



State of New Jersey
GOVERNMENT RECORDS COUNCIL

101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Acting Commissioner

FINAL DECISION

April 25, 2012 Government Records Council Meeting

Regina Okafor
Complainant

Complaint Nos. 2008-214 and 2010-46

v.

Township of Irvington (Essex)
Custodian of Record

At the April 25, 2012 public meeting, the Government Records Council (“Council”) considered the April 18, 2012 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, accepts the Administrative Law Judge’s Initial Decision dated December 16, 2011, which concludes: *“For the reasons set forth above, it is hereby **ORDERED** that the complaints filed by [Complainant] be and are hereby **DISMISSED**, except that she be **GRANTED** attorney’s fees in the amount of \$3,600 and the sum of \$20 be reimbursed.”*

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 25th Day of April, 2012

Robin Berg Tabakin, Chair
Government Records Council

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

Denise Parkinson Vetti, Secretary
Government Records Council

Decision Distribution Date: April 27, 2012



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
April 25, 2012 Council Meeting**

**Regina Okafor¹
Complainant**

**GRC Complaint No. 2008-214
GRC Complaint No. 2010-46**

v.

**Township of Irvington (Essex)²
Custodian of Records**

Records Relevant to Complaint: See 2008-214 Exhibit A and 2010-46 Exhibit A

Requests Made:

GRC Complaint No. 2008-214: August 4, 6 and 15, 2008

GRC Complaint No. 2010-46: September 30, 2008 (6 requests), November 18, 2008 (2 requests), December 18, 2008, January 5, 2009, January 9, 2009, January 12, 2009, January 14, 2009, January 16, 2009, February 4, 2009, February 10, 2009, February 20, 2009, March 11, 2009, March 17, 2009, March 24, 2009, August 31, 2009, September 2, 2009, September 4, 2009, September 9, 2009, September 10, 2009, September 15, 2009, December 23, 2009 (2 requests), January 7, 2010, January 28, 2010, February 18, 2010 and March 8, 2010³

Responses Made:

GRC Complaint No. 2008-214: August 7 and 18, 2008

GRC Complaint No. 2010-46: November 5, 2008

Custodian: Harold E. Wiener, Municipal Clerk

GRC Complaints Filed:

GRC Complaint No. 2008-214: September 27, 2008⁴

GRC Complaint No. 2010-46: March 10, 2010⁵

Background

November 18, 2009

At the November 18, 2009 public meeting, the Government Records Council (“Council”) considered the November 10, 2009 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties in the matter of Okafor v. Township of Irvington (Essex), GRC Complaint No. 2008-214. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that based on the inadequate evidence presented in this matter,

¹ Represented by Chinemerem Njoku, Esq. (Elizabeth, NJ).

² Represented by Willie L. Parker, Esq., of Township of Irvington Legal Department (Irvington, NJ).

³ This complaint is not ripe for the Complainant’s OPRA request dated March 8, 2010.

⁴ The Complainant signed the Denial of Access Complaint on said date.

⁵ The GRC received the Denial of Access Complaint on said date.

the GRC is unable to determine whether or not the Custodian unlawfully denied access to the records responsive to the Complainant's request. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts to determine whether the Custodian unlawfully denied access, and if so, for a further determination of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

November 23, 2009

Council's Interim Order distributed to the parties.

April 8, 2010

At the April 8, 2010 public meeting, the Government Records Council ("Council") considered the April 1, 2010 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties in the matter of Okafor v. Township of Irvington (Essex), GRC Complaint No. 2010-46. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that based on the inadequate evidence presented in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the records responsive to the Complainant's request and/or violated OPRA by charging the Complainant excessive special service charge fees. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts to determine whether the Custodian unlawfully denied access to the requested records and/or charged the Complainant excessive special service charge fees, and if so, for a further determination of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

April 12, 2010

Council's Interim Order distributed to the parties.

September 20, 2010

GRC Complaint Numbers 2008-214 and 2010-46 forwarded to the Office of Administrative Law ("OAL").

December 16, 2011

Administrative Law Judge's Initial Decision. The Administrative Law Judge ("ALJ") conducted a hearing wherein GRC Complaint No. 2008-214 and GRC Complaint No. 2010-46 were heard jointly.⁶ After reviewing the procedural history and facts of the complaint, the ALJ determined in relevant part that:

⁶ In the "Requests Encompassed by GRC 10243-10 (GRC Complaint 2010-46)" section of the ALJ's Initial Decision, the ALJ stated "...the GRC decision noted that petitioner allegedly made requests on September 2, 4, 9 and 10, 2009, but had not provided documentation to the GRC." In that same section, the ALJ noted, "Petitioner and the GRC complaint indicated that she submitted a request on January 28, 2010, but it was not included in the record." The GRC referenced OPRA requests made by the Complainant on September 2, 4, 9 and 10, 2009 as well as January 28, 2010 because the Complainant verified in Paragraph 3 of her Denial of Access complaint that she submitted OPRA requests to the Custodian on those dates. However, the Complainant only attached a copy of the OPRA request dated September 2, 2009 to her complaint. The Custodian also date stamped this same request as received on September 2, 2009.

“[Custodian], especially its police department, failed to respond to [Complainant] within seven business days of her OPRA requests. However, the onerous and numerous requests made by [Complainant] are not encompassed by intent of OPRA since many lacked specificity, and as such OPRA’s deadlines became inapplicable.

[Complainant’s] request dated August 1, 2008, is not covered by OPRA because it did not specify a date for the calls requested. Similarly, the two-part request on August 4, 2008, was not covered by OPRA, because its first part did not identify which of the approximately twenty-eight police station telephone lines was called...[and]...did not provide a specific time. Petitioner’s request dated August 6, 2008, was not covered by OPRA because it did not seek a specific record, but instead sought information...

[Complainant’s] request dated August 15, 2008, similarly failed to specifically identify records...[t]he request listed thirty-seven dates and times requesting calls, but the time spans requested were as great as twenty-four hours.

[Complainant’s] request on September 2, 2008, was also not encompassed by OPRA because it asked for seventeen calls...[that]...were not identified in a letter from the director of police to a township councilman written a year prior to the submission of the request.

[Complainant’s] first request dated September 30, 2008, was not covered by OPRA, because...it failed to identify which police line she contacted. The second and third requests on September 30, 2008, also were not encompassed by OPRA, because they did not seek a specific record. Part of [Complainant’s] fifth request on September 30, 2008, was not covered by OPRA because it lacked specificity.

Part of [Complainant’s] request, dated October 9, 2008, sought the very same materials as the request of September 2, 2008, and...[p]art of [Complainant’s] request on December 12, 2008, also was not covered by OPRA, because it was not specific... Similarly, part of [Complainant’s] request dated December 18, 2008, was not encompassed by OPRA because it did not seek a record... Part of [Complainant’s] request dated January 5, 2009, was also not covered by OPRA...

Part of [Complainant’s] request dated January 5, 2009, was also not governed by OPRA because it purportedly “re-submitted” the same request on August 4, 2008, and provided no additional information about the calls requested...the two-part August 4, 2008, request was not covered by OPRA because the first part did not identify which of the approximately twenty-eight police station telephone lines were called and the second

portion identified the call(s) as being to 911, but did not provide a specific time. Additionally, [Complainant's] request dated January 9, 2009, was not governed by OPRA because it failed to indicate the line called or subject matter of the call. Furthermore, [another] portion of [Complainant's] request dated January 9, 2009...was also not covered by OPRA because it failed to specify the date, line called, or even the number of calls made during that period.

[Complainant's] first request dated January 14, 2009, is not governed by OPRA, because it does not seek any particular document... [Complainant's] second and third requests on January 14, 2009, were not governed by OPRA because both sought information rather than a particular record...

Part of [Complainant's] request dated January 16, 2009, was not encompassed by OPRA because it sought information rather than a record... Part of [Complainant's] request dated January 23, 2009, was also not covered by OPRA, because it was not specific... Similarly, part of the first request of February 4, 2009, was not governed by OPRA because it sought information, rather than a record...

[Complainant's] entire second request, dated February 4, 2009, was not covered by OPRA... Similarly, the entire request on February 20, 2009, was not encompassed by OPRA because [Complainant] sought no document...

Neither [Complainant's] request dated March 17, 2009, nor part of [Complainant's] request dated March 24, 2009, were covered by OPRA because they were not specific. Nor was [Complainant's] request on April 7, 2009, encompassed by OPRA, because it, too, lacked specificity...

Although [Complainant's] request dated August 31, 2009, was partially responded to, it was not covered by OPRA because it sought information rather than any specific records... Similarly, the request on September 15, 2009, was not governed by OPRA because it, too, only sought information rather than a specific record.

[Complainant's] first request on December 23, 2009, was not covered by OPRA because it failed to clearly specify exactly what [Complainant] sought...

One part of [Complainant's] request dated February 18, 2010, was also not governed by OPRA because it was not specific... Portions of the OPRA requests submitted subsequent to the GRC complaints were also not covered by OPRA...

Although most of [Complainant's] requests did not meet the requirements of OPRA, some did. Sixteen of [Complainant's] more than forty separate requests were proper and encompassed by OPRA, in whole or part, including her requests on September 30, 2008; October, 9, 2008; December 12, 2008; January 5, 16, and 23, 2009; February 4 and 10, 2009; March 24 2009; December 23, 2009; January 7, 2009; February 18, 2009; March 24, 2010; and April 29, 2010, which are now discussed at length...

Although, as described above, [Custodian] violated certain provisions of OPRA, the next discussion concerns whether a civil penalty should be imposed. Such penalty is only imposed if the violation was knowing and willful and the individual unreasonably denied access under the totality of the circumstances...

Here, respondent's custodian Wiener, a credible witness, did not knowingly and willingly violate the provisions of OPRA because his conduct cannot be described as containing a positive element of conscious wrongdoing.

Furthermore, although the number of OPRA requests made by [Complainant] may not have reached the same level of requests made in Caggiano, [Complainant], nevertheless, has made an extraordinary amount of requests...by her own admission, [Complainant] "made literally hundreds of Open Records Requests for public documents" from [Custodian]...

Whether members of the police department...knowingly and willfully violated the provisions of OPRA is less clear from the record...

Regardless, this is not a case of the police department not responding to any of [Complainant's] requests...police department officials did not unreasonably deny access under the totality of the circumstances...

When imposing a special charge, the burden of proving the actual costs rests on the [Custodian]...[h]ere, [Complainant] requested documents that were difficult to access. The retrieval of those records was complicated, and required a search through a computer program to determine whether particular dates and lines had been recorded and were still in the system...the amount of manipulation required to obtain the records was substantial. As such, a reasonable special charge based on the labor cost of the personnel providing the service that was actually incurred by the agency was appropriate.

On November 5, 2008, a letter from the custodian to [Complainant] indicated that there was a \$20 fee for the records requests of September 30, 2008. [Complainant] submitted a paid receipt dated November 11, 2008, in the amount of \$20. Regarding [Complainant's] request dated January 16, 2009, the department indicated that the records could be provided, but at an estimated cost of \$606.80. Regarding [Complainant's] request on March 24, 2009, the department indicated that petitioner could be provided the records at an estimated cost of \$195.60 plus \$20 for the compact disk. A response to the request on January 7, 2010, indicated that the records could be provided for a service charge of \$161.91. The only explanations introduced by [Custodian] were for the January 16, 2009, and March 24, 2009, requests...

...[T]he imposition of a \$20 fee for the use of a compact disk was arbitrary and without basis...However, [Custodian's] explanation for the labor costs associated with the request dated March 24, 2009, was appropriate...

Although [Complainant] provided numerous receipts for payment of fees, they did not pertain to documents referred in the complaints filed with the GRC, and will therefore not be addressed. It should further be noted that [Complainant] did not pay the above mentioned fees of \$161.91 and \$606.80.

OPRA also provides for attorney's fees in certain situations...

Here, as discussed above, [Custodian's] failure to respond to [Complainant's] requests within the mandated seven-business-day period automatically qualified those requests as denials. Although the imposition of a civil penalty is inappropriate here, the custodian failed to meet its burden of proving that the denial was lawful. As such [Complainant] is entitled to reasonable attorney's fees under N.J.S.A. 47:1A-6.

[Complainant] proceeded pro se throughout the hearings in this matter. A pro se litigant is not entitled to attorney's fees under New Jersey law. See Alpert, Goldberg, Butler, Norton and Weiss, P.C. v. Quinn, 410 N.J. Super. 510, 547 (App. Div. 2009) (explaining that even an "attorney appearing pro se is not entitled to fees unless they are actually incurred as opposed to imputed" under R. 1:4-8's provision for fee shifting). [Complainant's] brief claims an astounding \$13,500 in legal fees accumulated solely for the production of that brief, claiming a total of fifty-four hours were spent in its preparation, at a \$250 per hour rate... [W]hile a reasonable attorney fee would be appropriate here, the fact that [Complainant] proceeded throughout the hearings pro se should be weighed carefully in providing a more reasonable amount than that

asserted in [Complainant's] brief. I find as reasonable an hourly rate of \$150 and the following...

Total Hours at \$150 Per Hour 24 Hours
Total Fee \$3600

Many of [Complainant's] OPRA requests were not governed by OPRA because they either lacked specificity or did not seek government records. Although [Complainant] made more than forty requests in this matter, OPRA governed only sixteen of those requests that were valid, in whole or in part...[o]f the valid requests, [Custodian] failed to meet its burden of proving that the denial of access was authorized by law when, in most instances, it failed to respond. Nonetheless, imposition of a civil penalty is not appropriate here. Even if the custodian or public officials knowingly and willfully violated OPRA, the denial was not unreasonable under the totality of the circumstances presented here where [Complainant] filed voluminous requests, many of which were often unclear, non-specific, or which sought information, not documents. Therefore, many of her requests were not even governed by OPRA, and I so **CONCLUDE**.

ORDER

For the reasons set forth above, it is hereby **ORDERED** that the complaints filed by [Complainant] be and are hereby **DISMISSED**, except that she be **GRANTED** attorney's fees in the amount of \$3600 and the sum of \$20 be reimbursed.

I hereby **FILE** my Initial Decision with the **GOVERNMENT RECORDS COUNCIL** for consideration.

This recommended decision may be adopted, modified or rejected by the **GOVERNMENT RECORDS COUNCIL**, who by law is authorized to make a final decision in this matter. If the Government Records Council does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10."

January 11, 2012

Telephone call from the Complainant to the GRC. The Complainant informs the GRC that she is not pleased with the ALJ's Initial Decision. The Complainant also informs the GRC that the GRC failed to provide the OAL with all of the Complainant's OPRA requests and therefore she intends to hold the GRC responsible for its negligence in not transmitting all of the Complainant's OPRA requests to the OAL. The Complainant asks the GRC to provide her with a copy of the GRC's records which

contain the dates that the GRC determined she filed her OPRA requests which formed the basis of the two complaints that the GRC transmitted to OAL.

The GRC informs the Complainant that the GRC is sorry that she is displeased with the ALJ's Initial Decision; however, the GRC informs the Complainant that she may file exceptions thereto and should consult legal counsel for further information regarding that process. The GRC also informs the Complainant that all of the OPRA requests that the Complainant listed in her complaints were made a part of the Council's Interim Orders and that if the Council's Orders were inaccurate she should have requested reconsideration thereof following her receipt and review of the Orders from the GRC.

January 11, 2012

E-mail from the GRC to the Complainant. The GRC confirms a telephone conversation between the Complainant and the GRC earlier this date and forwards to the Complainant copies of the dates the GRC determined that she filed her OPRA requests in the two (2) instant complaints together with copies of the OPRA requests that were attached to the complaints.

January 11, 2012

E-mail from the Complainant to the GRC. The Complainant informs the GRC that the OPRA requests she submitted on the following dates were barred from consideration by the ALJ at the OAL hearing: September 4, 2008, September 30, 2008, November 18, 2008, December 18, 2008, January 5, 2009, January 9, 2009, January 12, 2009, January 14, 2009, January 16, 2009, February 4, 2009, February 10, 2009, February 20, 2009, March 11, 2009, March 17, 2009, March 24, 2009, August 31, 2009, September 2, 2009, September 9, 2009, September 10, 2009, September 15, 2009, December 23, 2009, January 7, 2010, January 28, 2010, and February 18, 2010.⁷

January 11, 2012

E-mail from the Complainant to the GRC. The Complainant requests a copy of the OPRA requests contained in GRC Complaint No. 2010-46 Exhibit A.

January 11, 2012

E-mail from the Complainant to the GRC. The Complainant demands a certification from the GRC averring that the GRC never had a copy of the Complainant's OPRA requests for GRC Complaint Numbers 2008-214 and 2010-46 in its possession.

January 12, 2012

E-mail from the Complainant to the GRC. The Complainant informs the GRC that the ALJ received all of the Complainant's Denial of Access Complaints but dismissed the complaints because the GRC intentionally removed some "main forms." The Complainant demands to know the whereabouts of OPRA request forms for GRC Complaint No. 2010-46 which she states are the same requests that she referenced in her

⁷ The Complainant also refers to a footnote which refers to an OPRA request but the Complainant failed to identify the document upon which the footnote appears.

January 11, 2012 e-mail to the GRC. The Complainant contends that time is of the essence.

January 12, 2012

E-mail from the GRC to the Complainant. The GRC informs the Complainant that the GRC is sending to the Complainant by overnight delivery a CD containing the GRC's complete case file for GRC Complaint No. 2010-46.⁸ The GRC also informs the Complainant that on November 25, 2009 the GRC sent the Complainant a CD with the GRC's complete case file for GRC Complaint No. 2008-214. The GRC informs the Complainant that the information contained on the two (2) CDs represents all of the records that the GRC has on file for the two complaints. The GRC informs the Complainant that it will not submit the certification demanded in her e-mail dated January 11, 2012.

January 13, 2012

E-mail from the Complainant to the GRC. The Complainant states that the GRC continues to dodge and ignore her concerns about the missing OPRA request forms. The Complainant wants to know if the GRC detached her OPRA requests from her complaints. The Complainant asks who at the GRC submitted her complaints to OAL. The Complainant also asks the GRC to explain to her the ramifications of the ALJ's Initial Decision.

January 13, 2012

E-mail from the GRC to the Complainant. The GRC informs the Complainant that no one at the GRC is dodging or ignoring her concerns about the OPRA request forms that the Complainant alleges are missing. The GRC reaffirms that it has provided the Complainant with copies of the GRC's entire case files for GRC Complaint Numbers 2008-214 and 2010-46. The GRC informs the Complainant that the Executive Director of the GRC transmits complaints to OAL. The GRC further informs the Complainant that she will have to consult with her private attorney for an explanation of the ALJ's Initial Decision as well as any other legal advice related to the Complainant's OAL hearing.⁹

January 19, 2012¹⁰

Custodian's exceptions to the ALJ's Initial Decision. Custodian's Counsel asserts that the Complainant proceeded throughout the course of the OAL hearing *pro se*. Counsel further asserts that after the close of the OAL hearing the Complainant retained the services of an attorney to write the post-hearing brief. Custodian's Counsel states that the Complainant's Counsel neither made a formal appearance throughout the hearing process nor did he present the court or the Custodian's Counsel with a letter of appearance. Counsel asserts that the ALJ cited Alpert, Goldberg, Butler, Norton and Weiss, P.C. v. Quinn, 410 N.J. Super. 510, 547 (App. Div. 2009) as authority for the

⁸ This document was too large for submission via e-mail.

⁹ The Complainant sends additional e-mails to the GRC; however the e-mails restate the Complainant's assertions already presented to the GRC.

¹⁰ The Custodian's exceptions are not dated; this is the postmark date on the submission.

proposition that “[a] pro se litigant is not entitled to attorney’s fees under New Jersey law.” Counsel further asserts that the manner by which the Complainant’s Counsel proceeded in this matter is inconsistent with R. 1:21-1 (a) through (f) governing representation before the Administrative Law Courts. As such, Counsel asserts that the Township of Irvington should not be burdened with legal fees for a post hearing submission; therefore, Counsel contends the award of attorney fees by the ALJ to the Complainant should be vacated.

January 20, 2012¹¹

Complainant’s exceptions to the ALJ’s Initial Decision. The first twenty-two (22) pages of the Complainant’s exceptions detail various problems she has had in the past with the Township of Irvington and the Irvington Police Department.¹²

In the Complainant’s first legal argument, she contends the following:

- The ALJ erred in not considering the Complainant’s requests for September 30, 2008, October 9, 2008, November 18, 2008, December 12, 2008, December 18, 2008, January 6, 2009, January 9, 2009, January 16, 2009, January 23, 2009, February 4, 2009, February 10, 2009, February 20, 2009 and March 11, 2009 because the Complainant subsequently filed GRC Complaint No. 2010-46 which included OPRA requests for these dates. The Complainant also states that the only complaint that the GRC indicated was not ripe for adjudication was March 8, 2010.¹³
- The ALJ failed to acknowledge the Complainant’s requests for police dispatch logs, incident reports and records of incoming telephone calls.
- The ALJ erred in upholding the Custodian’s denial of access to a police officer’s name.
- The ALJ erred by making a conclusory statement regarding the credibility of certain witnesses with respect to their testimony concerning copying costs.
- The ALJ erred in finding that the Complainant requested copies of 911 telephone calls in her request dated September 30, 2008. As such, the Complainant was charged copying fees when such fees should not have been charged.

¹¹ The Complainant’s exceptions are not dated. This is the date the GRC received the exceptions; however, the exceptions were accepted as a timely submission because the GRC determined that the exceptions were received by DCA mailroom personnel on the deadline date but not delivered to the GRC until after the deadline date.

¹² These problems, and the consequent issues, are not relevant to the ALJ’s Initial Decision; therefore, it is not necessary for the GRC to recite them herein.

¹³ With respect to GRC Complaint No. 2010-46, this assertion is not entirely accurate because the Complainant did not include OPRA requests in that complaint for the following dates: October 9, 2008, December 12, 2008, January 6, 2009, and January 23, 2009. Notwithstanding this fact, the ALJ did acknowledge and address OPRA requests submitted by the Complainant on October 9, 2008, December 12, 2008, and January 23, 2009.

In the Complainant's second legal argument, the Complainant asserts that:

- The ALJ's reliance upon Caggiano v. Borough of Stanhope, GRC 7725-07, Initial Decision (April 17, 2008), as precedent for determining the Custodian's absence of knowledge, willfulness or intent in denying the Complainant access to the requested records is misplaced.
- The ALJ erred by finding that the Custodian was heedless or negligent in denying the Complainant access to the requested records. The Complainant asserts that the ALJ failed to apply the legal standards set forth in N.J.S.A. 47:1A-7.e. to determine whether the Custodian's actions rose to the level of a knowing and willful violation of OPRA. The Complainant contends that the Custodian shifted his responsibility under OPRA to others, failed to conduct any practical follow-up, and willfully and intentionally made a calculated effort to deny the Complainant access to the records she requested.
- The GRC should reject the ALJ's findings that the Custodian did not knowingly and willfully violate OPRA because the agency has the burden of directing a competent witness to testify that the denial of access was authorized by law.¹⁴
- The ALJ erred by not inferring "knowing and willfulness" from fabrications, misrepresentations, fraud, and evidence tampering which was designed by the Custodian to deny the Complainant access to the requested records.¹⁵
- The ALJ erred by not inferring "knowing and willfulness" from the excessive copying charges billed to the Complainant for requested records. The ALJ further erred by not finding that the Custodian overcharged the Complainant for copies; specifically, the Complainant contends that in her January 16, 2009 OPRA request she asked for a record of one (1) telephone call regarding the citation of her vehicle for illegal parking on January 15, 2009 and the Custodian charged her \$600.00 as a special service fee for the one record but she did not receive the record because she could not afford to pay the \$600.00. The ALJ should have determined that the Custodian violated N.J.S.A. 47:1A-5.b. by overcharging the Complainant for the record because this type of excessive charging by the Custodian was designed to discourage the Complainant from requesting records from the Township of Irvington. The ALJ could have inferred that the Custodian knowingly and willfully violated OPRA based upon such overcharging for copies of records.

In the Complainant's third legal argument, the Complainant asserts that:

¹⁴ In support of her statement, the Complainant follows this assertion with several examples of allegedly incompetent witness testimony to indicate that the agency failed to meet its burden of directing a competent witness to testify that the denial of access was authorized by law.

¹⁵ In support of her statement, the Complainant follows this assertion with several examples of statements and omissions by witnesses who allegedly provide proof of fabrications, misrepresentations, fraud, and evidence tampering by the Township of Irvington.

- The ALJ erred by arbitrarily reducing the time and fees that the Complainant’s Counsel expended to represent the Complainant in this matter because Counsel’s \$250.00 hourly fee and the time expended were fair and reasonable.¹⁶ The Complainant is therefore entitled to an award of \$13,500.00 in legal fees.
- The ALJ’s refund to the Complainant of a \$20.00 token amount was arbitrary and capricious. The ALJ erred by not finding that the Complainant was entitled to a refund of fees charged by the Custodian in excess of the statutorily-mandated amount and that the Complainant was not entitled to compensation for out-of-pocket expenses such as the cost of paper, copying fees, cartridges, binders, postage, mailing expenses, subpoena fees, transportation expenses and other related costs totaling \$3,744.08.

In the Complainant’s fourth legal argument, the Complainant asserts that there is more than sufficient evidence to support a claim that the Custodian was willful, intentional, knowing and unreasonable in denying the Complainant access to the requested records. Accordingly, the ALJ erred in not imposing a civil penalty in the amount of \$1,000.00 against the Custodian.

February 2, 2012

E-mail from the GRC to the Custodian, Custodian’s Counsel, Complainant and Complainant’s Counsel.¹⁷ The GRC informs the parties that the GRC has requested an extension of time from the Office of Administrative Law until March 30, 2012 in order to issue the final decision in the instant complaints. The GRC provides a copy of the form of Order of Extension to the parties.

February 3, 2012

E-mail from OAL to the GRC. OAL delivers the Order of Extension signed by the Acting Director of OAL to the GRC.

February 3, 2012

E-mail from the GRC to the Custodian, Custodian’s Counsel, Complainant and Complainant’s Counsel.¹⁸ The GRC forwards a copy of the signed Order of Extension to the parties.

March 23, 2012

E-mail from the GRC to the Custodian, Custodian’s Counsel, Complainant and Complainant’s Counsel.¹⁹ The GRC informs the parties that the GRC has requested an extension of time from the Office of Administrative Law until May 15, 2012 in order to

¹⁶ The Complainant presents a detailed legal argument to support her status as a “prevailing party” entitled to fees; however, this portion of the legal argument is irrelevant because the ALJ had already declared the Complainant a prevailing party.

¹⁷ This correspondence was transmitted to the Complainant’s Counsel via facsimile.

¹⁸ This correspondence was transmitted to the Complainant’s Counsel via facsimile.

¹⁹ This correspondence was transmitted to the Complainant’s Counsel via facsimile.

issue the final decision in the instant complaints. The GRC provides a copy of the form of Order of Extension to the parties.

March 26, 2012

E-mail from OAL to the GRC. OAL delivers the Order of Extension signed by the Acting Director of OAL to the GRC.

March 26, 2012

E-mail from the GRC to the Custodian, Custodian's Counsel, Complainant and Complainant's Counsel.²⁰ The GRC forwards a copy of the signed Order of Extension to the parties.

Analysis

Whether the GRC should adopt, modify or reject the ALJ's Initial Decision dated December 16, 2011?

The ALJ's findings of fact are entitled to deference from the GRC because they are based upon the ALJ's determination of the credibility of the parties.

"The reason for the rule is that the administrative law judge, as a finder of fact, has the greatest opportunity to observe the demeanor of the involved witnesses and, consequently, is better qualified to judge their credibility." In the Matter of the Tenure Hearing of Tyler, 236 N.J. Super. 478, 485 (App. Div.), *certif. denied* 121 N.J. 615 (1990). The Appellate Division affirmed this principle, underscoring that, "under existing law, the [reviewing agency] must recognize and give due weight to the ALJ's unique position and ability to make demeanor-based judgments." Whasun Lee v. Board of Education of the Township of Holmdel, Docket No. A-5978-98T2 (App. Div. 2000), slip op. at 14. "When such a record, involving lay witnesses, can support more than one factual finding, it is the ALJ's credibility findings that control, unless they are arbitrary or not based on sufficient credible evidence in the record as a whole." Cavaliere v. Board of Trustees of Public Employees Retirement System, 368 N.J. Super. 527, 537 (App. Div. 2004).

The ultimate determination of the agency and the ALJ's recommendations must be accompanied by basic findings of fact sufficient to support them. State, Dep't of Health v. Tegnazian, 194 N.J. Super. 435, 442-43 (App. Div. 1984). The purpose of such findings "is to enable a reviewing court to conduct an intelligent review of the administrative decision and determine if the facts upon which the order is grounded afford a reasonable basis therefor." *Id.* at 443. Additionally, the sufficiency of evidence "must take into account whatever in the record fairly detracts from its weight"; the test is not for the courts to read only one side of the case and, if they find any evidence there, the action is to be sustained and the record to the contrary is to be ignored (citation omitted). St. Vincent's Hospital v. Finley, 154 N.J. Super. 24, 31 (App. Div. 1977).

²⁰ This correspondence was transmitted to the Complainant's Counsel via facsimile.

Here, the ALJ fairly summarized the testimony and evidence, explaining how she weighed the proofs before her and explaining why she credited, or discredited, certain testimony. The ALJ's conclusions are clearly aligned and consistent with those credibility determinations. As such, the Council finds that it can ascertain which testimony the ALJ accepted as fact, and further, finds that those facts provide a reasonable basis for the ALJ's conclusions.

Therefore, the Council accepts the ALJ's Initial Decision dated December 16, 2011, which concludes: "*For the reasons set forth above, it is hereby **ORDERED** that the complaints filed by [Complainant] be and are hereby **DISMISSED**, except that she be **GRANTED** attorney's fees in the amount of \$3,600 and the sum of \$20 be reimbursed.*"

Conclusions and Recommendations

The Executive Director respectfully recommends the Council accepts the Administrative Law Judge's Initial Decision dated December 16, 2011, which concludes: "*For the reasons set forth above, it is hereby **ORDERED** that the complaints filed by [Complainant] be and are hereby **DISMISSED**, except that she be **GRANTED** attorney's fees in the amount of \$3,600 and the sum of \$20 be reimbursed.*"

Prepared By: John E. Stewart, Esq.

Approved By: Catherine Starghill, Esq.
Executive Director

April 18, 2012



State of New Jersey
GOVERNMENT RECORDS COUNCIL
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Acting Commissioner

INTERIM ORDER

April 8, 2010 Government Records Council Meeting

Regina Okafor
Complainant

Complaint No. 2010-46

v.

Township of Irvington (Essex)
Custodian of Record

At the April 8, 2010 public meeting, the Government Records Council (“Council”) considered the April 1, 2010 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 based on the inadequate evidence presented in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the records responsive to the Complainant’s request and/or violated OPRA by charging the Complainant excessive special service charge fees. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts to determine whether the Custodian unlawfully denied access to the requested records and/or charged the Complainant excessive special service charge fees, and if so, for a further determination of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Interim Order Rendered by the
Government Records Council
On The 8th Day of April, 2010

Robin Berg Tabakin, Chair
Government Records Council

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

Harlynn A. Lack, Secretary
Government Records Council



Decision Distribution Date: April 12, 2010

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
April 8, 2010 Council Meeting**

**Regina Okafor¹
Complainant**

GRC Complaint No. 2010-46

v.

**Township of Irvington (Essex)²
Custodian of Records**

Records Relevant to Complaint: See Appendix A

Requests Made: September 30, 2008 (6 requests), November 18, 2008 (2 requests), December 18, 2008, January 5, 2009, January 9, 2009, January 12, 2009, January 14, 2009, January 16, 2009, February 4, 2009, February 10, 2009, February 20, 2009, March 11, 2009, March 17, 2009, March 24, 2009, August 31, 2009, September 2, 2009, September 4, 2009, September 9, 2009, September 10, 2009, September 15, 2009, December 23, 2009 (2 requests), January 7, 2010, January 28, 2010, February 18, 2010 and March 8, 2010³

Response Made: November 5, 2008

Custodian: Harold E. Wiener, Municipal Clerk

GRC Complaint Filed: March 10, 2010⁴

Background

September 30, 2008 (6 requests), November 18, 2008 (2 requests), December 18, 2008, January 5, 2009, January 9, 2009, January 12, 2009, January 14, 2009, January 16, 2009, February 4, 2009, February 10, 2009, February 20, 2009, March 11, 2009, March 17, 2009, March 24, 2009, August 31, 2009, September 2, 2009, September 4, 2009, September 9, 2009, September 10, 2009, September 15, 2009, December 23, 2009 (2 requests), January 7, 2010, January 28, 2010, February 18, 2010 and March 8, 2010

Complainant's Open Public Records Act ("OPRA") requests. The Complainant requests numerous and various records relevant to this complaint on official OPRA request forms.

¹ No legal representation listed on record.

² Represented by Willie L. Parker, Esq., of Township of Irvington Legal Department (Irvington, NJ).

³ This complaint is not ripe for the Complainant's OPRA request dated March 8, 2010; therefore, this request cannot form part of the basis for this complaint.

⁴ The GRC received the Denial of Access Complaint on said date.

November 5, 2008

Custodian's response to the OPRA requests. The Custodian responds in writing to the Complainant's OPRA request dated September 30, 2008 on the twenty-fourth (24th) business day following receipt of such request. The Custodian also forwards inter-office memoranda to various municipal officials informing said personnel of the Complainant's requests and directing them to reply directly to the Complainant.⁵

March 10, 2010

Denial of Access Complaint filed with the Government Records Council ("GRC") with numerous attachments, including copies of the Complainant's aforementioned OPRA requests, the Custodian's November 5, 2008 written response and seventy-eight (78) pages of miscellaneous correspondence.⁶ The Complainant asserts that she was denied access to the requested records and that the Custodian failed to justify the amount of money she was charged for duplication of some of the records.⁷

The Complainant does not agree to mediate this complaint.

March 11, 2010

Request for the Statement of Information ("SOI") sent to the Custodian.

March 11, 2010

Letter from the Custodian to the Custodian's Counsel. The Custodian forwards the SOI request to the Custodian's Counsel with directions that Counsel give the SOI his immediate attention.

March 18, 2010

Letter from the GRC to the Custodian. The GRC sends a letter to the Custodian indicating that the GRC provided the Custodian with a request for a SOI on March 11, 2010, but to date has not received a response. Further, the GRC states that if the SOI is not submitted within three (3) business days, the GRC will adjudicate this complaint based solely on the information provided by the Complainant.

Analysis**Whether the Custodian unlawfully denied access to the requested records and violated OPRA by charging excessive special service charge fees?**

OPRA provides that:

⁵ There is no provision for follow-up in a timely manner to ensure that either the requested records are lawfully denied or the correct records are disclosed to the Complainant.

⁶ The Complainant did not produce copies of her OPRA requests for the following dates: January 12, 2009, March 11 and 17, 2009, August 31, 2009, September 4, 9, 10 and 15, 2009, January 7 and 28, 2010. Also, the Complainant attached to her complaint several letters from internal affairs personnel to the Complainant; however, it appears these letters are regarding an internal affairs investigation initiated by the Complainant that is not relevant to the adjudication of this complaint.

⁷ It appears from the evidence of record that the money the Complainant asserts she was charged represents special service charges for overtime salary payments to compensate personnel who prepared records for disclosure and the cost of CD media.

“...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 further provides that:

“Whenever the nature, format, manner of collation, or volume of a government record...involves an *extraordinary expenditure of time and effort to accommodate the request*, the public agency may charge, in addition to the actual cost of duplicating the record, a *special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies ...*” (Emphasis added.) N.J.S.A. 47:1A-5.c.

OPRA places the onus on the Custodian to prove that a denial of access is lawful. Specifically, OPRA states:

“...[t]he public agency shall have the burden of proving that the denial of access is authorized by law...” N.J.S.A. 47:1A-6.

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. 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. . A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1.

Based on the inadequate evidence presented in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the records responsive to the Complainant’s request and/or violated OPRA by charging the Complainant excessive special service charge fees. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts to determine whether the Custodian unlawfully denied access to the requested records and/or charged the Complainant excessive special service charge fees, and if so, for a further determination of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that based on the inadequate evidence presented in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the records responsive to the Complainant's request and/or violated OPRA by charging the Complainant excessive special service charge fees. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts to determine whether the Custodian unlawfully denied access to the requested records and/or charged the Complainant excessive special service charge fees, and if so, for a further determination of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Prepared By: John E. Stewart
Case Manager/*In Camera* Attorney

Approved By: Catherine Starghill, Esq.
Executive Director

April 1, 2010

EXHIBIT A

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REGINA OKAFOR
159 WALNUT STREET,
LIVINGSTON NJ, 07039

MARCH 8, 2010

MR. WIENER E. HAROLD
TOWNSHIP OF IRVINGTON, NJ 07111
OFFICE OF THE TOWNSHIP CLERK
CIVIC SQUARE
IRVINGTON, NJ 07111

Reference: Denial of access complaint (OPRA Request and Follow-ups) Addendums

Kindly release all "OPRA", Requests Records and advise me real costs and when to pick-up. Government Records Council (N.J.S.A. 47:1A-1et seq.). Once again, these calls were made from 973- 493-5423, 973-372-4705, 973-372-5704, 973-992-5172 and 973-449-9492 (only I call on 7/17/09) to Irvington Police Department (973-399-6600-05), 973- 399-6503-5 and "911" only ** (9/17/09, 3/11/09, 2/10/09, 8/4/08, 1/4/08, 11/16/ 07 and 11/09/07).** There were number of incoming calls from IPD to the above numbers. Please see attached January 6, 2009 and September 4, 2009 regarding the above and others.

1. 6/14/05 (submitted 2/18/2010)
2. 1/28/2010 Ref: GRC COMPLAINT #2008-214, OKAFOR V. TOWNSHIP OF IRVINGTON (Chase, Michael 6/26, 09 Certification and Attorney Willie- Parker June 29, 2009) full of errors.
3. 1/5/09 Call AT 9: 45AM, and 10: 05AM
4. 1/07/09; 9:18am
5. 1/12/09; 12:05am and 9:18am
6. 1/14/09; names of officers came on 11/25/08 (3) who came to arrest me on November 25, 2008 (black male, black female and white/Spanish) and 0709 S-2008-003409 (fabricated summons).
7. 1/14/09 requested name of the officer on duty 11/25/08 who conveyed to me on November 25, 2008 that Captain Jamie Oliveria did not wish to talk to me rather to direct inquiry to the Essex County Prosecutor's Office on who is Lt./Dt. Amanda Koontz immediate supervisor. It was referred on my letter dated 12/1/08 to LT. /Det. Koontz which she bluntly ignored to reply.
8. 1/14/09; follow-up on the 10/29/08 complaints and others (7) Lt. Young, Walter received same. Note Amanda Koontz complaint was never acknowledged nor investigated. When, I question her she arrogantly said "have appropriate authority investigate her. She bragged that the Prosecutors Claire Rodriguez did not find my first complaints credible. I disagreed with her judgment. Time will tell.

① 3/9/10 (RW)

9. 11/14/09 Follow-up on 11/18/08 "OPRA requests" (28 pages) *ONLY 3 calls OUT OF 38 CALLS were provided. Note Chase, Michael June 26, 2009 and Willie- Parker Okafor denied the accuracy of that certified letter.

10. 1/12/09; 12: 05-12: 20pm, Officers name in the police car # 49 and Complaints follow-up (5 complaints) received by Sgt. Herzer, Richard.

11. 1/02/09; compliant follow-up signed and received by Lt. Yananti (3)

12. 1/09/09; second request on 12/12/08 OPRA requests incident date 11/25/08

13. 1/15/09; 1645-1733am, (requested date 1/16/09)

14. 1/15/09; 5: 13pm, 5:09PM, 5:16PM, 5: 36PM, 5: 45pm

15. 1/27/09; 0554

16. 1/30/09; 0648-0655

17. 2/04/09 follow-up OPRA 1/16/09, 1/12/09 and 12/12/08

18. 2/04/09 follow-ups on CAPS 1/2/09, 1/12/09, 10/29/08, 10/9/08 and 12/1/08; 12/1/08 letter to Koontz brief event that occurred 11/25/08 and others.

19. 2/10/09 ; 8:50am-9:15am, "911", 12:14pm and 12:30pm(submitted same day)

20. 2/20/09 rationale for OPRA request cost from \$20.00 to \$606.80 for Audio recording requested on 1/16/09?

21. 2/13/09; OPRA cost explanation Letter from Mr. Santiago, Joseph, 2/5/09, and 4/15/09 \$195.60 plus \$20.00 for compact disk, for 3/17/09 OPRA request , Lt. Koontz fee explanation letter dated 12/05/08 copied to Chase and Santiago fabricated cost and stated that over time rate/hourly rate for Detective Brown is \$65.20 /\$43.45 , plus \$20.00 compact disk for 11/25/08 and 1/15/09 OPRA request. Det. /Sgt. Nicholas Gargas file number 10-01 cost \$161.91 prep hours needed 3.5 for January 7, 2010 requests. Why too many people handling this simple task? I wish that one should comply with the law and face law enforcement task at stake. This is a way to create confusion but guess what time will catch up to those individuals. Who is this Det. Brown Miles getting paid overtime? Is he a consultant? Please you must consult with Mr. Marvin Braker, the Irvington Chief Attorney for guardians about "GRC COSTS". I can't say much of Willie- Parker. She accused me lately of being disgruntle, demanding too many documents. Det. Brown, Miles I tell you, do not allow anybody to fool you. Mind you nobody is above law. You will be judged accordingly when you mislead the public. Too bad I NEVER ASKED FOR THIS! Accountability must be prevailing.

22. 3/11/09; 12:04-12:06pm (submitted 3/24/09) cost to high.

23. 3/16/09 calls 7:04am,-7:08am, 12:23am-7:48am, 12:35pm-1:20pm (IPD car #22)

24. 3/17/09; 10:08-10:16am, 10:18am, and 1:00pm-1:50pm (requested date 3/24/09

* 21. 7/17/09 calls made from (-973-449-9492-/911-to IPD at 8:40am -8:50am (submitted on 12/23/09) *one time call*

25. 9/17/09; 4:20pm-6:30pm (submitted 12/23/09)

26. 9/2/09 calls; attached letter dated 9/4/ 07 and June, 16, 2005 (letter from Lt. NEIL R. Bierman) from former IPD Director, Damiano, Michael in his own words stated "17 calls" between those locations and Mr. David Lyons 8/27/07 letter.

27. 1/17/08 calls at 11:32am

(7) 2/19/10

28. 1/3/08 calls at 2:16pm-2:31pm and incoming call at 3:01
29. 1/08/08 calls at 9:23-9:40am
30. 8/11/08 call at 4:03am-4:08am

31. 8/12/08 calls at 2:24am-3:38am
32. 1/28/08; 1:13PM, 1:14pm, 1:19pm, -1:24PM(399-6603)
33. 1/29/08 calls at 10:00am 10:21am (973-399-6603-04)
34. 8/29/08; 9:15am, 9:18am, 9:20am, 9:22am, 9:34AM-10:00AM, and 10:21am and
an incoming calls (973-399-8111) TO 973-493-5423 AT 11:59AM
35. 9/30/08 complaints follow-ups (see Mr. Wieners 10/1/08 letter to Chase and
Damiano)
36. September30, 2008 calls at 12:37pm , 12:56PM, 12:59PM**
37. 9/30/08 calls at 4:52pm, 4:54pm**
38. September 30, 2008 calls at 4:20pm and "incoming calls from 973-373-
7346(incoming calls) to 973-493-5423 at 1:21pm"***
39. 1/8/08; 9:23am, and 9:49am,
40. 5/15/08; 11:02am,
41. 1/16/08 ; 9:25am
42. 1/17/08 ; 11:32am FROM 973-399-8111 TO 973-4935423 ** (incoming calls)
43. 5/15/08 11:02AM
44. 6/4/08; 10:32AM, 10:52am, 10:58AM, 11:02AM, 11:05AM, 11:12AM,
12:48AM, 12:53AM AND 1:00AM
45. 6/17/08; 3:37PM, 3:49PM, 3:52PM
46. 8/6/08; 10:06AM (973-399-6601), 10:08AM , 2:10PM, 2:20PM AND 3:25PM
(973-399-6771, incoming calls)**
47. 8/11/08; 12:41PM
48. 8/12/08; 2:24PM AND 2:28PM
49. 8/15/08; 5:36PM AND 5:37PM
50. 9/19/08 1:44PM
51. 9/24/08; 12:48PM, 12:55PM, 2:55PM AND 3:01PM
52. 9/26/08; 2:00PM AND 2:19pm
53. 9/30/08; 12:36PM AND 12:59PM
54. **9/30/08 CALLS FROM (973 373-7346) TO 973-493-5423** AT 1:21PM
55. 9/30/08; 4:52PM AND 4:54PM both date, Lt. Yannatti Abused me mentioned in
the complaint I filed against him. While I was illegally detained, Lt. Yannatti
approached me and said "look who is here! "You sign here", "have a good ride."
56. **8/1/08 CALLS AT 9:45am-10:00am and 10:30AM-12:30pm ** calls after
12:30pm was released. **
57. 10/28/08; 12:45pm-4:45pm
58. 10/29/08; 12:45pm-4:45pm
59. 11/04/08; 08AM, 9:15AM, 9:20AM
60. 11/05/08; 10:06AM
61. November 9, 2008 calls at 9:46-1107am
62. November 7, 2008 calls at 3:41pm-3:38pm
63. 11/18/08; Complaints follow-up; OPRA submitted 9/30/08 (28 pages) 4:59AM
64. 11/19/08; 10:51AM

(9) 3/9/10

65. 11/19/08; 1:45PM, 1:51PM, 1:52PM, 1:53PM 2:32PM, 2:33PM (973-399-6500-05) **
66. 11/20/08, 1:36PM
67. 11/08/08 8:08am, 8:20am, 8:25am
68. 11/25/08 8:20am, 8:25am, 8:32am, 8:39am, 8:53am, 9:57Am, 9:00am, 10:52am, 10:56am, 11:00am, 11:08, 11:39 am, 11:43am, 4:45pm
69. 12/08/08; 9:59-10:08am
70. 12/18/08 (part #2) of March 20, 2008. My letter to Koontz requesting officers' names in the Police cars # 25, 30 and others to file complaints. Where Damiano cautioned me on 1/9/08 by remark " if you don't stop calling Police on the body shop you would be having issues with the Police"
71. 11/25/08 CALLS referred to 11 incident inquiry (harassment). Time 12:13pm.
72. 11/18/08; (25 pages) follow-up on "CAPS" dated 10/09/08, 10/15/08, 10/29/08, (acknowledgment dates; 10/22/08, 11/20/08) and others. Omitted Lt. Amanda Koontz complaints and others.
73. 8/3/07; 6:13PM-1821pm
74. 8/06/07; 10:59am, 11:08am, 11:23am,
75. 8/7/07 ; 9:00am- 11:50AM, 11:50AM, 5:40AM
76. 8/09/07; 11:38AM, 11:47AM,
77. 8/23/07; 2:37AM, 2:55AM, 3:03AM,
78. 8/27/07; 11:53AM
79. 11/20/07 and November 21, 2007; 10:21AM (973-399 -6771) ** An incoming call to 973- 493-5423 and 973- 372-4705 and 372-5704
80. September 16, 2008 ** incoming calls from 973-399811 to 973-493-5423**
81. 9/17/97; 12:31PM, 12:34PM, 12:40PM
82. 9/18/07; 11:58AM, 12:26PM,
83. 9/19/07; 9:02AM, 9:15, 9:17, 9:20AM AND 9:21AM and 1:43pm-1:44pm
84. September 24,2008 calls at 12:28pm-12:57pm, 2:55pm-3:43pm
85. September 26, 2008 calls at 2:01pm-2:19pm
86. **6/14/05; 6:17pm (submitted 2/18/2010)**

4 pages
 Regina H. Okefor
 Never be convicted
 of a crime known to me
 Kind Fax Received at
 973-992-5172.
 Thank you.

(4)

3/9/10
 [Signature]

**New Jersey Government Records Council
Denial of Access Complaint - Detail Summary**

**Use this form to summarize the content, time and date of any conversations regarding this complaint,
along with the names of the participants and any witnesses.**

SEE ATTCHMENTS DATES:

1. March 8, 2010 (all records)
2. 2/18/10
3. 1/29/10 responded to corrections to Chase, Michael June 26, 2009 certification and Willie- Parker June 29, 2009.
4. 1/26/10 Police Director Santiago explanation for cost
5. 1/19/10 Mr. Wiener inquiry about 12/24/09 costs
6. 1/08/10 cost \$161.91 for 12/24/09 request ✓
7. 1/7/10
8. 12/24/09
9. 9/15/09
10. 9/4/09 Access denial
11. September 4, 2009 Health Officer charged me for 2 page document (receipt attached)
11. 9/02/09.
- 12... 8/31/09
- 14, March 30, 2009 Santiago explanation for amount due
15. 2/10/09
16. 2/05/09 cost justification \$606.80 for 1/16/9 request plus CD audio recordings ** Santiago Joseph, Police Director approved it despite my warnings.
17. 2/04/09 follow-up 1/12/09 (11/25/08 calls, 1/12/09 and 1/15/09)
18. 12/31/08 cost paid for \$20.00. ✓
19. 12/18/08
20. 12/05/08 cost justification Det. BROWN over time v. hourly rate \$ 85.20 v. \$43.45 plus cost for CD audio recordings
21. 11/18/08
- 22) 11/14/08 cost paid for one part of (6) requests of 9/30/08 11/14/08
23. 11/05/08 cost justifications
24. 10/22/08
- 25... 10/9/08
- 26... 10/1/08
27. 9/29/08 from Mr. Wiener to Marvin braker ref; Okafor v. township of Irvington GRC complaint No, 2008-
28. 214 and summary of Okafor O'PRA" request denial, 9/22/09, 8/29/08 etc.
29. September 2, 2008; 8/15/08 OPRA REQUEST receipt
30. 8/25/08; from Det. BROWN TO Mr. Wiener Mr. did sign the document but stated with out proof that calls from November 2007 to June 2008 no longer exist.
31. 8/29/08 Det. Brown to chase, Michael and Mr. Wiener signed by him making up excuses when he should spend such time fighting crime.
32. 8/29/08 from det. Brown, miles to Mr. Marvin braker, Township Lead Attorney **but signed by Lt. Amanda Koontz

32. January 9, 2009