



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Pending Action in Superior Court

GRC Complaint No.: 2007-248

Complainant: Al-Tariq K. Witcher

Custodian: Essex County Prosecutor's Office – Hillary Brunell

Date of Request: December 2004¹

Date of Complaint: October 2, 2007

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

Applicable OPRA Provision: OPRA 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 ...; *or in lieu of filing an action in Superior Court*, file a complaint with the Government Records Council ...” (Emphasis added). 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 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: October 31, 2007

Prepared By:

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Senior Case Manager

Approved By:

Catherine Starghill, Esq.
Executive Director

Date: October 24, 2007

Distribution Date: November 2, 2007

¹ The Complainant's OPRA request is undated; however on the Denial of Access Complainant form, the Complainant asserts that he submitted his request in December 2004.