



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – All Records Responsive to the Request
Provided in a Timely Manner

GRC Complaint No.: 2013-115

Complainant: Luis Rodriguez
Public Agency: Kean University
Custodian of Record: Laura Barkley-Haelig

Date of Request: March 11, 2013
Date of Complaint: April 22, 2013¹

Complaint Disposition: On March 11, 2013, the Complainant submitted an Open Public Records Act (“OPRA”) request seeking, title, position, salary, payroll record, length of service, date of separation, the reason for such separation and the amount and type of pension received for a Kean University employee from 2006 through 2008. On March 20, 2013, the seventh (7th) business day following receipt of such request, the Custodian requested an extension of time until April 5, 2013 to respond to the Complainant’s OPRA request. On April 5, 2013, the Custodian provided the responsive records to the Complainant. Here, because the Custodian provided the requested records within the reasonably requested extension of time, this complaint should be dismissed.²

Applicable OPRA Provision: “A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record.” N.J.S.A. 47:1A-5(g).

“Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record ... as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived.” N.J.S.A. 47:1A-5(i).

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 30, 2013

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

² The Custodian violated N.J.S.A. 47:1A-5(e) because she failed to immediately respond to the Complainant’s request for salary information, which is considered an immediate access record. However, the Custodian did not unlawfully deny access to the requested records because she provided the responsive records within the reasonably requested extension of time.



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Approved By: Brandon D. Minde, Esq.
Executive Director

Date: April 23, 2013

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