



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

October 6, 2025 Government Records Council Meeting

Rebekah Harms

Complainant

v.

Borough of Manville (Somerset)

Custodian of Record

Complaint No. 2023-73

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:

1. The Custodian’s failure to provide a Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian’s failure to respond additionally obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian” N.J.S.A. 47:1A-7(b).
2. The Custodian did not bear his burden of proof that he timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to respond in writing to the 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). However, the Council should decline to order any further action because Ms. Dillingham, on behalf of the Custodian, disclosed all responsive records to the Complainant via e-mail on April 11, 2023.

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**

**Rebekah Harms¹
Complainant**

GRC Complaint No. 2023-73

v.

**Borough of Manville (Somerset)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of the most recent salary ordinance for all employees and Council meeting minutes from January 9, 2023.

Custodian of Record: Gian-Paolo Caminiti³

Request Received by Custodian: March 14, 2023

Response Made by Custodian: March 30, 2023

GRC Complaint Received: April 3, 2023

Background⁴

Request and Response:

On March 14, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On March 30, 2023, the twelfth (12th) business day after receipt of the OPRA request, the Complainant received an auto-reply from the Borough of Manville’s (“Borough”) OPRA portal confirming receipt of the OPRA request.

Denial of Access Complaint:

On April 3, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted she submitted an electronic OPRA request on March 14, 2023, and did not receive a response confirming receipt of her request until March 30, 2023, after the seven (7) business day response time expired. The Complainant asserted that she received no further response from the Custodian.

¹ No legal representation listed on record.

² No legal representation listed on record.

³ The Complainant named in her complaint Deputy Clerk Traci R. Dillingham as the Custodian of Record.

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.

Statement of Information:

On April 11, 2023, the GRC sent a request to file the Statement of Information (“SOI”) to Deputy Clerk Traci R. Dillingham, who was named in the Complaint as the Custodian of Record. On the same day, Ms. Dillingham e-mailed the GRC stating that the Custodian would address the matter moving forward. Additionally, on that day, Ms. Dillingham sent the Complainant via e-mail hyperlinks of the requested January 9, 2023 meeting minutes and the requested salary ordinance.

On April 27, 2023, the GRC sent a “No Defense” letter to the Custodian requesting a completed SOI within three (3) business days of receipt. The GRC noted that the Custodian’s failure to submit an SOI could lead to an adjudication based solely on the Complainant’s submission. N.J.A.C. 5:105-2.4(g). The GRC has not received an SOI to date.

Additional Submissions:

On May 4, 2023, the GRC sent the Complainant an e-mail inquiring whether the Custodian’s disclosure of the requested salary ordinance and meeting minutes satisfied the OPRA request subject to the instant Denial of Access Complaint. On May 15, 2023, the Complainant responded confirming she received the Custodian’s e-mail but noted it was sent well beyond the required time allotment of seven (7) business days.⁵

Analysis

Failure to Submit SOI

In furtherance of the GRC’s obligation to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to government records[,]” pursuant to N.J.S.A. 47:1A-7(b), it requires a custodian to submit a completed SOI.

The New Jersey Administrative Code provides:

Custodians shall submit a completed and signed SOI for each complaint to the Council’s staff and the complainant not later than 10 business days from the date of receipt of the SOI form from the Council’s staff. Custodians must sign the SOI . . . Failure to comply with this time period may result in the complaint being adjudicated based solely on the submissions of the complainant.

[N.J.A.C. 5:105-2.4(g).]

In Alterman, Esq. v. Sussex Cnty. Sheriff’s Office, GRC Complaint No. 2013-353 (September 2014), the custodian failed to provide a completed SOI to the GRC within the allotted deadline. Thus, the Council noted the custodian’s failure to adhere to N.J.A.C. 5:105-2.4(a). See

⁵ The GRC received no further correspondence from the Complainant clearly affirming whether she was satisfied with the disclosure.

also Kovacs v. Irvington Police Dep't (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).

In the instant matter, the GRC sent an SOI request to Ms. Dillingham on April 11, 2023, who immediately forwarded the same to the Custodian. On April 27, 2023, after the expiration of the ten (10) business day deadline, the GRC sent the Custodian a “No Defense” letter providing an additional three (3) business days to submit the requested SOI. The transmission also included a copy of the original SOI letter providing detailed instructions on how to properly submit an SOI. The GRC never received an SOI from the Custodian.

Accordingly, the Custodian’s failure to provide an SOI to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian’s failure to respond additionally obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian” N.J.S.A. 47:1A-7(b).

As a result of the Custodian’s failure to submit an SOI, pursuant to N.J.A.C. 5:105-2.4(g) the GRC addresses this complaint based solely on the completed submissions presently before it.

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 her OPRA request on March 14, 2023, and subsequently filed this complaint asserting that the Custodian failed to respond to it. In her Denial of Access Complaint, the Complainant provided a copy of a March 30, 2023 auto-reply from the Borough’s OPRA portal confirming receipt of the March 14, 2023 OPRA request. The Complainant asserted she did not receive any response apart from the March 30, 2023 auto-reply.

Following the GRC’s SOI request, Ms. Dillingham e-mailed the responsive records to Complainant. However, the Custodian failed to submit an SOI thereafter. Thus, there is no evidence of record to support that the Custodian responded to the OPRA request in a timely manner, and the evidence of record clearly supports that a “deemed” denial of access occurred.

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.

Therefore, the Custodian did not bear his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to respond in writing to the 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, GRC 2007-11. However, the Council should decline to order any further action because Ms. Dillingham, on behalf of the Custodian, disclosed all responsive records to the Complainant via e-mail on April 11, 2023.

Conclusions and Recommendations

The Executive Director respectfully recommends that the Council find that:

1. The Custodian's failure to provide a Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian's failure to respond additionally obstructed the GRC in its efforts to "receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian" N.J.S.A. 47:1A-7(b).
2. The Custodian did not bear his burden of proof that he timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to respond in writing to the 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). However, the Council should decline to order any further action because Ms. Dillingham, on behalf of the Custodian, disclosed all responsive records to the Complainant via e-mail on April 11, 2023.

Prepared By: Maria M. Rossi
Staff Attorney

September 29, 2025