



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

**Stephen J. Bleistine**  
**Complainant**

**GRC Complaint No. 2019-196**

v.

**South Harrison Township (Gloucester)**  
**Custodial Agency**

**Custodian of Record:** Celeste Keen  
**Request Received by Custodian:** September 12, 2019  
**GRC Complaint Received:** September 23, 2019

**Complaint Disposition:** The Complainant’s request item which is relevant to this complaint seeks “[a] copy of the Police Investigation Report that was filed by Sergeant Theresa Cabanas concerning the incident involving David Wiederholt (Address: [deleted], NJ) and Stephen J. Bleistine. This incident occurred on Wednesday, September 11, 2019 at around 10:00 PM.”<sup>1</sup> The Complainant e-mailed his OPRA request to the Custodian on September 12, 2019 at 1:50 p.m. On September 18, 2019, the Custodian responded in writing via e-mail, informing the Complainant that the projected date for completion of the requested record is September 30, 2019. On September 19, 2019, the Custodian again e-mailed the Complainant and informed him that the requested record “will be provided to you as soon as possible but no later than September 30, 2019.” The Complainant verified his complaint on September 23, 2019, which is the seventh (7<sup>th</sup>) business day from the date the Custodian received the Complainant’s OPRA request.<sup>2</sup>

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 record 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.

**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).

<sup>1</sup> The Complainant stated in the complaint that N.J.S.A. 47:1A-3(b) provides that “. . . the following information concerning a criminal investigation shall be available to the public within 24 hours or as soon as practical . . . where a crime has been reported but no arrest yet made, information as to the type of crime, time, location, and type of weapon, if any[.]” However, the Complainant did not request 3(b) information, but rather a specific report prepared by a particular individual.

<sup>2</sup> In fact, the evidence of record reveals that the Complainant postdated the complaint because it was e-mailed to the GRC on September 22, 2019 at 10:06 p.m.



“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 12, 2019

Prepared By: John E. Stewart

Date: October 30, 2019  
Staff Attorney

**Distribution Date: November 13, 2019**