



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 20, 2025 Government Records Council Meeting

Bridget Fritzsch
Complainant

Complaint No. 2023-67

v.

Township of Woodbridge (Middlesex)
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 Complainant’s request is invalid because it asked a series of questions rather than seeking specific government records. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012); Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 2009). For this reason, the Custodian did not unlawfully deny access to requested information because said request is invalid on its face. 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 20th 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**

**Bridget Fritzscht¹
Complainant**

GRC Complaint No. 2023-67

v.

**Township of Woodbridge (Middlesex)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of the following with regard to Gallery on Main (“Gallery”), 101 Main St., Woodbridge, NJ:

1. “Where does funding for the Gallery come from and it’s annual amount? Who oversees funding?
2. Who directly, oversees and is responsible for the allocation of monies given?
3. Who is overall in charge of the Gallery, their yearly salary, benefits, qualifications, hours per a week and days of week? What is their job duties/description?
4. Who pays the property taxes/sewer user fee/utilities and advertising.
5. All employees working there, regardless monetary compensated or volunteer. If compensated then their salary, benefits, qualifications, hours per a week and days per week.
6. Is there a Board of Directors/Commissioners? If so, who? If compensated, how? Salary/benefits If so, what is the salary and benefits?
7. How are Board/Commissioners members chosen? Elected or appointed? If elected by whom/how is the process done. If appointed, what is the process?
8. Do any Board of Directors, Board members, and or Commissioners whom ever is in charge, have any employment in the Township of Woodbridge? If so who?
9. Who decides which artists work is displayed, duration (time) allowed of an artists work to be displayed? If any Artists work is displayed and sold, is any percentage of sales, required to be given to the township of Woodbridge, or is the Artist allowed to keep 100% of the sale?”

¹ No legal representation listed on record.

² Represented by Brian A. Bontempo, Esq. of James P. Nolan & Associates, LLC (Woodbridge, NJ).

Custodian of Record: John Mitch
Request Received by Custodian: March 6, 2023
Response Made by Custodian: March 13, 2023
GRC Complaint Received: March 27, 2023

Background³

Request and Response:

On March 6, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On March 13, 2023, the Custodian responded in writing advising no records or responses to the Complainant’s OPRA request exist. The Custodian advised that “[t]he [Gallery] is operated through a separate non-profit 501(c)(3) Organization, not the [Township of Woodbridge (“Township”)].” The Custodian stated that instead, the Township pays a monthly lease payment for the building and all necessary utilities covered through the Current Fund. The Custodian noted that “all property taxes/sewer user fees are covered by the building owner.”

Denial of Access Complaint:

On March 23, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that she submitted an OPRA request to the Custodian on March 6, 2023, and the Custodian provided a written response that contained misinformation. The Complainant contended that the Custodian’s response did not appropriately address each of her questions presented in the subject request.

Statement of Information:

On April 13, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA request on March 6, 2023. The Custodian certified that he responded in writing on March 13, 2023, and informed the Complainant that the Gallery operates as an independent 501(c)(3) corporation that is wholly separate and distinct from the Township.

The Custodian, citing MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005), argued that the Complainant’s request was invalid because it asked questions and failed to identify any searchable records. The Custodian stated that the Complainant did not request any specific records, and that he was not in possession of the Gallery’s records. The Custodian argued that notwithstanding, he made a “good faith” effort to be responsive to the Complainant by attempting to make it clear that the Gallery is a separate and distinct entity. The Custodian argued that based on the foregoing, the OPRA request was invalid on its face and this complaint should be dismissed.

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.

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, 381 N.J. Super. 30;⁴ N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); 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. 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).

⁴ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

The GRC has routinely held that requests framed within the confines of a question are considered exempt from disclosure. For example, in Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 2009), the complainant's OPRA request sought answers to five (5) questions regarding a property named the Villa Maria. The Council held that the Complainant's request was invalid because it failed to identify a specific government record. See also Ohlson v. Twp. of Edison (Middlesex), GRC Complaint No. 2007- 233 (August 2009); Dunleavy v. Jefferson Twp. Bd. Educ. (Morris), GRC Complaint No. 2014-372 (Interim Order dated June 30, 2015) (finding that request that requires a yes or no response is invalid because it is merely a question and not a request for a government record).

Here, the Complainant's request asked several direct questions about the funding, management and operations of the Gallery in Woodbridge, NJ. The Custodian responded advising that no records existed because the Gallery was operated through a separate organization and the Township paid monthly rent/utilities. In the SOI, the Custodian argued that the subject OPRA request was invalid because it asked questions and did not identify or request a specific government record. Moreover, the Custodian certified that the Gallery operates as a nonprofit 501(c)(3) organization that is wholly distinct and separate from the Township, and as such, the Township was not in possession of records relating same. The GRC agrees that the request is invalid based on longstanding precedent in Rummel, and Watt that requests asking questions are invalid under OPRA. See also Vance v. Sussex Cnty. Sheriff's Office, GRC Complaint No. 2012-188 (June 2013); Alexander v. N.J. Dep't of Corr., GRC Complaint No. 2018-136 (June 2020).

Accordingly, the Complainant's OPRA request is invalid because it asked a series of questions rather than seeking specific government records. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Rummel, GRC 2012-188; Watt, GRC 2007-246. For this reason, the Custodian did not unlawfully deny access to requested information because said request is invalid on its face. N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Complainant's request is invalid because it asked a series of questions rather than seeking specific government records. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012); Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 2009). For this reason, the Custodian did not unlawfully deny access to requested information because said request is invalid on its face. N.J.S.A. 47:1A-6.

Prepared By: Jennifer C. Howell
Staff Attorney

May 13, 2025