



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – All Records Responsive Provided in a Timely Manner

Peter Gartner
Complainant

GRC Complaint No. 2021-303

v.

Middlesex Board of Education (Middlesex)
Custodial Agency

Custodian of Record: Beth Brooks

Request Received by Custodian: November 8, 2021¹

GRC Complaint Received: November 18, 2021

Complaint Disposition: The Custodian certified that all records responsive to the Complainant's OPRA request were provided to the Complainant within the statutorily mandated response time. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. Thus, this complaint shall be dismissed because the Custodian timely provided all responsive records.

Applicable OPRA Provisions: "A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record." N.J.S.A. 47:1A-5(g).

"Any officer or employee of a public agency who receives a request for access to a government record shall forward the request to the custodian of record or direct the requestor to the custodian of the record." N.J.S.A. 47:1A-5(h).

"Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record . . . as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived." N.J.S.A. 47:1A-5(i).

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.

¹ The Complainant's request was transmitted via e-mail to Kelly Giardina at 4:53 p.m. on November 3, 2021. At 4:57 p.m. that same date, Ms. Giardina by reply e-mail directed the Complainant to the proper custodian of the record via an internet link. The Complainant, after normal business hours that same date, e-mailed his request to the Custodian. The Custodian certified that the BOE was closed on November 4 and 5, 2021 for the N.J.E.A. Convention.



Effective Date of Disposition: December 14, 2021

Prepared By: John E. Stewart
Staff Attorney

Date: December 8, 2021

Distribution Date: December 15, 2021