



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

Patrick Trainor
Complainant

GRC Complaint No. 2018-273

v.

New Jersey Office of the Attorney General
Custodial Agency

Custodian of Record: Anthony DiLello, Esq.
Request Received by Custodian: October 28, 2018
GRC Complaint Received: November 14, 2018

Complaint Disposition: The Complainant submitted his OPRA request to the Custodian on October 28, 2018. The Custodian responded on the seventh (7th) business day seeking an extension through November 15, 2018, which the Complainant granted in writing. The Complainant subsequently verified his complaint on November 13, 2018, which is third (3rd) business day of the extended time frame. Here, this complaint is materially defective and shall be dismissed because the requested records are not immediate access records and because the Complainant verified his complaint before the extended time period provided for the Custodian to respond had expired. See also White v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-120 (April 2013).¹

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: January 31, 2018

¹ The GRC notes that although it subsequently began deciding on the reasonableness of extensions per Ciccarone v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014), the Complainant here did not take issue with the extension. Instead, he asserted in the Denial of Access Complaint that he never received a response. However, upon declining mediation, Custodian’s Counsel provided e-mails between the Custodian and Complainant confirming the extension request and approval.



Prepared By: Frank F. Caruso
Acting Executive Director

Date: January 22, 2019

Distribution Date: February 1, 2019