



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

February 24, 2026 Government Records Council Meeting

David J. Parreott, Jr.
Complainant

Complaint No. 2023-35

v.

Township of Brick Police Department (Ocean)
Custodian of Record

At the February 24, 2026, public meeting, the Government Records Council (“Council”) considered the February 17, 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. The Custodian bore her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, there was no “deemed” denial of access to the subject OPRA request. N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order dated October 31, 2007).
2. Because the Denial of Access Complaint lacks any factual or legal basis alleging an unlawful denial of access to government records, the Complainant failed to state a claim on which the Council could grant relief. See Loigman v. Monmouth Cnty. Prosecutor’s Office, GRC Complaint No. 2013-342 (July 2014); Inzelbuch v. Lakewood Bd. of Educ. (Ocean), GRC Complaint No. 2013-320 (July 2014); Collazo v. Passaic Cnty. Superintendent of Elections, GRC Complaint No. 2013-310 (July 2014). As such, the matter should be dismissed. 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 24th Day of February 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 26, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
February 24, 2026 Council Meeting**

**David J. Parreott, Jr.¹
Complainant**

GRC Complaint No. 2023-35

v.

**Township of Brick Police Department (Ocean)²
Custodial Agency**

Records Relevant to Complaint: Copies for pick up and e-mail: Regarding New Jersey Police Crash Investigation Report Case Number 2023-3215. Date: 1-11-2023 at 1154 HRS:

1. Certification of accident investigative training records and schools attended and dates by officer Michael A. DeFluri Badge #270 and his partner.
2. Copies of photographs taken of all vehicles #1 and #2 suspected to be involved in alleged incident/accident by police officers, the owner of vehicle #2, and/or any other persons or agencies.
3. CFS - call for service recording (telephone and police radio dispatch audio recording).
4. CAS - Computer aided dispatch reporting incident/accident.
5. Names and statements of public witnesses to alleged incident/accident.
6. Request to inspect and photograph vehicle allegedly involved in incident/accident.
7. Dash & body cam footage of all officers at scene.
8. Request any and all (police reports), any handwritten notes of the officers involved related to alleged incident/accident.

Custodian of Record: Lynette A. Iannarone

Request Received by Custodian: January 26, 2023

Response Made by Custodian: February 2, 2023

GRC Complaint Received: February 16, 2023

Background³

Request and Response:

On January 25, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On February 2, 2023, the Custodian

¹ No legal representation listed on record.

² Represented by Kevin M. Starkey, Esq., of Starkey, Kelly, Kenneally, Cunningham, Turnbach & Yannone (Toms River, 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.

David J. Parreott, Jr. v. Township of Brick Police Department (Ocean), 2023-35 – Findings and Recommendations of the Executive Director

responded in writing to the Complainant's OPRA request. The Custodian denied access to OPRA request item Nos. 1 and 2 under N.J.S.A. 47:1A-10 and Executive Order No. 9 (Gov. Hughes, 1963) respectively. The Custodian stated that she was disclosing records responsive to OPRA request item Nos. 3 and 4 with redactions under the privacy interest at N.J.S.A. 47:1A-1. The Custodian next stated that no records responsive to OPRA request item Nos. 5 and 6 exist. The Custodian informed the Complainant that a special service charge was required to release the body camera footage responsive to OPRA request item No. 7 due to its length. The Custodian stated that it would take the Township of Brick ("Township") 6 hours and 46 minutes to review the recordings and apply redactions as necessary. The Custodian stated that, at \$25.00 an hour, the total proposed fee is \$169.14, and sought a statement accepting or rejecting the charge. The Custodian finally stated that she was also disclosing records responsive to OPRA request item No. 8.

Denial of Access Complaint:

On February 6, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council ("GRC"). The Complainant asserted that the Custodian did not respond to any portion of his OPRA request. The Complainant argued that the requested police and/or investigation report insinuates fault on behalf of one vehicle operator without a proper witness or video evidence. The Complainant alleged that the requested incident/accident report is indicative of "rubber stamping" investigation reports and disclosing the requested records would help achieve the goal of having "officers protect and serve the community with concise competence." The Complainant did not identify any outstanding records still at issue.

Statement of Information⁴:

On July 25, 2023, the Custodian filed a Statement of Information ("SOI"). The Custodian certified that she received the Complainant's OPRA request on January 26, 2023. The Custodian certified that the Township searched for and obtained all police records sought in the OPRA request. The Custodian certified that she responded in writing on February 2, 2023, disclosing responsive records including Officer DeFluri's Certificate of Completion of NJ Crash Investigation Report training, Officer training program log, CAD report and crash investigation report dated January 11, 2023.

The Custodian stated that the Complainant's main contention is not lack of disclosure, but rather the content and results of the underlying police investigation in the records sought. The Custodian maintained that the only records the Complainant contends are outstanding are photos and handwritten notes that the Complainant asserts he viewed on the body camera footage. The Custodian certified that the Township searched for same and determined that no such handwritten notes or photos exist.⁵

⁴ On February 28, 2023, this complaint was referred to mediation. On June 19, 2023, this complaint was referred back to the GRC for adjudication.

⁵ The Custodian included mediation communications as part of the SOI. The GRC notes that pursuant to the Uniform Mediation Act, N.J.S.A. 2A:23C-1 et seq., communications that take place during the mediation process are not deemed to be public records subject to disclosure under OPRA. N.J.S.A. 2A:23C-2. All communications that occur during the mediation process are privileged from disclosure and may not be used in any judicial, administrative, or legislative proceeding, or in any arbitration, unless all parties and the mediator waive the privilege. N.J.S.A. 2A:23C-4.

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).⁶ 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 dated October 31, 2007).

Here, the Complainant submitted his OPRA request on January 25, 2023 and subsequently filed this complaint asserting that the Custodian failed to respond to it. In the SOI, the Custodian certified that she received the subject OPRA request on January 26, 2023. The Custodian certified that she provided a written response on February 2, 2023, the fifth (5) business day after receipt, disclosing a portion of responsive records, denying portions of the request citing OPRA exemptions and informing the Complainant about a special service charge to disclose the body cam footage. The Custodian provided copies of the OPRA request and Township's response confirming that she responded timely to the Complainant's request. Therefore, the record evidence supports that the Custodian responded to the Complainant's OPRA request in a timely manner.

Therefore, the Custodian bore her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of access to the subject OPRA request. N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), Kelley, GRC 2007-11.

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.

A Denial of Access Complaint is not actionable when a complainant fails to provide any factual or legal basis alleging an unlawful denial of access to government records. In Loigman v. Monmouth Cnty. Prosecutor's Office, GRC Complaint No. 2013-342 (July 2014), the complainant's denial of access complaint lacked any arguments or legal precedent in support of his complaint. The Council found that the custodian did not unlawfully deny access to the OPRA request, in part, because the complainant failed to advance any argument in support of his claim. See also Inzelbuch v. Lakewood Bd. of Educ. (Ocean), GRC Complaint No. 2013-320 (July 2014);

⁶ 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.

Collazo v. Passaic Cnty. Superintendent of Elections, GRC Complaint No. 2013-310 (July 2014).

Here, the Complainant filed his complaint alleging the Custodian did not respond to any portion of his OPRA request. However, the Complainant did not include any arguments that could reasonably support this claim. Instead, the Complainant contested the content of the record and validity of the Police Department's investigation into the related accident. Additionally, in the SOI the Custodian provided a copy of their timely response dated February 2, 2023. Furthermore, the Complainant does not argue or even attempt to explain why he disagreed with the Custodian's denial or disclosure. Rather, he takes issue with the contents of the requested investigation report. Thus, the Complainant failed to advance any argument in support of his claim for an unlawful denial of access to records and this complaint should be dismissed. See Loigman, GRC 2013-242.

Accordingly, because the Denial of Access Complaint lacks any factual or legal basis alleging an unlawful denial of access to government records, the Complainant failed to state a claim on which the Council could grant relief. See Loigman, GRC 2013-242; Inzelbuch, GRC 2013-20; Collazo, GRC 2013-310. As such, the matter should be dismissed. N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian bore her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, there was no "deemed" denial of access to the subject OPRA request. N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order dated October 31, 2007).
2. Because the Denial of Access Complaint lacks any factual or legal basis alleging an unlawful denial of access to government records, the Complainant failed to state a claim on which the Council could grant relief. See Loigman v. Monmouth Cnty. Prosecutor's Office, GRC Complaint No. 2013-342 (July 2014); Inzelbuch v. Lakewood Bd. of Educ. (Ocean), GRC Complaint No. 2013-320 (July 2014); Collazo v. Passaic Cnty. Superintendent of Elections, GRC Complaint No. 2013-310 (July 2014). As such, the matter should be dismissed. N.J.S.A. 47:1A-6.

Prepared By: Maria M. Rossi
Staff Attorney

February 17, 2026