



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Unripe Cause of Action

GRC Complaint No.: 2013-29

Complainant: John Campbell

Public Agency: New Jersey Department of Environmental Protection

Custodian of Record: Matthew J. Coefer

Date of Request: January 25, 2013

Date of Complaint: February 5, 2013¹

Complaint Disposition: The Complainant provided his OPRA requests for records to the Custodian on January 25, 2013. The Complainant verified his complaint on February 5, 2013, which is the seventh (7th) business day from the date the Custodian received the Complainant’s OPRA request.² OPRA provides that the Custodian “...shall grant access to a government record or deny access to a government record as soon as possible, but not later than seven business days after receiving the request....” N.J.S.A. 47:1A-5(i). Here, because the requested records are not immediate access records, the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired; therefore the complaint is materially defective and must be dismissed.

Applicable OPRA Provision: “[...] custodian of a government record shall grant access to a government record or deny access to a government record as soon as possible, but not later than seven business days after receiving the request....” N.J.S.A. 47:1A-5(i).

“A person who is denied access to a government record by the custodian of the record...may institute a proceeding to challenge the custodian’s decision by filing...a complaint with the Government Records Council...” N.J.S.A. 47:1A-6.

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: Harlynn A. Lack, Esq.
Case Manager

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

² The Complainant delivered his Denial of Access Complaint via facsimile on February 5, 2013 at 9:58 a.m. and thus the Complainant did not let the seven (7) business days expire before filed said complaint.



Approved By: Karyn Gordon, Esq.
Acting Executive Director

Date: February 19, 2013

Distribution Date: February 26, 2013