



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

Thomas Swartz
Complainant

GRC Complaint No. 2021-48

v.

Jersey City Public School District (Hudson)
Custodial Agency

Custodian of Record: Regina Robinson
Request Received by Custodian: February 10, 2021
GRC Complaint Received: February 23, 2021

Complaint Disposition: The Complainant stated that he mailed an OPRA request dated January 20, 2021 to Franklin Walker, the Superintendent of Schools. In the Denial of Access Complaint, the Complainant stated that he did not receive a response to the request so he stated, “[t]o afford Mr. Walker additional time to respond to my request due to the Covid-19 pandemic, I emailed Mr. Walker on February 10, 2021 affording him an additional 7 business days to respond to my request . . .” Thereafter, the Complainant verified his complaint on February 22, 2021, which is the seventh (7th) business day from the date the Complainant transmitted the request to the Custodian.¹

Here, this complaint is materially defective and shall be dismissed because the OPRA request does not seek immediate access records and because the Complainant verified his complaint before the statutory time period provided for the Custodian to respond had expired. N.J.S.A. 47:1A-5(i); Smith v. Moorestown Twp., 2020 N.J. Super. Unpub. LEXIS 1108 (App. Div. June 10, 2020).

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 28, 2023

¹ The seven business day period encompasses two weekends and one State holiday.



Prepared By: John E. Stewart

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