



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

Anonymous
Complainant

GRC Complaint No. 2022-496

v.

Township of Irvington (Essex)
Custodial Agency

Custodian of Record: Harold E. Wiener
Request Received by Custodian: September 13, 2022
GRC Complaint Received: September 19, 2022

Complaint Disposition: The Complainant provided his OPRA request for an employee’s disclosable personnel information, to include salary and overtime information, to the Custodian on September 13, 2022. The Custodian responded to the request on same day, informing the Complainant that an extension of time until October 31, 2022 was required. The Complainant verified his complaint on September 19, 2022, which is well within the extended time period.

Here, this complaint is materially defective and shall be dismissed because the Complainant verified his complaint before the statutory time period for the Custodian to respond, *as extended*, had expired.¹ See Rivera v. Borough of Rutherford Police Dep’t (Bergen), GRC Complaint No. 2011-277 (August 2012). See also Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007).

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

¹ A portion of the requested records are immediate access records and the Custodian did respond immediately informing the Complainant that an extension of time was necessary. A custodian’s failure to “. . . respond in writing to [a] complainant’s OPRA request granting access, denying access, seeking clarification, or requesting an extension of time within the statutorily mandated seven (7) business days . . .” results in a “deemed” denial of the complainant’s OPRA request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). See Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).



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: September 29, 2022

Prepared By: Frank F. Caruso
Executive Director

Date: September 22, 2022

Distribution Date: October 3, 2022