



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

**Levi Brown**  
**Complainant**

**GRC Complaint No. 2022-133**

**v.**

**N.J. Department of Corrections**  
**Custodial Agency**

**Custodian of Record:** John Falvey  
**Request Received by Custodian:** April 8, 2022  
**GRC Complaint Received:** April 18, 2022

**Complaint Disposition:** The Complainant provided his OPRA request to the Custodian on April 6, 2022. The Complainant verified his complaint on April 13, 2022, which is three (3) business days from the date the Custodian received the Complainant’s OPRA request.<sup>1</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 requested records are not 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:** July 26, 2022

Prepared By: Frank F. Caruso  
Executive Director

Date: July 19, 2022  
**Distribution Date: July 27, 2022**

<sup>1</sup> The GRC notes that the Custodian responded on April 19, 2022 granting access to responsive records upon payment of copying costs. On June 6, 2022, the Complainant acknowledged receipt of those records via a signed receipt.