



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – Complainant affirmatively asserted on the Denial of Access Complaint form that there is an action pending in Superior Court regarding the records request subject of this complaint

GRC Complaint No.: 2012-249

Complainant: Michael W. Boyle

Public Agency: New Jersey Transit

Custodian of Record: Rocio Munoz

Date of Request: July 24, 2012

Date of Complaint: August 27, 2012¹

Complaint Disposition: The documentation submitted with the Complainant's Denial of Access Complaint indicates that the denial of access of the Complainant's OPRA request is at issue in an action currently filed in Superior Court.

Applicable OPRA Provision: 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: September 25, 2012

Prepared By: Darryl C. Rhone
Case Manager

Approved By: Karyn Gordon, Esq.
Acting Executive Director

Date: September 18, 2012

Distribution Date: September 25, 2012

¹ The GRC received the Denial of Access Complaint on said date.