



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

**Robert Kovacs**  
**Complainant**

**GRC Complaint No. 2014-335**

v.

**NJ State Police**  
**Custodial Agency**

**Custodian of Record:** Sgt. Marco Rodriguez<sup>1</sup>  
**Request Received by Custodian:** September 24, 2014  
**GRC Complaint Received:** October 3, 2014

**Complaint Disposition:** The Complainant mailed his OPRA requests for arrest reports related to a specific incident to the Custodian on August 12, 2014. Sgt. Harry Rocheskey, who responded to the Complainant’s OPRA request, provided certification that he received and responded to the request on September 24, 2014. The Complainant verified his complaint on September 23, 2014, which is the day before 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, this complaint is materially defective and must be dismissed because arrest reports 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. Further, there is no evidence in the record to refute Sgt. Rocheskey’s certification.

**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:** September 29, 2015

<sup>1</sup> The current Records Custodians for the NJ State Police are Sgt. Thomas Preston and Sgt. Dave Robbins.



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Executive Director

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