



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

Angel Llerena
Complainant

GRC Complaint No. 2019-36

v.

Town of West New York (Hudson)
Custodial Agency

Custodian of Record: Carmella Riccie
Request Received by Custodian: February 7, 2019
GRC Complaint Received: February 14, 2019

Complaint Disposition: The Complainant provided fifteen (15) OPRA requests to the Town of West New York Police Department on February 7, 2019. The Complainant verified his complaint on February 8, 2019 and delivered a copy of same to the Custodian along with three (3) additional OPRA requests identified at issue herein.¹ The Complainant thus filed his complaint one (1) business day after submitting fifteen (15) OPRA requests to the Police Department and on the same day that the Custodian received all eighteen (18) 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). Here, this complaint is materially defective and shall be dismissed because the records sought were not defined as “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: March 26, 2019

¹ The Complainant identified eighteen (18) total OPRA requests as at issue in this complaint.



Prepared By: Frank F. Caruso
Acting Executive Director

Date: March 19, 2019

Distribution Date: March 27, 2019