



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Not a Valid OPRA Request

Kenneth L. MacRitchie
Complainant

GRC Complaint No. 2021-37

v.

N.J. State Board of Professional Engineers & Land Surveyors
Custodial Agency

Custodian of Record: Paul R. Rodriguez
Request Received by Custodian: N/A
GRC Complaint Received: February 8, 2021

Complaint Disposition: The Complainant submitted three (3) non-form letter requests to Citizen Services and Relations that did not reference OPRA. The Custodian did not respond to any of those letters. OPRA is invoked only when a requestor submits a valid OPRA request for “government records.”¹ Thus, the requests as written are invalid under OPRA, and this complaint shall be dismissed.

Applicable OPRA Provision: “A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may . . . in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The Government Records Council shall . . . receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . .” N.J.S.A. 47:1A-7(b).

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: February 22, 2022

Prepared By: Frank F. Caruso
Executive Director

Date: February 15, 2022
Distribution Date: February 23, 2022

¹ In Renna v. Cnty. of Union, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies’ OPRA request forms for making requests, no custodian shall withhold such records if the written request is not presented on the official form. The written request shall include the requisite information prescribed in N.J.S.A. 47:1A-5(f). Id. Therefore, requestors may submit a request not on an official form if it sufficiently invokes OPRA.