



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

**Juan M. Vazquez**  
**Complainant**

**GRC Complaint No. 2024-80**

v.

**N.J. Department of Treasury,**  
**Unclaimed Property Administration**  
**Custodial Agency**

**Custodian of Record:** Steven Harris  
**Request Received by Custodian:** N/A  
**GRC Complaint Received:** April 1, 2024<sup>1</sup>

**Complaint Disposition:** The Complainant submitted four (4) letter requests directly to the Unclaimed Property Administration (“UPA”) between October 2, 2023 and January 22, 2024 asking it to search its database for any potential property claims and that did not cite to OPRA.<sup>2</sup> The UPA responded on December 25, 2023 advising that it received the Complainant’s “recent inquiry . . . [and] a search . . . has revealed no unclaimed funds . . .” OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” Thus, the request as written is invalid under OPRA,<sup>3</sup> and this complaint shall be dismissed.<sup>4</sup>

**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.

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<sup>1</sup> The Complainant verified his complaint on February 9, 2024; however, the GRC did not receive it until March 18, 2024. On that day, the GRC returned the complaint filed out of time. The Complainant subsequently resubmitted his complaint inclusive of a motion to file within time, which was received by the GRC on April 1, 2024.

<sup>2</sup> Of the four (4) letters submitted, only the third letter sent on December 7, 2023 makes a tacit reference to OPRA. Therein, the Complainant asserted that he “believe[d] that . . . under [OPRA the UPA] is obligated to make a search . . .” and he was “entitled to make this request and receive a response under the law.” However, this statement alone is not sufficient to constitute a valid OPRA request, especially where the Complainant continually refers to his prior letters, which do not cite OPRA in any way. *See e.g. Caggiano v. Twp. of Green (Sussex)*, GRC Complaint No. 2016-202 (March 2019). Further, the UPA did not convert the correspondence to an OPRA request in its December 25, 2023 response.

<sup>3</sup> In *Renna v. Cnty. of Union*, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies’ OPRA request forms for making requests, no custodian shall withhold such records if the written request is not presented on the official form. The written request shall include the requisite information prescribed in N.J.S.A. 47:1A-5(f). *Id.* Therefore, requestors may submit a request not on an official form as long as it sufficiently invokes OPRA.

<sup>4</sup> The GRC notes that it is likely that the Complainant’s stated claims for the first two (2) letters were untimely. N.J.A.C. 5:105-2.1(a). Although the Complainant submitted a motion to file within time, the GRC will not address it substantively here because both of those letters did not constitute a valid OPRA request. *Renna*, 407 N.J. Super. 230.



“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:** May 21, 2024

Prepared By: Frank F. Caruso  
Executive Director

Date: May 14, 2024

**Distribution Date: May 23, 2024**