



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

**Perrault Jean-Paul**  
**Complainant**

**GRC Complaint No. 2020-227**

v.

**City of Jersey City (Hudson)**  
**Custodial Agency**

**Custodian of Record:** Sean Gallagher  
**Request Received by Custodian:** October 26, 2020  
**GRC Complaint Received:** November 12, 2020

**Complaint Disposition:** On October 26, 2020, the Complainant submitted to the Custodian an OPRA request for copies of all violations issued by the Office of Construction Code for a particular address over an approximate eighteen (18) year period. The Custodian responded to the request on the same date it was received, informing the Complainant that due to the COVID-19 pandemic, an additional thirty (30) day extension of time was required to fulfill the request. There is nothing in the evidence of record to indicate that the Complainant objected to the extension of time for response to the request; however, the Complainant verified his complaint on November 11, 2020, which is within the extended time period.<sup>1</sup>

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 shall be dismissed because the record is not an immediate access record and because the Complainant verified his complaint before the statutory time period provided for the Custodian to respond, *as extended*, had expired. See Inzelbuch v. Lakewood Bd. of Educ. (Ocean), GRC Complaint No. 2012-323 (February 2013)

**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.

<sup>1</sup>In Ciccarone v. N.J. Dep’t of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014), the GRC began deciding on the reasonableness of extensions. Although an analysis would be necessary to justify a full thirty (30) day extension of time consistent with Ciccarone, an analysis is not necessary here because some extension of time due to extenuating circumstances triggered by the COVID-19 pandemic was reasonable. Furthermore, the Custodian certified that he had to circulate the request through seven different departments and offices to locate responsive records over an eighteen (18) year period. Moreover, the Complainant verified his complaint only three (3) business days into the extended time period for response to the request. See also A-3849/S-2302.



**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:** December 15, 2020

Prepared By: John E. Stewart

Date: December 8, 2020

**Distribution Date: December 16, 2020**