

## GOVERNMENT RECORDS COUNCIL

### Administrative Case Disposition – Unsubstantiated OPRA Request & Not Within GRC Jurisdiction

**GRC Complaint No:** 2007-56

**Complainant:** Steven Kossup, Esq.

**Custodian:** County of Essex, Christopher J. Durkin

**Date of Request:** August 23, 2006

**Date of Complaint:** January 22, 2007

**Case Disposition:** The Complainant asserts a denial of access to records requested on August 23, 2006. The Essex County Clerk certifies that he never received an OPRA request from the Complainant, nor did he have knowledge of such request prior to receiving a complaint from the GRC. Additionally, the Chief County Counsel certifies that the Essex County OPRA Office has never received the OPRA request from the Complainant, nor did the office have knowledge of such request prior to receiving a complaint from the GRC.

Through a GRC investigation, it has been determined that the request was received and responded to by an Essex County Court Clerk. However, the GRC does not have jurisdiction over records requests submitted to the Court of Essex County, as it falls under the Judicial branch of government.

**Type of Administrative Disposition:** Unsubstantiated OPRA request & Judicial or Legislative jurisdiction not within the scope of OPRA.

**Applicable OPRA Provision:** N.J.S.A. 47:1A-5.g. provides that: “[a] request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian...” N.J.S.A. 47:1A-7.g. also provides that: “[t]he council shall not have jurisdiction over the Judicial or Legislative Branches of State Government or any agency, officer, or employee of those branches.”

**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 28, 2007

Prepared By:

Tiffany L. Mayers  
Case Manager

Approved By:

Catherine Starghill, Esq.  
Executive Director

**Date:** March 21, 2007

**Distribution Date: March 29, 2007**