



NEW JERSEY GOVERNMENT RECORDS COUNCIL

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

GRC Complaint No.: 2012-85

Complainant: Harry B. Scheeler, Jr.

Public Agency: Township of Galloway (Atlantic)

Custodian of Record: Thalia C. Kay

Date of Request: February 6, 2012

Date of Complaint: April 2, 2012¹

Complaint Disposition: The Complainant 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 Government Records Council.

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: April 25, 2012

Prepared By: Frank F. Caruso
Senior Case Manager

Approved By: Catherine Starghill, Esq.
Executive Director

Date: April 20, 2012

Distribution Date: April 26, 2012

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