



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

**Vesselin Dittrich**  
**Complainant**

**GRC Complaint No. 2024-82**

v.

**City of Hoboken (Hudson)**  
**Custodial Agency**

**Custodian of Record:** Michael Mastropasqua  
**Request Received by Custodian:** October 16, 2023  
**GRC Complaint Received:** April 2, 2024

**Complaint Disposition:** The Complainant verified the instant complaint on March 5, 2024,<sup>1</sup> alleging he was denied access to her OPRA request by failing to timely respond by the end of the statutorily mandated time frame of October 25, 2023, or 132 days prior. The Complainant contended in his motion that he subsequently received a response from the City of Hoboken’s (“City”) Corporation Counsel on January 16, 2023, which was later than the “deemed” denial date. The Complainant thus argued that in accordance with N.J.A.C. 5:105-2.1(a), his complaint was timely filed on the fifty-fifth (55<sup>th</sup>) calendar day after the latter date.

The GRC rejects the Complainant’s motion on the basis that the sole issue raised in this complaint is the “deemed” denied, which occurred 132 days prior to the filing of this complaint. Further, it should be noted that the Complainant questioned the City about their failure to respond on November 30, 2023 (thirty-five (35) days after the “deemed” denial) and again on December 20, 2023 (fifty-five (55) days after the “deemed” denial). These communications ultimately resulted in disclosures in January 2024. However, the Complainant does not allege that any additional denial of access occurred beyond that date. Further, the Complainant does not provide any arguments as to why he waited until March 5, 2024 to challenge the October 2023 “deemed” denial. 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:** 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).

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<sup>1</sup> The Complainant e-mailed his complaint to the GRC via e-mail on Saturday, March 9, 2024. On March 14, 2024, the GRC returned the complaint noting that same was untimely and that the Complainant would be required to resubmit his complaint inclusive of a motion to file within time. After obtaining an extension, the Complainant resubmitted his complaint on March 28, 2024.



**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**