



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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Governor

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Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

INTERIM ORDER

June 30, 2026 Government Records Council Meeting

Jennifer Lopez
Complainant

Complaint No. 2026-198

v.

Borough of Penns Grove (Salem)
Custodian of Record

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’s failure to provide a completed Statement of Information to the GRC, despite more than one request, resulted in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian’s failure to respond additionally 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).
2. The Custodian did not bear her burden of proof that she 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).
3. The Custodian may have unlawfully denied access to Complainant’s OPRA request seeking body worn camera footage. N.J.S.A. 47:1A-6. Thus, the Custodian must locate and disclose this record to the Complainant. If the Custodian determines that no records exist or that the record should be withheld from disclosure in whole or in part pursuant to an OPRA exemption, she must provide a certification to this determination.
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

Interim Order 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

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
June 30, 2026 Council Meeting**

**Jennifer Lopez¹
Complainant**

GRC Complaint No. 2026-198

v.

**Borough of Penns Grove (Salem)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of “all body-worn camera (“BWC”) footage from the two responding officers” that responded to a police call for service at the Complainant’s residence “on March 21, 2026 at approximately 2:56 a.m.”³

Custodian of Record: Sharon Williams

Request Received by Custodian: March 23, 2026

Response Made by Custodian: April 12, 2026

GRC Complaint Received: April 20, 2026

Background⁴

Request and Response:

On March 23, 2026, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On April 8, 2026, the Complainant e-mailed the Custodian stating that she had not received a response within the statutory time frame. The Complainant stated that if she did not receive a response by 12:00 p.m., she would escalate the issue. On April 12, 2026, the sixteenth (16th) business day after receipt of the OPRA request, the Custodian responded in writing, stating that the BWC footage is “under legal review for release determination” and that she anticipates a response “by the end of business on April 15, 2026.”

Denial of Access Complaint:

On April 20, 2026, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Custodian failed to grant access, deny access, or request a statutory extension within the seven (7) business days

¹ No legal representation listed on record.

² No legal representation listed on record.

³ The Complainant sought additional records that are not at issue in this complaint.

⁴ 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.

required by N.J.S.A. 47:1A-5. The Complainant asserted that “[a]s of 5:00 p.m. on April 15, the Custodian has failed to provide the records or any further communication.”

Statement of Information:

On April 23, 2026, 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 11, 2026, 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

Failure to Submit the Statement of Information

In furtherance of the GRC’s obligation to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to government records[,]” pursuant to N.J.S.A. 47:1A-7(b), it requires a custodian to submit a completed SOI.

The New Jersey Administrative Code provides:

Custodians shall submit a completed and signed SOI for each complaint to the Council’s staff and the complainant not later than 10 business days from the date of receipt of the SOI form from the Council’s staff. Custodians must sign the SOI . . . 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).]

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 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 April 23, 2026, to which the Custodian did not reply. On May 11, 2026, the GRC sent the Custodian a “No Defense” letter providing an additional three (3) business days to the submit the requested SOI. The GRC never received an SOI from the Custodian.

Accordingly, the Custodian’s failure to provide a completed SOI to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian’s failure to respond additionally 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).

As a result of the Custodian's failure to submit an SOI, pursuant to N.J.A.C. 5:105-2.4(g) the GRC will adjudicate this complaint based solely on the completed submissions presently before it. N.J.S.A. 47:1A-5(i).

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).

In this matter, the Complainant submitted her OPRA request to the Custodian on March 23, 2026. The Custodian responded in writing to the Complainant regarding her OPRA request on April 12, 2026, the sixteenth (16th) business day after receipt of the OPRA request. As the Custodian failed to submit an SOI to the GRC, there is no evidence in the record that any response was made in writing prior to April 12, 2026. The evidence of record therefore supports a conclusion that the Custodian's failure to respond in writing within the statutorily-mandated seven business day time period resulted in a "deemed denial of the Complainant's OPRA request.

Therefore, the Custodian did not bear her burden of proof that she 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.

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's OPRA request sought BWC footage from an incident at the Complainant's residence on March 21, 2026, at approximately 2:56 a.m. The Custodian responded to Complainant on the sixteenth (16th) business day following receipt of the request, stating that the footage was under legal review and that she would provide a response to the Complainant by

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.

April 15, 2026. However, the Custodian did not respond any further to the Complainant. Also, the Custodian did not submit an SOI citing any specific lawful basis for not disclosing the responsive footage in part or whole. Thus, pursuant to the evidence of record, the Custodian did not bear her burden of proving a lawful denial occurred here.

Accordingly, the Custodian may have unlawfully denied access to Complainant's OPRA request seeking BWC footage. N.J.S.A. 47:1A-6. Thus, the Custodian must locate and disclose this record to the Complainant. If the Custodian determines that no records exist or that the record should be withheld from disclosure in whole or in part pursuant to an OPRA exemption, she must provide a certification to this determination.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian's failure to provide a completed Statement of Information to the GRC, despite more than one request, resulted in a violation of N.J.A.C. 5:105-2.4(g). Moreover, the Custodian's failure to respond additionally 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).
2. The Custodian did not bear her burden of proof that she 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).
3. The Custodian may have unlawfully denied access to Complainant's OPRA request seeking body worn camera footage. N.J.S.A. 47:1A-6. Thus, the Custodian must locate and disclose this record to the Complainant. If the Custodian determines that no records exist or that the record should be withheld from disclosure in whole or in part pursuant to an OPRA exemption, she must provide a certification to this determination.
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 deliver⁶**

⁶ 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.

certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁷ to the Executive Director.⁸

Prepared By: Brenda B. Alves
Staff Attorney

June 23, 2026

⁷ "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."

⁸ 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.