



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

FINAL DECISION

March 26, 2019 Government Records Council Meeting

Thomas Caggiano
Complainant

Complaint No. 2016-68

v.

NJ Office of the Governor
Custodian of Record

At the March 26, 2019 public meeting, the Government Records Council (“Council”) considered the March 19, 2019 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, finds that the Complainant has failed to establish in his request for reconsideration of the Council’s October 30, 2018 Final Decision that either 1) the Council’s decision is based upon a “palpably incorrect or irrational basis;” or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. The Complainant failed to establish that the complaint should be reconsidered based on a mistake, new evidence, extraordinary circumstances, or fraud. The Complainant has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. Specifically, the Complainant’s request for reconsideration amounted to a stream-of-consciousness set of allegations against multiple governmental agencies and individuals. Thus, the Complainant’s request for reconsideration should be denied. Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996); D’Atria v. D’Atria, 242 N.J. Super. 392 (Ch. Div. 1990); In The Matter Of The Petition Of Comcast Cablevision Of S. Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Tel. Sys. In The City Of Atl. City, Cnty. Of Atl., State Of N.J., 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).

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 March, 2019

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: March 29, 2019

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

Reconsideration
**Supplemental Findings and Recommendations of the Council Staff
March 26, 2019 Council Meeting**

**Thomas Caggiano¹
Complainant**

GRC Complaint No. 2016-68

v.

**New Jersey Office of the Governor²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via compact disc (“CD”) of:

1. Letters and postcards the Complainant mailed to the Office of the Governor (“Office”) “comp[lai]ning about the corrupt[tion] of the NJ Attorney General, [the] Division of Law, GRC [and] numerous [corrupt judges and prosecutors] . . .”
2. E-mails from thomascaggiano@gmail.com to opracustodian@gov.state.nj.us from January 1, 2013, to February 13, 2016: “The topics was corruption with State agencies, FBI and county and [municipal] governments.”

Custodian of Record: Heather Taylor
Request Received by Custodian: February 15, 2016
Response Made by Custodian: February 23, 2016
GRC Complaint Received: February 29, 2016

Background

October 30, 2018 Council Meeting:

At its October 30, 2018 public meeting, the Council considered the October 23, 2018 Findings and Recommendations of the Council Staff and all related documentation submitted by the parties. The Council, by a majority vote, adopted said findings and recommendations. The Council, therefore, found that:

[T]he Custodian lawfully denied the Complainant access to the responsive hardcopy correspondence and e-mails that he composed and sent to the Office because disclosure of same to him “does not advance the purpose of OPRA . . .” Caggiano v. N.J. Office of the Gov., GRC Complaint No. 2014-408 (September 2015) (citing Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 619 (App. Div. 2008)); N.J.S.A. 47:1A-6.

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Valentina M. DiPippo.

Procedural History:

On November 1, 2018, the Council distributed its Final Decision to all parties. On November 10, 2018, the Complainant sent a letter to the GRC stating that he received the Government Records Council's ("GRC") meeting notification dated October 23, 2018. The Complainant alleged that he would be on vacation for a month and would submit a request for reconsideration for the expected adjudication upon his return.

On December 10, 2018, the Complainant stated that he returned from vacation and received the Final Decision on that day. The Complainant stated that he was seeking reconsideration but did not include a copy of the required "Request for Reconsideration" form.³ On January 8, 2019, the GRC sent a letter to the Complainant stating that it could not accept his correspondence as a valid request for reconsideration. The GRC noted that the Complainant was aware of the form requirement considering his prior "Request for Reconsideration" filings in past complaints.⁴ The GRC thus allowed the Complainant an additional ten (10) business days to submit a proper "Request for Reconsideration."

On February 14, 2019, the Complainant filed a request for reconsideration of the Council's October 30, 2018 Final Decision based on a mistake, new evidence, extraordinary circumstances, and fraud. The Complainant also alleged that he received the GRC's January 8, 2019 letter upon returning from a month-long vacation on February 4, 2019.

Analysis

Reconsideration

Pursuant to N.J.A.C. 5:105-2.10, parties may file a request for a reconsideration of any decision rendered by the Council within ten (10) business days following receipt of a Council decision. Requests must be in writing, delivered to the Council and served on all parties. Parties must file any objection to the request for reconsideration within ten (10) business days following receipt of the request. The Council will provide all parties with written notification of its determination regarding the request for reconsideration. N.J.A.C. 5:105-2.10(a) – (e).

In the matter before the Council, the Complainant filed the request for reconsideration of the Council's October 30, 2018 Final Decision on February 14, 2019. This filing obviously occurred multiple months after the Council rendered its decision. Notwithstanding, the GRC is cognizant of the Complainant's allegations of delayed receipt based on vacations, as well as the granted extension in its January 8, 2019 letter. Further, the GRC served the Complainant this

³ The GRC received the Complainant's letter on December 17, 2018.

⁴ See Caggiano v. Twp. of Mt. Olive (Morris), GRC Complaint No. 2012-250 (November 2013); Caggiano v. Twp. of Green (Sussex), GRC Complaint No. 2012-252 (January 2014); Caggiano v. N.J. Office of the Governor, GRC Complaint No. 2014-408 (September 2015); Caggiano v. Twp. of Wantage (Sussex), GRC Complaint No. 2016-115 (September 2018).

decision via U.S. mail.⁵ Based on the GRC's calculation of the extended ten (10) business day time frame, this filing is accepted as timely.

The GRC notes that it accepted the Complainant's request for reconsideration here based on his allegations. However, the GRC reserves the right to deny future requests submitted without supporting documentation corroborating the Complainant's allegations of when he received a Council decision.

Applicable case law holds that:

"A party should not seek reconsideration merely based upon dissatisfaction with a decision." D'Atria v. D'Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990). Rather, reconsideration is reserved for those cases where (1) the decision is based upon a "palpably incorrect or irrational basis;" or (2) it is obvious that the finder of fact did not consider, or failed to appreciate, the significance of probative, competent evidence. *E.g.*, Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996). The moving party must show that the court acted in an arbitrary, capricious or unreasonable manner. D'Atria, . . . 242 N.J. Super. at 401. "Although it is an overstatement to say that a decision is not arbitrary, capricious, or unreasonable whenever a court can review the reasons stated for the decision without a loud guffaw or involuntary gasp, it is not much of an overstatement." Ibid.

[In The Matter Of The Petition Of Comcast Cablevision Of S. Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Tel. Sys. In The City Of Atl. City, Cnty. Of Atl., State Of N.J., 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).]

As the moving party, the Complainant was required to establish either of the necessary criteria set forth above: either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. See Cummings, 295 N.J. Super. at 384. The Complainant failed to establish that the complaint should be reconsidered based on a mistake, new evidence, extraordinary circumstances, or fraud. The Complainant has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. See D'Atria, 242 N.J. Super. at 401. Specifically, the Complainant's request for reconsideration amounted to a stream-of-consciousness set of allegations against multiple governmental agencies and individuals. Thus, the Complainant's request for reconsideration should be denied. Cummings, 295 N.J. Super. at 384; D'Atria, 242 N.J. Super. at 401; Comcast, 2003 N.J. PUC at 5-6.

Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that the Complainant has failed to establish in his request for reconsideration of the Council's October 30, 2018 Final

⁵ The Complainant is barred from communicating with the GRC via telephone, e-mail, or facsimile pursuant to a permanent restraining order issued on May 7, 2009. The Complainant noted in his November 10, 2018 letter to the GRC that he "faxed . . . and e-mailed in direct violation of the . . . court orders obtained . . . by the GRC."

Decision that either 1) the Council's decision is based upon a “palpably incorrect or irrational basis;” or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. The Complainant failed to establish that the complaint should be reconsidered based on a mistake, new evidence, extraordinary circumstances, or fraud. The Complainant has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. Specifically, the Complainant’s request for reconsideration amounted to a stream-of-consciousness set of allegations against multiple governmental agencies and individuals. Thus, the Complainant’s request for reconsideration should be denied. Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996); D'Atria v. D'Atria, 242 N.J. Super. 392 (Ch. Div. 1990); In The Matter Of The Petition Of Comcast Cablevision Of S. Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Tel. Sys. In The City Of Atl. City, Cnty. Of Atl., State Of N.J., 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).

Prepared By: Frank F. Caruso
Acting Executive Director

March 19, 2019



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
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LT. GOVERNOR SHEILA Y. OLIVER
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FINAL DECISION

October 30, 2018 Government Records Council Meeting

Thomas Caggiano
Complainant

Complaint No. 2016-68

v.

NJ Office of the Governor
Custodian of Record

At the October 30, 2018 public meeting, the Government Records Council (“Council”) considered the October 23, 2018 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, finds that the Custodian lawfully denied the Complainant access to the responsive hardcopy correspondence and e-mails that he composed and sent to the Office because disclosure of same to him “does not advance the purpose of OPRA . . .” Caggiano v. N.J. Office of the Gov., GRC Complaint No. 2014-408 (September 2015) (citing Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 619 (App. Div. 2008)); 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 30th Day of October, 2018

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: November 1, 2018



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Council Staff
October 30, 2018 Council Meeting**

**Thomas Caggiano¹
Complainant**

GRC Complaint No. 2016-68

v.

**New Jersey Office of the Governor²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via compact disc (“CD”) of:

1. Letters and postcards the Complainant mailed to the Office of the Governor (“Office”) “comp[ai]ning about the corrupt[ion of the NJ Attorney General, [the] Division of Law, GRC [and] numerous [corrupt judges and prosecutors] . . .”
2. E-mails from thomascaggiano@gmail.com to opracustodian@gov.state.nj.us from January 1, 2013, to February 13, 2016: “The topics was corruption with State agencies, FBI and county and [municipal] governments.”

Custodian of Record: Heather Taylor
Request Received by Custodian: February 15, 2016
Response Made by Custodian: February 23, 2016
GRC Complaint Received: February 29, 2016

Background³

Request and Response:

On February 14, 2016, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records.

On February 23, 2016, the Custodian responded in writing denying the Complainant’s request on the basis that the Office was not obligated to provide the Complainant identical e-mails and letters that he previously sent to the Office. Caggiano v. N.J. Office of the Gov., GRC Complaint No. 2014-408 (September 2015) (citing Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 619 (App. Div. 2008)).

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Valentina M. DiPippo.

³ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Council Staff the submissions necessary and relevant for the adjudication of this complaint.

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Denial of Access Complaint:

On February 29, 2016, the Complainant filed a Denial of Access Complaint with the GRC. The Complainant contended that he requested the records in question because his computer crashed, was also hacked, and he lost files. The Complainant further argued that according to Bart, 403 N.J. Super. 609, the Custodian had to prove he still maintained the records sought before denying the request.⁴ The Complainant contended that the Custodian's denial of access was knowing and willful.

Statement of Information:

On March 22, 2016, the Custodian filed a Statement of Information ("SOI"). The Custodian did not certify to the date she received the Complainant's OPRA request. However, the Custodian certified that she responded in writing on February 23, 2016 denying the Complainant's request in accordance with Caggiano, GRC 2014-408.

The Custodian stated that both OPRA and the GRC's regulations require it to "make a determination as to whether the complaint is . . . frivolous or without reasonable factual basis" prior to adjudicating same. N.J.S.A. 47:1A-7(e); N.J.A.C. 5:105-2.1(d). The Custodian asserted that this provision was in place to conserve both the Custodian and GRC's resources and to avoid unnecessary complaints. The Custodian argued that this complaint represented the fifth (5th) time the Complainant sought correspondence that he submitted to the Office. Caggiano v. Office of the Gov., GRC Complaint No. 2014-263 (April 2015); Caggiano v. Office of the Gov., GRC Complaint No. 2014-272 (April 2015); Caggiano, GRC 2014-408; Caggiano v. Office of the Gov., GRC Complaint No. 2015-276.⁵ The Custodian thus contended that because the Council has already decided on this issue in at least three (3) decisions, this matter was frivolous and without reasonable factual basis. N.J.S.A. 47:1A-7(e); N.J.A.C. 5:105-2.1(d). The Custodian thus argued that the GRC should avail itself of its legislative prerogative and dismiss this complaint as frivolous without any further deliberation.⁶

Further, the Custodian argued that she lawfully denied access to the subject OPRA request based on Caggiano, GRC 2014-408. The Custodian averred that there, the Council held that the Office was under no obligation to provide the Complainant with records he submitted. Caggiano, GRC 2014-408 at 6 (citing Bart, 403 N.J. Super. at 618); Blay v. Ocean Cnty. Health Dep't, GRC Complaint No. 2012-223 (June 2013). The Custodian contended that requiring disclosure of records already in the Complainant's possession did not comport with the purposes of OPRA.

The Custodian contended that the Complainant had a history of submitting large volumes of records to the Office. The Custodian asserted that with great expense to New Jersey's taxpayers in that she was required to review each for any OPRA requests. See Caggiano v. State of N.J. Office of the Gov., GRC Complaint No. 2014-166 at 2 (noting that the complainant submitted over

⁴ The Complainant noted that the New Jersey Department of Treasury responded to an OPRA request providing him e-mails he sent to that agency. However, that request is not at issue before the GRC and was never the subject of a Denial of Access Complaint.

⁵ Caggiano, GRC 2015-276 is currently awaiting adjudication before the GRC.

⁶ The Custodian's Counsel submitted a letter brief to the GRC on February 25, 2016 containing the same arguments. For efficiency purposes, the GRC has reflected those arguments in a singular entry.

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130 e-mails of length in 2014). The Custodian contended that a holding in the Complainant's favor would only enable his campaign of submitting a large volume of correspondence to the Office and subsequently requesting same for the sole purpose of harassment. The Custodian noted that the Council has previously addressed the Complainant's similar practices with other agencies. See Caggiano v. Borough of Stanhope (Sussex), GRC Complaint No. 2007-20, *et seq.* (September 2007).

Analysis

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request "with certain exceptions." N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

New Jersey Courts have provided that "[t]he purpose of OPRA 'is to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.'" Times of Trenton Publ'g Corp. v. Lafayette Yard Cmty. Dev. Corp., 183 N.J. 519, 535 (2005) (quoting Asbury Park Press v. Ocean Cnty. Prosecutor's Office, 374 N.J. Super. 312, 329 (Law Div. 2004)). In Bart, 403 N.J. Super. 609,⁷ the Appellate Division looked to the Lafayette Yard case in determining whether a custodian knowingly and willfully violated OPRA by not providing to the complainant a record already in his possession. The Court held that a complainant could not have been denied access to a requested record if he already had in his possession at the time of the OPRA request the document he sought pursuant to OPRA. Id. at 617. The Appellate Division reasoned that requiring a custodian to duplicate another copy of the requested record and send it to the complainant does not advance the purpose of OPRA, which is to ensure an informed citizenry. Id. at 618 (citing Lafayette Yard, 183 N.J. at 535).

The Appellate Division's decision in Bart, however, turns upon the specific facts of that case. The Council's decision noted that the custodian certified that copies of the requested record were available at the Housing Authority's front desk upon simple verbal request by any member of the public. Bart v. City of Paterson Hous. Auth., GRC Complaint No. 2005-145 (May 2006). Moreover, the complainant actually admitted that he was in possession of this record at the time of the OPRA request for the same record. Id.

In Caggiano, GRC 2014-408, the complainant sought access to e-mails he composed and sent to the Office. The Council, relying on Bart, 403 N.J. Super. 609, held that no unlawful denial of access occurred. In reaching its conclusion, the Council reasoned that

Although the Complainant has not affirmatively established that he possessed all responsive e-mails he sent to the Office at the time of his request, the intent of the Court's decision in Bart can be applied to the facts of this complaint. Specifically, requiring the Custodian to locate, reproduce, and disclose same does not advance

⁷ Reversing Bart v. City of Paterson Hous. Auth., GRC Complaint No. 2005-145 (May 2006).
Thomas Caggiano v. New Jersey Office of the Governor, 2016-68 – Findings and Recommendations of the Council Staff

the purposes of OPRA. Additionally, disclosing to the Complainant e-mails that he composed and sent to the Office neither maximizes his own knowledge about public affairs nor fosters a more informed Complainant.

[Id. (Final Decision dated July 28, 2015) at 6. See also Owoh (on behalf of O.R.) v. West Windsor-Plainsboro Regional School District (Mercer), GRC Complaint No. 2012-330 (Interim Order February 2013).]

The complainant subsequently filed a request for reconsideration based on extraordinary circumstances, fraud, new evidence, change in circumstances, and illegality. Therein, the complainant argued that he actively deleted files and other “were destroyed in the last few months.” Id. (Final Decision dated September 29, 2015) at 2. The Council rejected this argument and denied reconsideration. The Council noted that the complainant failed to prove that disclosure of the e-mails would advance the purposes of OPRA. Further, the Council stated that “although public agencies are required to adhere to their retention schedules, OPRA was . . . not intended to allow citizens to utilize public entities as taxpayer funded repositories for personal correspondence.” Id. at 4.

In the matter currently before the Council, the Complainant alleged that he requested the correspondence because his computer was hacked and/or had crashed. Conversely, the Custodian contended that providing the Complainant with e-mails that he composed and sent to the Office “does not advance the purpose of OPRA . . .” Bart, 403 N.J. Super. at 618. The Custodian also argued that to Caggiano, GRC 2014-408 was exactly on point with this complaint and that the GRC should dismiss it as frivolous. N.J.S.A. 47:1A-7(e).

The GRC will briefly address the threshold issue of whether to dismiss this complaint as frivolous. The GRC looks to the Council’s frivolous complaint decision in Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2013-147, *et seq.* (September 2014). There, the Council rendered five (5) decisions on OPRA requests that were “nearly identical” almost a year or more prior to the submission of Valdes. In each instance, the Council’s decision was the same: the request was invalid for a specific reason. Upon review of the requests at issue in Valdes, the Council quickly realized that the complainant continued to submit nearly identical requests and file complaints after the agency’s denial. Thus, the Council held that the complainant “knew, or should have known, that the complaints . . . were without any reasonable factual basis . . . and could not be supported by a good faith argument. . .” Id. at 14 (citing N.J.S.A. 2A:15-59.1(b)(2)).

Here, although the Complainant submitted similar complaints with similar requests, only Caggiano, GRC 2014-408 addressed the exact issue raised by the Custodian. Additionally, of the requests submitted over the other four (4) complaints identified in the SOI, three (3) were adjudicated with slightly different conclusions. Further, the Council’s Final Decision in Caggiano predated the request at issue here by about five (5) months. Based on the forgoing, the GRC does not believe that this complaint meets the frivolous standard set forth in Valdes and declines to recommend dismissal on this basis.

As to the argument regarding the Custodian’s obligation to provide the Complainant correspondence (inclusive of hardcopy and e-mails) that he submitted to the Office, the GRC is satisfied that this complaint is on point with Caggiano, GRC 2014-408. Although the Complainant

alleged that his computer was hacked or crashed, and unidentified records were lost, Caggiano is applicable here. This is especially true because the reasons the Complainant cites for attempting to obtain these records in Caggiano was that “he actively deleted many e-mails or encountered instances where e-mails were destroyed in the last few months.” Id. Final Decision dated September 29, 2015) at 2. Despite the changing stories and time frame within which the Complainant alleged he lost records, he continues to request his own submissions to the Office for an expansive period of time. All the while, the Complainant continues to fail to provide any reasonable explanation as to how requiring the Custodian to locate, reproduce, and disclose same advances the purposes of OPRA. The GRC notes that the Complainant provided no additional arguments regarding the hardcopy correspondence he requested in item No. 1.

Additionally, disclosing to the Complainant correspondence that he composed and sent to the Office neither maximizes his own knowledge about public affairs nor fosters a more informed Complainant. Simply put, the Complainant could not glean any insight into the inner workings of government by reviewing e-mails he, himself, composed. The GRC also stresses from Caggiano, GRC 2014-408 that although public agencies are required to adhere to their retention schedules, OPRA was clearly not intended to allow citizens to utilize public entities as taxpayer funded repositories for personal correspondence.

Therefore, the Custodian lawfully denied the Complainant access to the responsive hardcopy correspondence and e-mails that he composed and sent to the Office because disclosure of same to him “does not advance the purpose of OPRA . . .” Caggiano, GRC 2014-408 (citing Bart, 403 N.J. Super. at 618); N.J.S.A. 47:1A-6.

Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that the Custodian lawfully denied the Complainant access to the responsive hardcopy correspondence and e-mails that he composed and sent to the Office because disclosure of same to him “does not advance the purpose of OPRA . . .” Caggiano v. N.J. Office of the Gov., GRC Complaint No. 2014-408 (September 2015) (citing Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 619 (App. Div. 2008)); N.J.S.A. 47:1A-6.

Prepared By: Frank F. Caruso
Communications Specialist/Resource Manager

October 23, 2018