



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

Aakash Dalal
Complainant

GRC Complaint No. 2024-65

v.

Bergen County Prosecutor's Office
Custodial Agency

Custodian of Record: Thomas McGuire

Request Received by Custodian: April 17, 2023; April 21, 2023; May 30, 2023

GRC Complaint Received: March 4, 2024

Complaint Disposition: The Complainant verified the instant complaint on February 29, 2024, 191 days after the last day of the expiration of the sixty (60) calendar day statute of limitation, alleging he was denied access to his last OPRA request on June 23, 2023. The Complainant asserted in his motion that he was not aware of the Custodian's alleged improper denial until receiving new information a few weeks prior to verification. However, the above reason is insufficient good cause to permit the complaint to proceed out of time as it would undermine the purpose of a statute of limitations. 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: April 30, 2024

Prepared By: Samuel A. Rosado
Staff Attorney

Date: April 23, 2024

Distribution Date: May 2, 2024