



State of New Jersey

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JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

January 27, 2026 Government Records Council Meeting

Vincent Dixon
Complainant

Complaint No. 2023-296

v.

City of Hoboken (Hudson)
Custodian of Record

At the January 27, 2026, public meeting, the Government Records Council (“Council”) considered the January 20, 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. No unlawful denial of access occurred to OPRA request item No. 1 due to the fact that Accela failed to assist the City in obtaining readable responsive data. See O’Dea (O.B.O. N.J. Spotlight) v. N.J. Dep’t of Treasury, GRC Complaint No. 2012-109 (April 2013); Carter v. Borough of Paramus (Bergen), GRC Complaint No. 2015-104 (Final Decision dated January 31, 2019). Specifically, the Custodian and Mr. Crocamo certified in the Statement of Information, and the record reflects, that no responsive records exist. N.J.S.A. 47:1A-6; see Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005).
2. The Complainant’s request item No. 2 seeking “complaints documented” with OCR containing the word “church” for a more than eight-year period is invalid because it fails to identify a specific record and requires the Custodian to conduct research. See MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Bent v. Stafford Twp. Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); 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). Thus, the Custodian lawfully denied access to this request. See 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 27th Day of January 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 2, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
January 27, 2026 Council Meeting**

**Vincent Dixon¹
Complainant**

GRC Complaint No. 2023-296

v.

**City of Hoboken (Hudson)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of from January 1, 2015 through June 19, 2023, inclusive of complaint text, status, responses, resolutions, and correspondence:

1. The City of Hoboken’s (“City”) 311 complaints including the word “church.”
2. “[C]omplaints documented” by the City’s Office of Constituent Relations (“OCR”) including the work “church,” whether in the text, status, correspondence, and resolutions thereof.

Custodian of Record: James J. Farina³

Request Received by Custodian: June 22, 2023

Response Made by Custodian: June 21, 2023; June 27, 2023; August 14, 2023; September 28, 2023; October 16, 2023; November 2, 2023

GRC Complaint Received: December 4, 2023

Background⁴

Request and Response:

On June 19, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the original Custodian seeking the above-mentioned records. On June 21, 2023, Clerk’s Office employee Mary Beth Rotondi responded in writing on behalf of the original Custodian stating that no responsive records existed. On the same day, the Complainant e-mailed Ms. Rotondi disputing the response and noting that he was aware of two (2) specifically numbered complaints filed through 311 in 2021 and one (1) complaint filed with OCR in May 2022.

¹ No legal representation listed on record.

² Represented by Alyssa L. Wells, Esq., of the City of Hoboken (Hoboken, NJ).

³ The original Custodian of Record was Michael Mastropasqua.

⁴ 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.

On June 27, 2023, Ms. Rotondi responded in writing on behalf of the original Custodian extending the response time frame through August 16, 2023. On August 14, 2023, Ms. Rotondi responded in writing on behalf of the original Custodian extending the response time frame through September 28, 2023. On September 28, 2023, Ms. Rotondi responded in writing on behalf of the original Custodian again extending the response time frame through October 18, 2023.

On October 16, 2023, the original Custodian responded in writing, stating that the City was “unable to read the data provided by” Accela – the City’s service provider for its 311 calls during the relevant time period. The original Custodian further stated that despite requests for assistance, Accela refused to provide readable data responsive to this request. The original Custodian stated that the City was thus unable to respond to the OPRA request.

On November 2, 2023, the Complainant e-mailed the Custodian asking if the October 16, 2023, response represented a denial of access. The Complainant asked whether it was possible to “provide screenshots of the complaints.” On the same day, the original Custodian responded stating that the request was not denied; instead, the City could not respond because Accela sent unreadable data and would not provide further assistance.

Denial of Access Complaint:

On December 4, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted following three (3) extensions totaling seventy-five (75) days, the City responded stating that it could not respond to the subject OPRA request. The Complainant contended that the records sought were “government records” for purposes of OPRA and should be disclosable. The Complainant argued that it was unreasonable that the City and its “experts” were unable to access its own records to stay in compliance with OPRA. The Complainant further argued that he did not understand how Accela’s lack of assistance applied to all complaints, including those filed with OCR, for the identified time period. The Complainant asserted that the City’s response suggested alternate means to disclose the records, including screenshots. The Complainant noted that he previously sought similar records in 2021 and received records at that time.

The Complainant thus argued that an unlawful denial of access occurred. The Complainant thus stated that he filed this complaint to compel the City to disclose the responsive records.

Statement of Information:⁵

On April 24, 2024, the Custodian filed a Statement of Information (“SOI”) attaching a legal certification from Information Technology (“IT”) Manager Jerry Crocamo. The Custodian certified that the original Custodian received the Complainant’s OPRA request on June 22, 2023. The Custodian certified that the Clerk’s Office forwarded the OPRA request to both IT and OCR. The Custodian affirmed that, regarding the City’s 311 service, Accela’s service was replaced with a new “SDL” service in 2022, and the City did not have access to the former’s records. See Crocamo Cert. ¶ 2. The Custodian averred that Mr. Crocamo reached out to Accela and received

⁵ On December 26, 2023, this complaint was referred to mediation. On March 26, 2024, this complaint was referred back to the GRC for adjudication.

a “data dump” that was neither readable nor searchable. Id. ¶ 3-5. The Custodian averred that Mr. Crocamo attempted to contact Accela to get the data in a readable format and received no reply. Id. ¶ 6-7. The Custodian certified that, because Accela did not cooperate with Mr. Crocamo, the City could not produce responsive 311 records to the Complainant. Id. at [7].

The Custodian certified that, following multiple extensions, the original Custodian responded in writing on October 16, 2023, and again on November 2, 2023, advising that no records could be disclosed because same could not be accessed.

The Custodian argued that, regarding OPRA request item No. 1, the City never intended to deny access, and that it had no choice but to respond that it could not access the requested records. The Custodian certified that the City’s response came after multiple unsuccessful attempts to obtain data from Accela. The Custodian thus certified that no responsive records existed.

The Custodian argued that regarding OPRA request item No. 2, same was invalid pursuant to 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, 37 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 171 (App. Div. 2007); and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). The Custodian argued that the item did not specify “what format of ‘complaints’” were sought. The Custodian argued that OCR did not have a specific “complaint” file; however, locating responsive records would require research. The Custodian argued that, by example, the City would have to review all files to determine whether a record constituted a “complaint,” and then carefully review the entire document to see if “church” was included.

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

The Council has previously found that, where a custodian certified that no responsive records exist, no unlawful denial of access occurred. See Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005).

In O’Dea (O.B.O. N.J. Spotlight) v. N.J. Dep’t of Treasury, GRC Complaint No. 2012-109 (April 2013), the complainant sought access to certain assessment forms for multiple properties. The custodian responded stating that no records existed and subsequently advised the complainant that the responsive records were forwarded to a Federal agency and not retained by Treasury. Upon

review of the facts, the Council held that no unlawful denial of access occurred because no records existed (citing Pusterhofer, GRC 2005-49) because they were being held by a Federal agency.

Further, in Carter v. Borough of Paramus (Bergen), GRC Complaint No. 2015-104 (Final Decision dated January 31, 2019), the complainant sought pleadings from a court case filed against the Borough of Paramus (“Borough”). Following limited disclosure, the complainant submitted a complaint arguing that the custodian failed to conduct a sufficient search and never indicated whether she contacted the law firm that handled the complaint. In the SOI, the custodian certified that the Borough no longer retained the law firm’s services and that counsel made attempts to obtain records without success. The Council ultimately sent the complaint to the Office of Administrative Law (“OAL”) for a hearing to resolve the facts, in part.

In an Initial Decision, the Administrative Law Judge found as fact that the Borough no longer retained some of the responsive records and that the Borough, though the custodian and counsel, made sufficient attempts to contact the law firm without success. The Initial Decision was returned to the GRC for action but became final by operation of law.⁶

Here, the Complainant’s OPRA request item No. 1 sought copies of complaint submitted to the City via its 311 service from 2015 to present including the word “church.” The original Custodian, after multiple extensions, denied the request item on the basis that data obtained from Accela was unreadable and it did not respond to requests for assistance. This complaint followed, where the Complainant argued that he could not understand the correlation between Accela’s inability to assist the City and its responsibility to maintain records for disclosure. The Complainant also argued that the City’s response suggested that responsive records could be disclosed through “screen shots.” In the SOI, the Custodian certified that Accela’s 311 service was replaced by “SDL” in 2022 and that the City did not maintain records from that system. The Custodian also included a certification from Mr. Crocamo detailing his attempts to get records from Accela, including attempts to get Accela to assist in producing readable data. The Custodian argued that the City ultimately had no choice but to deny this request item because no responsive records existed because of Accela’s refusal to cooperate.

Upon review, the facts and certifications presented here support that a lawful denial of access occurred. Specifically, and like both O’Dea and Carter, the records sought were maintained by a third party no longer under contract with the City. Further, and more like the facts in Carter, the City has provided a certification detailing the efforts of Mr. Crocamo to obtain disclosable records without success. The third-party service provider provided an unreadable data dump that, based on the SOI certification, would not have been responsive to the OPRA request item. While best practices may dictate that an agency retain records from a prior contracted third party for potential future OPRA requests, if an agency does not and cannot obtain them from said party, prevailing case law supports a lawful denial of access.

⁶ The GRC attempted to obtain the necessary extensions to timely address the Initial Decision as set forth in N.J.S.A. 52:14B-10(c). While the GRC’s first extension did not require unanimous consent, it did not receive unanimous consent from all parties for a second extension. Thus, the Council could not formally address the decision within time and it became final by operation of law.

Accordingly, no unlawful denial of access occurred to OPRA request item No. 1 due to the fact that Accela failed to assist the City in obtaining readable responsive data. See O’Dea, GRC 2012-109; Carter, GRC 2015-104. Specifically, the Custodian and Mr. Crocamo certified in the SOI, and the record reflects, that no responsive records exist. N.J.S.A. 47:1A-6; see Pusterhofer, GRC 2005-49.

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, 381 N.J. Super. at 37;⁷ N.J. Builders Ass’n, 390 N.J. Super. at 180; Schuler, GRC 2007-151.

The validity of an OPRA request typically falls 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

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

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. Id.; 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) (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).

In Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (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 Servs., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. Dec. 10, 2019),⁸ 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.

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

OPRA Request Item No. 2

Here, the Complainant's OPRA request item No. 2 sought all "complaints documented" with OCR containing the word "church" appearing in any related documents thereto from January 1, 2015 to present. After the City initially denied the OPRA request on the basis that no records existed, the Custodian argued in the SOI that the item was invalid because it required research. The Custodian argued that, to fulfill the request, the City would have to review all its files to determine which constituted a complaint and then carefully review each associated document for the word "church."

Upon review, the GRC is persuaded that MAG and its progeny support that this request is invalid. Like the requests in Lagerkvist and Carter, this request necessitates the Custodian direct OCR to conduct research of numerous types of records generally related to any "complaints" containing the word "church" over more than an eight-year period to identify the existence of potentially responsive records. The Custodian would then have to determine whether the content of those records rises to the level of a "complaint" of any type. It should further be noted that the Complainant admitted in a June 21, 2023 e-mail that he was aware of a complaint filed with OCR regarding a church in May 2022. However, he failed to identify that specific complaint, or any other complaint, in this request item. Thus, this request requires the Custodian to act beyond what is required under OPRA.

Accordingly, the Complainant's request item No. 2 seeking "complaints documented" with OCR containing the word "church" for a more than eight-year period is invalid because it fails to identify a specific record and requires the Custodian to conduct research. See 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; Carter, 2019 N.J. Super. Unpub. LEXIS 2510. Thus, the Custodian lawfully denied access to this request. See N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. No unlawful denial of access occurred to OPRA request item No. 1 due to the fact that Accela failed to assist the City in obtaining readable responsive data. See O'Dea (O.B.O. N.J. Spotlight) v. N.J. Dep't of Treasury, GRC Complaint No. 2012-109 (April 2013); Carter v. Borough of Paramus (Bergen), GRC Complaint No. 2015-104 (Final Decision dated January 31, 2019). Specifically, the Custodian and Mr. Crocamo certified in the Statement of Information, and the record reflects, that no responsive records exist. N.J.S.A. 47:1A-6; see Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).
2. The Complainant's request item No. 2 seeking "complaints documented" with OCR containing the word "church" for a more than eight-year period is invalid because it fails to identify a specific record and requires the Custodian to conduct research. See MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App.

Div. 2007); Bent v. Stafford Twp. Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); 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). Thus, the Custodian lawfully denied access to this request. See N.J.S.A. 47:1A-6.

Prepared By: Frank F. Caruso
Executive Director

January 20, 2026⁹

⁹ This complaint was prepared for adjudication at the Council's October 6, 2025 meeting, but could not be adjudicated due to lack of quorum.