



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

Brian F. McBride
Complainant

GRC Complaint No. 2023-201

v.

Borough of Collingswood (Camden)
Custodial Agency

Custodian of Record: K. Holly Mannel
Request Received by Custodian: August 22, 2023
GRC Complaint Received: August 24, 2023

Complaint Disposition: The Complainant provided his OPRA request for several “records” pertaining to a specific individual on August 22, 2023. However, the Complainant verified his complaint on August 23, 2023, which is the first (1st) business day from the date the Custodian received the Complainant’s OPRA request.¹ 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: October 3, 2023

¹ The GRC notes that the Complainant’s impetus for the complaint was the Custodian’s written extension of time to respond. However, no denial of access had occurred at that point either in writing or due to the end of the seven (7) business day period.



Prepared By: Samuel A. Rosado
Staff Attorney

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