



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

April 30, 2019 Government Records Council Meeting

David Herron
Complainant

Complaint No. 2018-160

v.

Paterson Board of Education (Passaic)
Custodian of Record

At the April 30, 2019 public meeting, the Government Records Council (“Council”) considered the April 23, 2019 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 complied with the Council’s March 26, 2019 Interim Order because he responded in the prescribed time frame disclosing the responsive Comprehensive Equity Plan to the Complainant via e-mail. Further, the Custodian simultaneously provided certified confirmation of compliance to the Council Staff.
2. The Custodian unlawfully denied to the responsive Comprehensive Equity Plan in the requested medium. N.J.S.A. 47:1A-6. Also, the Custodian failed to submit a Statement of Information, which resulted in a violation of the Council’s regulations. N.J.A.C. 5:105-2.4(a). However, the Custodian timely complied with the Council’s March 26, 2019 Interim Order. Additionally, the evidence of record does not indicate that the Custodian’s violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian’s actions do 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 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: May 3, 2019

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Council Staff
April 30, 2019 Council Meeting**

**David Herron¹
Complainant**

GRC Complaint No. 2018-160

v.

**Paterson Board of Education (Passaic)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of the 2017-2018 Comprehensive Equity Plan (“CEP”).

Custodian of Record: Luis M. Rojas

Request Received by Custodian: July 12, 2018

Response Made by Custodian: July 19, 2018

GRC Complaint Received: August 2, 2018

Background

March 26, 2019 Council Meeting:

At its March 26, 2019 public meeting, the Council considered the March 19, 2019 Findings and Recommendations of the Council Staff 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. The Custodian’s failure to provide a completed Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian’s failure to respond additionally obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . .” N.J.S.A. 47:1A-7(b).
2. The Custodian’s failure to provide the Comprehensive Equity Plan to the Complainant in the medium requested (electronic via e-mail) resulted in a violation of OPRA. Specifically, the evidence of record indicates that the Custodian had the ability to provide the record in the medium requested and failed to do so. N.J.S.A. 47:1A-5(d). See also Scheeler, Jr. v. N.J. Dep’t of Educ., GRC Complaint No. 2014-172 (Interim

¹ No legal representation listed on record.

² No legal representation listed on record.

Order dated September 30, 2014). Accordingly, the Custodian shall disclose to the Complainant the CEP in the medium requested; to wit, electronically via e-mail.

3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver³ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁴ to the Council Staff.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.

Procedural History:

On March 28, 2019, the Council distributed its Interim Order to all parties. On March 31, 2019, the Custodian e-mailed the Complainant an electronic copy of the responsive CEP. On April 2, 2019, the Custodian responded to the Council's Interim Order. Therein, the Custodian certified that he sent the CEP to the Complainant as required by the Council's Order.

Analysis

Compliance

At its March 26, 2019 meeting, the Council ordered the Custodian to disclose the responsive CEP to the Complainant in the medium requested and to submit certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4, to the Council Staff. On March 28, 2019, the Council distributed its Interim Order to all parties, providing the Custodian five (5) business days to comply with the terms of said Order. Thus, the Custodian's response was due by close of business on April 3, 2019.

On April 2, 2019, the fourth (4th) business day after receipt of the Council's Order, the Custodian responded to the Council's Order. Therein, he certified that he e-mailed the CEP to the Complainant on March 31, 2019. Based on the Custodian's disclosure and timely response to the Council's Order, he has complied with same.

³ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

⁴ "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."

⁵ Satisfactory compliance requires that the Custodian deliver the record(s) 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.

Therefore, the Custodian complied with the Council's March 26, 2019 Interim Order because he responded in the prescribed time frame disclosing the responsive CEP to the Complainant via e-mail. Further, the Custodian simultaneously provided certified confirmation of compliance to the Council Staff.

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 “. . . [i]f 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 (id.; Marley v. Borough of Palmyra, 193 N.J. Super. 271, 294-95 (Law Div. 1993)); 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)).

In the matter before the Council, the Custodian unlawfully denied to the responsive CEP in the requested medium. N.J.S.A. 47:1A-6. Also, the Custodian failed to submit a Statement of Information, which resulted in a violation of the Council's regulations. N.J.A.C. 5:105-2.4(a). However, the Custodian timely complied with the Council's March 26, 2019 Interim Order. Additionally, the evidence of record does not indicate that the Custodian's violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian's actions do 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 Council Staff respectfully recommends the Council find that:

1. The Custodian complied with the Council's March 26, 2019 Interim Order because he responded in the prescribed time frame disclosing the responsive Comprehensive Equity Plan to the Complainant via e-mail. Further, the Custodian simultaneously provided certified confirmation of compliance to the Council Staff.

2. The Custodian unlawfully denied to the responsive Comprehensive Equity Plan in the requested medium. N.J.S.A. 47:1A-6. Also, the Custodian failed to submit a Statement of Information, which resulted in a violation of the Council's regulations. N.J.A.C. 5:105-2.4(a). However, the Custodian timely complied with the Council's March 26, 2019 Interim Order. Additionally, the evidence of record does not indicate that the Custodian's violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian's actions do 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
Acting Executive Director

April 23, 2019



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DEPARTMENT OF COMMUNITY AFFAIRS
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PO Box 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

INTERIM ORDER

March 26, 2019 Government Records Council Meeting

David Herron
Complainant

Complaint No. 2018-160

v.

Paterson Board of Education (Passaic)
Custodian of Record

At the March 26, 2019 public meeting, the Government Records Council (“Council”) considered the March 19, 2019 Findings and Recommendations of the Council Staff 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’s failure to provide a completed Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian’s failure to respond additionally obstructed the GRC in its efforts to “receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . .” N.J.S.A. 47:1A-7(b).
2. The Custodian’s failure to provide the Comprehensive Equity Plan to the Complainant in the medium requested (electronic via e-mail) resulted in a violation of OPRA. Specifically, the evidence of record indicates that the Custodian had the ability to provide the record in the medium requested and failed to do so. N.J.S.A. 47:1A-5(d). See also Scheeler, Jr. v. N.J. Dep’t of Educ., GRC Complaint No. 2014-172 (Interim Order dated September 30, 2014). Accordingly, the Custodian shall disclose to the Complainant the CEP in the medium requested; to wit, electronically via e-mail.
3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver¹**

¹ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,² to the Council Staff.³

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 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 28, 2019

² "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."

³ Satisfactory compliance requires that the Custodian deliver the record(s) 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.

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**David Herron¹
Complainant**

GRC Complaint No. 2018-160

v.

**Paterson Board of Education (Passaic)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of the 2017-2018 Comprehensive Equity Plan (“CEP”).

Custodian of Record: Luis M. Rojas

Request Received by Custodian: July 12, 2018

Response Made by Custodian: July 19, 2018

GRC Complaint Received: August 2, 2018

Background³

Request and Response:

On July 12, 2018, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On July 19, 2018, the Custodian responded in writing advising that the CEP existed in paper format only and was “not available in an electronic format.” The Custodian stated that the actual report was 14 pages and the supporting documentation numbered 1,304 pages. The Custodian thus stated that the copy costs were \$0.70 or \$65.20 respectively depending on whether the Complainant only wanted the report or all documents.

On July 19, 2018, the Complainant e-mailed the Custodian stating that he was only seeking the CEP. The Complainant also disputed that the CEP was only in paper format. The Complainant noted that the CEP template was sent to all school districts within the State. On July 23, 2018, the Custodian responded again advising that the CEP was only in paper format. The Custodian thus requested a check in the amount of \$0.70 to obtain access to the report.

¹ No legal representation listed on record.

² No legal representation listed on record.

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.

Denial of Access Complaint:

On August 2, 2018, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant questioned why the Custodian would not disclose the record in the medium requested.

Statement of Information:

On August 8, 2018, the GRC requested a completed Statement of Information (“SOI”) from the Custodian. On August 23, 2018, the GRC sent a “No Defense” letter to the Custodian, requesting a completed SOI within three (3) business days of receipt.

On August 24, 2018, the Custodian sent a letter⁴ via e-mail to the GRC “in connection with the [SOI] along with supporting documents.” The Custodian denied the Complainant’s claim that he was denied access to the record. The Custodian contended that the CEP was part of a larger set of records kept in a three-ring binder. The Custodian noted that he offered hard copies of the report for \$0.70 or, if the Complainant preferred, inspection of the binder. The Custodian argued that these options represented “some other meaningful medium” as contemplated in N.J.S.A. 47:1A-5(d).

Analysis

Failure to Submit SOI

OPRA also provides that “Custodians shall submit a completed and signed statement of information (SOI) form to the Council and the complainant simultaneously that details the custodians' position for each complaint filed with the Council[.]” N.J.A.C. 5:105-2.4(a).

OPRA further provides that:

Custodians shall submit a completed and signed SOI for each complaint to the Council's staff and the complainant not later than five business days from the date of receipt of the SOI form from the Council's staff . . . Failure to comply with this time period may result in the complaint being adjudicated based solely on the submissions of the complainant.

[N.J.A.C. 5:105-2.4(f).]

Finally, OPRA provides that “[a] custodian’s failure to submit a completed and signed SOI . . . may result in the Council’s issuing a decision in favor of the complainant.” N.J.A.C. 5:105-2.4(g). In Alterman, Esq. v. Sussex Cnty. Sheriff’s Office, GRC Complaint No. 2013-353 (September 2014), the custodian failed to provide a completed SOI to the GRC within the allotted deadline. Thus the Council noted the custodian’s failure to adhere to N.J.A.C. 5:1052.4(a). See

⁴ This letter response, which was dated March 2, 2017, did not constitute a valid SOI as required to be filed under N.J.A.C. 5:105-2.4.

also Kovacs v. Irvington Police Dep't (Essex), GRC Complaint No. 2014-196 (January 2015); Howell v. Twp. of Greenwich (Warren), GRC Complaint No. 2015-249 (November 2016).

In the instant matter, the Custodian did not comply with the GRC's initial request for an SOI. After the expiration of the five (5) business day deadline, the GRC again attempted to obtain a completed SOI from the Custodian by sending a "No Defense" letter and requesting a completed SOI within three (3) business days of receipt. This transmission also included a copy of the original SOI letter providing detailed instructions on how to properly submit an SOI. On the next day, the Custodian sent a letter "in connection with the [SOI]," but did not submit a completed SOI form.

Accordingly, the Custodian's failure to provide a completed SOI to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian's failure to respond additionally obstructed the GRC in its efforts to "receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . ." N.J.S.A. 47:1A-7(b).

Conversion of Medium

OPRA provides that:

A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be

- \$ 0.05 per letter size page or smaller, and
- \$ 0.07 per legal size page or larger . . .

Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

[N.J.S.A. 47:1A-5(b) (emphasis added).]

Further, OPRA provides that:

A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the public agency maintains the record in that medium. If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record:

- in a medium not routinely used by the agency;
- not routinely developed or maintained by an agency; or
- requiring a substantial amount of manipulation or programming of information technology,

the agency may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency or attributable to the agency for the programming, clerical, and supervisory assistance required, or both.

[N.J.S.A. 47:1A-5(d).]

In Scheeler, Jr. v. N.J. Dep't of Educ., GRC Complaint No. 2014-172 (Interim Order dated September 30, 2014), the complainant sought e-mails sent to him in electronic format via e-mail. The custodian responded stating that he could not e-mail the records due to a size limitation, but that he could provide them on a compact disc for \$2.49. The complainant argued in the Denial of Access Complaint that the custodian violated OPRA. Thereafter, the custodian failed to submit an SOI.

The Council compared the facts in Scheeler, Jr. to those in McBride v. Twp. of Bordentown (Burlington), GRC Complaint No. 2007-217 (August 2009) and held that the custodian violated N.J.S.A. 47:1A-5(d). The Council reasoned that custodians were required to provide records in the medium requested. The Council held that, as in McBride, the custodian had the ability to e-mail the records to the complainant but failed to do so. Further, the Council noted that because the custodian failed to submit an SOI, the GRC had to adjudicate the complaint “based only on the information submitted” therein.

Here, the Complainant sought disclosure of the CEP via e-mail. The Custodian responded stating that the CEP existed only in paper format and was not electronically available. The Custodian thus stated that he would charge \$0.70 to disclose the CEP (14 pages). The Complainant disputed the charge and again reiterated that he wished to receive the CEP via e-mail. As noted above, the Custodian failed to submit an SOI. However, he maintained in a letter to the GRC dated March 2, 2017 that the CEP was in paper format only and that charging the Complainant did not amount to an unlawfully denial of access. Based on the evidence of record contained within this complaint, the GRC disagrees.

OPRA specifically requires a custodian to make attempts to provide a record in the medium requested. N.J.S.A. 47:1A-5(d). In the instance that a custodian cannot, they are required to provide the record in a medium meaningful to the requestor. Id. The Custodian vaguely contended in his responses to the Complainant and GRC that the CEP only existed in paper format. However, the Custodian failed to explain whether he had the ability to scan it and create an electronic file: which is his legal obligation under N.J.S.A. 47:1A-5(d) if he so had the ability.

At least one submission in this complaint implies that the Custodian did have the ability to convert the CEP into an electronic file: his August 24, 2018 e-mail and letter attachment. Specifically, the letter was attached to the e-mail as a .pdf file. Further, the attachment was clearly a scanned copy of a paper version of the letter. Thus, the Custodian's response to the GRC supports that he had the ability to create electronic files from paper records. As was the case in Scheeler, Jr., GRC 2014-172, there is enough evidence in the record to prove that the Custodian should have disclosed the CEP in the medium requested and failed to do so.

Accordingly, the Custodian's failure to provide the CEP to the Complainant in the medium requested (electronic via e-mail) resulted in a violation of OPRA. Specifically, the evidence of record indicates that the Custodian had the ability to provide the record in the medium requested and failed to do so. N.J.S.A. 47:1A-5(d). See also Scheeler, Jr., GRC 2014-172. Accordingly, the Custodian shall disclose to the Complainant the CEP in the medium requested; to wit, electronically via e-mail.

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 Council Staff respectfully recommends the Council find that:

1. The Custodian's failure to provide a completed Statement of Information to the GRC, despite more than one request, results in a violation of N.J.A.C. 5:105-2.4(a). Moreover, the Custodian's failure to respond additionally obstructed the GRC in its efforts to "receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . ." N.J.S.A. 47:1A-7(b).
2. The Custodian's failure to provide the Comprehensive Equity Plan to the Complainant in the medium requested (electronic via e-mail) resulted in a violation of OPRA. Specifically, the evidence of record indicates that the Custodian had the ability to provide the record in the medium requested and failed to do so. N.J.S.A. 47:1A-5(d). See also Scheeler, Jr. v. N.J. Dep't of Educ., GRC Complaint No. 2014-172 (Interim Order dated September 30, 2014). Accordingly, the Custodian shall disclose to the Complainant the CEP in the medium requested; to wit, electronically via e-mail.
3. **The Custodian shall comply with conclusion 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, if applicable. Further, the Custodian shall simultaneously deliver⁵ certified confirmation of compliance, in accordance with N.J. Court Rules, R. 1:4-4,⁶ to the Council Staff.⁷**

⁵ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

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 record(s) 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

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
Acting Executive Director

March 19, 2019

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.

David Herron v. Paterson Board of Education (Passaic), 2018-160 – Findings and Recommendations of the Council Staff