



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition –Not a Valid OPRA Request

Marc Anthony Ardis
Complainant

GRC Complaint No. 2015-5

v.

NJ Department of Corrections
Custodial Agency

Custodian of Record: John Falvey

Request Received by Custodian: September 18, 2014 and October 21, 2014

GRC Complaint Received: January 9, 2015

Complaint Disposition: The Complainant sent letters, one dated September 11, 2014, which was received by the Custodian on September 18, 2014, and another dated October 14, 2014, which was received by the Custodian on October 21, 2014. Each letter requested a copy of juvenile files or records dating from 1990-1991. Neither letter was submitted on the Department of Corrections OPRA request form or in an equivalent writing. Thus, the correspondence failed to invoke OPRA. The GRC's authority is limited to adjudicating denial of access complaints based on valid OPRA requests.¹ *See also* Naples v. NJ Motor Vehicle Comm'n, GRC Complaint No. 2008-97 (December 2008), *citing* Magargal v. NJ Dep't of Military and Veteran Affairs, GRC Complaint No. 2007-250 (October 2007).

Applicable OPRA Provision: "A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may... in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [OPRA]." N.J.S.A. 47:1A-6.

"The Government Records Council shall...receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian..." N.J.S.A. 47:1A-7(b)

¹ In Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies' OPRA request forms when making requests, no custodian shall withhold such records if the written request for such records, not presented on the official form, contains the requisite information prescribed in the section of OPRA requiring custodians to adopt a form. *Id.* Therefore, requestors may submit correspondence that requests records from a custodian under OPRA, as long as the request properly invokes OPRA.



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: November 17, 2015

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Deputy Executive Director

Date: November 10, 2015

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