



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

**Nicholas Curcio**  
**Complainant**

**GRC Complaint No. 2018-98**

v.

**Wall Township Police Department (Monmouth)**  
**Custodial Agency**

**Custodian of Record:** Kevin Pressey  
**Request Received by Custodian:** May 2, 2018  
**GRC Complaint Received:** May 29, 2018

**Complaint Disposition:** The evidence of record reveals that the Custodian received the Complainant’s OPRA request for copies of e-mail correspondence on May 2, 2018. On May 11, 2018, the seventh (7<sup>th</sup>) business day following receipt of the request, the Custodian responded to the request seeking clarification. On May 14, 2018, the Custodian received clarification of the Complainant’s request. The Complainant verified his complaint on May 23, 2018, which is seven (7) business days from the date the Custodian received clarification of the Complainant’s request. OPRA provides that a 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). *See also Kohn v. Twp. of Livingston (Essex)*, GRC Complaint No. 2013-363 (July 2014), which holds that “[u]pon receipt of th[e] clarification, the [c]ustodian again had seven (7) business days to either grant access, deny access, seek clarification or request an extension of time.” Here, this complaint is materially defective and must be dismissed because the records 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.**

**Effective Date of Disposition:** June 26, 2018

Prepared By: John E. Stewart

Date: June 19, 2018

**Distribution Date: June 27, 2018**