



## State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS  
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TRENTON, NJ 08625-0819

MIKIE SHERRILL  
*Governor*

DR. DALE G. CALDWELL  
*Lieutenant Governor*

JACQUELYN A. SUÁREZ  
*Commissioner*

### FINAL DECISION

#### March 31, 2026 Government Records Council Meeting

Matthew Bledsoe  
Complainant

Complaint No. 2024-147

v.

City of Trenton (Mercer)  
Custodian of Record

At the March 31, 2026, public meeting, the Government Records Council (“Council”) considered the March 24, 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 the Custodian did not bear his burden of proof that he timely responded to the Complainant’s OPRA based on unwarranted and unsubstantiated extensions. N.J.S.A. 47:1A-6; Ciccarone v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014). Therefore, the Custodian’s failure to respond in writing to the Complainant’s OPRA request, either granting or denying access within the statutorily mandated seven (7) business days or a reasonably necessary extension thereof, results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). However, the GRC declines to order any further action because all responsive records were disclosed via a password protected online storage system on July 10, 2024.

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 31<sup>st</sup> Day of March 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: April 2, 2026**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
March 31, 2026 Council Meeting**

**Matthew Bledsoe<sup>1</sup>  
Complainant**

**GRC Complaint No. 2024-147**

v.

**City of Trenton (Mercer)<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint:** Electronic copies of:

1. Emails that contain the name Matthew Bledsoe or a specific employee identification number between Business Administrator (“BA”) Adam Cruz and Alexis Durlacher regarding police retro payments for retirees from July 1, 2023 to February 25, 2024.
2. Emails between BA Cruz, Ms. Durlacher, Colin Cherry, Stephen Gallagher, Wendy Wulstein, Michelle Swisher, and/or John Seigle that contain the name Matthew Bledsoe, the employee identification number, or any information of retiree lists, payments, payment dates for retro payment regarding the PBA contract ratified in 2023.
3. Any Emails between BA Cruz, Ms. Durlacher, Shae’ T. Campbell.

**Custodian of Record:** Brandon Garcia

**Request Received by Custodian:** February 27, 2024

**Response Made by Custodian:** February 27, 2024

**GRC Complaint Received:** June 6, 2024

**Background<sup>3</sup>**

**Request and Response:**

On February 26, 2024, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On February 27, 2024, the Custodian responded in writing requesting an extension of time, or until March 8, 2024, due to the City of Trenton’s (“City”) emergency staffing levels. On March 8, 2024, the Custodian requested a seven (7) business days extension. On March 20, 2024, the Custodian requested a seven (7) business days extension. On April 1, 2024, the Custodian requested a seven (7) business days extension. On April 11, 2024, the Custodian requested a seven (7) business days extension. On April 23, 2024, the Custodian requested a seven (7) business days extension. On May 2, 2024,

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> No legal representation listed on record.

<sup>3</sup> 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.

the Custodian requested a seven (7) business days extension. On May 13, 2024, the Custodian requested a seven (7) business days extension. On May 23, 2024, the Custodian requested a seven (7) business days extension. On June 5, 2024, the Custodian again informed the Complainant the City needed a seven (7) business days extension of time to respond to the Complainant's request.

#### Denial of Access Complaint:

On June 6, 2024, the Complainant filed a Denial of Access with the GRC. The Complainant asserted that, on February 26, 2024, he filed an OPRA request with the City for the above referenced records. The Complainant stated the City continuously extended the deadline to respond by seven (7) business days without additional information provided other than emergency staffing. The Complainant also asserted that the City failed to respond for three (3) months and continued to delay the delivery of the request.

#### Supplemental Responses:

On June 18, 2024, the Custodian requested a seven (7) business days extension. On June 28, 2024, the Custodian requested a seven (7) business days extension. On July 10, 2024, the Custodian disclosed the requested records to the Complainant.

#### Statement of Information:

On January 29, 2025, the Custodian filed a Statement of Information ("SOI"). The Custodian certified that he received the Complainant's OPRA request on February 27, 2024. The Custodian certified that his search for responsive records included sending the OPRA request to Information Technology ("IT") staff. The Custodian certified that he responded in writing on July 10, 2024, disclosing responsive records through a password protected online storage system.

### Analysis

#### Timeliness

OPRA provides that a custodian may request an extension of time to respond to the complainant's OPRA request, but the custodian must provide a specific date by which he/she will respond. Should the custodian fail to respond by that specific date, "access shall be deemed denied." N.J.S.A. 47:1A-5(i).

In Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011), the custodian responded to the complaint's request in writing on the fourth (4<sup>th</sup>) business day following receipt of request, requesting an extension of time to respond to the request and providing an anticipated deadline date when the requested records would be available. The complainant did not agree to the custodian's request for an extension of time. However, the Council determined that, because the custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided an anticipated deadline date when the requested records would be made available, the custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i).

Further, in Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010), the Council held that the custodian did not unlawfully deny access to the requested records, stating in pertinent part that:

[B]ecause the Custodian provided a written response requesting an extension on the sixth (6<sup>th</sup>) business day following receipt of the Complainant’s OPRA request and providing a date certain on which to expect production of the records requested, and, notwithstanding the fact that the Complainant did not agree to the extension of time requested by the Custodian, the Custodian’s request for an extension of time [to a specific date] to respond to the Complainant’s OPRA request was made in writing within the statutorily mandated seven (7) business day response time.

[Id.]

Moreover, in Werner v. N.J. Civil Serv. Comm’n, GRC Complaint No. 2011-151 (December 2012), the Council again addressed whether the custodian lawfully sought an extension of time to respond to the complainant’s OPRA request. The Council concluded that because the custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided an anticipated date by which the requested records would be made available, the custodian properly requested the extension pursuant to OPRA. Id., See also Rivera, GRC 2009-317; Criscione, GRC 2010-68; and Starkey, GRC 2007-315, *et seq.*

Although extensions are rooted in well-settled case law, the Council need not find valid every request for an extension containing a clear deadline. In Ciccarone v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014), the Council found that the custodian could not lawfully exploit the process by repeatedly rolling over an extension once obtained. In reaching the conclusion that the continuous extensions resulted in a “deemed” denial of access, the Council looked to what was “reasonably necessary.”

In the instant complaint, the Custodian sought multiple extensions for the Complainant’s OPRA request as follows:

<b>Date of Request for Extension</b>	<b>New Deadline for Response</b>	<b>Reason for Extension</b>
February 27, 2024	March 8, 2024	City’s emergency staffing levels
March 8, 2024	March 20, 2024	N/A
March 20, 2024	April 1, 2024	N/A
April 1, 2024	April 11, 2024	N/A
April 11, 2024	April 23, 2024	N/A
April 23, 2024	May 2, 2024	N/A
May 2, 2024	May 13, 2024	N/A
May 13, 2024	May 23, 2024	N/A
May 23, 2024	June 5, 2024	N/A
June 5, 2024	June 18, 2024	N/A

June 18, 2024	June 28, 2024	N/A
June 28, 2024	July 10, 2024	N/A

The Custodian extended the response time on nine (9) occasions prior to the filing of this complaint for a total of approximately seventy-eight (78) business days. Following the Complainant’s complaint with the GRC, the Custodian then sought an additional two (2) extensions totaling approximately thirteen (13) business days. In total, the Custodian sought approximately ninety-one (91) business days of extension.

To determine if the extended time for a response is reasonable, the GRC must first consider the complexity of the request as measured by the number of items requested, the ease in identifying and retrieving requested records, and the nature and extent of any necessary redactions. Ciccarone, GRC 2013-280. The GRC must next consider the amount of time the custodian already had to respond to the request. Id. Finally, the GRC must consider any extenuating circumstances<sup>4</sup> that could hinder the custodian’s ability to respond effectively to the request. Id.

In the present case, the Complainant’s OPRA request sought e-mails between multiple individuals on a particular topic over approximately eight (8) months. On February 27, 2024, the Custodian submitted an automatic response to the Complainant requesting an extension of time beyond the seven (7) business days due to the City’s emergency staffing levels. On June 6, 2024, following several extensions, the Complainant filed the instant complaint challenging same. On July 10, 2024, the Custodian provided the Complainant with an unknown number of responsive records. In the SOI, the Custodian noted that IT conducted the search for responsive records and that those located were disclosed on July 10, 2024. However, the Custodian did not include any argument supporting the extensions.

In determining whether the extensions were ultimately unreasonable, the GRC looks directly to Ciccarone wherein the Council held that the custodian’s eight (8) extensions totaling fifty-nine (59) business days to address the complainant’s five (5) item OPRA request was unwarranted and unsubstantiated. In reaching this conclusion, the Council noted that the Custodian provided basic and unpersuasive reasons for needing that amount of time to address the Complainant’s request.

Here, the Custodian failed to advance any argument justifying the exorbitant amount of time taken to respond to the subject OPRA request. Instead, the Custodian only cited to the “City’s emergency staffing levels” in the initial extension request. There is no evidence to suggest extenuating circumstances which hindered the Custodian’s ability to respond effectively on time to the Complainant’s request, such as the complicated nature of the search or other factors that could have justified such a delay. Furthermore, although the Custodian timely sought an extension of time within the statutorily mandated seven (7) business days and provided an anticipated date by which the records would be made available, like Ciccarone the Custodian

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<sup>4</sup> “Extenuating circumstances” could include, but not necessarily be limited to, retrieval of records that are in storage or archived (especially if located at a remote storage facility), conversion of records to another medium to accommodate the requestor, emergency closure of the custodial agency, or the custodial agency’s need to reallocate resources to a higher priority due to *force majeure*.

repeatedly rolled over the extension deadline, rendering the delay unreasonable. Thus, based on the evidence of record, the GRC finds that extending the response time for the OPRA request to the extent demonstrated in the instant matter was excessive and contrary to OPRA’s mandate to “promptly comply” with a records request and to grant or deny access “as soon as possible.” N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).

Also, the GRC briefly notes that the City’s response appears to equate “emergency staffing levels” to an emergency declaration relevant to the COVID-19 pandemic in Executive Order No. 104 (Gov. Murphy, 2020). To the extent that the “emergency staffing levels” disclaimer in the Custodian’s responses was an attempt to utilize response time frames under N.J.S.A. 47:1A-5(i)(2), which suspends them “[d]uring a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency,” the GRC finds no support in OPRA for such an application. This provision specifically applies to a state of emergency, public health emergency, or state of local disaster emergency “declared pursuant to the laws of this State.” There is no evidence in the record showing that the City’s “emergency staffing levels” fall within any of the above categories.

Accordingly, the Custodian did not bear his burden of proof that he timely responded to the Complainant’s OPRA based on unwarranted and unsubstantiated extensions. N.J.S.A. 47:1A-6; Ciccarone, GRC 2013-280. Therefore, the Custodian’s failure to respond in writing to the Complainant’s OPRA request, either granting or denying access within the statutorily mandated seven (7) business days or a reasonably necessary extension thereof, results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). However, the GRC declines to order any further action because all responsive records were disclosed via a password protected online storage system on July 10, 2024.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that the Custodian did not bear his burden of proof that he timely responded to the Complainant’s OPRA based on unwarranted and unsubstantiated extensions. N.J.S.A. 47:1A-6; Ciccarone v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014). Therefore, the Custodian’s failure to respond in writing to the Complainant’s OPRA request, either granting or denying access within the statutorily mandated seven (7) business days or a reasonably necessary extension thereof, results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). However, the GRC declines to order any further action because all responsive records were disclosed via a password protected online storage system on July 10, 2024.

Prepared By: Rose-Valda Julceus  
Staff Attorney

March 24, 2026