



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

David J. Bildner (On behalf of Sean D. Taylor)
Complainant

GRC Complaint No. 2014-107

v.

City of Paterson (Passaic)
Custodial Agency

Custodian of Record: Jane E. Williams-Warren
Request Received by Custodian: March 10, 2014
GRC Complaint Received: March 10, 2014

Complaint Disposition: The Custodian certified that she received the Complainant’s OPRA request for an “audio recording of that portion of the September 9th, 2013 morning session of the Paterson Municipal Court, presided over by Hon. J. Kevin McDuffie which dealt with summonses 160-SP5-280641, 1602-SP5-280642 and 1602-SP5-280643, issued to Sean D. Taylor” on March 10, 2014. The Complainant verified his complaint on March 11, 2014, which is the first (1st) business day after the Custodian received the Complainant’s OPRA request. 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 above-mentioned record¹ is not an immediate access record, 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: July 29, 2014

¹ The GRC notes that it does not have authority over the Paterson Municipal Court, as it falls under the Judicial Branch of government. See N.J.S.A. 47:1A-7(g).



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Acting Executive Director

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