



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
Commissioner

FINAL DECISION

April 30, 2013 Government Records Council Meeting

Judith Papiez
Complainant

Complaint No. 2012-52

v.

County of Mercer, Office of County Counsel
Custodian of Record

At the April 30, 2013 public meeting, the Government Records Council (“Council”) considered the April 23, 2013 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:

1. The Custodian timely complied with the Council’s March 22, 2013 Interim Order by submitting certified confirmation of compliance that she provided the responsive call detail logs (with redactions) to the Complainant on April 1, 2013.
2. The Custodian lawfully denied access to the telephone numbers contained in the logs since the Custodian redacted the responsive call detail logs consistent with the Council’s holding in Livechia v. Borough of Mount Arlington (Morris), GRC Complaint No. 2008-80 (Interim Order dated November 18, 2009). N.J.S.A. 47:1A-6.
3. The Custodian’s response to the Complainant’s OPRA request was insufficient because she failed to provide a date certain upon which she would provide the responsive records to the Complainant and the Custodian further unlawfully denied access to the requested call detail logs. N.J.S.A. 47:1A-5(i), 47:1A-6. However, the Custodian timely complied with the Council’s March 22, 2013 Interim Order and further lawfully redacted the responsive logs. Additionally, the evidence of record does not indicate that the Custodian’s violations of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian’s actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

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 30th Day of April, 2013

Robin Berg Tabakin, Esq., 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: May 2, 2013

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
April 30, 2013 Council Meeting**

**Judith Papiez¹
Complainant**

GRC Complaint No. 2012-52

v.

**County of Mercer, Office of County Counsel²
Custodian of Records**

Records Relevant to Complaint: Electronic copies (via e-mail) of all cell phone call detail reports for County of Mercer (“County”) provided cell phone line,³ including calls to the Complainant’s residence, from June 10, 2010 to January 24, 2012.

Request Made: February 14, 2012

Response Made: February 15, 2012

GRC Complaint Filed: March 7, 2012⁴

Background

At its March 22, 2013 public meeting, the Council considered the March 15, 2013 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, found that:

1. Although the Custodian responded in writing to the Complainant’s OPRA request within the statutorily mandated time frame to respond, the Custodian’s written response was insufficient pursuant to N.J.S.A. 47:1A-5(i), and Hardwick v. NJ Department of Transportation, GRC Complaint No. 2007-164 (February 2008), because the Custodian failed to provide a date certain upon which she would respond to the Complainant providing any responsive records. *See also* Bentz v. Borough of Paramus (Bergen), GRC Complaint No. 2008-89 (June 2011).
2. The Custodian unlawfully denied access to a complete copy of the call detail reports for the identified cell line within the specific time frame. N.J.S.A. 47:1A-6. Thus, the Custodian shall disclose same with appropriate redactions, if necessary, to the Complainant.

¹ No legal representation listed on record.

² Sarah G. Crowley, Esq., Custodian of Records. No legal representation listed on record.

³ The Complainant identified a specific number.

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

3. **The Custodian shall comply with item No. 2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4,⁵ to the Executive Director.⁶**
4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

On March 25, 2013, the Council distributed its Interim Order to all parties. On April 1, 2013, the Custodian responded to the Council's Interim Order. The Custodian certifies that she provided the Complainant with a complete copy of the responsive call detail logs for the County provided cell phone from June 10, 2010 to January 24, 2012 via U.S. mail on this date. The Custodian certifies that the telephone numbers have been redacted in accordance with Livecchia v. Borough of Mount Arlington (Morris), GRC Complaint No. 2008-80 (Interim Order dated November 18, 2009).

On April 10, 2013, the Complainant e-mailed the GRC disputing the redaction of all telephone numbers in the logs. The Complainant asserts that the expectation of privacy for incoming and outgoing calls should only be extended to landlines with unpublished telephone numbers. The Complainant indicates that because unpublished services are not available to cell phone numbers, cell to cell calls cannot be considered exempt. On April 13, 2013, the Complainant submitted the County's cell phone use policy noting that the County makes its employees aware of cell phone reviews and limits on personal use.

Analysis

Compliance

At its March 22, 2013 meeting, the Council ordered the Custodian to:

"... disclose [the responsive detail call logs] with appropriate redactions, if necessary, to the Complainant ... within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4, to the Executive Director." (Footnotes omitted.)

⁵ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

⁶ Satisfactory compliance requires that the Custodian deliver the records to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

On March 25, 2013, the Council disseminated its Order to the parties. On April 1, 2013, the Custodian submitted certified confirmation of compliance in which she certified that she provided the responsive logs to the Complainant via U.S. mail on the same date. The Custodian further certified that she redacted all telephone numbers in the logs consistent with the Council's holding in Livecchia.

Therefore, the Custodian timely complied with the Council's March 22, 2013 Interim Order by submitting certified confirmation of compliance that she provided the responsive call detail logs (with redactions) to the Complainant on April 1, 2013.

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.

Additionally, OPRA provides that certain personal identifying information is exempt from access to include "that portion of any document which discloses ... unlisted telephone number ..." N.J.S.A. 47:1A-1.1.

In Livecchia, *supra*, a portion of the complaint addressed employee cell phone bills on which the custodian redacted telephone numbers as well as the city and state of each call. The Council, citing to Smith v. NJ Dept. of Corrections, GRC Complaint No. 2004-163 (June 2005), held that redactions for just the telephone numbers on cell billing records "... satisfied the need for confidentiality ..." Livecchia at pg. 9-10 (*Citing North Jersey Newspapers Company v. Passaic County Board of Chosen Freeholders*, 127 N.J. 9 (1992)). Thus, the Council ordered the custodian to disclose the records without redactions for the city and state.

Thereafter, the Borough of Mt. Arlington appealed the Council's decision arguing in part that the custodian lawfully redacted the city and state from the responsive bills. In affirming the Council's decision that the city and state should be disclosed, the Appellate Division held that:

"... the privacy interest attached to government telephone records, which protects the person called and his or her telephone number, does not similarly cloak the destination location of calls placed by government employees when necessary to advance the watchful eye of a vigilant public seeking accountability of its municipal representatives." Livecchia v. Borough of Mt. Arlington, 421 N.J. Super. 24, 19 (App. Div. 2011).

Here, the Custodian provided the responsive call logs to the Complainant with redactions of all incoming and outgoing telephone numbers except for those calls to the Complainant's residence in accordance with Livecchia, *supra*. The Complainant disputed these redactions, arguing that public employee cell phone bills have limited privacy expectations. Further, the

Complainant argued that cell to cell calls have no expectation of privacy because unpublished services are not available to cell phone lines.

Contrary to the Complainant's argument, this complaint is similar to Livecchia, *supra*, in that the records at issue are public employee cell phone bills on which the Custodian redacted only telephone numbers. The Custodian's redactions are consistent with previous GRC and court decisions on similar records, thus, the Custodian lawfully redacted same.

Therefore, the Custodian lawfully denied access to the telephone numbers contained in the logs because the Custodian redacted the responsive call detail logs consistent with the Council's holding in Livecchia. N.J.S.A. 47:1A-6.

Knowing & Willful

OPRA states that:

“[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty ...” N.J.S.A. 47:1A-11(a).

OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically OPRA states:

“... If the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA]...” N.J.S.A. 47:1A-7(e).

Certain legal standards must be considered when making the determination of whether the Custodian's actions rise to the level of a “knowing and willful” violation of OPRA. The following statements must be true for a determination that the Custodian “knowingly and willfully” violated OPRA: the Custodian's actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian's actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (Berg); the Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J. Super. 86, 107 (App. Div. 1996).

The Custodian's response to the Complainant's OPRA request was insufficient because she failed to provide a date certain upon which she would provide the responsive records to the Complainant and the Custodian further unlawfully denied access to the requested call detail logs. N.J.S.A. 47:1A-5(i), 47:1A-6. However, the Custodian timely complied with the Council's

March 22, 2013 Interim Order and further lawfully redacted the responsive logs. Additionally, the evidence of record does not indicate that the Custodian's violations of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian timely complied with the Council's March 22, 2013 Interim Order by submitting certified confirmation of compliance that she provided the responsive call detail logs (with redactions) to the Complainant on April 1, 2013.
2. The Custodian lawfully denied access to the telephone numbers contained in the logs since the Custodian redacted the responsive call detail logs consistent with the Council's holding in Livecchia v. Borough of Mount Arlington (Morris), GRC Complaint No. 2008-80 (Interim Order dated November 18, 2009). N.J.S.A. 47:1A-6.
3. The Custodian's response to the Complainant's OPRA request was insufficient because she failed to provide a date certain upon which she would provide the responsive records to the Complainant and the Custodian further unlawfully denied access to the requested call detail logs. N.J.S.A. 47:1A-5(i), 47:1A-6. However, the Custodian timely complied with the Council's March 22, 2013 Interim Order and further lawfully redacted the responsive logs. Additionally, the evidence of record does not indicate that the Custodian's violations of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Prepared By: Frank F. Caruso
Senior Case Manager

Approved By: Brandon D. Minde, Esq.
Executive Director

April 23, 2013



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
Commissioner

INTERIM ORDER

March 22, 2013 Government Records Council Meeting

Judith Papiez
Complainant

Complaint No. 2012-52

v.

County of Mercer, Office of County Counsel
Custodian of Record

At the March 22, 2013 public meeting, the Government Records Council ("Council") considered the March 15, 2013 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Although the Custodian responded in writing to the Complainant's OPRA request within statutorily mandated time frame to respond, the Custodian's written response was insufficient pursuant to N.J.S.A. 47:1A-5(i). and Hardwick v. NJ Department of Transportation, GRC Complaint No. 2007-164 (February 2008), because the Custodian failed to provide a date certain upon which she would respond to the Complainant providing any responsive records. *See also* Bentz v. Borough of Paramus (Bergen), GRC Complaint No. 2008-89 (June 2011).
2. The Custodian unlawfully denied access to a complete copy of the call detail reports for the identified cell line within the specific time frame. N.J.S.A. 47:1A-6. Thus, the Custodian shall disclose same with appropriate redactions, if necessary, to the Complainant.
3. **The Custodian shall comply with item No. 2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4,¹ to the Executive Director.²**

¹ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

² Satisfactory compliance requires that the Custodian deliver the records to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Interim Order Rendered by the
Government Records Council
On The 22nd Day of March, 2013

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

Robin Berg Tabakin, Esq., Chair
Government Records Council

Decision Distribution Date: March 25, 2013

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
March 22, 2013 Council Meeting**

**Judith Papiez¹
Complainant**

GRC Complaint No. 2012-52

v.

**County of Mercer, Office of County Counsel²
Custodian of Records**

Records Relevant to Complaint: Electronic copies (via e-mail) of all cell phone call detail reports for County of Mercer (“County”) provided cell phone line,³ including calls to the Complainant’s residence, from June 10, 2010 to January 24, 2012.

Request Made: February 14, 2012

Response Made: February 15, 2012

GRC Complaint Filed: March 7, 2012⁴

Background⁵

The Complainant hand-delivered an OPRA request to the County on February 14, 2012. The Custodian responded in writing on February 15, 2012, the first (1st) business day after receipt of the subject request, stating that additional time would be necessary to retrieve the responsive records. The Complainant e-mailed the County on March 2, 2012 seeking a status update. On March 19, 2012, the Custodian provided the Complainant with details of calls made to the Complainant’s residence for the identified time frame.

The Complainant filed her Denial of Access Complaint with the Government Records Council (“GRC”) on March 7, 2012. In said complaint, the Complainant argues that the Custodian violated N.J.S.A. 47:1A-5(i) by failing to provide a date certain on which she would respond to the Complainant.

The Complainant submitted a letter to the GRC on April 23, 2012. In said letter, the Complainant asserts that the Custodian provided a record that did not satisfy her OPRA request. The Complainant argues that the typewritten paperwork does not match the call detail reports sought seeking all calls incoming and outgoing for the cell line. The Complainant contends that

¹ No legal representation listed on record.

² Sarah G. Crowley, Esq., Custodian of Records. No legal representation listed on record.

³ The Complainant identified a specific number.

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

⁵ 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.

the cell phone bills responsive to the OPRA request should be maintained on file by the Custodian. The Complainant contends that the phone in question was paid for by the County and is for official duty; therefore, the expectation of privacy should be limited only to those landline users with non-published phone numbers. The Complainant further contends that because non-published numbers do not apply to cell phones, cell-to-cell calls are not subject to the privacy exemption. The Complainant asserts that the responsive bills should be redacted and the remainder disclosed to her. The Complainant contends that the responsive phone bills are not exempt from disclosure and the Custodian violated N.J.S.A. 47:1A-5(e) by failing to grant immediate access to all responsive records.

The Custodian filed her Statement of Information (“SOI”) on May 25, 2012. In the SOI, the Custodian certifies she received the Complainant’s OPRA request on February 14, 2012. The Custodian certifies she responded on February 15, 2012 stating that she needed an extension of time. The Custodian certifies that she responded again on March 19, 2012 providing cell phone call detail reports from June 10, 2010 through January 24, 2012 specific to calls made from the cell phone to the Complainant’s residence.

The Custodian certifies that the Complainant requested cell phone records from her husband’s cell phone, who is an employee of the County. The Custodian certifies that the records were requested through the County’s phone service carrier and the Complainant was provided with a list of all calls made from the cell phone to the Complainant’s residence. The Custodian notes that the Complainant now contends she wanted the downloadable call detail report to include all calls made from the cell phone during the identified time frame and not just the Complainant’s residence. The Custodian certifies that the County does not maintain these records, but she has reached out to the carrier to obtain records for all calls.

Analysis

Sufficiency of the Custodian’s Response

OPRA provides that a custodian may have an extension of time to respond to a complainant’s OPRA request, but the custodian must provide a date certain. N.J.S.A. 47:1A-5(i). OPRA further provides that should the custodian fail to provide a response on that specific date, “access shall be deemed denied.” N.J.S.A. 47:1A-5(i).

In Hardwick v. NJ Department of Transportation, GRC Complaint No. 2007-164 (February 2008), the custodian provided the complainant with a written response to the complainant’s OPRA request on the seventh (7th) business day following receipt of said request. In the response, the custodian requested an extension of time to respond to said request but failed to provide a date certain upon which the requested records would be provided. The Council held that the custodian’s request for an extension of time was inadequate under OPRA pursuant to N.J.S.A. 47:1A-5(i).

Here, the Custodian responded in writing to the Complainant’s OPRA request on the first (1st) business day after receipt of same stating that additional time would be necessary to retrieve

the responsive records. However, the Custodian failed to provide a date certain on which she would respond to the Complainant providing access to any responsive records.

Therefore, although the Custodian responded in writing to the Complainant's OPRA request within statutorily mandated time frame to respond, the Custodian's written response was insufficient pursuant to N.J.S.A. 47:1A-5(i). and Hardwick, *supra*, because the Custodian failed to provide a date certain upon which she would respond to the Complainant providing any responsive records. *See also* Bentz v. Borough of Paramus (Bergen), GRC Complaint No. 2008-89 (June 2011).

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.

The Complainant's OPRA request sought "all cell phone call detail reports for [a County] provided cell phone line, including calls to the Complainant's residence, from June 10, 2010 to January 24, 2012." (Footnote omitted). The Custodian responded providing a typewritten list of calls made from the cell line to the Complainant's residence, but excluded any other calls made from the line. The Complainant disputed the Custodian's response in her April 23, 2012 letter to the GRC. In the SOI, the Custodian certified that she provided the responsive entries, but that the Complainant now wants all calls. The Custodian certified that the County did not maintain these records, but she has reached out to the carrier to obtain records for all calls.

The Custodian's assertion that the Complainant changed the parameters of the OPRA request is contrary to the Complainant's original OPRA request, which sought all calls. Additionally, the evidence of record does not indicate that the Custodian provided the Complainant with complete call detail reports for the identified cell phone at any time during the pendency of this complaint.

Therefore, the Custodian unlawfully denied access to a complete copy of the call detail reports for the identified cell line within the specific time frame. N.J.S.A. 47:1A-6. Thus, the Custodian shall disclose same with appropriate redactions, if necessary, to the Complainant.

Knowing & Willful

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. Although the Custodian responded in writing to the Complainant's OPRA request within statutorily mandated time frame to respond, the Custodian's written response was insufficient pursuant to N.J.S.A. 47:1A-5(i). and Hardwick v. NJ Department of Transportation, GRC Complaint No. 2007-164 (February 2008), because the Custodian failed to provide a date certain upon which she would respond to the Complainant providing any responsive records. *See also* Bentz v. Borough of Paramus (Bergen), GRC Complaint No. 2008-89 (June 2011).
2. The Custodian unlawfully denied access to a complete copy of the call detail reports for the identified cell line within the specific time frame. N.J.S.A. 47:1A-6. Thus, the Custodian shall disclose same with appropriate redactions, if necessary, to the Complainant.
3. **The Custodian shall comply with item No. 2 above within five (5) business days from receipt of the Council's Interim Order with appropriate redactions, including a detailed document index explaining the lawful basis for each redaction, and simultaneously provide certified confirmation of compliance, in accordance with N.J. Court Rule 1:4-4,⁶ to the Executive Director.⁷**
4. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: Frank F. Caruso
Senior Case Manager

Approved By: Karyn Gordon, Esq.
Acting Executive Director

March 15, 2013

⁶ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

⁷ Satisfactory compliance requires that the Custodian deliver the records to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.