

GOVERNMENT RECORDS COUNCIL

Administrative Case Disposition – Pending action in Superior Court

GRC Complaint No: 2007-132

Complainant: Howard A. Kupferman

Custodian: Long Hill Township Board of Education, John Esposito

Date of Request: March 14, 2007, March 31, 2007, April 29, 2007, and May 9, 2007

Date of Complaint: May 26, 2007

Case Disposition: The Complainant has affirmatively asserted on the Denial of Access Complaint form that he has also instituted an action in Superior Court regarding the denial of access at issue in the complaint also filed with the Council.

Type of Administrative Disposition: Pending action in Superior Court.

Applicable OPRA Provision: N.J.S.A. 47:1A-6. provides that “[a] person who is denied access to a government record by the custodian of the record, at the option of the requestor, may institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or *in lieu of filing an action in Superior Court*, file a complaint with the Government Records Council...” (Emphasis added.)

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: June 27, 2007

Prepared By:

Tiffany L. Mayers
Case Manager

Approved By:

Catherine Starghill, Esq.
Executive Director

Date: June 20, 2007

Distribution Date: July 6, 2007