



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

**GRC Complaint No.:** 2013-28

**Complainant:** John Campbell

**Public Agency:** New Jersey Department of Environmental Protection

**Custodian of Record:** Matthew J. Coefer

**Date of Request:** January 25, 2013

**Date of Complaint:** February 5, 2013<sup>1</sup>

**Complaint Disposition:** The Complainant provided his OPRA requests for records to the Custodian on January 25, 2013. The Complainant verified his complaint on February 5, 2013, which is the seventh (7<sup>th</sup>) business day from the date the Custodian received the Complainant's OPRA request.<sup>2</sup> 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 the requested records 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 Provision:** "...[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:** February 26, 2013

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

<sup>1</sup> The GRC received the Denial of Access Complaint on said date.

<sup>2</sup> The Complainant delivered his Denial of Access Complaint via facsimile on February 5, 2013 at 9:55 a.m. and thus the Complainant did not let the seven (7) business days expire before filed said complaint.



Approved By: Karyn Gordon, Esq.  
Acting Executive Director

Date: February 19, 2013

**Distribution Date: February 26, 2013**

**DRAFT**