



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Correspondence Received by the Custodian Regarding This Request

GRC Complaint No.: 2009-01

Complainant: Jane Copeland

Custodian: Morris County Prosecutor's Office – Sheila M. Leary

Date of Request: August 26, 2008

Date of Complaint: December 30, 2008¹

Complaint Disposition: The Custodian certifies that she did not receive an OPRA request from the Complainant dated August 26, 2008. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification (the Complainant provided a certified mail receipt addressed to the Morris County Prosecutor's Office which was stamped received by the Morris County Courthouse, not the Custodian of the Prosecutor's Office). Therefore, this complaint is without any reasonable factual basis to pursue.

Applicable OPRA Provision: OPRA provides that:

"[t]he custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor and a brief description of the government record sought. The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged. The form shall also include the following: (1) specific directions and procedures for requesting a record; (2) a statement as to whether prepayment of fees or a deposit is required; (3) the time period within which the public agency is required by [OPRA], to make the record available; (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal; (5) space for the custodian to list reasons if a request is denied in whole or in part; (6) space for the requestor to sign and date the form; (7) space for the custodian to sign and date the form if the request is fulfilled or denied. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce." N.J.S.A. 47:1A-5.f.

OPRA also states that:

"[a] request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian." N.J.S.A. 47:1A- 5.g.

¹ The GRC received the Denial of Access Complaint on said date.



Further, OPRA provides that:

"[t]he council shall make a determination as to whether the complaint is within its jurisdiction or frivolous or *without any reasonable factual basis*. (Emphasis added)." N.J.S.A. 47:1A-7.e

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 25, 2009

Prepared By: Dara Lownie
Senior Case Manager

Approved By: Catherine Starghill, Esq.
Executive Director

Date: February 18, 2009

Distribution Date: February 26, 2009