



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Denial of Access at Issue

GRC Complaint No.: 2010-224
Complainant: Jesse Wolosky
Custodian: Dr. Warren Ceurvels, Sparta Township Board of Education
Date of Request: August 2, 2010
Date of Complaint: August 21, 2010¹

Complaint Disposition: The Complainant states in his Denial of Access Complaint that his sole argument in said complaint is that the Township’s OPRA request form is not compliant with OPRA.² The Complainant does not assert that he was denied access to any records pursuant to his August 2, 2010 OPRA request.³

Applicable OPRA Provisions: 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] a complaint with the Government Records Council established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The Government Records Council shall... receive, hear, review and adjudicate a complaint filed by any person *concerning a denial of access to a government record by a record custodian...*” (Emphasis added). N.J.S.A. 47:1A-7.b.

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.

Effective Date of Disposition: June 28, 2011

¹ The GRC received the Denial of Access Complaint on August 23, 2010.

² In the instant complaint, the Complainant alleges that the Sparta Board of Education’s official OPRA request form contains boxes that are too small to comfortably write in the name of the records sought. Such an allegation does not rise to the level of a denial of access to a government record pursuant to Martin O’Shea v. Township of West Milford (Passaic), GRC Complaint No. 2007-237 (December 2008 Interim Order).

³ In Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies’ OPRA request forms when making requests, no custodian shall withhold such records if the written request for such records, not presented on the official form, contains the requisite information prescribed in the section of OPRA requiring custodians to adopt a form. *Id.* In effect, this permits requestors to write their own correspondence that requests records from a custodian, as long as the request properly invokes OPRA. As such, sole issues with an agency’s OPRA request form do not constitute a denial of access since the exclusive use of the form is no longer required. See Paff v. Township of Lawrence (Mercer), GRC Complaint No. 2009-24 (April 2010)(holding that there was no denial of access at issue because the Complainant’s sole argument is that the Township’s OPRA request form is not compliant with OPRA). See also Paff v. Township of Lawrence (Mercer), GRC Complaint No. 2009-24 (April 2010).



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Executive Director

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