



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

### Administrative Complaint Disposition – Complaint Dismissed Without Prejudice

**Jack Simmermon (o/b/o A. Simmermon Corp  
d/b/a A-Jack's Towing & Recovery)  
Complainant**

**GRC Complaint No. 2025-269**

**v.**

**Township of Monroe (Gloucester)  
Custodial Agency**

**Custodian of Record:** Aileen Chisleko  
**Request Received by Custodian:** August 19, 2025  
**GRC Complaint Received:** September 15, 2025

**Complaint Disposition:** The Complainant submitted this Denial of Access Complaint on September 15, 2025 challenging the Custodian's denial of towing applications as "deliberative material" under Educ. Law Ctr. v. N.J. Dep't of Educ., 198 N.J. 274 (2009) and other prevailing case law. On September 18, 2025, the GRC served the Custodian with the complaint via e-mail. On September 29, 2025, seven (7) business days after receipt of the complaint, Custodian's Counsel sent a letter to Complainant's Counsel stating that because the Township of Monroe ("Township") awarded a towing contract on September 24, 2025, he was disclosing to the Complainant the responsive applications with redactions. On the same day, Custodian's Counsel notified the GRC of the disclosure via e-mail and requested that this complaint be dismissed without prejudice per N.J.S.A. 47:1A-6. Counsel included sufficient documentation to support this disclosure. Therefore, this complaint shall be dismissed without prejudice pursuant to N.J.S.A. 47:1A-6.

Additionally, upon review of the evidence of record, the Complainant is not a prevailing party entitled to a fee award. Specifically, the Custodian did not deny access in violation of OPRA because the Custodian raised a viable exemption based on the Township's deliberation of the towing applications and subsequent award of a contract after the filing of this complaint. See e.g. Bond v. Borough of Washington (Warren), GRC Complaint No. 2009-324 (Final Decision dated March 29, 2011). Thus, it cannot be said that the Custodian "knew or should have known that the denial" violated OPRA.

**Applicable OPRA Provision:** "If the records sought are produced by the public agency within seven business days of service of an action in Superior Court or a complaint before the Government Records Council, upon notification to the Superior Court or the Government Records Council, the matter shall be dismissed without prejudice and the requestor may be entitled to a reasonable attorney's fee if the custodian knew or should have known that the denial of access violated [OPRA]." 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.**

**Effective Date of Disposition:** November 6, 2025

Prepared By: Maria M. Rossi  
Staff Attorney

Date: October 28, 2025

**Distribution Date: December 11, 2025**