



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

Peter Gartner
Complainant

GRC Complaint No. 2023-72

v.

Borough of Middlesex (Middlesex)
Custodial Agency

Custodian of Record: Linda Chismar
Request Received by Custodian: March 30, 2023
GRC Complaint Received: March 30, 2023

Complaint Disposition: The Complainant submitted the subject OPRA request seeking “the certificate of occupancy” for the Lofts to the Custodian on March 29, 2023. The Custodian received the OPRA request on March 30, 2023 and sought clarification on the same day. The Complainant verified this complaint on March 30, 2023, which is the same business day the Custodian received the Complainant’s OPRA request and a half hour after the clarification request.¹ OPRA provides that “. . . a custodian . . . shall grant access to a government record or deny a request for 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)(1). Here, this complaint is materially defective and shall be dismissed because certificates of occupancy are not “immediate access” records and because the Complainant verified this complaint before the applicable statutory time period provided for the Custodian to respond 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)(1).

“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.

¹ The GRC notes that the Complainant’s impetus for filing this Denial of Access Complaint was the Custodian’s March 30, 2023, assertion that the OPRA request was invalid and required clarification. However, the Complainant used his Denial of Access Complaint to provide the requested clarification instead it directly to the Custodian.



Effective Date of Disposition: April 29, 2025

Prepared By: Frank F. Caruso
Executive Director

Date: April 15, 2025

Distribution Date: May 1, 2025