



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

June 30, 2026 Government Records Council Meeting

David Weiner

Complainant

v.

County of Essex

Custodian of Record

Complaint No. 2024-18

At the June 30, 2026, public meeting, the Government Records Council (“Council”) considered the June 23, 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 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).
2. The Complainant’s request seeking “documents delineating “numbers of overdue SNAP” cases and “reports” is invalid because it failed to identify a specific record and would require the Custodian to perform research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546, 549 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 237 (App. Div. 2015); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied this request. 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 30th Day of June 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: July 1, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
June 30, 2026 Council Meeting**

**David Weiner¹
Complainant**

GRC Complaint No. 2024-18

v.

**County of Essex²
Custodial Agency**

Records Relevant to Complaint: Copies of:

1. “Document(s) delineating the number of overdue [Supplemental Nutrition Assistance Program (“SNAP”)]” cases pending with the Division of Family Assistance and Benefits (“DFAB”) from November 1, 2023 to present.
2. “Document(s) delineating the number of the above referenced overdue SNAP” cases pending with DFAB, “broken down monthly,” between November 1, 2023 to present.
3. “Document(s) delineating reports from DFAB to the New Jersey Division of Family Development (“DFD”) denoting the numbers of the above referenced overdue SNAP” cases between November 1, 2023 to present.

Custodian of Record: George Seylaz

Request Received by Custodian: Unknown.

Response Made by Custodian: None.

GRC Complaint Received: January 22, 2024

Background³

Request:

On December 6, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. The Complainant noted that he was also attaching correspondence related to a September 1, 2023 OPRA request seeking similar records where the Custodian denied access on the basis that no records exist.

¹ No legal representation listed on record.

² No legal representation listed on record.

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.

Denial of Access Complaint:

On January 22, 2024, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Custodian failed to respond at all to his OPRA request.

Statement of Information:

On February 20, 2024, the Custodian filed a Statement of Information (“SOI”). However, the Custodian only addressed the Complainant’s September 1, 2023 OPRA request, which is not at issue in the instant complaint.⁴

Analysis

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).⁵ 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 his OPRA request to the Custodian on December 6, 2023. The Complainant subsequently filed the instant complaint arguing that the Custodian failed to respond to the subject OPRA request. Although the Custodian filed an SOI, he wholly addressed the prior September 1, 2023 OPRA request that is not at issue in this complaint. Thus, in the absence of any evidence to the contrary, the facts here support a “deemed” denial of access occurred here.

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.

⁴ The Custodian may have confused the subject of the complaint based on the inclusion of the September 1, 2023 communications attached to the December 6, 2023 OPRA request. Nevertheless, the Denial of Access Complaint clearly identifies the December 6, 2023 OPRA request as the one at issue in this complaint.

⁵ 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.

Validity of Request

Initially, the Council is permitted to raise additional defenses regarding the disclosure of records pursuant to Paff v. Twp. of Plainsboro, 2007 N.J. Super. Unpub. LEXIS 2135 (App. Div.) (certif. denied, 193 N.J. 292 (2007)).⁶ In Paff, the complainant challenged the GRC's authority to uphold a denial of access for reasons never raised by the custodian. Specifically, the Council did not uphold the basis for the redactions cited by the custodian. The Council on its own initiative determined that the Open Public Meetings Act prohibited the disclosure of the redacted portions to the requested executive session minutes. The Council affirmed the custodian's denial to portions of the executive session minutes, but for reasons other than those cited by the custodian. The complainant argued that the GRC did not have the authority to do anything other than determine whether the custodian's cited basis for denial was lawful. The court held that:

The GRC has an independent obligation to "render a decision as to whether the record which is the subject of the complaint is a government record which must be made available for public access pursuant to' OPRA The GRC is not limited to assessing the correctness of the reasons given for the custodian's initial determination; it is charged with determining if the initial decision was correct." The court further stated that:

Aside from the clear statutory mandate to decide if OPRA requires disclosure, the authority of a reviewing agency to affirm on reasons not advanced by the reviewed agency is well established. Cf. Bryant v. City of Atl. City, 309 N.J. Super. 596, 629-30 (App. Div. 1998) (citing Isko v. Planning Bd. of Livingston, 51 N.J. 162, 175 (1968) (lower court decision may be affirmed for reasons other than those given below)); Dwyer v. Erie Inv. Co., 138 N.J. Super. 93, 98 (App. Div. 1975) (judgments must be affirmed even if lower court gives wrong reason), certif. denied, 70 N.J. 142 (1976); Bauer v. 141-149 Cedar Lane Holding Co., 42 N.J. Super. 110, 121 (App. Div. 1956) (question for reviewing court is propriety of action reviewed, not the reason for the action) (aff'd, 24 N.J. 139 (1957)).

Here, notwithstanding the Custodian's deficient SOI filing, the Complainant's request on its face is invalid because it would require research to provide a response. The GRC thus raises a *sua sponte* defense regarding the validity of the 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).]

⁶ On appeal from Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006).

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);⁷ *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).

Regarding generic requests for “records,” the request at issue in *MAG* sought “all documents or records evidencing that the ABC sought, obtained or ordered revocation of a liquor license for the charge of selling alcoholic beverages to an intoxicated person in which such person, after leaving the licensed premises, was involved in a fatal auto accident” and “all documents or records evidencing that the ABC sought, obtained or ordered suspension of a liquor license exceeding 45 days for charges of lewd or immoral activity.” *Id.* at 539-40. The court noted that plaintiffs failed to include additional identifiers such as a case name or docket number. *Id.*; see also *Steinhauer-Kula v. Twp. of Downe (Cumberland)*, GRC Complaint No. 2010-198 (March 2012) (holding that the complainant’s request item No. 2 seeking “[p]roof of submission” was invalid); *Edwards v. Hous. Auth. of Plainfield (Union)*, GRC Complaint No. 2008-183 *et seq.* (Final Decision dated April 25, 2012) (accepting the Administrative Law Judge’s finding that a newspaper article attached to a subject OPRA request that was related to the records sought did not cure the deficiencies present in the request).

Id.

⁷ Affirmed on appeal regarding *Bent v. Stafford Police Dep’t*, GRC Case No. 2004-78 (October 2004).

Moreover, in Feiler-Jampel v. Somerset Cnty. Prosecutor's Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008), the Council similarly held that a request seeking “[a]ny and all documents and evidence” relating to an investigation being conducted by the Somerset County Prosecutor’s Office was invalid, reasoning that:

[B]ecause the records requested comprise an entire SCPO file, the request is overbroad and of the nature of a blanket request for a class of various documents rather than a request for specific government records. Because OPRA does not require custodians to research files to discern which records may be responsive to a request, the Custodian had no legal duty to research the SCPO files to locate records potentially responsive to the Complainant’s request pursuant to the Superior Court’s decisions in [MAG], [Bent] and the Council’s decisions in Asarnow v. Department of Labor and Workforce Development, GRC Complaint No. 2006-24 (May 2006) and Morgano v. Essex Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (February 2008).

[Id.; see also Schulz v. NJ State Police, GRC Complaint No. 2014-390 (Interim Order dated July 28, 2015) (holding that the portion of the request seeking “all documents” was overly broad and thus invalid).]

Additionally, in Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-37 (App. Div. 2015), the court held that the plaintiff’s request was invalid because it required research. In reaching this conclusion, the court reasoned that:

The custodian in this case would have had to make a preliminary determination as to which travel records correlated to the governor and to his senior officials, past and present, over a span of years. The custodian would then have had to attempt to single out those which were third-party funded events. Next, he would have had to collect all documents corresponding to those events and search to ensure he had accumulated everything, including both paper and electronic correspondence. OPRA does not convert a custodian into a researcher.

[Id. at 237; see also Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Serv., 2019 N.J. Super. Unpub LEXIS 2510 (App. Div. Dec. 10, 2019) (affirming Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Serv., GRC Complaint No. 2016-262 (August 2018)).]

Here, the Complainant’s request sought “[d]ocuments delineating” DFAB data and reports to DFD on overdue SNAP cases. The Custodian did not respond to said request and subsequently submitted an SOI that did not address the issues relevant to this complaint. Notwithstanding the SOI issue, the request is invalid. Regarding request item Nos. 1 and 2, as in Feiler-Jampel, GRC 2007-190, and Lagerkvist, 443 N.J. Super. 230, each would require the Custodian to require research of every record within DFAB, and potentially the County of Essex’s, full universe of records to determine if any contained “numbers of overdue SNAP cases” Even if the time period identified was only a month-long, the request items do not identify any specific type of record and thus does not conform with the requirement of a valid OPRA request as discussed by

the MAG court. Further, request item No. 3 seeks “[d]ocuments delineating” those reports rather than a specific type of report from DFAB to DFD. Thus, any document that references or is associated with these “reports” is responsive to the request. Again, as in Feiler-Jampel, GRC 2007-190 and Lagerkvist, 443 N.J. Super. 230, the Custodian here is not required to determine if the request solely sought a report from DFAB to DFD or any other potential documents associated therewith. Further, the Custodian was not required to perform research of any ancillary documents to divine every reference to the ambiguous “reports.” See also Weiner v. Cnty. of Essex, GRC Complaint No. 2020-225 (November 2021); Weiner v. Cnty of Essex, GRC Complaint No. 2022-213 (October 2023).

Accordingly, the Complainant’s request seeking “documents delineating” “numbers of overdue SNAP” cases and “reports” is invalid because it failed to identify a specific record and would require the Custodian to perform research. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; N.J. Builders, 390 N.J. Super. at 180; Lagerkvist, 443 N.J. Super. at 237; Schuler, GRC 2007-151; Feiler-Jampel, GRC 2007-190. Thus, the Custodian lawfully denied this request. N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. 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).
2. The Complainant’s request seeking “documents delineating” “numbers of overdue SNAP” cases and “reports” is invalid because it failed to identify a specific record and would require the Custodian to perform research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546, 549 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 237 (App. Div. 2015); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied this request. N.J.S.A. 47:1A-6.

Prepared By: Frank F. Caruso
Executive Director

June 23, 2026