



OFFICE OF THE HUDSON COUNTY PROSECUTOR

595 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306

WAYNE MELLO
PROSECUTOR

TELEPHONE: (201) 795-6400
FAX: (201) 795-3365

April 7, 2026

VIA ELECTRONIC MAIL ONLY

XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX

J. Garcia

No Address Provided

No Phone Number Provided

Re: April 7, 2026 OPRA & Common Law Right to Access Request for Employee List, Position, and Retroactive Pay Received under PBA Local 232 Contract 2023-2027

Dear J. Garcia,

The Hudson County Prosecutor's Office (hereinafter "HCPO") received your email request, dated April 7, 2026, on April 7, 2026 under the New Jersey Open Public Records Act, N.J.S.A. 47: 1A-1, et seq., (hereinafter "OPRA") and the Common Law Right to Access (hereinafter "CLRA"). The Request indicated that the preferred delivery method was via email. An acknowledgement was sent on April 7, 2026, 2026. A copy of your request (hereinafter the "Request") is attached for your easy reference.

The Request was reviewed under OPRA and the CLRA. For the reasons set forth below, the HCPO is providing records related to the Request in accordance with statutory authority and well-settled law.

The Request

As an initial matter, the Request sought the following records from the HCPO:

1. The current list of all Hudson County Prosecutor's Office employees' names & corresponding positions (investigative, legal, clerical, etc.);
2. The list of all Hudson County Prosecutor's Office employees that received retroactive salary increase payments under the CBA (PBA Local No. 232 2023 – 2027) and the amount paid to each employee.

In reviewing the email request, it was noted that the three required certifications were not provided. A clarification could not be obtained via a phone call because no phone number provided.

Certifications - Clarification Requested & Received

On April 7, 2026, the HCPO sent you an email requesting a clarification of the Request, rather than denying the request as invalid in form and potentially vague. The email explained the clarifications needed in order to process the request and asked that you respond before April 14, 2026 otherwise the Request would be closed requiring you to submit a new request if you still wanted to receive records. Later the same day you responded to the HCPO's email and provided the three required certifications, which the HCPO acknowledged. In that email you confirmed that you were seeking the above describe lists.

Immediately upon receipt of the original Request, the HCPO commenced a review of our files for responsive records. The process was completed again upon receiving the above clarification. The responsive information was extracted from our personnel management system and our payroll system.

OPRA Analysis

Analysis under OPRA is not necessary since no redactions were made to the PDF records provided.

Common Law Right to Access Analysis

Analysis under the CLRA is not necessary. Since the responsive records were provided under OPRA.

Response

Therefore, in response to your above-referenced request, the HCPO has attached four PDFs containing the below listed records with redactions of:

1. The current list of all Hudson County Prosecutor's Office employees' names & corresponding positions (investigative, legal, clerical, etc.): Employees - Positions 2023 to Present
2. The list of all Hudson County Prosecutor's Office employees that received retroactive salary increase payments under the CBA (PBA Local No. 232 2023 – 2027) and the amount paid to each employee:
 - a. 2023 - 2024 Investigator Retro;
 - b. 2025 Investigator Retro;
 - c. 2026 Investigator Retro.

The Hudson County Prosecutor's Office reserves the right to raise any other grounds in support of this response. The failure of the Hudson County Prosecutor's Office to assert any exception, exemption or privilege does not act as a waiver of any ground for denial. Additionally, the GRC

is not only “permitted to affirm a denial of access for reasons not raised by a custodian” but that it has “an independent obligation to ‘render a decision as to whether the record which is the subject of the complaint is a government record which must be made available for public access pursuant to’ OPRA. The GRC is not limited to assessing the correctness of the reasons given for the custodian’s initial determination; it is charged with determining if the initial decision was correct.” Paff v. Twp. of Plainsboro, Docket No. A-2122-05T2 (App. Div. 2007), certif. denied by Paff v. Twp. of Plainsboro, 193 N.J. 292 (2007). See Stacey Hogan v. Township of Denville GRC Complaint No. 2021-231 (July 2023). As such, the HCPO would request that the GRC fulfill its independent obligation to determine whether the denial of access was correct under N.J.A.C. 5:105-2.1(h).

As with any OPRA request, you have the right to challenge the HCPO’s determination. At your option, you may either institute a proceeding in the Superior Court or file a complaint in writing with the Government Records Council (GRC), located in the Department of Community Affairs, by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at xxx@xxx.xxxxxx.xx.xx, or at their web site www.state.nj.us/grc. However, with any Common Law Right to Access request, you have the right to challenge the HCPO’s determination by instituting a proceeding in the Superior Court.

Please contact us via email or call me at (201) 795-6400 x6502 if you have any questions regarding this request.

Very truly yours,

WAYNE MELLO
Prosecutor of Hudson County

By: s/Keith M. Bendul
KEITH M. BENDUL
Legal Analyst Civil Litigation Unit

KB/
Enclosures
c. Office of the Hudson County Counsel