



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

Prakash Santhana
Complainant

Complaint No. 2026-52

v.

Township of Holmdel (Monmouth)
Custodian of Record

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 the Custodian has borne her burden of proof that she lawfully denied access to OPRA request items No. 2 and No. 3. Specifically, the Custodian certified in the Statement of Information, and the record reflects, that such records do not exist. N.J.S.A. 47:1A-6; Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005).

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**

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

**Prakash Santhana¹
Complainant**

GRC Complaint No. 2026-52

v.

**Township of Holmdel (Monmouth)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of:

1. All “Business Entity Disclosure Certification” forms (or similarly titled business-entity/pay-to-play disclosure forms) submitted to the Township of Holmdel (“Township”) by any of certain specifically named entities from April 27, 2021 to the present (the effective date and period of the Township’s 2021 pay-to-play ordinance for affordable housing/redevelopment);
2. All “Political Contribution Disclosure” forms (including but not limited to Chapter 271 political contribution disclosure forms, pay-to-play political contribution disclosure forms, or any similar contribution disclosure forms required by Township ordinance or bid/contract documents) submitted to the Township by any of the same entities listed above, for the same time period (April 27, 2021 to present);
3. Any certifications, affidavits, disclosure forms, or written statements submitted by the entities listed above, or any of their principals, partners, owners of 10% or more, or corporate officers, that are intended to satisfy or certify compliance with the Township’s pay-to-play requirements adopted in 2021 (including, but not limited to, requirements applicable to affordable-housing, redevelopment, or other development agreements involving a specific property).

Custodian of Record: Wendy Patrovich

Request Received by Custodian: December 10, 2025

Response Made by Custodian: January 12, 2026

GRC Complaint Received: February 5, 2026

¹ No legal representation listed on record.

² Represented by Michael L. Collins, Esq., of King, Moench & Collins, LLP (Red Bank, NJ).

Background³

Request and Response:

On December 10, 2025, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On January 12, 2026, the twenty-first (21st) business day after receipt of the OPRA request,⁴ the Custodian responded in writing, providing records responsive to OPRA request item No. 1 and denying items No. 2 and No. 3 on the grounds that no responsive records exist as there is no pay-to-play ordinance.

On January 12, 2026, the Complainant responded, stating that such ordinance does exist and that he introduced and passed it in April 2021. On January 13, 2026, the Complainant sent a follow-up e-mail to the Custodian. On the same day, the Custodian responded, stating that she sent the Complainant’s e-mail to counsel but has yet to receive a response. On January 21, 2026 and January 28, 2026, the Complainant sent follow-up e-mails requesting an update. On January 28, 2026, the Custodian confirmed that she had contacted counsel again. On February 2, 2026, the Complainant sent the Custodian a follow-up e-mail. On the same day, the Custodian confirmed that she had not received a response from counsel but will contact them again.

Denial of Access Complaint:

On February 5, 2026, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”) contesting the denial of his OPRA request. The Complainant asserted that he introduced and passed the ordinance in question.

Statement of Information:

On February 25, 2026, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that she received the Complainant’s OPRA request on December 10, 2025. The Custodian certified that she responded in writing on January 12, 2026. The Custodian certified that her search included consultation with the appropriate Township officials and a review of the Township records for responsive records. The Custodian certified that she provided a redevelopment agreement responsive to the Complainant’s OPRA request item No. 1 on January 12, 2026. The Custodian certified that no records responsive to the remaining OPRA request items exist because no such pay-to-play ordinance is in effect. The Custodian asserted that the pay-to-play ordinance to which the Complainant referred was rendered unenforceable by state law in P.L. 2023, c. 30.

Additional Submissions:

On April 6, 2026, the GRC sent a request for additional information to the Custodian. The

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 Although a “deemed” denial of access occurred here, the GRC will not address this issue because the Complainant did not raise it.

GRC sought clarification on whether the Township received any certifications of compliance with the pay-to-play ordinance from 2021 to 2023 when P.L. 2023, c. 30 was passed. On April 9, 2026, the Custodian responded, attaching her legal certification. The Custodian certified that the Township did not receive any certifications of compliance during this time.

Analysis

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 Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005), the custodian certified that no records responsive to the complainant’s request for billing records existed and the complainant submitted no evidence to refute the custodian’s certification regarding said records. The GRC determined that, because the custodian certified that no records responsive to the request existed and no evidence existed in the record to refute the custodian’s certification, there was no unlawful denial of access to the requested records.

Here, the Custodian certified in the SOI that the pay-to-play ordinance was preempted by state law (P.L. 2023, c. 30) and so the records sought do not exist. Additionally, the Custodian separately certified that at the time the ordinance was active the Township did not receive any certifications of compliance. Upon review, the GRC is persuaded that no unlawful denial of access has occurred. There is nothing in the evidence of record that contradicts the Custodian’s certification that no responsive record exists. Based on the forgoing, a conclusion in line with Pusterhofer is appropriate here.

Accordingly, the Custodian has borne her burden of proof that she lawfully denied access to OPRA request items No. 2 and No. 3. Specifically, the Custodian certified in the SOI, and the record reflects, that such records do not exist. N.J.S.A. 47:1A-6; Pusterhofer, GRC 2005-49.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian has borne her burden of proof that she lawfully denied access to OPRA request items No. 2 and No. 3. Specifically, the Custodian certified in the Statement of Information, and the record reflects, that such records do not exist. N.J.S.A. 47:1A-6; Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005).

Prepared By: Brenda B. Alves
Staff Attorney

July 21, 2026