



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

### Administrative Complaint Disposition – No Records Responsive to the Request Exist

**GRC Complaint No.:** 2009-140

**Complainant:** James R. Smith

**Custodian:** NJ Department of Corrections – Michelle Hammel

**Date of Request:** March 26, 2009<sup>1</sup>

**Date of Complaint:** April 21, 2009<sup>2</sup>

**Complaint Disposition:** The Custodian certifies that she responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification.

**Applicable OPRA Provision:** OPRA defines a government record as:

“... any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been *made, maintained or kept on file ... or that has been received* in the course of his or its official business ...” (Emphasis added.) N.J.S.A. 47:1A-1.1.

**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:** June 11, 2009

Prepared By: Dara Lownie  
Senior Case Manager

Approved By: Catherine Starghill, Esq.  
Executive Director

Date: May 20, 2009

**Distribution Date: June 11, 2009**

<sup>1</sup> The Custodian certified that she received said request on April 2, 2009.

<sup>2</sup> The GRC received the Denial of Access Complaint on said date.