



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

Roberto Feliz Betancourt
Complainant

GRC Complaint No. 2025-229

v.

Bayonne Housing Authority (Hudson)
Custodial Agency

Custodian of Record: John Mahon
Request Received by Custodian: August 8, 2025
GRC Complaint Received: August 14, 2025

Complaint Disposition: The Complainant submitted three (3) OPRA requests for various records to the Custodian on August 8, 2025. The Complainant verified this complaint on August 8, 2025, which is the same date the Custodian received the Complainant’s OPRA requests. 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).¹ Here, this complaint is materially defective and shall be dismissed because the Complainant verified this complaint on the same day as submission of the OPRA requests at issue and before the applicable statutory time period provided for the Custodian to respond expired.

Applicable OPRA Provision: “Unless a shorter time period is otherwise provided by statute, regulation, or executive order, 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, or 14 business days if the request is for a commercial purpose or if the records have to be reviewed by the public agency for the purpose of the agency’s compliance with [Daniel’s Law] . . .” N.J.S.A. 47:1A-5(i)(1).

¹ The Complainant contended in his complaint that the Bayonne Housing Authority’s (“Authority”) rejection of his requirement that they date stamp his OPRA requests represented a denial of access. It did not: there is no statutory provision in OPRA requiring a custodian to acknowledge receipt of an OPRA request in writing or to date-stamp same. Instead, OPRA only requires a custodian to respond in writing granting or denying access to requested records, seeking clarification of an OPRA request, or obtaining an extension of time to respond within the appropriate statutorily mandated time frame. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i)(1). Further, the Authority’s rejection to apply a date stamp to the OPRA requests cannot be considered a denial of the actual records the Complainant sought therein. See Smith v. Moorestown Twp., 2020 N.J. Super. Unpub. LEXIS 1108, 6 (App. Div. 2020) (“Applying the ordinary meaning of ‘deny’ to N.J.S.A. 47:1A-6, we interpret the statute to authorize the filing of a GRC complaint where a custodian actually refuses access to a government record . . .”).



“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.

Effective Date of Disposition: October 6, 2025

Prepared By: Frank F. Caruso
Executive Director

Date: September 29, 2025

Distribution Date: October 7, 2025