



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

John Paff
Complainant

GRC Complaint No. 2026-6

v.

Perth Amboy Public Schools (Middlesex)
Custodial Agency

Custodian of Record: Michael LoBrace
Request Received by Custodian: November 10, 2025
GRC Complaint Received: January 6, 2026

Complaint Disposition: The Complainant verified the instant complaint on January 6, 2026, alleging he was denied access to her OPRA request on November 20, 2025, or forty-seven (47) days prior. The Complainant acknowledged his complaint was filed out of time as a necessity to cure a discrepancy between N.J.S.A. 47:1A-6, which sets for a forty-five (45) day statute of limitations, and N.J.A.C. 5:105-2.1(a), which currently sets forth a sixty (60) day statute of limitations. The Complainant also noted that the delay was minimal and the parties would not suffer prejudice if the complaint was accepted out of time. Custodian’s Counsel objected to the motion noting that the Complainant admitted he filed his complaint out of time and only sought to cure an ambiguity between OPRA and the GRC’s regulations. Counsel argued that the Complainant’s intent to cure this issue does not represent “good cause” to accept the complaint within time.

Upon review, the GRC does not find that any ambiguity exists: N.J.S.A. 47:1A-6 as amended through P.L. 2024, c.16 sets forth a forty-five (45) statute of limitations and unambiguously supersedes the GRC’s regulations previously promulgated in November 2022.¹ See Morton v. 4 Orchard Land Tr., 362 N.J. Super. 190, 198 (App. Div. 2003)(“We are mindful that when a regulation conflicts with a statute, the regulation is void as a matter of law.” (Internal citation omitted)). Further, the Complainant’s acknowledgement that he filed his complaint out of time to cure this perceived ambiguity does not represent “good cause”. Thus, 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: “A person who is denied access to a government record by the custodian of the record, at the option of the requestor who is accurately identified by name, may, within 45 days of the date of denial . . . file a complaint with the Government Records Council” N.J.S.A. 47:1A-6.

¹ The GRC notes that it is aware that its regulations require amendments to come into conformance with OPRA, as amended by P.L. 2024, c.16, and is working to do so as of the date of this adjudication.



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: February 24, 2026

Prepared By: Frank F. Caruso
Executive Director

Date: February 17, 2026

Distribution Date: February 26, 2026