



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

Frank L. Cahill
(On behalf of Parsippany Focus)
Complainant

GRC Complaint No. 2014-226

v.

Township of Parsippany-Troy Hills (Morris)
Custodial Agency

Custodian of Record: Yancy Wazirmas
Request Received by Custodian: June 3, 2014
GRC Complaint Received: June 6, 2014

Complaint Disposition: On June 3, 2014, the Complainant submitted his OPRA request to the Custodian. On June 5, 2013, the Complainant verified his complaint, which is two (2) business days from the date 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 W-2 forms are not immediate access records,¹ 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 Provisions: “. . . [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: June 24, 2014

¹ The GRC notes that W-2 forms and other federal tax forms are exempt from disclosure pursuant to 26 U.S.C.S. § 6103 (2014). See N.J.S.A. 47:1A-9; Lucente v. City of Union, GRC Complaint No. 2005-213 (July 2006); Gelber v. City of Hackensack (Bergen), GRC Complaint No. 2011-148 (June 2012).



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