



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

David Weiner
Complainant

GRC Complaint No. 2022-456

v.

County of Essex
Custodial Agency

Custodian of Record: Olivia Schumann, Esq.
Request Received by Custodian: August 16, 2022
GRC Complaint Received: August 25, 2022

Complaint Disposition: The Complainant provided his OPRA requests for records to the Custodian on August 12, 2022. The Complainant verified his complaint on August 25, 2022, which is seven (7) business days¹ from the date the Custodian received the OPRA request. 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 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: February 27, 2024

¹ The GRC notes that the Custodian sent the Complainant an acknowledgement e-mail on August 16, 2022 that specifically identified August 25, 2022 as the seventh (7th) business day.



Prepared By: Frank F. Caruso
Executive Director

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