legal services provided to [the Township] for [r]esponses to OPRA requests and Denial of Access Lawsuits/GRC Complaints from 1/1/2018 to present." In the SOI, the Custodian asserted that the request was invalid because it would require her to conduct research

⁷ Affirmed on appeal from Carter v. N.J. Dep't of Cmty. Affairs, GRC Complaint No. 2016-262 (August 2018).

to determine which bills related to narrow subjects identified in the OPRA request. The Custodian contended that both precedential case law and the GRC's FAQ provide that such a request is invalid and that she was not required to conduct research.

A plain reading of the subject request supports a finding that it is invalid because it would clearly require research. Specifically, the requests required the Custodian to review six (6) years of attorney invoices on a line-by-line basis to see if any charges were associated with the narrow subjects. Such an action constitutes the type of research the MAG and Carter courts have determined is not required to respond to an OPRA request. Further, a finding that the subject OPRA request was invalid is consistent with Valdes, GRC 2011-147, *et seq.*

Accordingly, the Complainant's request is invalid because it failed to identify a specific record and would require the Custodian to perform research and make subjective determinations. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; N.J. Builders Ass'n, 390 N.J. Super. at 180; Lagerkvist, 443 N.J. Super. at 237; Schuler, GRC 2007-151. Thus, the Custodian lawfully denied access to the subject request. N.J.S.A. 47:1A-6; see Carter, 2019 N.J. Super. Unpub. LEXIS 2510; Valdes, GRC 2011-147, *et seq.*

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Notwithstanding that the OPRA request was initially delivered to the Custodian's "Junk" mail, she did not bear her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to immediately respond in writing to the Complainant's request for immediate access records, namely attorney invoices, either granting access, denying access, seeking clarification or requesting an extension of time results in a "deemed" denial pursuant to N.J.S.A. 47:1A-5(e), N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i). See Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007) (holding that the custodian was obligated to notify the complainant immediately as to the status of "immediate access" records). See also Harris v. N.J. Dep't of Corr., GRC Complaint No. 2011-65 (August 2012).
2. The Complainant's request is invalid because it failed to identify a specific record and would require the Custodian to perform research and make subjective determinations. 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 (App. Div. 207); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230 (App. Div. 2015); Schuler v. Borough of Bloomsbury, GRC 2007-151 (February 2009). Thus, the Custodian lawfully denied access to the subject request. N.J.S.A. 47:1A-6; see Carter v. N.J. Dep't of Cmty. Affairs, Div. of Local Gov't Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. Dec. 10, 2019); Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012).

Prepared By: Frank F. Caruso
Executive Director

March 24, 2026