



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

**Clinton C. Barlow, III**  
**Complainant**

**GRC Complaint No. 2017-135**

v.

**NJ Department of Treasury, Division  
of Risk Management  
Custodial Agency**

**Custodian of Record:** Peter Ramos  
**Request Received by Custodian:** June 12, 2017  
**GRC Complaint Received:** June 13, 2017

**Complaint Disposition:** The Complainant claimed he provided his OPRA request for written investigative reports to the Custodian on June 12, 2017. The Complainant verified his complaint on June 12, 2017, which is the same date on which he claims to have submitted his 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). The instant complaint is therefore materially defective and must be dismissed because written investigative reports 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.

**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:** October 31, 2017

Prepared By: Samuel A. Rosado, Esq.  
Staff Attorney

Date: October 24, 2017  
**Distribution Date: November 1, 2017**