



State of New Jersey
GOVERNMENT RECORDS COUNCIL
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December 30, 2008

Frank P. Cavallo, Jr., Esquire
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RE: October 27, 2008 Request for Advisory Opinion

Dear Mr. Cavallo:

Thank you for your letter of October 27, 2008, in which you requested that the Government Records Council issue an Advisory Opinion as to whether the New Jersey State Firemens Association is a public agency subject to the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA").

The Government Records Council considered your request at its December 18, 2008 Council meeting.

N.J.S.A. 47:1A-7.b. states in pertinent part that the Government Records Council shall "issue advisory opinions, *on its own initiative*, as to whether a particular type of record is a government record which is accessible to the public[.]" (Emphasis added). Moreover, N.J.A.C. 5:105-4.1(a) states in pertinent part that "[t]he Council shall, *in its discretion*, issue advisory opinions as to whether a particular type of record is a government record which is accessible to the public pursuant to N.J.S.A. 47:1A-7.b." (Emphasis added). Additionally, N.J.A.C. 5:105-4.1(b) provides that "[a]dvisory opinions address whether general categories of records are disclosable and do not serve as complaint-specific decisions of the Council."

The Government Records Council therefore declines to issue an Advisory Opinion as to the issue raised above.

Sincerely,

Karyn Gordon, Esq.
In House Counsel