



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

July 28, 2026 Government Records Council Meeting

Andrew Cary Baldwin

Complainant

v.

Township of Clinton (Hunterdon)

Custodian of Record

Complaint No. 2025-293

At the July 28, 2026, public meeting, the Government Records Council (“Council”) considered the July 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 current Custodian complied with the Council’s May 28, 2026, Interim Order because he responded in the prescribed time frame providing responsive records and simultaneously provided certified confirmation of compliance to the Executive Director.
2. Although the Council determined that the Custodian did not sufficiently respond to OPRA request item Nos. 1 through 5 of the Complainant’s OPRA request, the current Custodian did disclose all responsive records in the Township’s possession in compliance with the Council’s May 28, 2026 Interim Order. Moreover, the evidence of record does not indicate that the Custodian’s actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian’s actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial under the totality of the circumstances.

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 28th Day of July 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 30, 2026

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**Andrew Cary Baldwin¹
Complainant**

GRC Complaint No. 2025-293

v.

**Township of Clinton (Hunterdon)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:

1. “Non-emergency and emergency dispatch logs and audio from August 13, 2025 from 6:30 p.m. to 11:59 p.m.
2. Name and salary of dispatch officer 125.
3. All records pertaining to CAD/car/incident number 25147904, which “I was told covers all three calls I made” (around 6:55 p.m., 9:35 p.m., and 11:19 p.m.).
4. Police Report from July 7, 2025 about gas leak and cut internet at [a specific address]
5. Contents of C.T.P.D. Case #2025024018
6. Body camera footage of Michael Balsamo, Patrolman #67 during C.T.P.D. Case #2025024018.”

Custodian of Record: Lindsay Heller³

Request Received by Custodian: August 15, 2025

Response Made by Custodian: September 11, 2025

GRC Complaint Received: October 6, 2025

Background

May 28, 2026 Council Meeting:

At its May 28, 2026 public meeting, the 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, found that:

1. The Custodian’s failure to submit a completed Statement of Information to the GRC,

¹ No legal representation listed on record.

² Represented by Trishka W. Cecil, Esq., of Mason, Griffin & Pierson, P.C. (Princeton, NJ).

³ Jeffrey Jotz was named Acting Township Clerk and Custodian of Record of Clinton on December 17, 2025 while the original custodian, Ms. Heller, was on leave. Since that time, Ms. Heller has resigned from her employment with the Township.

- despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian's failure to respond obstructed the GRC in its efforts to "receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian" N.J.S.A. 47:1A-7(b). Alterman, Esq. v. Sussex Cnty. Sheriff's Office, GRC Complaint No. 2013-353 (September 2014). See also Kovacs v. Irvington Police Dep't (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).
2. The purported response from the Custodian on September 11, 2025 was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008); Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013).
 3. The Custodian may have unlawfully denied access to the remaining portions of the Complainant's OPRA request. N.J.S.A. 47:1A-6. Thus, the Custodian shall: 1) search for and disclose records responsive to OPRA request item Nos. 1 through 5 to the Complainant; 2) provide a specific lawful basis for denying access to any of the responsive records including supporting documentation; or 3) certify if no responsive records to the subject OPRA request exist.
 4. **The Custodian shall comply with conclusion No. 3 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 deliver⁴ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁵ to the Executive Director.⁶**
 5. 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.

⁴ 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.

⁵ "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."

⁶ 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.

Andrew Cary Baldwin v. Township of Clinton (Hunterdon), 2025-293 – Supplemental Findings and Recommendations of the Executive Director 2

Procedural History:

On June 1, 2026, the Council distributed its Interim Order to all parties.

On June 12, 2026, the current Custodian responded to the Council's Interim Order. The current Custodian noted that he only became aware of the instant complaint on May 21, 2026, when he received the GRC's meeting notification for this matter's adjudication. The current Custodian certified that he was unaware of the Custodian's handling of the OPRA request and conversed with the Township Attorney who stated he had no knowledge of receipt of the instant complaint or of the underlying OPRA request.

The current Custodian certified that, following receipt of the Council's Interim Order, he and the Clinton Township Police Department searched for and located records responsive to OPRA request item Nos. 1 through 5 of the Complainant's OPRA request; specifically: (1) non-emergency dispatch logs and audio from August 13, 2024 from 6:30 p.m. to 11:59 p.m.; (2) name and salary of dispatch officer 125; (3) all records pertaining to CAD/car/incident number 25147904 of three phone calls around 6:55 p.m., 9:35 p.m., and 11:19 p.m.; (4) Police Report from July 7, 2025 about a gas leak and cut internet at [a specific address]; and (5) contents of CTPD Case #2025024018.

The current Custodian certified that he located an e-mail from the Custodian to the GRC on October 30, 2025⁷ that contained a hyperlink to a zip file appearing to disclose records responsive to OPRA request item Nos. 1 through 3 of the underlying OPRA request, specifically: CAD incident report #25147904 dated August 13, 2025; Salary and other information for [a specific Hunterdon County Employee]; record titled "Journal Entries," which lists five CAD entries but does not include dates, and four (4) audio files. The current Custodian also certified that as part of his response to the Interim Order he included a copy of the Clinton Township Police Department Operation Report in Case No. 2025-024018 dated August 14, 2025, as well as a table identifying the appropriate redactions. The current Custodian certified that, to the best of his knowledge, information, and belief, all responsive records have been disclosed and there are no additional records responsive to OPRA request item Nos. 1 through 5.

Analysis

Compliance

At its May 28, 2026 meeting, the Council ordered the Custodian to search for and disclose records responsive to OPRA request item Nos. 1 through 5 to the Complainant; provide a specific lawful basis for denying access to any of the responsive records including supporting documentation; or certify if no responsive records to the subject OPRA request exist. The Council ordered the Custodian to submit certified confirmation of compliance in accordance with R. 1:4-4 to the Executive Director. On June 1, 2026, the Council distributed its Interim Order to all parties, providing the Custodian ten (10) business days to comply with the terms of said Order. Thus, the Custodian's response was due by close of business on June 15, 2026.

⁷ The GRC notes that the Complainant was not copied on this e-mail. Thus, same constitutes unpermitted *ex-parte* communications regardless of what was disclosed. N.J.A.C. 5:105-2.4(b).

On June 12, 2026, the ninth (9th) business day after receipt of the Council's Order, the current Custodian provided a written certification to the GRC in response to the Council's May 28, 2026 Interim Order. Therein, the current Custodian certified that he, along with the Clinton Township Police Department, searched for and located responsive records including an October 30, 2025 e-mail authored by the Custodian containing a hyperlink to a zip file disclosing CAD incident report #25147904 dated August 13, 2025; salary and other information for a specific Hunterdon County Employee; record titled "Journal Entries," which lists five CAD entries but does not include dates, and four (4) audio files, all of which are responsive to OPRA request item Nos. 1 through 3. Additionally, the current Custodian certified that his search located, and he subsequently provided, a copy of the Clinton Township Police Department Operation Report in Case No. 2025-024018 dated August 14, 2025, as well as a table identifying the appropriate redactions to the Complainant. The current Custodian certified that all records responsive to Complainant's OPRA request item Nos. 1 through 5 were disclosed and that there are no additional responsive records.

Therefore, the current Custodian complied with the Council's May 28, 2026 Interim Order because he responded in the prescribed time frame providing responsive records and simultaneously provided certified confirmation of compliance to the Executive Director.

Knowing & Willful

OPRA states that "[a] public official, officer, employee or custodian who knowingly and willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty" N.J.S.A. 47:1A-11(a). OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically, OPRA states "[i]f the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA]" N.J.S.A. 47:1A-7(e).

Certain legal standards must be considered when making the determination of whether the Custodian's actions rise to the level of a "knowing and willful" violation of OPRA. The following statements must be true for a determination that the Custodian "knowingly and willfully" violated OPRA: the Custodian's actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian's actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (*id.*; Marley v. Borough of Palmyra, 193 N.J. Super. 271, 294-95 (Law Div. 1983)); the Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J. Super. 86, 107 (App. Div. 1996)).

Although the Council determined that the Custodian did not sufficiently respond to OPRA request item Nos. 1 through 5 of the Complainant's OPRA request, the current Custodian did

disclose all responsive records in the Township's possession in compliance with the Council's May 28, 2026 Interim Order. Moreover, the evidence of record does not indicate that the Custodian's actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial under the totality of the circumstances.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The current Custodian complied with the Council's May 28, 2026 Interim Order because he responded in the prescribed time frame providing responsive records and simultaneously provided certified confirmation of compliance to the Executive Director.
2. Although the Council determined that the Custodian did not sufficiently respond to OPRA request item Nos. 1 through 5 of the Complainant's OPRA request, the current Custodian did disclose all responsive records in the Township's possession in compliance with the Council's May 28, 2026 Interim Order. Moreover, the evidence of record does not indicate that the Custodian's actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial under the totality of the circumstances.

Prepared By: Maria M. Rossi
Staff Attorney

July 21, 2026



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

INTERIM ORDER

May 28, 2026 Government Records Council Meeting

Andrew Cary Baldwin
Complainant

Complaint No. 2025-293

v.

Township of Clinton (Hunterdon)
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’s failure to submit a completed Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian’s failure to respond obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian” N.J.S.A. 47:1A-7(b). Alterman, Esq. v. Sussex Cnty. Sheriff’s Office, GRC Complaint No. 2013-353 (September 2014). See also Kovacs v. Irvington Police Dep’t (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).
2. The purported response from the Custodian on September 11, 2025, was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008); Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013).
3. The Custodian may have unlawfully denied access to the remaining portions of the Complainant’s OPRA request. N.J.S.A. 47:1A-6. Thus, the Custodian shall: 1) search for and disclose records responsive to OPRA request item Nos. 1 through 5 to the Complainant; 2) provide a specific lawful basis for denying access to any of the responsive records including supporting documentation; or 3) certify if no responsive records to the subject OPRA request exist.
4. **The Custodian shall comply with conclusion No. 3 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

5. 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.

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

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.

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**Andrew Cary Baldwin¹
Complainant**

GRC Complaint No. 2025-293

v.

**Township of Clinton (Hunterdon)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:

1. “Non-emergency and emergency dispatch logs and audio from August 13, 2025 from 6:30 p.m. to 11:59 p.m.
2. Name and salary of dispatch officer 125.
3. All records pertaining to CAD/car/incident number 25147904, which “I was told covers all three calls I made” (around 6:55 p.m., 9:35 p.m., and 11:19 p.m.).
4. Police Report from July 7, 2025 about gas leak and cut internet at [a specific address]
5. Contents of C.T.P.D. Case #2025024018
6. Body camera footage of Michael Balsamo, Patrolman #67 during C.T.P.D. Case #2025024018.”

Custodian of Record: Lindsay Heller

Request Received by Custodian: August 15, 2025

Response Made by Custodian: September 11, 2025

GRC Complaint Received: October 6, 2025

Background³

Request and Response:⁴

On August 15, 2025, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On August 15, 2025, the Custodian acknowledged receipt of the subject OPRA request. On August 26, 2025, the Custodian purportedly responded in writing obtaining an extension of time through September 5, 2025, to

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.

⁴ The evidence of record includes either undated e-mails or a lack of documentation supporting correspondence dates. In those instances where there is a lack of supporting documentation, the GRC will describe said correspondence as “purportedly.”

respond to the subject OPRA request. On September 4, 2025, the Custodian purportedly sought another extension of time to respond to the OPRA request until September 15, 2025, due to the video and redactions. On September 11, 2025, the Custodian disclosed a responsive body worn camera video with redactions, stating “[t]his completes your request.” On the same day, the Complainant e-mailed the Custodian contending that his OPRA request “is not at all complete.”

Denial of Access Complaint:

On October 6, 2025, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant acknowledged receipt of the requested body worn camera video in response to OPRA request item No 6. The Complainant asserted that the Custodian failed to address the remaining requested records and incorrectly categorized his request as complete. The Complainant asserted that, alternatively, the Custodian did not provide reasons or explanations for the denial of the remaining request items.

Statement of Information:

On October 14, 2025, the GRC sent the Custodian a request to file the Statement of Information (“SOI”). On October 30, 2025, the GRC sent a “No Defense” letter to the Custodian requesting a completed SOI within three (3) business days of receipt. The GRC noted that the Custodian’s failure to submit an SOI could lead to an adjudication based solely on the Complainant’s submission. N.J.A.C. 5:105-2.4(g). The GRC has not received an SOI from the Custodian to date.

Analysis

Failure to Submit SOI

OPRA provides that “Custodians shall submit a completed and signed statement of information (SOI) form to the Council and the complainant simultaneously that details the custodians' position for each complaint filed with the Council[.]” N.J.A.C. 5:105-2.4(a).

OPRA also provides that:

Custodians shall submit a completed and signed SOI for each complaint to the Council's staff and the complainant not later than five business days from the date of receipt of the SOI form from the Council's staff . . . Failure to comply with this time period may result in the complaint being adjudicated based solely on the submissions of the complainant.

[N.J.A.C. 5:105-2.4(g).]

Furthermore, OPRA provides that “[a] custodian’s failure to submit a completed and signed SOI . . . may result in the Council issuing a decision in favor of the complainant.” N.J.A.C. 5:105-2.4(g). In Alterman, Esq. v. Sussex Cnty. Sheriff’s Office, GRC Complaint No. 2013-353 (September 2014), the custodian failed to provide a completed SOI to the GRC within the allotted

deadline. Thus, the Council noted the custodian's failure to adhere to N.J.A.C. 5:105-2.4(a). See also Kovacs v. Irvington Police Dep't (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).

In the instant matter, the GRC sent an SOI request to the Custodian on October 14, 2025. On October 30, 2025, after the expiration of the ten (10) business day deadline, the GRC sent the Custodian a "No Defense" letter providing her an additional three (3) business days to submit the requested SOI. The transmission also included a copy of the original SOI letter providing detailed instructions on how to properly submit an SOI. The GRC has not received an SOI from the Custodian.

Accordingly, the Custodian's failure to submit a completed SOI to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian's failure to respond obstructed the GRC in its efforts to "receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian" N.J.S.A. 47:1A-7(b). Alterman, Esq., GRC 2013-353. See also Kovacs, GRC 2014-196; Howell, GRC 2015-249.

As a result of the Custodian's failure to submit an SOI, the GRC proceeds to address this complaint based solely on the submissions presently before it pursuant to N.J.A.C. 5:105-2.4(g).

Sufficiency of Response

OPRA provides that if a "custodian is unable to comply with a request for access, the custodian *shall indicate the specific basis therefor* . . . on the request form and promptly return it to the requestor." N.J.S.A. 47:1A-5(g) (emphasis added). In Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008), the Council held that "[t]he Custodian's response was legally insufficient because he failed to respond to each request item individually. Therefore, the Custodian has violated N.J.S.A. 47:1A-5(g)." See also Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013).

Upon review, the GRC is satisfied that the Custodian provided an insufficient response. Specifically, the Custodian responded to the Complainant's OPRA request on September 11, 2025, disclosing body worn camera video applicable to OPRA request item No. 6. However, the response failed to address the remaining OPRA request items, and instead asserts only that the request was "complete." As the Custodian did not submit an SOI addressing the outstanding records, she did not indicate a specific basis for not addressing the remaining request items. Thus, the facts here are on point with those in Paff and it follows that there was an insufficient response in the instant complaint.

Therefore, the purported response from the Custodian on September 11, 2025, was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272; Lenchitz, GRC 2012-265.

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.

In the instant matter, the Complainant affirmed receipt of the body worn camera video responsive to OPRA request item No. 6. The Complainant stated the Custodian, however, did not address the remaining portions of his request and thus disagreed with the Custodian’s assertion that his request was considered complete. The Complainant’s assertions and copies of the Custodian’s purported e-mail responses provided by the Complainant are sufficient to show that the Custodian received the OPRA request and that the Custodian, in turn, did not sufficiently respond to all portions of the OPRA request or respond to Complainant’s e-mail indicating the Custodian’s response was incomplete. As the Custodian did not submit an SOI, there is no explanation as to why a partial disclosure occurred. For these reasons, the GRC finds that the Custodian may have unlawfully denied access to the remainder of the requested records.

Accordingly, the Custodian may have unlawfully denied access to the remaining portions of the Complainant’s OPRA request. N.J.S.A. 47:1A-6. Thus, the Custodian shall: 1) search for and disclose records responsive to OPRA request item Nos. 1 through 5 located to the Complainant; 2) provide a specific lawful basis for denying access to any of the responsive records including supporting documentation; or 3) certify if no responsive records to the subject OPRA request 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’s failure to submit a completed Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian’s failure to respond obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . .” N.J.S.A. 47:1A-7(b). Alterman, Esq. v. Sussex Cnty. Sheriff’s Office, GRC Complaint No. 2013-353 (September 2014). See also Kovacs v. Irvington Police Dep’t (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).

2. The purported response from the Custodian on September 11, 2025, was insufficient because she failed to address each request item. See N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008); Lenchitz v. Pittsgrove Twp. (Salem), GRC Complaint No. 2012-265 (Interim Order dated August 27, 2013).
3. The Custodian may have unlawfully denied access to the remaining portions of the Complainant's OPRA request. N.J.S.A. 47:1A-6. Thus, the Custodian shall: 1) search for and disclose records responsive to OPRA request item Nos. 1 through 5 to the Complainant; 2) provide a specific lawful basis for denying access to any of the responsive records including supporting documentation; or 3) certify if no responsive records to the subject OPRA request exist.
4. **The Custodian shall comply with conclusion No. 3 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 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: Maria M. Rossi
Staff Attorney

May 21, 2026

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.