



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Correspondence Received by the
Custodian Regarding This Request

GRC Complaint No.: 2012-74

Complainant: Leslie Brickner

Public Agency: Township of Gloucester (Camden)

Custodian of Record: Rosemary DiJosie

Date of Request: February 29, 2012

Date of Complaint: March 20, 2012¹

Complaint Disposition: The Custodian certifies that she did not receive the OPRA request from the Complainant dated February 29, 2012 until the filing of this Denial of Access Complaint. Additionally, the Custodian certifies that she provided all records responsive to the Complainant on March 20, 2012, the date of this Denial of Access Complaint. However, based on the evidence provided by the Complainant, Charles Buccerini of the Construction Office violated N.J.S.A. 47:1A-5(h) by failing to forward the OPRA request to the Custodian.²

Applicable OPRA Provisions:

“The custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor and a brief description of the government record sought. The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged. The form shall also include the following: (1) specific directions and procedures for requesting a record; (2) a statement as to whether prepayment of fees or a deposit is required; (3) the time period within which the public agency is required by [OPRA], to make the record available; (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal; (5) space for the custodian to list reasons if a request is denied in whole or in part; (6) space for the requestor to sign and date the form; (7) space for the custodian to sign and date the form if the request is fulfilled or denied. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce.” N.J.S.A. 47:1A-5(f).

¹ The GRC received the Denial of Access Complaint on said date.

² In the Denial of Access Complaint, the Complainant attaches a Certified Mail Receipt signed by Charles Buccerini dated February 29, 2012.



“A request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian.” N.J.S.A. 47:1A- 5(g).

“Any officer or employee of a public agency who receives a request for access to a government record shall forward the request to the custodian of the record or direct the requestor to the custodian of the record.” N.J.S.A. 47:1A-5(h).

"The council shall make a determination as to whether the complaint is within its jurisdiction or frivolous or *without any reasonable factual basis*. (Emphasis added)." N.J.S.A. 47:1A-7(e).

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: February 26, 2013

Prepared By: Dara L. Barry
Communications Manager

Approved By: Karyn Gordon, Esq.
Acting Executive Director

Date: February 19, 2013

Distribution Date: February 26, 2013