



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 28, 2026 Government Records Council Meeting

Joseph Loughlin
Complainant

Complaint No. 2026-40

v.

Somerset Raritan Valley
Sewerage Authority (Somerset)
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 portion of the complaint related to the November 24, 2025 OPRA request should be dismissed because it was filed out of time. N.J.A.C. 5:105-2.1(a). Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this portion of the complaint as within time.
2. The Custodian unlawfully denied access to the Complainant’s OPRA request. N.J.S.A. 47:1A-6; Burlett v. Monmouth Cnty. Bd. of Freeholders, GRC Complaint No. 2004-75 (August 2004); Miller v. Westwood Reg’l Sch. Dist. (Bergen), GRC Complaint No. 2009-49 (February 2010). Thus, the Custodian shall search for and disclose responsive records located to the Complainant.
3. **The Custodian shall comply with conclusion No. 2 above within twenty (20) business days from receipt of the Council’s Final Decision. In the circumstance where the records ordered for disclosure are not provided to the Complainant, the Council’s Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).**

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 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

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**Joseph Loughlin¹
Complainant**

GRC Complaint No. 2026-40

v.

**Somerset Raritan Valley
Sewerage Authority (Somerset)²
Custodial Agency**

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

November 24, 2025 OPRA Request:

1. Current/future 2025-2026 Executive Director employment contract.
2. Past 5 years of Somerset Raritan Valley Sewerage Authority (“SRVSA”) audited financial records, including interest earnings and surplus details.

January 2, 2026 OPRA Request: Audio and/or video from the November 24, 2025 board meeting.

Custodian of Record: Ronald Anastasio

Request Received by Custodian: November 24, 2025 and January 2, 2026

Response Made by Custodian: November 25, 2025 and January 8, 2026

GRC Complaint Received: February 3, 2026

Background³

Request and Response:

On November 24, 2025, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On November 25, 2025, the Custodian responded in writing disclosing a responsive employment contract. Additionally, the Custodian provided a hyperlink to the SRVSA’s website to view the audited financial statements as recent as 2023, noting that the 2024 audit had not yet been finalized.

On January 2, 2026, the Complainant submitted an OPRA request to the Custodian seeking the above-mentioned records. On January 8, 2026, the Custodian responded in writing requesting

¹ No legal representation listed on record.

² Represented by Brad Carney, Esq., of Maraziti Falcon, LLP (Cedar Knolls, NJ).

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.

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an extension of time until January 21, 2026, to complete the request. On January 21, 2026, the Custodian responded in writing denying the request and stating that the audio recording, created solely as a personal memory aid, is not disclosable under OPRA pursuant to Atl. City Convention Ctr. Auth. v. S. Jersey Publ'g Co., 135 N.J. 53 (1994).

Denial of Access Complaint:

On February 3, 2026, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant stated that he received an unresponsive “old 2024 contract” in response to his November 24, 2025 request for the 2025-2026 employment contract.

The Complainant submitted to the GRC a motion to file his complaint within time asserting that good cause existed to accept the portion of the complaint regarding his November 24, 2025 OPRA request as timely filed. The Complainant stated that he was unaware of the 45-day requirement to file a Denial of Access Complaint. The Complainant also stated that he was dealing with significant personal circumstances regarding medical care for an immediate family member, which limited his ability to promptly research and understand procedural deadlines associated with filing a complaint.

The Complainant explained that he actively sought in good faith “to obtain a complete and accurate record” of what occurred at a particular SRVSA meeting, which required him to wait several weeks for the SRVSA to upload the meeting minutes from the November 24, 2025 meeting. The Complainant asserted that, ultimately, he filed the January 2, 2026 request because the minutes needed to resolve his dispute with the November 25, 2025 OPRA response were not uploaded, which necessitated a new OPRA request. The Complainant argued that he needed the Custodian’s response to his January 2, 2026 OPRA request before he could file a complete Denial of Access Complaint regarding his November 24, 2025 OPRA request attributing to this complaint being filed out of time.

The Complainant stated the Custodian requested an extension of time to respond to his January 2, 2026 OPRA request “simply to copy/paste the file and e-mail it.” The Complainant asserted that SRVSA tried to delay fulfilling his request until the Chairman of the Board of Directors received his renewed appointment and stated his belief that “corrupt public officials need to be held accountable.” (Emphasis omitted).

Statement of Information:

On February 20, 2026, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s November 24, 2025 OPRA request on the same day. The Custodian certified that he responded in writing on November 25, 2025, disclosing the SRVSA Executive Director’s current employment contract and, in compliance with N.J.S.A. 47:1A-5(e), directed the Complainant to SRVSA’s website to obtain the most recent audit reports.

The Custodian certified that he received the Complainant’s January 2, 2026 OPRA request on the same day. The Custodian certified that he responded in writing on January 8, 2026,

requesting an extension of time to respond until January 21, 2026. The Custodian certified that, on January 21, 2026, he denied the January 2, 2026 OPRA request stating that the requested audio recording is not subject to disclosure because it constituted draft meeting minutes that are not subject to disclosure pursuant to Atl. City Convention Ctr. Auth., 135 N.J. at 63-64. The Custodian stated that SRVSA records public board meetings by audio solely as a temporary memory aid to assist staff in the preparation of official meeting minutes. The Custodian argued that, although Atl. City Convention Ctr. Auth., 135 N.J. 53 applied the Right-To-Know Act, the same draft meeting minutes analysis applies to OPRA, and that therefore no unlawful denial of access occurred.

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. For all complaints filed on or after September 3, 2024, the statute of limitations may be extended beyond the 45-day timeframe upon submission by a complainant of a motion stating reasons why the GRC should accept the complaint "as within time." N.J.A.C. 5:105-2.1(a). If the complainant fails to successfully articulate a basis to accept their untimely filed complaint, it will be rejected for filing.

Here, the Complainant asserted in his Denial of Access Complaint that, on November 25, 2025, the Custodian responded in writing disclosing an "unresponsive" old contract. The Complainant stated that he attempted to resolve this dispute in good faith but had to wait several weeks for the November 24, 2025 meeting minutes to be posted online before doing so. Ultimately, on January 2, 2026, or thirty-eight (38) days after the Custodian's response, the Complainant filed an OPRA request for meeting minutes. The Complainant later filed the instant complaint on February 3, 2026, inclusive of the (2) OPRA requests, which was the seventieth (70th) day following the Custodian's November 25, 2025 response and disclosure.

The Complainant included a motion to file within time as required by N.J.A.C. 5:105-2.1(a). Therein the Complainant stated that he was unaware of the 45-day statute of limitations and, because he was caring for an immediate family member, he had limited ability to promptly research and understand the procedural deadlines associated with filing a complaint. Additionally, the Complainant maintained that he attempted to resolve his records dispute in good faith by

waiting for the meeting minutes, which he needed to submit a complete Denial of Access Complaint.

It is undisputed that this portion of the complaint was filed out of time. The applicable regulation, N.J.A.C. 5:105-2.1, starts the clock on the statute of limitations either from the denial date or, if the custodian fails to respond, the expiration of the response time frame. Here, the Custodian responded in writing disclosing responsive records to the November 24, 2025 OPRA request on November 25, 2025. Based on this response date, the Complainant had until January 9, 2026, to file a complaint regarding this OPRA request, regardless of the Complainant's dispute over disclosure. The Complainant subsequently filed the instant complaint on February 3, 2026 – approximately twenty five (25) days after the statute of limitations had expired.

The GRC finds that the portion of the complaint related to the November 24, 2025 OPRA request was filed out of time. First, the Council has held that lack of knowledge regarding a statute of limitations is not considered a “good cause” threshold. See Dolisca v. Twp. of Irvington (Essex), GRC Complaint No. 2025-425 (March 2026). Second, the Complainant draws no correlation between the first denial and his need for the meeting minutes. Finally, while the GRC understands the Complainant's asserted personal issues, it did not appear to prohibit him from submitting a second OPRA request prior to the expiration of the statute of limitations. Though the Complainant included a motion to file within time, evidence of record does not show good cause to accept same.

Therefore, the portion of the complaint related to the November 24, 2025 OPRA request should be dismissed because it was filed out of time. N.J.A.C. 5:105-2.1(a). Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this portion of the complaint as within time.

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.

Regarding meeting recordings, in Burlett v. Monmouth Cnty. Bd. of Freeholders, GRC Complaint No. 2004-75 (August 2004) and Miller v. Westwood Reg'l Sch. Dist. (Bergen), GRC Complaint No. 2009-49 (February 2010), the Council held that audio recordings of public session meetings are disclosable because they represent a verbatim account of the meeting, regardless of whether minutes had been approved for accuracy and content.

Here, the Complainant's January 2, 2026, OPRA request sought the meeting recording of SRVSA's November 24, 2025 board meeting. In response, the Custodian maintained that the SRVSA audio records public meetings are kept solely to assist staff in the preparation of official meeting minutes and are strictly temporary memory aids, and denied this request arguing that audio recordings used merely as memory aids for drafting official meeting minutes are not subject to disclosure pursuant to Atl. City Convention Ctr. Auth., 135 N.J. at 63-64. The Custodian

acknowledged that Atl. City Convention Ctr. Auth. applied to the Right To Know Act, but argued that the same analysis applied to OPRA. However, precedential OPRA case law does not support such a denial. Instead, in accordance with Burlett, the Custodian was required to disclose those verbatim recordings regardless of their anticipated intended use.

Accordingly, the Custodian unlawfully denied access to the Complainant's OPRA request. N.J.S.A. 47:1A-6; Burlett, GRC 2004-75; Miller, GRC 2009-49. Thus, the Custodian shall locate and disclose the responsive recording to the Complainant.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The portion of the complaint related to the November 24, 2025 OPRA request should be dismissed because it was filed out of time. N.J.A.C. 5:105-2.1(a). Additionally, the Complainant did not provide, nor does the record evidence show, that good cause exists to accept this portion of the complaint as within time.
2. The Custodian unlawfully denied access to the Complainant's OPRA request. N.J.S.A. 47:1A-6; Burlett v. Monmouth Cnty. Bd. of Freeholders, GRC Complaint No. 2004-75 (August 2004); Miller v. Westwood Reg'l Sch. Dist. (Bergen), GRC Complaint No. 2009-49 (February 2010). Thus, the Custodian shall search for and disclose responsive records located to the Complainant.
3. **The Custodian shall comply with conclusion No. 2 above within twenty (20) business days from receipt of the Council's Final Decision. In the circumstance where the records ordered for disclosure are not provided to the Complainant, the Council's Final Decision may be enforced in the Superior Court of New Jersey. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).**

Prepared By: Maria M. Rossi
Staff Attorney

May 21, 2026