



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

GRC Complaint No.: 2012-50

Complainant: Paul Gallagher (on behalf of the Executive Committee of the Stone Harbor Education Association)

Public Agency: Avalon Board of Education (Cape May)

Custodian of Record: David Rauenzahn

Date of Request: February 10, 2012

Date of Complaint: February 22, 2012¹

Complaint Disposition: The Complainant submitted his OPRA request for copies of teachers' and administrators' academic degree and certification information on February 10, 2012. The Complainant verified his complaint on February 21, 2011, which is six (6) business days from the date the Custodian received the Complainant's OPRA request. OPRA provides that the Custodian "...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. Here, because copies of teachers' and administrators' academic degree and certification information are not immediate access records, the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired; therefore the complaint is materially defective and must be dismissed.

Applicable OPRA Provisions:

"...[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 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 27, 2012

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



Prepared By: John E. Stewart, Esq.

Approved By: Catherine Starghill, Esq.
Executive Director

Date: March 20, 2012

Distribution Date: March 27, 2012