



State of New Jersey
GOVERNMENT RECORDS COUNCIL

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FINAL DECISION

September 26, 2007 Government Records Council Meeting

Thomas Caggiano
Complainant

Complaint No. 2006-220

v.

Borough of Stanhope
Custodian of Record

At the September 26, 2007 public meeting, the Government Records Council (“Council”) considered the September 19, 2007 Reconsideration Supplemental 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 January 31, 2007 Final Decision should be revised to delete the finding that:

1. Because OPRA does not require custodians to research files or compile records which do not otherwise exist, and because the Custodian requested additional time to respond to the Complainant’s October 30, 2006 OPRA request within the required seven (7) day period pursuant to N.J.S.A. 47:1A-5.i, it appears the Custodian has met her burden of proof that access to the records request in items 25, 28, 29, 30, 31, 32, 33, 34, 39, 50, 52, 53, and 55 was not unlawfully denied pursuant to N.J.S.A. 47:1A-6. See MAG Entertainment v. Div. of ABC, 375 N.J.Super. 534, 546 (App.Div. 2005).
2. Based on the Custodian’s certification that granting access to the voluminous records requested by the Complainant in his seven (7) page, fifty nine (59) itemized request spanning over twelve (12) years, would result in a substantial disruption to the agency’s operations, and the Custodian’s efforts to reach a reasonable solution with the Complainant that accommodates the interests of the requestor and the agency, and the voluminous nature of the Complainant’s October 30, 2006 OPRA request, the Custodian’s denial of access is authorized by N.J.S.A. 47:1A-5.i and consistent with the GRC’s decision in Robert Vessio v. NJ Department of Community Affairs, Division of Fire Safety, GRC Complaint No. 2007-63 (May 2007) and New Jersey Builders Association v. Council on Affordable Housing, 390 N.J. Super. 166



(App.Div. 2007). The Custodian has borne her burden of proof that the denial of access was authorized by law. N.J.S.A. 47:1A-6.

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 26th Day of September, 2007

Vincent P. Maltese, Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Kathryn Forsyth
Government Records Council

Decision Distribution Date: October 3, 2007

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL
Findings and Recommendations of the Executive Director
September 26, 2007 Council Meeting**

**Thomas Caggiano¹
Complainant**

GRC Complaint No. 2006-220

v.

**Borough of Stanhope²
Custodian of Records**

Records Relevant to Complaint: See attached Appendix A (a seven (7) page document listing fifty nine (59) individual records and information).

Request Made: October 30, 2006

Response Made: November 7, 2006 and November 28, 2006

Custodian: Robin Kline

GRC Complaint Filed: November 28, 2006

Background

October 30, 2006

Complainant's Open Public Records Act ("OPRA") request attached to an official OPRA request form. The Complainant requests the records relevant to this complaint set forth on Appendix A attached hereto and incorporated herein by reference.

November 7, 2006

Custodian's response to the OPRA request by letter to the Complainant. The Custodian responded to the Complainant's OPRA request on the sixth (6th) business day following receipt of such request. The Custodian states that she needs more than seven (7) business days to accommodate the Complainant's fifty nine (59) requests for records. The Custodian states that she is trying to respond to each request as timely as possible and that she has forwarded the Complainant's request to the appropriate department heads for response. Additionally, the Custodian states that she will be out of the office during the week of November 20, 2006.

November 21, 2006

Custodian meets with the Complainant. The Custodian provides the Complainant with sixteen (16) pages of records responsive to the OPRA request. Upon the Complainant's request, the Custodian shows the Complainant a binder in which the Borough of Stanhope maintains contracts. The Complainant disagrees that the records produced in response to requests for contracts were in fact contracts pursuant to the Local Public Contract Law.

¹No representation listed in the record.

² Represented by Richard Stein, Esq. (Sparta, NJ).

November 28, 2006

Custodian's supplemental letter response to the Complainant's OPRA request. The Custodian states that the Complainant was provided with records on November 21, 2006 and November 27, 2006.³ The Custodian also provides the following responses to some of the Complainant's requests:

1. The requested record does not exist (items 24, 56, 57, 58),
2. The request is not a request for a government record, but a request for information (item 25),
3. The request is unclear. The Complainant is invited to inspect the file regarding the property to identify the records being sought (items 28-34),
4. Request unclear, please clarify (item 39),
5. Records are exempt from OPRA under attorney-client privilege (items 45, 46), and
6. The request is broad and unclear and seeks opinions and interpretations requiring research and analysis (items 50, 52, 53, 55, 59).

The Custodian also states that she will continue to address the remaining requests.

November 28, 2006

Denial of Access Complaint filed with the Government Records Council ("GRC") with the following attachments:

- Complainant's OPRA request dated October 30, 2006 and
- Letter from Custodian to Complainant dated November 28, 2006.

The Complainant claims that none of the requested contracts (items 2, 3, 5 - 22) have been provided and that most of the requested copies of records have not been provided. The Complainant asserts that he has requested records which must exist by law. Additionally, the Complainant claims that the Borough Attorney's records are maintained off site in the Borough Attorney's office and are subject to OPRA.

December 5, 2006

Offer of Mediation sent to both parties.

December 5, 2006

The Complainant declines mediation and requests that the GRC begin a full investigation of this complaint.

December 8, 2006

Request for the Statement of Information sent to the Custodian.

³ It appears from the evidence that the records produced on November 27, 2006 were in response to a different OPRA request filed by the Complainant.

January 2, 2007

Request for Statement of Information resent to the Custodian.

January 12, 2007

E-mail from Custodian to GRC. The Custodian requests an extension to submit her Statement of Information due to the completion of year end matters, responding to the GRC's Interim Order for another complaint filed by the Complainant, fulfilling eight (8) additional new OPRA requests from the Complainant and continued responses to fourteen (14) additional outstanding OPRA requests received from the Complainant in December 2006.

January 12, 2007

E-mail from GRC to Custodian. The GRC grants the Custodian's extension until January 19, 2007.

January 19, 2006

Custodian's Statement of Information ("SOI") with the following attachments:

- Complainant's OPRA request dated October 30, 2006,
- Memorandum from Custodian to Borough department heads dated October 30, 2006,
- Letter from Stanhope Environmental Commission to Custodian dated November 1, 2006,
- Letter from Custodian to Complainant dated November 7, 2006,
- Facsimile from Eric Keller of Omland Engineering to Custodian dated November 8, 2006,
- Memorandum from Ellen Horak of the Land Use Board to Custodian dated November 13, 2006,
- Letter from Custodian to Complainant dated November 28, 2006,
- Letter from Custodian to Complainant dated December 18, 2006,
- Letter from Custodian to Complainant dated December 26, 2006, and
- Letter from Custodian to Complainant dated January 11, 2006.

The Custodian certifies that on October 30, 2006 she received the Complainant's seven (7) page OPRA request which included fifty nine (59) separate requests for records. The Custodian certifies that she sent the Complainant a letter dated November 7, 2006 indicating that she required more than seven (7) business days to respond to the Complainant's OPRA request. The Custodian also certifies that on November 21, 2006 she received another OPRA request from the Complainant. The Custodian certifies that on said date, she provided the Complainant with sixteen (16) pages of records responsive to the Complainant's October 30, 2006 request. Additionally, the Custodian certifies that upon the Complainant's separate request, the Custodian provided the Complainant with the Borough's contract binder in response to the Complainant's October 30, 2006 request. The Custodian certifies that the Complainant disagreed that the records produced in response to requests for contracts were in fact contracts pursuant to the Local Public Contract Law.

The Custodian also certifies that she sent the Complainant a letter dated November 28, 2006 in which she provided the Complainant twenty nine (29) pages of records responsive to his October 30, 2006 request. The Custodian certifies that on December 18, 2006 she sent the Complainant a letter indicating that she cannot keep up with his ongoing submission of OPRA requests without substantially disrupting the functioning of her office.

Additionally, the Custodian certifies that she sent the Complainant a letter dated December 26, 2006 in which she states that she requires more than seven (7) business days to respond to the Complainant's three (3) additional new OPRA requests dated December 20, 2006. The Custodian certifies that in said letter she again advised the Complainant that she cannot reasonably keep up with his ongoing submission of OPRA requests without substantially disrupting the functioning of her office. The Custodian also certifies that in her letter to the Complainant dated December 26, 2006 she asked that they reach a mutually-agreeable solution to balance the Complainant's right to access government records with the Custodian's need to manage her job responsibilities without a substantial disruption to her office.

Further, the Custodian certifies that via letter dated January 11, 2007 she informed the Complainant that she would not be able to respond to his five (5) additional new OPRA requests dated January 8, 2007 as said requests will cause a substantial disruption to the operation of the Custodian's office.

Moreover, the Custodian certifies that the Borough of Stanhope is a small municipality with 3,865 residents, five (5) full time employees, and of those, only three (3) work the full day Monday through Friday. The Custodian also certifies that the Borough has OPRA hours which are included on the Borough's OPRA request form.

The Custodian certifies that the Borough is being overwhelmed with constant OPRA request by the Complainant. The Custodian certifies that her employer requests that she only use the six (6) minimum hours per week required under OPRA. However, the Custodian certifies that it is extremely difficult to handle the Complainant's OPRA requests even when she devotes twenty (20) hours or more per week. The Custodian certifies that the Complainant's OPRA requests consume an extraordinary amount of time and have begun to substantially interfere and disrupt the operations of the Clerk's office. The Custodian states that she looks to the GRC for relief.

Analysis

Whether the Custodian unlawfully denied access to the requested records?

OPRA provides that:

“...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, *with certain exceptions...*”
(Emphasis added.) N.J.S.A. 47:1A-1.

Additionally, OPRA defines a government record as:

“... any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been *made, maintained or kept on file ... or that has been received* in the course of his or its official business ...” (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA states that:

“[t]he custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours; or in the case of a municipality having a population of 5,000 or fewer according to the most recent decennial census, ... during not less than six regular business hours over not less than three business days per week or the entity’s regularly-scheduled business hours, whichever is less....” N.J.S.A. 47:1A-5.a.

OPRA further states:

“[t]he custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor *and a brief description of the government record sought...*” N.J.S.A. 47:1A-5.f. (Emphasis added).

OPRA also provides that:

“[a] request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian....*If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency.*” (Emphasis added). N.J.S.A. 47:1A-5.g.

OPRA further provides that:

“a custodian of a government record shall grant access to a government record or deny access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived....” N.J.S.A. 47:1A-5.i.

The Complainant’s seven (7) page, fifty nine (59) item October 30, 2006 request sought access to voluminous records of the Borough of Stanhope, in some cases spanning over a twelve (12) year period. The Custodian responded in writing to the Complainant

within seven (7) business days of receiving the request and alerted the Complainant that the Custodian required additional time to respond to the voluminous OPRA request. The Custodian stated that in an effort to provide records as soon as possible, the Custodian provided records to the Complaint as they were retrieved from various departments and from storage or archives.

On November 1, 2006, the Custodian granted access to some of the records requested at item 40. On November 8, 2006, the Custodian granted access to the records requested at items 31, 37, 38, 42, 44, and 49. On November 21, 2006, the Custodian granted access to records requested at items 2, 3, 5, and 26. The Custodian's subsequent November 28, 2006 letter to the Complainant notes that item 3 of the OPRA request seeks the exact same information contained in item 2 of the OPRA request. Additionally, the Custodian's letter states that no records exist which are responsive to items 24, 56, 57 or 58 and that item 25 is a request for information or answers but not identifiable government records. The Custodian's letter also states that items 28 through 34 of the OPRA request are unclear. The Custodian stated that to help the Custodian identify the records being requested, the Custodian invited the Complainant to inspect the file regarding the property in question to identify the specific government records sought. The Custodian's letter also requested clarification regarding item 39. Further, the Custodian's letter stated that items 45 and 46 are subject to the attorney-client privilege and are not disclosable under OPRA. The Custodian's letter also notes that items 50, 52, 53, 55, and 59 are broad and unclear, and seek opinions and interpretations requiring research and analysis.

Further, the Custodian certifies that she advised the Complainant that she cannot reasonably keep up with his ongoing submission of OPRA requests without substantially disrupting the functioning of her office. The Custodian also certifies that she asked that they reach a mutually-agreeable solution to balance the Complainant's right to access government records with the Custodian's need to manage her job responsibilities without a substantial disruption to her office for the requests subject of this complaint, as well as all outstanding records request with the Borough.

The New Jersey Superior Court identifies the responsibilities of the requestor and the records custodian relevant to the prompt access to identifiable government records the law is designed to provide. Specifically, the custodian must adopt forms for requests, locate and redact documents, isolate exempt documents, assess fees and means of production, identify requests that require "extraordinary expenditure of time and effort" and warrant assessment of a "service charge," and, when unable to comply with a request, "indicate the specific basis." New Jersey Builders Association v. New Jersey Council On Affordable Housing, 390 N.J. Super. 166, 179 (App. Div. 2007), citing N.J.S.A. 47:1A-5.a.-j. The requestor must pay the costs of reproduction and *submit the request with information that is essential to permit the custodian to comply with its obligations.* N.J.S.A. 47:1A-5.f., N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i. *Id.* (Emphasis added).

As the Appellate Division stated in New Jersey Builders Association,

“There is an obvious connection between the specificity of the request and a custodian's ability to provide a prompt reply. The form for requests

adopted by COAH explains the connection by advising the requestor as follows: "To expedite the request, be as specific as possible in describing the records being requested." *Id.* at 179.

With a voluminous, overly broad, or unclear OPRA request, the seven (7) business day rule regarding responses to OPRA requests does not afford the custodian time to speculate about what the requestor seeks, research, survey agency employees to determine what they considered or used, or generate new documents that provide information sought. *Id.* For that reason, the requestor's obligation "to specifically describe the document sought," Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205 at 212 (App.Div. 2005), is essential to the agency's obligation and ability to provide a prompt response. See MAG Entertainment LLC v. Division of Alcohol & Beverage Control, 375 N.J. Super. 534 at 547 (App.Div. 2005)(noting that in State ex rel. Dillery v. Icsman, 92 Ohio St. 3d 312, 2001 Ohio 193, 750 N.E.2d 156, 159 (Ohio 2001), an attorney's fee was denied "because the request was improper due to the fact that it failed to identify the desired records with sufficient clarity").

In New Jersey Builders Association, *supra*, the Appellate Division determined that a five (5) page, thirty nine (39) paragraph OPRA request for records bore no resemblance to the record request envisioned by the Legislature, which is one submitted on a form that "provide[s] space for . . . a brief description of the record sought." N.J.S.A. 47:1A-5.f. New Jersey Builders Association, 390 N.J. Super. at 179. (Emphasis added.)

The court noted that "[d]escriptions of the sort NJBA gave COAH have been found inadequate by courts of other jurisdictions applying similar statutes, and this court has determined that OPRA should be applied in the same manner. See MAG, *supra*, 375 N.J. Super. at 546-49." *Id.* at 179. Because NJBA's voluminous request was "so far removed from the type of OPRA request anticipated by the Legislature," the court concluded that the custodian was not bound by those provisions of OPRA "which require timely response and provide for an award of attorney's fees when such access is denied and litigation is required. See N.J.S.A. 47:1A-5.i.; N.J.S.A. 47:1A-6." *Id.* See also, Bent v. Township of Stafford, 381 N.J. Super. 30 (App.Div. 2005)(finding that a five-part request for the "entire file" of his criminal investigation and "'the factual basis underlying documented action and advice to third parties" is not a proper request for public records under OPRA, and the information sought is beyond the statutory reach of OPRA); Reda v. Township of West Milford, GRC Complaint No. 2002-58 (January 17, 2003)(dismissing request for annual costs of liability settlements by the Township for each of five years, including costs for "legal defense of said items[,] because the requestor failed to identify any specific record in the custodian's possession and holding that OPRA does not require records custodians to conduct research among its records for a requestor and correlate data from various government records).

Regarding a similar voluminous records request in Robert Vessio v. NJ Department of Community Affairs, Division of Fire Safety, GRC Complaint No. 2007-63 (May 2007), the GRC ruled that based upon the Appellate Division's decision in New Jersey Builders Association, *supra*, the Complainant's voluminous request – a thirteen (13) paragraph request for numerous records, was not a valid OPRA request because it

bear no resemblance to the record request envisioned by the Legislature, which is one submitted on a form that "provide[s] space for ... a brief description of the record sought." Additionally, the GRC ruled that based on the custodian's certification that granting access to all fire safety inspection files from 1986 to 2006 would result in a substantial disruption to the agency's operations, and the custodian's efforts to reach a "reasonable solution" with the complainant that accommodates the interests of the requestor and the agency, and the voluminous nature of the complainant's request, the custodian's denial of access was authorized by N.J.S.A. 47:1A-5.i.

Also, in a second instance more pertinent to this case, the Appellate Division provides that "[i]f a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency." N.J.S.A. 47:1A-5(g). The conduct of COAH was consistent with this exception. Within six business days of receipt of NJBA's non-complying request, COAH's custodian advised that it could not comply until September 20, 2004, because NJBA's demand required the custodian to "assess" thirty-nine requests for information and then gather the information.

Although the statute does not give any guidance on the disruptions that should be deemed "substantial" or the solutions that should be deemed "reasonable" within the meaning of N.J.S.A. 47:1A-5(g), there is ample evidence of both in this case.

A request that does not comply with OPRA and demands assessment and preliminary inquiry of the sort required by NJBA's demand is sufficient to give rise to an inference that compliance will "disrupt agency operations." Disruption may be inferred because a request like NJBA's necessitates work by COAH employees that is neither assigned by the agency nor envisioned by OPRA.

There is persuasive evidence of the "substantiality" of the disruption that would have followed if COAH produced the information NJBA sought within seven business days. NJBA's expert, who simply had to review what COAH provided, needed more than ten business days to identify inadequacies. NJBA asked the trial court for additional time to complete that review. NJBA does not dispute the volume of the materials COAH provided or the fact COAH created new records to provide the information NJBA sought. We conclude that the Legislature would not expect or want courts to require more persuasive proof of the substantiality of a disruption to agency operations than the agency's need to survey employees, identify information and generate new records and the requestor's need for more than ten business days to review what the agency provided. New Jersey Builders Association, supra at 181-82.

In the matter now before the Council which is similar to both those of New Jersey Builders Association, supra, and Vessio, supra, the Complainant's October 30, 2006 OPRA request encompassed seven (7) pages and fifty nine (59) itemized requests for records (most of which include requests for multiple records spanning many years), including requests for copies of drawings, numerous contracts spanning a period of twelve (12) years, e-mails, letters, memoranda, photographs, site plans, requests, fines, notes, reports, complaints, and attachments to minutes. The Custodian's timely written response noted that she required additional time to respond to the voluminous OPRA request. The Custodian stated that in an effort to provide records as soon as possible, the

Custodian provided records to the Complaint as they were retrieved from various departments and from storage or archives. The Custodian subsequently granted access to some of the requested records and denied access to others. Additionally, the Custodian stated that to help the Custodian identify the records being requested, the Custodian invited the Complainant to inspect the file regarding the property in question to identify the specific government records sought. Specifically, the Custodian certifies that the records requested at items 25, 28, 29, 30, 31, 32, 33, 34, 39, 50, 52, 53, and 55 are requests for information and answers or are broad and/or unclear.

Further, the Custodian certifies that she advised the Complainant that she cannot reasonably keep up with his ongoing submission of OPRA requests without substantially disrupting the functioning of her office. The Custodian also certifies that she asked that they reach a mutually-agreeable solution to balance the Complainant's right to access government records with the Custodian's need to manage her job responsibilities without a substantial disruption to her office for the requests subject of this complaint, as well as all outstanding records request with the Borough.

Because OPRA does not require custodians to research files or compile records which do not otherwise exist, and because the Custodian requested additional time to respond to the Complainant's October 30, 2006 OPRA request within the required seven (7) day period pursuant to N.J.S.A. 47:1A-5.i, it appears the Custodian has met her burden of proof that access to the records request in items 25, 28, 29, 30, 31, 32, 33, 34, 39, 50, 52, 53, and 55 was not unlawfully denied pursuant to N.J.S.A. 47:1A-6. See MAG Entertainment v. Div. of ABC, 375 N.J.Super. 534, 546 (App.Div. 2005).

Additionally, based upon the Appellate Division's decision in New Jersey Builders Association v. New Jersey Council On Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007), the Complainant's voluminous October 30, 2006 OPRA request, a seven (7) page, fifty nine (59) paragraph request for numerous records spanning twelve (12) years, may not be a valid OPRA request because it seems to bear no resemblance to the record request envisioned by the Legislature, which is one submitted on a form that "provide[s] space for . . . a brief description of the record sought." *Id.* at 179.

Moreover, OPRA permits a custodian to deny access to a record if a request for access to a government record would substantially disrupt agency operations and if an attempt to reach a reasonable accommodation between the agency and the requestor cannot be reached. N.J.S.A. 47:1A-5.g. Based on the Custodian's certification that granting access to the voluminous records requested by the Complainant in his seven (7) page, fifty nine (59) itemized request spanning over twelve (12) years, would result in a substantial disruption to the agency's operations, and the Custodian's efforts to reach a reasonable solution with the Complainant that accommodates the interests of the requestor and the agency, and the voluminous nature of the Complainant's October 30, 2006 OPRA request, the Custodian's denial of access is authorized by N.J.S.A. 47:1A-5.i and consistent with the GRC's decision in Robert Vessio v. NJ Department of Community Affairs, Division of Fire Safety, GRC Complaint No. 2007-63 (May 2007) and New Jersey Builders Association v. Council on Affordable Housing, 390 N.J. Super. 166 (App.Div. 2007). The Custodian has borne her burden of proof that the denial of access was authorized by law. N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Because OPRA does not require custodians to research files or compile records which do not otherwise exist, and because the Custodian requested additional time to respond to the Complainant's October 30, 2006 OPRA request within the required seven (7) day period pursuant to N.J.S.A. 47:1A-5.i, it appears the Custodian has met her burden of proof that access to the records request in items 25, 28, 29, 30, 31, 32, 33, 34, 39, 50, 52, 53, and 55 was not unlawfully denied pursuant to N.J.S.A. 47:1A-6. See MAG Entertainment v. Div. of ABC, 375 N.J.Super. 534, 546 (App.Div. 2005).

2. Based on the Custodian's certification that granting access to the voluminous records requested by the Complainant in his seven (7) page, fifty nine (59) itemized request spanning over twelve (12) years, would result in a substantial disruption to the agency's operations, and the Custodian's efforts to reach a reasonable solution with the Complainant that accommodates the interests of the requestor and the agency, and the voluminous nature of the Complainant's October 30, 2006 OPRA request, the Custodian's denial of access is authorized by N.J.S.A. 47:1A-5.i and consistent with the GRC's decision in Robert Vessio v. NJ Department of Community Affairs, Division of Fire Safety, GRC Complaint No. 2007-63 (May 2007) and New Jersey Builders Association v. Council on Affordable Housing, 390 N.J. Super. 166 (App.Div. 2007). The Custodian has borne her burden of proof that the denial of access was authorized by law. N.J.S.A. 47:1A-6.

Prepared By:

Karyn Gordon, Esq.
In House Counsel

Approved By:

Catherine Starghill, Esq.
Executive Director

September 19, 2007