



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

Vincent Lepore
Complainant

GRC Complaint No. 2022-33

v.

City of Long Branch (Monmouth)
Custodial Agency

Custodian of Record: Heather Capone
Request Received by Custodian: January 10, 2022
GRC Complaint Received: February 17, 2022

Complaint Disposition: The Complainant provided his OPRA request for dash and body camera records to the Custodian on January 10, 2022.¹ The Custodian responded to the request on January 20, 2022, informing the Complainant that an extension of time until February 3, 2022 was required.² On February 3, 2022, the Custodian responded informing the Complainant that an additional extension of time until March 7, 2022 was necessary. The extensions were reasonable given the nature of the records requested. The Complainant verified his complaint on February 16, 2022, which is within the extended time period.

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 statutory time period for the Custodian to respond, *as extended*, had expired. See Rivera v. City of Plainfield Police Dep’t (Union), GRC Complaint No. 2009-317 (May 2011). See also 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.

¹ In the Statement of Information, the Custodian asserted that the Complainant is not the requestor and therefore lacks standing to maintain this action. The GRC determined that the Complainant is the requestor of the records; however, he submitted the OPRA request via an apparent third party’s e-mail address.

² Due to the January 17, 2022 State holiday, January 20, 2022 was the seventh (7th) business day following receipt of the request.



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 29, 2022

Prepared By: John E. Stewart
Staff Attorney

Date: March 22, 2022

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