



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

Rocmon L. Sanders
Complainant

GRC Complaint No. 2014-174

v.

State Parole Board
Custodial Agency

Custodian of Record: Dina Rogers
Request Received by Custodian: March 7, 2014
GRC Complaint Received: March 5, 2014

Complaint Disposition: The Complainant sent his OPRA requests to the Custodian on February 3, 2014. The Custodian certified in the Statement of Information that she received the Complainant’s OPRA request on March 7, 2014. The Complainant allegedly verified his complaint on March 10, 2014,¹ which is the first (1st) business day after the Custodian received the Complainant’s OPRA request. 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 records sought are not immediate access records and because the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired, the complaint is materially defective and must be dismissed.

Applicable OPRA Provision: “[A] 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: December 16, 2014

¹ The GRC notes that the Complainant’s letter attachment is dated February 26, 2014 and the GRC received the Denial of Access Complaint on March 5, 2014. Thus, there is some question as to whether the Complainant submitted this complaint well before the Custodian ever received his request.



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Date: December 9, 2014

Distribution Date: December 16, 2014