



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

Russell Smith
Complainant

GRC Complaint No. 2019-135

v.

Moorestown Township (Burlington)
Custodial Agency

Custodian of Record: Patricia L. Hunt
Request Received by Custodian: June 28, 2019
GRC Complaint Received: July 9, 2019

Complaint Disposition: The Complainant provided his OPRA request for the “Penrose/Moorestown Urban Renewal Associates preliminary site approval application” to the Custodian on June 28, 2019. The Complainant verified his complaint on July 8, 2019, which is five (5) business days from the date the Custodian received the Complainant’s 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 shall be dismissed because the requested application is not an immediate access record and because the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired.¹

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: July 30, 2019

¹ The evidence in the record also indicates that the Custodian responded via e-mail on July 9, 2019, the sixth (6th) business day after receiving the OPRA request, and the day after the Complainant verified this complaint.



Prepared By: Samuel A. Rosado
Staff Attorney

Date: July 23, 2019

Distribution Date: July 31, 2019