



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

**Dennis E. Kleiner**  
**Complainant**

**GRC Complaint No. 2015-44**

v.

**Logan Township (Gloucester)**  
**Custodial Agency**

**Custodian of Record:** Linda L. Oswald  
**Request Received by Custodian:** February 24, 2015  
**GRC Complaint Received:** March 3, 2015

**Complaint Disposition:** The Custodian certified that she received the OPRA request on February 24, 2015, and replied on March 6, 2015. The Complainant verified his complaint on February 27, 2015, which is three (3) business days from the date the Custodian received the Complainant’s OPRA requests. 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). Based on the foregoing, the instant Complaint is materially defective and must be dismissed because the responsive records are not immediate access records and because the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired. Further, there is no evidence to refute the Custodian’s Certification.

**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:** November 17, 2015



Prepared By: Ernest Bongiovanni  
Staff Attorney

Reviewed By: Joseph D. Glover  
Executive Director

Date: November 10, 2015

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