



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

February 24, 2026 Government Records Council Meeting

Lauren A. Martin
Complainant

Complaint No. 2024-11

v.

Delran Township Board of Education (Burlington)
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. Custodian Delengowski’s written response to the Complainant’s OPRA request, wherein he informed the Complainant that he hoped to have a plan in place by early the following week was insufficient because he failed to provide a date certain upon which he would respond to the Complainant’s OPRA request. N.J.S.A. 47:1A-5(i); Hardwick v. N.J. Dep’t of Transp., GRC Complaint No. 2007-164 (February 2008); Verry v. Borough of S. Bound Brook (Somerset), GRC Complaint No. 2008-48 (March 2009).
2. The Complainant’s OPRA request items numbered 1 and 2 are invalid. 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 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166 (App. Div. 2007); Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010). Specifically, the subject requests failed to identify sender(s) and/or recipient(s). Thus, the Custodian lawfully denied access to the subject OPRA request items.
3. The Custodian failed to provide the Complainant with the opportunity to review and reject the special service charge prior to it being incurred, contrary to the provisions of N.J.S.A. 47:1A-5(c); Owoh, Esq. (O.B.O. Delores Simmons, Baffi Simmons, & Grace Woko) v. Magnolia Police Dep’t (Camden), GRC Complaint No. 2021-115 (January 2023). Additionally, the evidence of record does not support the assertions of the Custodian. Specifically, that the Tech Director and Custodian Delengowski were the only employees capable of performing the work, which resulted in a total special service charge of \$4,040.00. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg’l High School Dist., 360 N.J. Super. 191, 199 (App. Div. 2002); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim

Order dated May 26, 2015). Thus, the Custodian must complete the GRC's 14-Point Analysis and calculate a special service consistent with such analysis.

4. **The Custodian shall comply with conclusion No. 3 above by completing and providing to the Complainant within ten (10) business days from receipt of the Council's Interim Order the GRC's 14-Point Analysis, together with a recalculated special service charge consistent with said analysis. The Complainant shall, within ten (10) business days from receipt of the Custodian's submission, deliver to the Custodian (a) payment of the special service charge or (b) a statement declining to purchase the records. The Complainant's failure to take any action within said time frame shall be construed the same as (b) above and the Custodian shall no longer be required to disclose the records pursuant to N.J.S.A. 47:1A-5 and Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006). Should the Complainant remit payment, the Custodian shall provide access to the responsive records within twenty (20) business days following receipt of said payment.**
5. **Should the Custodian fail to adhere to the above, the Council's Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rule 4:67-6; N.J.A.C. 5:105-2.9(c).**

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**

**Lauren A. Martin¹
Complainant**

GRC Complaint No. 2024-11

v.

**Delran Township Board of Education (Burlington)²
Custodial Agency**

Records Relevant to Complaint³: Copies via e-mail of:

1. “Emails for the time period of September 2020 – present that contain ‘Colin Martin;’”
2. “Emails for the time period of September 2020 – present that contain ‘Lauren Martin;’”
3. “Emails for the time period of July 2023 – present that contain ‘C2024-6790;’ (email address (sic) are including, but not limited to: Jjohnstone@; BMClough; srose@; ecliver@; mratz@; jszymanski@; skemp@; Idellavecchia@; kahearn@; khickson@; junderhill@; adiamond@; jzobel@; msondeen@; csheridan@; ccorona@; BGregson@; gkitleyboe@; gsaile@; bmclough@; jpifani@; jroberts@).]”⁴

Custodian of Record: Anisah Coppin⁵

Request Received by Custodian: December 6, 2023

Responses Made by Custodian: December 15, 2023, December 20, 2023, and January 8, 2024

GRC Complaint Received: January 11, 2024

Background⁶

Request and Responses:

On December 1, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records.⁷ On December 15, 2023, the

¹ No legal representation listed on record.

² No legal representation listed on record.

³ There were other records requested that are not relevant to this complaint.

⁴ Each username listed had the same domain: “delranschools.org” which was deleted from the list of e-mail addresses here to avoid unnecessary redundancy.

⁵ The original Custodian responding to the OPRA request was Interim Business Administrator Robert Delengowski.

⁶ 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.

⁷ The evidence of record reveals that the Complainant submitted the OPRA request via e-mail to Child Study Team Secretary Ellie Cliver.

Complainant e-mailed the Custodian to follow up on the status of her OPRA request because she alleged the response was overdue.

On December 15, 2023, the seventh (7th) business day following receipt of the OPRA request, the Custodian responded in writing informing the Complainant that he “was just appointed to his position on Wednesday December 6th.”⁸ The Custodian informed the Complainant that the requested records are complicated to assemble and that he needed to discuss the disclosure process with the Tech Director. The Custodian stated, “I hope to have a plan in place by early next week and will contact you.”

On December 20, 2023, the Complainant e-mailed the Custodian to acknowledge that she received a voicemail message from him regarding her OPRA request. The Complainant informed the Custodian that information pertaining to her OPRA request should be sent in writing. On that same date, the Custodian e-mailed the Complainant, informing her that the Tech Director located over 2,500 e-mails responsive to OPRA request items numbered 1 through 3. The Custodian stated that an extraordinary amount of time would be necessary to prepare the records, and once the estimated cost was calculated, the Complainant would have to pay fifty percent (50%) of such cost with the balance due upon delivery of the records. The Custodian further informed the Complainant that request item numbers 4 through 6 are not disclosable under OPRA; however, as the parent of a student she could contact the school and make arrangements to review the records. By reply e-mail that same date, the Complainant stated:, “That’s fine please calculate the cost[.]” That same date, the Custodian replied to the Complainant via e-mail that he would “be glad to [calculate an estimated special service charge cost].” The Custodian further stated that the Tech Director was on vacation until January 2, 2024, and that it would take several days thereafter to respond back to the Complainant.

On January 8, 2024, the Complainant again e-mailed the Custodian to obtain the status of her OPRA request. On that same date, the Custodian e-mailed the Complainant, informing her that 2,609 e-mails are responsive to her OPRA request. The Custodian stated that the technician would have to extract all responsive e-mails and insert them into a separate file. The Custodian stated that, for a forty (40) hour week of the technician’s time, at \$30.00 per hour, it would cost \$1,200.00. The Custodian further stated that he would have to review the records and redact confidential content. The Custodian stated that, for a week of his time, at \$71.00 per hour, it would cost \$2,840.00. The Custodian stated that the total would be \$4,040.00; therefore, the Complainant would have to send a check for \$2,020.00 as a fifty percent (50%) deposit to commence the process. On the same date, the Complainant replied to the Custodian via e-mail. The Complainant acknowledged that a review of the requested records in excess of eight (8) hours might be required but questioned why such a review must be performed by the Custodian rather than a lower-paid employee. The Complainant sent the Custodian a link to the GRC’s 14-Point Analysis, and stated that the Custodian is required to provide her with “a detailed estimate of hours.”

On January 9, 2024, the Custodian e-mailed the Complainant. The Custodian stated that the records require review for redactions required to protect any confidentiality or exempt information. The Custodian further stated that he is the lowest level employee capable of reviewing

⁸ Because Mr. Delengowski commenced his position as Custodian on December 6, 2023, the GRC acknowledges that date as the date the Custodian received the OPRA request.

and redacting the records. The Custodian informed the Complainant that if she objected to the special service charge, access to the records would be denied. On the same date, the Complainant by reply e-mail informed the Custodian that she did object to the charge.

Denial of Access Complaint:

On January 11, 2024, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant stated that, on December 1, 2023, she submitted an OPRA request to Ellie Cliver at the Delran Township Board of Education (“BOE”). The Complainant stated that the OPRA request was routed through other employees to the Custodian, who was expected to be in the office on December 5, 2023.

The Complainant stated that, on December 15, 2023, she e-mailed the Custodian to follow up on the status of her OPRA request because the response was overdue. The Complainant stated that she received a reply from the Custodian, wherein he informed her that he began work as the Custodian on December 6, 2023, and that he would confer with the Tech Director and formulate a plan because the information requested was quite complicated.

The Complainant stated that, on December 23, 2023, she received a telephone voicemail from the Custodian, requesting a return call. The Complainant stated that she e-mailed the Custodian and asked that any information regarding the OPRA request be exchanged in writing.⁹ The Complainant stated that, on the same date, the Custodian replied by e-mail, informing her that there were over 2,500 e-mails pertinent to the request and that, although the special service charge had not yet been calculated, it would be extraordinary.

On January 8, 2024, the Complainant stated that she again e-mailed the Custodian because she had not received any further information regarding her OPRA request. The Complainant stated that, on the same date the Custodian sent her a reply e-mail in which he stated that 2,609 e-mails had been identified, and after they were saved as a .pdf, he would have to review them. The Complainant stated that, the Custodian informed her that the Tech Director would need a forty (40) hour week to retrieve the records, and he would need a forty (40) hour week to review the records; therefore, based upon the total time for the two (2) employees, the special service charge would be \$4,040. The Complainant stated that the Custodian also sent her “a googled sheet from the DEP regarding Extraordinary Measures.”

The Complainant stated that she questioned the charges and responded with a fourteen-point check list from the GRC.¹⁰ The Complainant stated that she requested the records electronically and asked the Custodian why someone else could not review the records. The Complainant also requested a detailed time breakdown for the special service charge. The

⁹ The evidence of record reveals that this communication occurred on December 20, 2023.

¹⁰ The evidence of record reveals that the Complainant sent the Custodian a link to the GRC’s 14-Point Analysis by e-mail on January 8, 2024; however, the link the Complainant sent to the Custodian, <https://www.nj.gov/grc/pdf/OParASpecialServiceCharfe.pdf>, was inaccurate. The correct link would have been: <https://www.nj.gov/grc/pdf/OPRASpecialServiceCharge.pdf>. As such, the Custodian did not receive the 14-Point Analysis, as was alleged by the Complainant.

Complainant further stated that the Custodian replied that if she objected to the fee, the OPRA request would be denied.

Supplemental Submission:

On July 8, 2024, the Complainant e-mailed the GRC. The Complainant stated that the educational records she originally sought are being obtained as part of a separate legal action.¹¹ For this reason, the Complainant informed the GRC that “that portion of the complaint no longer needs to be considered.”

Statement of Information:

On August 1, 2024, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that the Complainant submitted an OPRA request to the BOE on December 1, 2023, and a staff member subsequently forwarded the OPRA request to the Business Office on December 4, 2023. The Custodian certified that Custodian Delengowski initially responded to the Complainant via e-mail on December 15, 2023. The Custodian certified that, on December 20, 2023, Custodian Delengowski again e-mailed the Complainant to inform her that a voluminous number of e-mails responsive to the request were located, and that a special service charge would be required.

The Custodian certified that over 2,600 e-mails were located responsive to the request. The Custodian further certified that, “[d]ue to the voluminous nature of the record request, [the Complainant] was told she would be charged a service fee, and a 50% deposit is required to proceed with the request.” The Custodian certified that Custodian Delengowski e-mailed the Complainant on January 8, 2024, informing her of the fees and the fifty percent (50%) deposit required to start the work; however, the Complainant neither replied nor paid the deposit.

The Custodian certified that OPRA request items number 1 and 2 were overly broad, and that the e-mails responsive to request item number 3 were not prepared for disclosure because the “Complainant abandoned [the] request.”

Additional Submissions:

On January 6, 2026, the GRC forwarded a 14-Point Analysis to the Custodian. The GRC asked that the Custodian reply with certified answers within five (5) business days. The Custodian failed to complete and return the 14-Point Analysis.

On February 4, 2026, the Complainant e-mailed the GRC asking if the Custodian responded to the GRC’s request for the 14-Point Analysis. By reply e-mail on the same date, the GRC informed the Complainant that the Custodian failed to respond. The Custodian was copied on the aforementioned e-mails.

¹¹ These records were set forth in the Complainant’s December 1, 2023 OPRA request as item numbers 4, 5 and 6.

Analysis

Sufficiency of Response

OPRA provides that a custodian may have an extension of time to respond to a complainant's OPRA request, but the custodian must provide a date certain. N.J.S.A. 47:1A-5(i). OPRA further requires that, should the custodian fail to provide a response on that specific date, "access shall be deemed denied." Id.

In Hardwick v. N.J. Dep't of Transp., GRC Complaint No. 2007-164 (February 2008), the custodian responded by requesting an extension of time to address the request but failed to provide a date certain upon which the requested records would be provided. The Council held that the custodian's request for an extension of time was inadequate under OPRA pursuant to N.J.S.A. 47:1A-5(i).

In Verry v. Borough of S. Bound Brook (Somerset), GRC Complaint No. 2008-48 (March 2009), on the same business day as receipt of the complainant's OPRA request, the custodian sought an extension of time in writing to respond to one of the request items but failed to provide a specific date upon which the complainant would receive the record responsive to the request item. The Council held that, because the custodian failed to provide within the statutorily mandated seven (7) business days a specific date upon which the record responsive to the request item would be provided, the custodian's response to the complainant requesting an extension of time was insufficient under N.J.S.A. 47:1A-5(i).

Here, on the seventh (7th) business day following receipt of the OPRA request, Custodian Delengowski informed the Complainant that he needed to consult with the Tech Director and hoped to have a plan in place by early the following week, at which time he would contact her. However, the Custodian's failure to provide a date certain on which the BOE would respond is an insufficient response. N.J.S.A. 47:1A-5(i).

Therefore, Custodian Delengowski's written response to the Complainant's OPRA request, wherein he informed the Complainant that he hoped to have a plan in place by early the following week was insufficient because he failed to provide a date certain upon which he would respond to the Complainant's OPRA request. N.J.S.A. 47:1A-5(i); Hardwick, GRC 2007-164; Verry v. Borough of S. Bound Brook, GRC 2008-48.

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 Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005) (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 v. Stafford Police Dep’t., 381 N.J. Super. 30, 37 (App. Div. 2005);¹² N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166 (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).

Regarding requests for communications, including e-mails, text messages, and written correspondence, the GRC has established criteria deemed necessary under OPRA to request them. In Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010), the GRC established specific criteria deemed necessary to establish a valid request for e-mails under OPRA. The Council determined that to be valid, such requests must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail(s) were transmitted, and (3) the identity of the sender and/or the recipient thereof. Id.; see also Sandoval v. N.J. State Parole Bd., GRC Complaint No. 2006-167 (Interim Order dated March 28, 2007). The Council has also applied the criteria set forth in Elcavage to other forms of correspondence, such as letters and text messages. See, *e.g.*, Armenti v. Robbinsville Bd. of Educ. (Mercer), GRC 2009-154 (Interim Order dated May 24, 2011); Alt v. City of Vineland (Cumberland), GRC 2013-205 (June

¹² Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

2014). The GRC notes that the Council has determined that an OPRA request not containing a sender and/or recipient is invalid. See Caggiano v. N.J. Office of the Governor, GRC Complaint No. 2015-276 (Final Decision dated November 13, 2018).

Here, there is no dispute between the parties, and the GRC agrees, that OPRA request item number 3 is a valid request. The request item contains a specific range of dates during which the e-mails were transmitted, the subject of the e-mails at issue, and the identity of the senders and/or recipients via identification of e-mail addresses containing specific usernames. However, the Custodian certified in the SOI that OPRA request items numbered 1 and 2 are overly broad and thus not valid.

Upon review, the GRC agrees that OPRA request items numbered 1 and 2 are invalid because they do not contain all the elements constituting a valid request; i.e., they fail to identify a sender and/or recipient. MAG, 375 N.J. Super. 534; Elcavage, GRC 2009-07. Without the sender(s) and/or recipient(s) name(s), the Custodian would be required to conduct an open-ended search for responsive records, which OPRA does not contemplate. Id.

Accordingly, the Complainant's OPRA request items numbered 1 and 2 are invalid. MAG, 375 N.J. Super. 534; Bent, 381 N.J. Super. 30; N.J. Builders Ass'n, 390 N.J. Super. 166; Elcavage, GRC 2009-07. Specifically, the subject requests failed to identify sender(s) and/or recipient(s). Thus, the Custodian lawfully denied access to the subject OPRA request items.

Special Service Charge

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.

Whenever a records custodian asserts that fulfilling an OPRA records request requires an "extraordinary" expenditure of time and effort, a special service charge may be warranted pursuant to N.J.S.A. 47:1A-5(c). In this regard, OPRA provides that:

Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an *extraordinary expenditure of time and effort to accommodate the request*, the public agency may charge, in addition to the actual cost of duplicating the record, a *special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies . . .* (t)he requestor shall have the opportunity to review and object to the charge prior to it being incurred.

[Id. (emphasis added).]

The determination of what constitutes an “extraordinary expenditure of time and effort” under OPRA must be made on a case-by-case basis and requires an analysis of a variety of factors. These factors were discussed in Courier Post v. Lenape Reg’l High School Dist., 360 N.J. Super. 191, 199 (App. Div. 2002). There, the plaintiff publisher filed an OPRA request with the defendant school district, seeking to inspect invoices and itemized attorney bills submitted by four law firms over a period of six and a half years. Id. at 193. Lenape assessed a special service charge due to the “extraordinary burden” placed upon the school district in responding to the request. Id.

Based upon the volume of documents requested and the amount of time estimated to locate and assemble them, the court found the assessment of a special service charge for the custodian’s time was reasonable and consistent with N.J.S.A. 47:1A-5(c). Courier Post, 360 N.J. Super. at 202. The court noted that it was necessary to examine the following factors in order to determine whether a records request involves an “extraordinary expenditure of time and effort to accommodate” pursuant to OPRA: (1) the volume of government records involved; (2) the period of time over which the records were received by the governmental unit; (3) whether some or all of the records sought are archived; (4) the amount of time required for a government employee to locate, retrieve and assemble the documents for inspection or copying; (5) the amount of time, if any, required to be expended by government employees to monitor the inspection or examination; and (6) the amount of time required to return the documents to their original storage place. Id. at 199.

The court determined that, in the context of OPRA, the term “extraordinary” will vary among agencies depending on the size of the agency, the number of employees available to accommodate document requests, the availability of information technology, copying capabilities, the nature, size and number of documents sought, as well as other relevant variables. Id. at 202. “[W]hat may appear to be extraordinary to one school district might be routine to another.” Id.

In complaints where the GRC is tasked with addressing a special service charge dispute, it must decide first whether the charge was warranted. If the GRC reaches a conclusion that the charge was warranted, then it must address whether the fee was reasonable. Recognizing that many different variables may affect a determination of whether a special service charge is reasonable and warranted, the GRC established an analytical framework for situations which may warrant an assessment of a special service charge. This framework, in the form of fourteen (14) questions, incorporates the factors identified in Courier Post, 360 N.J. Super. 191, as well as additional relevant factors. To assist the GRC in addressing such a dispute, it seeks a response from the custodian to its 14-Point Analysis.

In Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim Order dated May 26, 2015), the Council was tasked with determining whether a proposed special service charge was warranted and reasonable. The custodian provided to the GRC a response to its 14-Point Analysis request that included specific details such as the hours spent by the employee, the task performed during those hours, and the hourly rate. The Council, by reviewing the response, determined that although the charge was warranted, it was not reasonable. Specifically, the Council found that the Borough Administrator was not the lowest paid employee qualified to perform some of the work.

In the instant matter, the Custodian's January 8, 2024 response stated that for a week of the technician's time it would cost \$1,200.00, and that for a week of his time to review and potentially redact the records it would cost \$2,840.00. The Custodian stated that the process would take forty (40) hours for each employee, which totals \$4,040.00, and therefore the Complainant would have to send a check for \$2,020.00, representing a fifty percent (50%) deposit for the work to begin. The Custodian afforded the Complainant no opportunity to review and object to the charges prior to submitting the deposit. The Complainant questioned why someone else could not review the records, and requested a detailed time breakdown for the special service charge.

Initially, the GRC finds that the Custodian failed to adhere to OPRA's requirement that a requestor must be given an opportunity to review and reject a special service charge prior to its imposition. Here, the Custodian assessed a \$4,040.00 special service charge based on an arbitrary number of hours and demanded a fifty percent (50%) deposit without providing a "breakdown" of the charges as requested by the Complainant. The GRC notes that OPRA specifically provides that a "requestor shall have the opportunity to *review* and object to the charge *prior to it being incurred.*" N.J.S.A. 47:1A-5(c) (emphasis added). Thus, a custodian has an obligation to estimate the cost and provide it to a requestor for review and acceptance or rejection prior to incurring same. See Owoh, Esq. (O.B.O. Delores Simmons, Baffi Simmons, & Grace Woko) v. Magnolia Police Dep't (Camden), GRC Complaint No. 2021-115 (January 2023).

Moving on to the special service charge at issue here, unlike in Palkowitz, GRC 2014-302, the Custodian did not provide a detailed accounting of work performed, or work to be performed, by each employee. Moreover, in the SOI the Custodian failed to list either the records and number of pages thereof responsive to request item number 3, or the extent and lawful reason for any redactions. Rather, the Custodian certified only that over 2600 e-mails were responsive to the request and that "[d]ue to the voluminous nature of the record request, [the Complainant] was told she would be charged a service fee, and a 50% deposit is required to proceed with the request." The Custodian further certified that, because the Complainant did not remit the deposit, she had abandoned the request. However, there is nothing in the evidence of record to support the Custodian's assertion that the Complainant abandoned the request.

To assist the GRC in addressing the special service charge issue, on January 6, 2026, it forwarded to the Custodian a 14-Point Analysis. This document provides the GRC's analytical framework for the proper assessment of a special service charge, as outlined in Courier Post, 360 N.J. Super. 199. The GRC asked that the Custodian reply with certified answers within five (5) business days. The Custodian failed to complete and return to the GRC the 14-Point Analysis. As such, the GRC was hindered in its ability to decide whether the charge was warranted and reasonable.

Accordingly, the Custodian failed to provide the Complainant with the opportunity to review and reject the special service charge prior to it being incurred, contrary to the provisions of N.J.S.A. 47:1A-5(c). Owoh, Esq., GRC 2021-115. Additionally, the evidence of record does not support the assertions of the Custodian. Specifically, that the Tech Director and Custodian Delengowski were the only employees capable of performing the work, which resulted in a total special service charge of \$4,040.00. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J.

Super. at 199, 204; Palkowitz, GRC 2014-302. Thus, the Custodian must complete the GRC's 14-Point Analysis and calculate a special service consistent with such analysis.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Custodian Delengowski's written response to the Complainant's OPRA request, wherein he informed the Complainant that he hoped to have a plan in place by early the following week was insufficient because he failed to provide a date certain upon which he would respond to the Complainant's OPRA request. N.J.S.A. 47:1A-5(i); Hardwick v. N.J. Dep't of Transp., GRC Complaint No. 2007-164 (February 2008); Verry v. Borough of S. Bound Brook (Somerset), GRC Complaint No. 2008-48 (March 2009).
2. The Complainant's OPRA request items numbered 1 and 2 are invalid. 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 (App. Div. 2005); N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166 (App. Div. 2007); Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010). Specifically, the subject requests failed to identify sender(s) and/or recipient(s). Thus, the Custodian lawfully denied access to the subject OPRA request items.
3. The Custodian failed to provide the Complainant with the opportunity to review and reject the special service charge prior to it being incurred, contrary to the provisions of N.J.S.A. 47:1A-5(c); Owoh, Esq. (O.B.O. Delores Simmons, Baffi Simmons, & Grace Woko) v. Magnolia Police Dep't (Camden), GRC Complaint No. 2021-115 (January 2023). Additionally, the evidence of record does not support the assertions of the Custodian. Specifically, that the Tech Director and Custodian Delengowski were the only employees capable of performing the work, which resulted in a total special service charge of \$4,040.00. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg'l High School Dist., 360 N.J. Super. 191, 199 (App. Div. 2002); Palkowitz v. Borough of Hasbrouck Heights (Bergen), GRC Complaint No. 2014-302 (Interim Order dated May 26, 2015). Thus, the Custodian must complete the GRC's 14-Point Analysis and calculate a special service consistent with such analysis.
4. **The Custodian shall comply with conclusion No. 3 above by completing and providing to the Complainant within ten (10) business days from receipt of the Council's Interim Order the GRC's 14-Point Analysis, together with a recalculated special service charge consistent with said analysis. The Complainant shall, within ten (10) business days from receipt of the Custodian's submission, deliver to the Custodian (a) payment of the special service charge or (b) a statement declining to purchase the records. The Complainant's failure to take any action within said time frame shall be construed the same as (b) above and the Custodian shall no longer be required to disclose the records pursuant to N.J.S.A. 47:1A-5 and Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July**

- 2006). Should the Complainant remit payment, the Custodian shall provide access to the responsive records within twenty (20) business days following receipt of said payment.**
5. **Should the Custodian fail to adhere to the above, the Council's Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rule 4:67-6; N.J.A.C. 5:105-2.9(c).**

Prepared By: John E. Stewart

February 17, 2026