



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

Khaya Peluso
Complainant

GRC Complaint No. 2024-248

v.

School District of the Chathams (Morris)
Custodial Agency

Custodian of Record:
Request Received by Custodian:
GRC Complaint Received: November 12, 2024

Complaint Disposition: The Complainant submitted a “Notice to Produce Documents and Interrogatories” (“Notice”) to the Office of Administrative Law (“OAL”) on October 29, 2024 seeking records in connection with a pending matter between herself and the School District of the Chathams (“District”). The end of the Notice included a paragraph stating that it was submitted “per OPRA requirements” and that the identified records “should be provided in adherence to public access standards for applicable educational and administrative records.” On October 30, 2024, Counsel for the District responded to the OAL objecting to the Notice as “not permitted under the special education hearing rules . . . [which] allow for 10 days to respond to a Notice. . .”

OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” The subject request here attempts to compel disclosure of records connected to the OAL litigation through apparent discovery while trying to avoid applicable OAL rules by implying that OPRA’s time frame and disclosability provisions should apply thereto (as well as “applicable educational and administrative records” standards).¹ The request as written is invalid under OPRA,² and this complaint shall be dismissed.

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.

¹ The GRC notes that had the subject request been considered valid, the dual discovery/OPRA nature thereof would have triggered a denial under N.J.S.A. 47:1A-5(g), which provides that “[a] party to a legal proceeding may not request a government record if the record sought is the subject of a court order, including a pending discovery request, and a custodian shall not be required to complete such a request.”

² OPRA provides that “. . . a letter, or an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request. If the letter or email from a requestor includes substantially more information than required on the adopted form and requires more than reasonable effort to clarify the information, the custodian may deny the request.” N.J.S.A. 47:1A-5(f). Therefore, requestors may submit a request not on an adopted OPRA request form but must include all required form information set forth in OPRA.



“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 28, 2025

Prepared By: Frank F. Caruso
Executive Director

Date: January 21, 2025

Distribution Date: January 30, 2025