



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Motion to File Within Time Denied

Boris Boretsky
Complainant

GRC Complaint No. 2023-299

v.

Middlesex County Prosecutor’s Office
Custodial Agency

Custodian of Record: Yolanda Ciccone, Esq.

Request Received by Custodian: June 9, 2023; June 16, 2023

GRC Complaint Received: October 5, 2023

Complaint Disposition: The Complainant verified the instant complaint on October 1, 2023, thirty-four (34) days after the last day of the expiration of the sixty (60) calendar day statute of limitation, alleging he was denied access to his OPRA request on June 22, 2023 and June 27, 2023. The Complainant asserted in his motion that he had been dealing with physical pain since 2020 and could not keep track of filing deadlines. However, the Complainant failed to show good cause to permit the complaint to proceed out of time. Therefore, this complaint shall be dismissed.

Applicable OPRA Provision: “Any requestor who is denied access, in whole or in part, to a government record by a custodian, at the option of the requestor, may file a complaint with the Council pursuant to N.J.S.A. 47:1A-6. Such filing shall be made within 60-calendar days or, if the last day of the period is a Saturday, Sunday, or legal holiday, within the next business day, pursuant to N.J.A.C. 1:1-1.4, after the requestor receives a response from the custodian that grants or denies access or, if the custodian does not respond within seven business days of the request, within 60-calendar days following the expiration of such seven-business-day period, whichever is later, unless accompanied by a motion to file within time, showing good cause.” N.J.A.C. 5:105-2.1(a).

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

Prepared By: Samuel A. Rosado
Staff Attorney

Date: January 23, 2024

Distribution Date: February 1, 2024