



State of New Jersey

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Commissioner

FINAL DECISION

July 30, 2024 Government Records Council Meeting

Rotimi Owoh, Esq. (o/b/o African American
Data & Research Institute)
Complainant

Complaint No. 2022-77

v.

Princeton Police Department (Mercer)
Custodian of Record

At the July 30, 2024 public meeting, the Government Records Council (“Council”) considered the July 23, 2024 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 did not unlawfully deny access to the portion of the Complainant’s February 23, 2022 OPRA request seeking any “agreement” between the Municipality of Princeton and separated officers containing the “reason for separation.” N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality provided all responsive agreements containing the requested information. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian did not unlawfully deny access to the portion of the Complainant’s February 23, 2022 OPRA request seeking disclosable personnel information of police officers who separated from the Municipality. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality of Princeton provided all responsive records in its possession. See Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep’t (Camden), GRC Complaint No. 2022-12 (March 2024); Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
3. The Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian’s conduct. Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, no factual causal nexus exists between the Complainant’s filing of a Denial of Access Complaint and the relief ultimately achieved. Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51, 76 (2008). Specifically, the Custodian certified that she provided the Complainant with all responsive records in the Municipality of Princeton’s possession, inclusive of any agreements between the Municipality and separated police officers. Therefore, the Complainant is not a prevailing party entitled to an award of a

reasonable attorney's fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 76.

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 July 2024

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: August 1, 2024

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
July 30, 2024 Council Meeting**

**Rotimi Owoh, Esq. (on Behalf of African American
Data & Research Institute)¹
Complainant**

GRC Complaint No. 2022-77

v.

**Princeton Police Department (Mercer)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of: Names, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present. N.J.S.A. 47:1A-10.

- a. This request includes any agreement entered with each one of the separated police officer(s).
- b. When stating the reason for separation, please note that some police officers separate due to plea deal, criminal convictions, criminal charges, sentences, and or other court agreement or court proceedings that require officers to be separated from your police department and or law enforcement jobs.
- c. Some police officers separate due to internal affairs investigations within the police departments.

Custodian of Record: Delores A. Williams

Request Received by Custodian: February 23, 2022

Response Made by Custodian: March 2, 2022

GRC Complaint Received: March 28, 2022

Background³

Request and Response:

On February 23, 2022, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On March 2, 2022, the Custodian responded to the Complainant in writing, providing a table containing the requested personnel

¹ The Complainant represents the African American Data & Research Institute.

² Represented by Trishka W. Cecil, Esq., of Mason Griffin & Pierson, P.C. (Princeton, NJ).

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 Executive Director the submissions necessary and relevant for the adjudication of this complaint.

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information and seventeen (17) pages of police earnings records. The Custodian also provided a separation agreement and two (2) resignation letters from two of the officers.

Denial of Access Complaint:

On March 28, 2022, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the records did not provide the reasons for separation. The Complainant also asserted that creating a new spreadsheet or list stating “terminated” or “resigned” or “retired” is not sufficient. The Complainant also stated that the response did not state whether any officers left due to a plea deal or court proceeding that precludes them from law enforcement positions.

The Complainant requested the GRC to order the Custodian to comply with the Supreme Court decision Libertarians for Transparent Gov't v. Cumberland Cnty., 250 N.J. 46 (2022), issued on March 7, 2022. The Complainant also requested the GRC award counsel fees.⁴

Additional Response:

On May 25, 2022, the Custodian e-mailed the Custodian, stating that upon receiving the instant complaint, she asked the Municipality of Princeton’s (“Municipality”) Human Resources Manager (“HRM”) to conduct another search of their files for any additional records containing the reasons for an officer’s separation. The Custodian stated that HRM located one (1) additional resignation letter containing an officer’s reasons for retiring, and a copy was included in the e-mail.

Statement of Information:

On May 26, 2022, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that the Municipality received the Complainant’s OPRA request on February 23, 2022. The Custodian certified that she forwarded the request to the HRM to locate responsive records. The Custodian certified that she responded on March 2, 2022, providing the responsive records.

The Custodian asserted that the table was generated using data from the Municipality’s electronic payroll system. The Custodian asserted that the system did not collect the specific reason why a Municipality employee separated other than marking whether the employee resigned or retired. The Custodian further asserted that the Municipality did not ask for or collect the specific reasons why a police officer separates, and neither OPRA or any existing law requires an agency to ascertain and collect the specific reasons why an employee separated from the agency.

The Custodian next asserted that the Libertarians decision is inapplicable here, since the only separation agreement in the Municipality’s possession was already provided in the March 2,

⁴ The Complainant further noted that access to the records should have been granted under the “common law ‘right to access public records’.” However, the GRC does not have the authority to address a requestor’s common law right to access records. N.J.S.A. 47:1A-7(b); Rowan, Jr. v. Warren Hills Reg’l Sch. Dist. (Warren), GRC Complaint No. 2011-347 (January 2013); Kelly v. N.J. Dep’t of Transp., GRC Complaint No. 2010-215 (November 2011). Thus, the GRC cannot address any common law right of access to the requested records.

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2022 response.

The Custodian also asserted that upon receiving the instant complaint, she had the HRM conduct an additional search for any other records containing the reasons for separation from the list of officers. The Custodian further stated that the HRM located an additional resignation letter from an officer stating the reason for her retirement and provided a copy of same to the Complainant on May 25, 2022.

Additional Submissions:

On June 3, 2022, the Complainant submitted a brief in response to the Complainant's SOI. The Complainant noted the recent decisions in Libertarians, 250 N.J. 46, and Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124 (2022) supported his position that he was entitled to records showing the real reasons for separations. The Complainant also referenced African Am. Data & Research Inst. v. Profitt, 2022 N.J. Super. Unpub. LEXIS 622 (App. Div. 2022) and African Am. Data & Research Inst. "aadari" v. Franchetta, 2022 N.J. Super. Unpub. LEXIS 879 (App. Div. 2022) to affirm his position that he does not have to accept lists, spreadsheets, or certifications stating "resigned", "terminated", or "retired." The Complainant further noted that the Custodian provided an additional record after this complaint was filed and was therefore a prevailing party.

The Complainant initially argued that the terms "terminated", "retired", or "resigned," did not sufficiently provide the "reason for separation" because they were merely types of employment separations and did not adequately describe the underlying basis thereof. The Complainant argued that the "reason" for separation was likely located within a separate document constituting a government record, and the Custodian was obligated to retrieve that record, rather than create a spreadsheet or list containing the words "terminated", "retired", or "resigned."

The Complainant next asserted that in many instances where a police officer is charged for crimes, they may enter a plea agreement which may require them to leave the police department or be removed from employment because of a conviction. The Complainant argued that it was insufficient for the Custodian to merely state the terms "retired", "resigned", or "terminated" as the reason for separation if the "real reason" was that the officer was compelled to separate as part of a plea agreement or sentence. The Complainant thus argued that the Custodian violated OPRA by not providing the "real reasons" for any of the separations listed.

The Complainant asserted that a guilty plea agreement between an officer and prosecutor is akin to a settlement agreement normally entered into in civil proceedings. Libertarians for Transparent Gov't v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020). The Complainant argued that civil settlement agreements are subject to OPRA, and therefore guilty plea agreements should also be subject to OPRA in accordance with Libertarians.

The Complainant contended the Municipality did not want to provide the "real reasons" for separation due to the pervasive culture and predisposition to protect officers convicted of misconduct. The Complainant argued that providing single word descriptions was only partially truthful and did not promote OPRA's goal of transparency.

The Complainant asserted that as an example of police departments' culture, he noted that in response to a similar OPRA request, Millville Police Department stated that two (2) officers "resigned" from the department. The Complainant asserted that in fact the officers pleaded guilty to criminal charges and as part of the agreement and sentencing they were required to be separated from the department.

The Complainant requested that the GRC compel the Custodian to comply fully and truthfully with the OPRA request. The Complainant also requested the GRC declare the Complainant a prevailing party and award counsel fees.

On June 10, 2022, the Custodian submitted a reply in response to the Complainant. The Custodian that the Profitt and Vineland cases were inapplicable to the instant matter, since it was not the Municipality's position that the Complainant was not entitled to records containing the reasons for separation. The Custodian asserted instead that all available records, including those containing the specific reasons for separation have been provided. The Custodian asserted that the Municipality has no additional records, be they internal affairs reports, settlement agreements, plea agreements, convictions, or any other documents.

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.

Agreements

In Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010), the Council found that the custodian did not unlawfully deny access to the requested records based on the custodian's certification that all such records were provided to the complainant. The Council held that the custodian's certification, in addition to the lack of refuting evidence from the complainant, was sufficient to meet the custodian's burden of proof. See also Burns v. Borough of Collingswood, GRC Complaint No. 2005-68 (September 2005); Holland v. Rowan Univ., GRC Complaint No. 2014-63, *et seq.* (March 2015).

In the instant matter, in addition to the requested personnel information the Complainant sought any "agreement" between the Municipality and any separated officer containing the "reason for separation." In response, the Custodian provided a separation agreement in addition to the spreadsheet. Further, in the SOI the Custodian certified that all responsive agreements were provided to the Complainant at the time of the request. Additionally, the Complainant failed to present any evidence that the Municipality possessed additional agreements containing said information at the time of the request.

Accordingly, the Custodian did not unlawfully deny access to the portion of the Complainant's February 23, 2022 OPRA request seeking any "agreement" between the Municipality and separated officers containing the "reason for separation." N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality provided all responsive agreements containing the requested information. See Danis, GRC 2009-156, *et seq.*

Personnel Information

Additionally, the Council in Danis determined that a public employee's "name, title, position, salary, payroll record and length of service" was information specifically considered to be a "government record" under N.J.S.A. 47:1A-10. Additionally, prior GRC case law supports the disclosure of database information regarding personnel actions. See Matthews v. City of Atlantic City (Atlantic), GRC Complaint No. 2008-123 (February 2009). However, in that case the Council also held that a custodian was not required to disclose a record that did not exist in the format requested.

Further, while longstanding case law supports that a custodian is not required to create records to respond to OPRA requests, those requests seeking "information stored or maintained electronically" as defined in N.J.S.A. 47:1A-1.1 require a different analysis. In Paff v. Twp. of Galloway, 229 N.J. 340 (2017), the New Jersey Supreme Court determined there that an agency's electronically stored information is a "government record" under OPRA, unless otherwise exempt. The Court thus reversed the Appellate Division, holding that basic e-mail information stored electronically is a "government record" under OPRA, unless an exemption applies to that information. The Court reasoned that:

A document is nothing more than a compilation of information -- discrete facts and data. By OPRA's language, information in electronic form, even if part of a larger document, is itself a government record. Thus, electronically stored information extracted from an email is not the creation of a new record or new information; it is a government record.

....

With respect to electronically stored information by a municipality or other public entity, we reject the Appellate Division's statement that "OPRA only allows requests for records, not requests for information." Paff, 444 N.J. Super. at 503, (quoting [Bent, 381 N.J. Super. at 37]). That position cannot be squared with OPRA's plain language or its objectives in dealing with electronically stored information.

[Id. at 353, 356.]

The Supreme Court's ruling in Paff squares with the Council's past decisions on the issue of coalescing information from electronic systems. Specifically, in Zahler v. Ocean Cnty. Coll., GRC Complaint No. 2013-266 (Interim Order dated July 29, 2014), the Council addressed the custodian's argument that she was not required to create a record to satisfy an OPRA request for

database information pursuant to Morgano v. Essex Cnty. Prosecutor’s Office, GRC Complaint No. 2007-156 (Interim Order dated February 27, 2008). Therein, the complainant sought access to a list of adjuncts to include certain information. The custodian produced a list that did not include all information sought; however, the evidence of record indicated that she could have produced a fully responsive record. Specifically, evidence existed to support that all information the complainant sought existed within a few different databases.

The Council first noted that the definition of a “government record” included “information stored or maintained electronically.” N.J.S.A. 47:1A-1.1. The Council then distinguished the facts of Morgano and held that the custodian unlawfully denied access to the responsive list containing all elements identified in the subject OPRA request. The Council reasoned that:

The Morgano decision refers to compiling certain disclosable information from a paper record and listing or creating another paper record responsive to a request. However, in terms of certain electronic filing systems, general querying of information cannot be viewed as equal to creating a new paper record. While information stored electronically may include additional pieces of information/fields, many programs have the capability to extract requested information/fields for disclosure . . . Further, querying electronic file systems for responsive information is not unlike searching an e-mail account for e-mails responsive to an OPRA request.

[Id. at 12 (emphasis added).]

Thus, if the information sought is maintained electronically and can be provided as such, Paff and the GRC’s prior decisions require disclosure. See also McBride v. City of Camden (Camden), GRC Complaint No. 2014-54 (Interim Order dated September 30, 2014).

In the instant matter, the Complainant requested the “[n]ames, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present” on February 23, 2022. On March 2, 2022, the Custodian responded in writing providing a table containing the requested personnel information. The Complainant claimed the provided table was insufficient to satisfy his request for the “reasons for separation.” The Complainant also contended the response failed to indicate whether officers were separated due to a plea agreement or court proceeding.

While this matter was awaiting adjudication, the GRC issued its decision in Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep’t (Camden), GRC Complaint No. 2022-12 (March 2024). There, the complainant raised the same objections as the instant matter, with the custodian providing a spreadsheet containing the requested personnel information. However, the Council found that in accordance with Paff, the provided spreadsheet was an acceptable form of disclosure, as it was generated through the agency’s electronic database. 229 N.J. at 353. The Council further held that under Matthews, GRC 2008-123, the custodian was not obligated to explicitly denote whether an officer’s separation was the result of a plea agreement or other court proceeding.

Here, the facts parallel those in Voorhees, GRC 2022-12. The Custodian certified in the SOI that the requested personnel information was provided via table, and the information was collected from the Municipality's payroll system. Additionally, the Custodian certified in the SOI that no other responsive records exist containing the requested personnel information.

Accordingly, the Custodian did not unlawfully deny access to the portion of the Complainant's February 23, 2022 OPRA request seeking disclosable personnel information of police officers who separated from the Municipality. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality provided all responsive records in its possession. See Voorhees, GRC 2022-12; Danis, GRC 2009-156, *et seq.*

The GRC notes that on May 25, 2022, the Custodian provided the Complainant with an additional resignation letter after conducting a search after receiving the instant complaint. In the letter, the officer stated her intention to retire from the Princeton Police Department, reinforcing what was already indicated in the spreadsheet. Thus, the additional letter lacked new information for the Complainant. Furthermore, the Complainant's reliance on Libertarians, 250 N.J. 46 in this instance is misplaced. The Court addressed only the disclosure of a separation agreement containing the "reasons for separation," and did not mandate the disclosure of every record containing personnel information under N.J.S.A. 47:1A-10. Id. at 60, fn. 3. Moreover, even if Libertarians required the disclosure of resignation letters containing the "reasons for separation," the instant OPRA request was submitted on February 23, 2022, prior the Court's Libertarians decision. Thus, the Custodian was not obligated to provide the additional resignation letter at the time of the request. See Gibbons v. Gibbons, 86 N.J. 515 (1981); Moore v. N.J. Dep't of Corr., GRC Complaint No. 2009-144 (Interim Order dated October 26, 2010); Biss v. Borough of New Providence Police Dep't (Union), GRC Complaint No. 2009-21 (February 2010); Sallie v. N.J. Dep't of Law & Public Safety, Div. of Criminal Justice, GRC Complaint No. 2008-21 (Interim Order dated June 23, 2009).

Prevailing Party Attorney's Fees

OPRA provides that:

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may: institute a proceeding to challenge the custodian's decision by filing an action in Superior Court . . .; or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council . . . A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

[N.J.S.A. 47:1A-6.]

In Teeters v. DYFS, 387 N.J. Super. 423 (App. Div. 2006), the Appellate Division held that a complainant is a "prevailing party" if he achieves the desired result because the complaint brought about a change (voluntary or otherwise) in the custodian's conduct. Id. at 432. Additionally, the court held that attorney's fees may be awarded when the requestor is successful

(or partially successful) via a judicial decree, a quasi-judicial determination, or a settlement of the parties that indicates access was improperly denied and the requested records are disclosed. Id.

Additionally, the New Jersey Supreme Court has ruled on the issue of “prevailing party” attorney’s fees. In Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51, 71 (2008), the Court discussed the catalyst theory, “which posits that a plaintiff is a ‘prevailing party’ if it achieves the desired result because the lawsuit brought about a voluntary change in the defendant’s conduct” (quoting Buckhannon Bd. & Care Home v. West Virginia Dep’t of Health & Human Res., 532 U.S. 598, 131 S. Ct. 1835, 149 L. Ed. 2d 855 (2001)). In Buckhannon, the Supreme Court held that the phrase “prevailing party” is a legal term of art that refers to a “party in whose favor a judgment is rendered.” Id. at 603 (quoting Black’s Law Dictionary 1145 (7th ed. 1999)). The Supreme Court rejected the catalyst theory as a basis for prevailing party attorney fees, in part because “[i]t allows an award where there is no judicially sanctioned change in the legal relationship of the parties . . .” Id. at 605, 121 S. Ct. at 1840, 149 L. Ed. 2d at 863. Further, the Supreme Court expressed concern that the catalyst theory would spawn extra litigation over attorney’s fees. Id. at 609, 121 S. Ct. at 1843, 149 L. Ed. 2d at 866.

However, the Court noted in Mason that Buckhannon is binding only when counsel fee provisions under federal statutes are at issue. 196 N.J. at 72, citing Teeters, 387 N.J. Super. at 429; see, e.g., Baer v. Klagholz, 346 N.J. Super. 79 (App. Div. 2001) (applying Buckhannon to the federal Individuals with Disabilities Education Act), certif. denied, 174 N.J. 193 (2002). “But in interpreting New Jersey law, we look to state law precedent and the specific state statute before us. When appropriate, we depart from the reasoning of federal cases that interpret comparable federal statutes.” 196 N.J. at 73 (citations omitted).

The Mason Court accepted the application of the catalyst theory within the context of OPRA, stating that:

OPRA itself contains broader language on attorney’s fees than the former RTKL did. OPRA provides that “[a] requestor who prevails in any proceeding shall be entitled to a reasonable attorney’s fee.” N.J.S.A. 47:1A-6. Under the prior RTKL, “[a] plaintiff in whose favor such an order [requiring access to public records] issues . . . may be awarded a reasonable attorney’s fee not to exceed \$500.00.” N.J.S.A. 47:1A-4 (repealed 2002). The Legislature’s revisions therefore: (1) mandate, rather than permit, an award of attorney’s fees to a prevailing party; and (2) eliminate the \$500 cap on fees and permit a reasonable, and quite likely higher, fee award. Those changes expand counsel fee awards under OPRA.

[196 N.J. at 73-76.]

The Court in Mason, further held that:

[R]equestors are entitled to attorney’s fees under OPRA, absent a judgment or an enforceable consent decree, when they can demonstrate (1) “a factual causal nexus between plaintiff’s litigation and the relief ultimately achieved”; and (2) “that the

relief ultimately secured by plaintiffs had a basis in law.” Singer v. State, 95 N.J. 487, 495, cert. denied, New Jersey v. Singer, 469 U.S. 832 (1984).

[Id. at 76.]

Here, the Complainant sought in part the “[n]ames, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension of individuals who either resigned or retired or terminated or otherwise separated from 2014 to the present.” In response, the Custodian provided payroll and employee records containing the requested personnel information. The Complainant then filed the instant complaint on March 28, 2022, asserting the Custodian failed to provide the “real reason” for the officers’ separations. However, the Custodian certified in the SOI that a complete response was provided at the time of the request, inclusive of any agreements between the Municipality and former officers. Thus, the Complainant has not achieved the desired result and is not a prevailing party in this complaint.

Therefore, the Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian’s conduct. Teeters, 387 N.J. Super. at 432. Additionally, no factual causal nexus exists between the Complainant’s filing of a Denial of Access Complaint and the relief ultimately achieved. Mason, 196 N.J. at 76. Specifically, the Custodian certified that she provided the Complainant with all responsive records in the Municipality’s possession, inclusive of any agreements between the Municipality and separated police officers. Therefore, the Complainant is not a prevailing party entitled to an award of a reasonable attorney’s fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 76.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian did not unlawfully deny access to the portion of the Complainant’s February 23, 2022 OPRA request seeking any “agreement” between the Municipality of Princeton and separated officers containing the “reason for separation.” N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality provided all responsive agreements containing the requested information. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
2. The Custodian did not unlawfully deny access to the portion of the Complainant’s February 23, 2022 OPRA request seeking disclosable personnel information of police officers who separated from the Municipality. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that the Municipality of Princeton provided all responsive records in its possession. See Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep’t (Camden), GRC Complaint No. 2022-12 (March 2024); Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).

3. The Complainant has not achieved the desired result because the complaint did not bring about a change (voluntary or otherwise) in the custodian's conduct. Teeters v. DYFS, 387 N.J. Super. 423, 432 (App. Div. 2006). Additionally, no factual causal nexus exists between the Complainant's filing of a Denial of Access Complaint and the relief ultimately achieved. Mason v. City of Hoboken and City Clerk of the City of Hoboken, 196 N.J. 51, 76 (2008). Specifically, the Custodian certified that she provided the Complainant with all responsive records in the Municipality of Princeton's possession, inclusive of any agreements between the Municipality and separated police officers. Therefore, the Complainant is not a prevailing party entitled to an award of a reasonable attorney's fee. See N.J.S.A. 47:1A-6, Teeters, 387 N.J. Super. at 432, and Mason, 196 N.J. at 76.

Prepared By: Samuel A. Rosado
Staff Attorney

July 23, 2024