



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

**Richard Stolte**  
**Complainant**

**GRC Complaint No. 2015-32**

v.

**New Jersey Motor Vehicle Commission**  
**Custodial Agency**

**Custodian of Record:** Joseph Bruno<sup>1</sup>  
**Request Received by Custodian:** None.  
**GRC Complaint Received:** February 10, 2015

**Complaint Disposition:** The Complainant initially contacted the New Jersey Motor Vehicle Commission (“MVC”) via telephone on January 30, 2015. After a series of e-mails between MVC and the Complainant, Chalique Elbertson advised the Complainant to submit a DO-21 form, which the Complainant did on February 1, 2015. At no point during this correspondence did the Complainant submit an OPRA request, either on MVC’s official OPRA request form or in an equivalent writing. The Custodian subsequently certified in the Statement of Information that he never received an OPRA request. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests.<sup>2</sup> *See also* Naples v. NJ Motor Vehicle Comm’n, GRC Complaint No. 2008-97 (December 2008)(*citing* Megargal v NJ Dep’t of Military & Veterans 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).

**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.**

<sup>1</sup> The Complainant named Chalique Elbertson as custodian of record for this complaint.

<sup>2</sup> 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.



**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 28, 2015

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Date: April 21, 2015

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