



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

**Shakima Thomas**  
**Complainant**

**GRC Complaint No. 2022-549**

v.

**City of Newark (Essex)**  
**Custodial Agency**

**Custodian of Record:** Kecia Daniels  
**Request Received by Custodian:** September 28, 2022  
**GRC Complaint Received:** October 13, 2022

**Complaint Disposition:** The Complainant submitted her OPRA request for specific job applications and job descriptions to the Custodian on September 28, 2022. The Custodian responded on the same day advising that a response was anticipated on or before October 19, 2022.<sup>1</sup> The Complainant verified her complaint on October 11, 2022, which was within the extended time period.

Here, this complaint is materially defective and shall be dismissed because requested records are not immediate access records and because the Complainant verified her complaint before the statutory time period for the Custodian to respond, *as extended*, had expired.<sup>2</sup> See Rivera v. Borough of Rutherford Police Dep't (Bergen), GRC Complaint No. 2011-277 (August 2012). See also Inzelbuch v. Lakewood Bd. of Educ. (Ocean), GRC Complaint No. 2012-323 (February 2013).

**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.**

<sup>1</sup> The response time encompasses fourteen (14) total business days, or seven (7) business days beyond the statutory time frame.

<sup>2</sup> The GRC notes that the Custodian responded on October 12, 2022 disclosing the responsive records with redactions for personal information. N.J.S.A. 47:1A-1; N.J.S.A. 47:1A-1.1.



**Effective Date of Disposition:** December 13, 2022

Prepared By: Frank F. Caruso  
Executive Director

Date: December 6, 2022

**Distribution Date: December 14, 2022**