



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

**GRC Complaint No.:** 2013-63

**Complainant:** Sabino Valdes

**Public Agency:** Union City Board of Education (Hudson)

**Custodian of Record:** Anthony Dragona

**Date of Request:** December 14, 2012

**Date of Complaint:** February 26, 2013<sup>1</sup>

**Complaint Disposition:** The Custodian certified in the Statement of Information that all records responsive to the Complainant's OPRA request have been provided to the Complainant within the requested extension of time to respond.<sup>2</sup> Additionally, the Complainant's response that the Custodian willfully disclosed an irrelevant record does not contradict the Custodian's certification. However, the Council does not have the authority over the content of a responsive record. *See* Kwanzaa v. Dept of Corrections, GRC Complaint No. 2004-167 (March 2005)(the GRC does not have authority over the content of a record); Gillespie v. Newark Public Schools, GRC Complaint No. 2004-105 (November 2004)(the GRC does not have the authority to adjudicate the validity of a record); Katinsky v. River Vale Township, GRC Complaint No. 2003-68 (November 2003)(the integrity of a requested record is not within the GRC's authority to adjudicate); Toscano v. NJ Dept of Labor, GRC Complaint No. 2005-59 (September 2005)(the GRC does not have authority over the condition of records provided by a Custodian); Van Pelt v. Edison Township Board of Education, GRC Complaint No. 2007-179 (January 2008)(the GRC does not have authority over which records a government agency must maintain); Toscano v. NJ Department of Labor, Division of Vocational Rehabilitation Services, GRC Complaint No. 2007-296 (March 2008), (GRC does not have the authority to determine whether an agency correctly followed their records retention policy.)

**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).

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

<sup>2</sup> The Custodian certified in the Statement of Information that he requested an extension of time until January 15, 2013, to respond to the Complainant's OPRA request. The Custodian also certified that he provided the Complainant with the only responsive record he could locate on January 14, 2013.



**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

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

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

Date: April 23, 2013

**Distribution Date: April 30, 2013**