



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

Mark L. Tompkins
Complainant

GRC Complaint No. 2018-141

v.

Newark Police Department (Essex)
Custodial Agency

Custodian of Record: Kenneth Louis
Request Received by Custodian: July 19, 2018
GRC Complaint Received: July 23, 2018

Complaint Disposition: The Complainant provided his OPRA request to the Custodian on July 16, 2018, seeking complaints, police reports, statements, and notes from several Newark police officers pertaining to a particular. The Complainant verified his complaint on July 16, 2018, the same day he 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). Here, this complaint is materially defective and must be dismissed because the aforementioned 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.

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: August 28, 2018

Prepared By: Samuel A. Rosado
Staff Attorney

Date: August 21, 2018

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