



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Not a Valid OPRA Request

Kenneth J. Marr, Jr.
Complainant

GRC Complaint No. 2023-280

v.

Township of Aberdeen (Monmouth)
Custodial Agency

Custodian of Record: Melissa Pfeifer
Request Received by Custodian: October 19, 2023
GRC Complaint Received: November 9, 2023

Complaint Disposition: The Complainant submitted a written request that did not reference OPRA. There is also no evidence that the Custodian responded to the request as if it was an OPRA request. OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” Thus, the request as written is invalid under OPRA,¹ and this complaint shall be dismissed.²

Applicable OPRA Provision: “A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may . . . in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The Government Records Council shall . . . receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian . . .” N.J.S.A. 47:1A-7(b).

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: January 30, 2024

¹ The GRC notes that the Complainant sought access to the records under the common law. However, the GRC does not have the authority to address a requestor’s common law right to access records. N.J.S.A. 47:1A-7(b); Rowan, Jr. v. Warren Hills Reg’l Sch. Dist. (Warren), GRC Complaint No. 2011-347 (January 2013); Kelly v. N.J. Dep’t of Transp., GRC Complaint No. 2010-215 (November 2011) at 2. Thus, the GRC cannot address any common law right of access to the requested records.

² In Renna v. Cnty. of Union, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies’ OPRA request forms for making requests, no custodian shall withhold such records if the written request is not presented on the official form. The written request shall include the requisite information prescribed in N.J.S.A. 47:1A-5(f). Id. Therefore, requestors may submit a request not on an official form as long as it sufficiently invokes OPRA.



Prepared By: Samuel A. Rosado
Staff Attorney

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