NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Not A Valid OPRA Request

Michael Phillips
Complainant

v.

Florence Township Police Department (Burlington)
Custodial Agency

Custodian of Record: Nancy Erlston
Request Received by Custodian: N/A
GRC Complaint Received: January 26, 2018

Complaint Disposition: On December 17, 2017 and January 8, 2018, the Complainant submitted a “Request for Police Reports” form to the Florence Police Department (“FPD”). Neither form cited to OPRA, and the form submitted is identified on the Florence Township website as a “Discovery Report Request.” Further, the Custodian did not treat the requests as valid OPRA requests. Thus, the GRC has no authority to adjudicate this complaint because the correspondence did not constitute a valid OPRA request. See also Bragg v. Mercer Cnty. Corr. Ctr., GRC Complaint No. 2015-396 (May 2016).

Applicable OPRA Provision: “A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may . . . in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The Government Records Council shall . . . receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . . “ N.J. S.A. 47:1A-7(b).

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: March 27, 2018

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