



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

October 6, 2025 Government Records Council Meeting

Lavenia Banas
Complainant

Complaint No. 2023-61

v.

Cinnaminson Township (Burlington)
Custodian of Record

At the October 6, 2025, public meeting, the Government Records Council (“Council”) considered the September 29, 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 because the Custodian did not deny access to the records the Complainant asserted were at issue in this complaint because she did not request them, this complaint is without merit and should be dismissed. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-7(e); Burns v. N.J. Dep’t of State, Div. of Elec., GRC Complaint No. 2013-64 (September 2013).

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 6th Day of October 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: October 7, 2025



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
October 6, 2025 Council Meeting**

**Lavenia Banas¹
Complainant**

GRC Complaint No. 2023-61

v.

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

Records Relevant to Complaint: Copies of: “[A specific individual] is a 35 year resident of Cinnaminson, NJ, who is 62 years old and disabled man who has had request denied repeatedly for past 15 months to proceed to court to defend himself has deprived him of his federal and state constitutional rights to present a defense and to due process and equal protection of the laws. Defendant specifically alleges violation of the 6th and 14th Amendments of the United States Constitution, as well as Article 1 paragraphs one and 10 of the NJ Constitution.

Neighbor, [another individual], lived in Cinnaminson, for the past few years (dad a retired police) filed complaints against him for emotional disturbances during COVID pandemic which resulted in police using excessive force, break in his home by breaking glass sliding doors while he was sleeping 6 AM, started and confused of who it was breaking in grabbed a weapon in his defense. Once police were identified, the weapon was dropped. No officer was struck or sprayed with any of the 3 weapons. 6/1/21 & 10/5/21.”

Custodian of Record: Lisa A. Passione

Request Received by Custodian: February 28, 2023

Response Made by Custodian: March 1, 2023

GRC Complaint Received: March 20, 2023

Background³

Request and Response:

On February 28, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On March 1, 2023, the Custodian responded in writing denying the request pursuant to N.J.S.A. 47:1A-1.1, Executive Order No. 21 (McGreevey 2002) (“EO 21”), and Executive Order No. 26 (McGreevey 2002) (“EO 26”).

¹ No legal representation listed on record.

² Represented by Justin M Strausser, Esq., of The Platt Law Group, P.C. (Stratford, 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.

Denial of Access Complaint:

On March 20, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted she was unlawfully denied access to the following records: “arrest of [a specific individual] at [a specific address] in Cinnaminson, NJ June 2, 2021 police body cam,” “October 5, 2021 police body cam,” “report of arrest dated June 2, 2021,” and “report of arrest dated October 5, 2021.” The Complainant stated that she was also denied access to “emergency room reports from arrest dates of [a specific individual] residing at [a specific address] in Cinnaminson, NJ for the dates of June 1, 2021 and October 5, 2021.”

The Complainant contends that these records should be released with the names redacted as required under 65 P.S. § 63.3-2 and 65 P.S. § 66.1 of Pennsylvania’s “First Class City and County Public Records Law” and cited Della Franco v. Dep’t. of Labor & Industry, 727 A.2d 777 (Pa. Cmwlth. 1999). The Complainant stated that both New Jersey and Pennsylvania public records law expresses a policy that all records be available at all times for inspection by any person in accordance with 65 P.S. §66.1-66.9. The Complainant maintained that under “the Right to Know law,” she has the right to all documents and body cam video requested from June 1, 2021 and October 5, 2021.

Statement of Information:

On April 5, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on February 28, 2023. The Custodian certified that she responded in writing on March 1, 2023 denying the request as it did not specifically identify any government records pursuant to OPRA, EO 26, or EO 21.

The Custodian contended that the Complainant’s request failed to specify a “government record.” The Custodian noted that she did not conduct a search because of the lack of specific records.

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.

In Burns v. N.J. Dep’t of State, Div. of Elec., GRC Complaint No. 2013-64 (September 2013), the Council found that the complainant contested a denial of access to records she did not originally request. The Council concluded that the complaint was therefore without merit because no denial of access had occurred (citing N.J.S.A. 47:1A-6 and N.J.S.A. 47:1A-7(e)).

Here, the Complainant asserted that she was unlawfully denied access to four (4) OPRA request items. However, as in Burns, GRC 2013-64, the Complainant never requested such records she identified at issue here in her February 28, 2023 OPRA request. In fact, the Complainant's original OPRA request did not seek any identifiable records and instead appeared to be a narrative describing two separate police interactions.⁴ The subject OPRA request does not specifically request any police body camera footage or police reports that the Complainant argued she allegedly sought in the Denial of Access Complaint. The GRC is therefore satisfied that this complaint is without merit because no denial of access occurred.

Accordingly, because the Custodian did not deny access to the records the Complainant asserted were at issue in this complaint because she did not request them, this complaint is without merit and should be dismissed. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-7(e); Burns, GRC 2013-64.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that because the Custodian did not deny access to the records the Complainant asserted were at issue in this complaint because she did not request them, this complaint is without merit and should be dismissed. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-7(e); Burns v. N.J. Dep't of State, Div. of Elec., GRC Complaint No. 2013-64 (September 2013).

Prepared By: Maria M. Rossi
Staff Attorney

September 29, 2025

⁴ The Complainant's request would not be considered a valid OPRA request because the Complainant does not identify any specific record but instead asserts her right to receive information. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005).