



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

Brian Keith Bragg
Complainant

GRC Complaint No. 2015-396

v.

Mercer County Correctional Center
Custodial Agency

Custodian of Record: Paul R. Adezio, Esq.
Request Received by Custodian: None
GRC Complaint Received: December 8, 2015

Complaint Disposition: The Complainant submitted a written request for medical records to the Mercer County Correctional Center’s Medical Department. The Complainant transmitted the request together with an “MCCC Request Slip.” The Complainant did not use the County of Mercer’s OPRA request form.¹ Neither the written request nor the “Request Slip” invoked OPRA. Moreover, the Custodian certified that he never received an OPRA request from the Complainant. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests. *See also* Naples v. NJ Motor Vehicle Comm’n, GRC Complaint No. 2008-97 (December 2008), and 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-6.

This is the final administrative disposition 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’s Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006.

Effective Date of Disposition: May 24, 2016

Prepared By: Ernest Bongiovanni
Staff Attorney

Date: May 17, 2016

Distribution Date: May 25, 2016

¹ In correspondence to the GRC, the Custodian wrongly stated that the County of Mercer’s OPRA Records Request Form “must be completed.” The Appellate Division has held that requestors should continue to use a public agency’s OPRA request forms, but no custodian shall withhold 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. Therefore requestors may submit correspondence that requests records under OPRA, provided that the request properly invokes OPRA. Renna v. Cnty of Union, 407 N.J. Super 230 (App. Div. 2009).