



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

INTERIM ORDER

May 28, 2026 Government Records Council Meeting

Terry Peifer
Complainant

Complaint No. 2024-172

v.

City of Trenton (Mercer)
Custodian of Record

At the May 28, 2026 public meeting, the Government Records Council ("Council") considered the May 21, 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. The Custodian may have unlawfully denied access to the OPRA request item Nos. 2 through 5. N.J.S.A. 47:1A-6. Therefore, the Custodian must either disclose all responsive records or if records are denied, provide the specific lawful basis for denying access to a particular record, or certify if certain records responsive to a particular item do not exist.
2. **The Custodian shall comply with conclusion No. 1 above within ten (10) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, if applicable. Further, the Custodian shall simultaneously deliver¹ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,² to the Executive Director.³**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

¹ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

² "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

³ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant, but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

Interim Order Rendered by the
Government Records Council
On The 28th Day of May 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: June 1, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 28, 2026 Council Meeting**

**Terry Peifer¹
Complainant**

GRC Complaint No. 2024-172

v.

**City of Trenton (Mercer)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of:

1. “A copy of the Dog Trust Fund AND the Budget Transaction Audit Trail, including Requisition Items for the Dog Trust Fund from 1/1/2023 until current.
2. A copy of the Condensed Vendor Activity Report by Vendor ID from 1/1/2023 until this current date.
3. A copy of the Detail Vendor Activity Report by Vendor ID for the animal shelter accounts for 2023 and 2024 to date.
4. A copy of a check register for all payments made for the animal shelter and animal control and/or animal welfare for 2023 and 2024 to date (ALL ACCOUNTS).
5. A copy of the DETAILED VENDOR ACTIVITY REPORT for all legal payments/settlements for any and all Opra requests for 2023 and 2024 to date.”

Custodian of Record: Brandon Garcia

Request Received by Custodian: April 29, 2024

Response Made by Custodian: May 9, 2024

GRC Complaint Received: July 8, 2024

Background³

Request and Response:

On April 28, 2024, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On May 9, 2024, the eighth (8th) business day⁴ after receipt of the OPRA request, City of Trenton (“City”) employee Jorge Osoria responded in writing on behalf of the Custodian extending the time frame for response by seven

¹ No legal representation listed on record.

² Represented by City of Trenton Attorney, Wesley Bridges, Esq. (Trenton, 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.

⁴ The GRC notes that the late response resulted in a “deemed” denial of access. However, the GRC will not address this issue because the Complainant did not raise it in her Denial of Access Complaint.

(7) business days. On May 21, 2024, Mr. Osoria responded again, extending the time frame for response by an additional seven (7) business days. On May 30, 2024, the Custodian responded in writing denying the OPRA request because no responsive records were found by the Finance Department. On May 31, 2024, City employee Ana P. Wolosin e-mailed the Complainant stating that, after a second search by the Finance Department, she was disclosing records responsive to OPRA request item No. 1.

On June 1, 2024, the Complainant e-mailed Ms. Wolosin confirming receipt of the records responsive to OPRA request item No. 1. The Complainant also acknowledged that the City has responded that no records exist, but that request items No. 2 through 5 remain outstanding.

Denial of Access Complaint:

On July 8, 2024, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that, on May 9, 2024 and May 21, 2024, the City extended the time frame for response. The Complainant asserted that, on May 30, 2024, she was notified that no records could be found and that her request was closed. The Complainant asserted that, on May 31, 2024, she received an e-mail stating that records were found for OPRA request item No. 1 and that she was provided with those records. The Complainant asserted that, on June 1, 2024, she sent a notification to the Custodian stating that OPRA request items Nos. 2 through 5 were still missing. The Complainant asserted that she did not receive a response to her last correspondence.

The Complainant requested that the Council: 1) order immediate disclosure of all responsive records; 2) determine that the Custodian knowingly and willfully violated OPRA and is subject to the civil penalty under N.J.S.A. 47:1A-11; and 3) grant any additional relief deemed appropriate.

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 April 29, 2024. The Custodian certified that the request was sent to the Finance Department, whose “initial response was that no records existed.” The Custodian certified that after further discussion on the interpretation of the OPRA request, the Finance Department produced records that his office provided to the Complainant on May 31, 2024. The Custodian did not include supporting documentation of those records sent to the Complainant on May 31, 2024.

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.

Here, the Complainant was seeking five (5) types of records, of which one (1) was provided. The Custodian did not provide sufficient documentation to show that records responsive to OPRA request item Nos. 2 through 5 were disclosed, exempt under a specific lawful basis, or did not exist. Therefore, the Custodian may have unlawfully denied access to OPRA request item Nos. 2 through 5.

Accordingly, the Custodian may have unlawfully denied access to the OPRA request item Nos. 2 through 5. N.J.S.A. 47:1A-6. Therefore, the Custodian must either disclose all responsive records or if records are denied, provide the specific lawful basis for denying access to a particular record, or certify if certain records responsive to a particular item do not exist.

Knowing & Willful

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian’s compliance with the Council’s Interim Order.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian may have unlawfully denied access to the OPRA request item Nos. 2 through 5. N.J.S.A. 47:1A-6. Therefore, the Custodian must either disclose all responsive records or if records are denied, provide the specific lawful basis for denying access to a particular record, or certify if certain records responsive to a particular item do not exist.
2. **The Custodian shall comply with conclusion No. 1 above within ten (10) business days from receipt of the Council’s Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, if applicable. Further, the Custodian shall simultaneously deliver⁵ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁶ to the Executive Director.⁷**

⁵ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

⁶ “I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”

⁷ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant, but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: Brenda B. Alves
Staff Attorney

May 21, 2026