



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

January 27, 2026 Government Records Council Meeting

Steve Clegg
Complainant

v.

City of Trenton (Mercer)
Custodian of Record

Complaint No. 2025-57

At the January 27, 2026, public meeting, the Government Records Council (“Council”) considered the January 20, 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 this complaint should be dismissed because it was filed out of time pursuant to N.J.S.A. 47:1A-6. Specifically, the Complainant failed to file a complaint within forty-five (45) calendar days of the denial of his November 25, 2024 OPRA request on January 8, 2025. Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this complaint as within time. Finally, because this complaint is untimely filed, the GRC will not address the merits thereof.

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 27th Day of January 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: February 2, 2026



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
January 27, 2026 Council Meeting**

**Steve Clegg¹
Complainant**

GRC Complaint No. 2025-57

v.

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

Records Relevant to Complaint: Electronic copies of “all emails, including attachments, sent to or from Carlos Minacapelli since 10/1/24, containing any of the following keywords in the subject or message body:

1. Emmett
2. Hanover
3. Breeder
4. Kennel
5. Laurel
6. License
7. Redstormblues
8. Ordinance”

Custodian of Record: Brandon Garcia

Request Received by Custodian: November 25, 2024

Response Made by Custodian: December 5, 2024

GRC Complaint Received: March 6, 2025

Background³

Request and Response:

On November 25, 2024, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On December 5, 2024, the Custodian responded in writing extending the response time frame for seven (7) business days. On December 16, 2024, the Custodian responded in writing extending the time frame for another seven (7) business days. On January 7, 2025, the Complainant messaged the Custodian advising that the extension deadline had passed eleven (11) days prior. On January 8, 2025, the Custodian

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.

responded in writing disclosing records to the Complainant, some with redactions and excluding attachments.

On January 8, 2025, the Complainant replied to the Custodian stating that “no attachments were included although they clearly exist as indicated in the e-mails” and that the Custodian “improperly redacted all e-mail addresses and phone numbers.” On January 21, 2025, the Complainant again replied to the Custodian asking for the attachments and for unredacted copies of the records.

Denial of Access Complaint:

On March 6, 2025, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that on December 5, 2024, and December 16, 2024, the Custodian extended the time frame for a response for seven (7) business days. The Complainant stated that on January 7, 2025, he messaged the Custodian claiming that the “extension had passed 11 days earlier” and he had yet to receive the records. The Complainant asserted that the Custodian provided incomplete and improperly redacted records on January 8, 2025. The Complainant stated that he twice contacted the Custodian about this issue and did not receive any response.

The Complainant argued the records disclosed did not include any attachments and that “many” of the disclosed records did not meet the search parameters of his request and were duplicated. The Complainant argued that the redactions comprised of e-mail addresses and telephone numbers. The Complainant contended that, while OPRA allows for the redaction of personal telephone numbers and personal e-mail addresses required by a public agency for applications, services, or programs, the information redacted here was clearly government official information. The Complainant further contended that any personal e-mail addresses redacted within the e-mails obviously did not meet the “required by a public agency” part of the e-mail address exemption.

Statement of Information:

On April 21, 2025, the GRC sent a request to file the Statement of Information (“SOI”) to the Custodian. The GRC did not receive a response to this request. On May 15, 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 to date.

Analysis

Statute of Limitations

As of September 3, 2024, the statute of limitations for a complainant to file a denial of access complaint is as follows:

A person who is denied access to a government record by the custodian of the record, at the option of the requestor who is accurately identified by name, may, *within 45 days of the date of denial* institute a proceeding to challenge the custodian's decision by filing an action in Superior Court . . . or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [N.J.S.A. 47:1A-7].

[N.J.S.A. 47:1A-6 (emphasis added).]

A denial occurs if the requestor has received a written denial of access from the custodian; or if the custodian has failed to respond in writing within seven (7) business days. The statute of limitations may allow a requestor filing beyond the new time frame to submit a motion providing reasons why the GRC should accept the complaint "as within time." N.J.A.C. 5:105-2.1(a). Unless a requestor can successfully argue that their complaint should be accepted "as within time," the complaint will be rejected for filing. This applies to complaints filed on or after September 3, 2024.

As a threshold issue here, the Complainant alleged in his Denial of Access Complaint that the Custodian disclosed incomplete and incorrect records on January 8, 2025, but identified the denial date as January 30, 2025. It appears the latter date would have represented the seventh (7th) business day after the Complainant sent his second message to the Custodian on January 21, 2025, disputing the records. However, the Complainant's alleged denial is clearly centered on the January 8, 2025 response. Thus, the evidence of record supports that the Custodian disclosed the disputed records on January 8, 2025, and the actual denial date on which the statute of limitations should be calculated is January 8, 2025, and not January 30, 2025, as identified by the Complainant. The Complainant has also not filed a motion for the GRC to accept his complaint "as within time," and the record does not contain evidence that good cause exists to accept this complaint as within time. N.J.A.C. 5:105-2.1(a). Accordingly, the 45-day statute of limitations for this complaint expired on February 24, 2025.⁴

Therefore, this complaint should be dismissed because it was filed out of time pursuant to N.J.S.A. 47:1A-6. Specifically, the Complainant failed to file a complaint within forty-five (45) calendar days of the denial of his November 25, 2024 OPRA request on January 8, 2025. Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this complaint as within time. Finally, because this complaint is untimely filed, the GRC will not address the merits thereof.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that this complaint should be dismissed because it was filed out of time pursuant to N.J.S.A. 47:1A-6. Specifically, the Complainant failed to file a complaint within forty-five (45) calendar days of the denial of his November 25, 2024 OPRA request on January 8, 2025. Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this complaint as

⁴ The final statute of limitations date is based on the fact that the forty-fifth (45) calendar day was February 22, 2025, a Saturday.

within time. Finally, because this complaint is untimely filed, the GRC will not address the merits thereof.

Prepared By: Brenda B. Alves
Staff Attorney

January 20, 2026