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

Clinton C. Barlow, III
Complainant

v.

NJ Department of Treasury, Division
of Risk Management
Custodial Agency

Custodian of Record: Peter Ramos
Request Received by Custodian: June 12, 2017
GRC Complaint Received: June 13, 2017

Complaint Disposition: The Complainant claimed he provided his OPRA request for written investigative reports to the Custodian on June 12, 2017. The Complainant verified his complaint on June 12, 2017, which is the same date on which he claims to have submitted his 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). The instant complaint is therefore materially defective and must be dismissed because written investigative 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.

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: October 31, 2017

Prepared By: Samuel A. Rosado, Esq.
Staff Attorney

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