



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

GRC Complaint No.: 2013-25

Complainant: James Ashe
Public Agency: City of Bayonne (Hudson)
Custodian of Record: Robert F. Sloan

Date of Request: January 17, 2013
Date of Complaint: January 25, 2013¹

Complaint Disposition: On January 17, 2013, the Complainant filed his Open Public Records Act (“OPRA”) request with the City of Bayonne, seeking all attorney bills and invoices for 2012. On January 24, 2012, the fourth (4th) business day following receipt of such request, Custodian’s Counsel requested a thirty (30) day extension to respond to the Complainant’s request. On January 25, 2013, the Complainant verified his complaint to the GRC, within the reasonably requested extension of time for the January 17, 2013 OPRA request. Here, because the Complainant verified his complaint before the reasonably requested extension of time had expired, this complaint is materially defective and must 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: May 28, 2013

Prepared By: Harlynn A. Lack, Esq.
Case Manager

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

Date: May 22, 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 he failed to immediately respond to the Complainant’s request for bills and invoices, which are considered immediate access records. However, the Custodian did not unlawfully deny access to the requested records because he requested a reasonable extension of time to provide the responsive records.



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