NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – All Records Responsive to the Request
Provided in a Timely Manner

GRC Complaint No.: 2013-63

Complainant: Sabino Valdes
Public Agency: Union City Board of Education (Hudson)
Custodian of Record: Anthony Dragona

Date of Request: December 14, 2012
Date of Complaint: February 26, 2013

Complaint Disposition: The Custodian certified in the Statement of Information that all
records responsive to the Complainant’s OPRA request have been provided to the
Complainant within the requested extension of time to respond. Additionally, the
Complainant’s response that the Custodian willfully disclosed an irrelevant record does
not contradict the Custodian’s certification. However, the Council does not have the
authority over the content of a responsive record. See Kwanzaa v. Dept of Corrections,
GRC Complaint No. 2004-167 (March 2005)(the GRC does not have authority over the
content of a record); Gillespie v. Newark Public Schools, GRC Complaint No. 2004-105
(November 2004)(the GRC does not have the authority to adjudicate the validity of a
record); Katinsky v. River Vale Township, GRC Complaint No. 2003-68 (November
2003)(the integrity of a requested record is not within the GRC’s authority to adjudicate);
Toscano v. NJ Dept of Labor, GRC Complaint No. 2005-59 (September 2005)(the GRC
does not have authority over the condition of records provided by a Custodian); Van Pelt
v. Edison Township Board of Education, GRC Complaint No. 2007-179 (January
2008)(the GRC does not have authority over which records a government agency must
maintain); Toscano v. NJ Department of Labor, Division of Vocational Rehabilitation
Services, GRC Complaint No. 2007-296 (March 2008), (GRC does not have the authority
to determine whether an agency correctly followed their records retention policy.)

Applicable OPRA Provision: “A custodian shall promptly comply with a request to
inspect, examine, copy, or provide a copy of a government record.” N.J.S.A. 47:1A-5(g).

“Unless a shorter time period is otherwise provided by statute, regulation, or executive
order, a custodian of a government record shall grant access to a government record … as
soon as possible, but not later than seven business days after receiving the request,
provided that the record is currently available and not in storage or archived.” N.J.S.A.
47:1A-5(i).
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:** April 30, 2013

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Case Manager

Approved By: Brandon D. Minde, Esq.
Executive Director

Date: April 23, 2013

**Distribution Date:** April 30, 2013