



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – All Records Responsive to the Request Provided in a Timely Manner & No Records Responsive to the Request Exist

GRC Complaint No.: 2009-199 and 2009-200

Complainant: Luis M. Perez

Custodian: Borough of Glassboro (Gloucester) – Pat Frontino, Municipal Clerk

Date of Request: April 30, 2009

Date of Complaint: June 17, 2009¹

Complaint Disposition:

The Custodian certifies that all records responsive to the Complainant's OPRA request have been provided to the Complainant within the statutorily mandated response time. Additionally, the Custodian certifies that one (1) of the three (3) records requested in 2009-199 does not exist and no records responsive to the request in 2009-200 existed, and therefore could not be provided. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification and in fact asserts that the records responsive to the request in 2009-199 were provided within the statutorily mandated response time.

[Please note that the Complainant only wanted a letter of apology from the Custodian regarding the record that does not exist in 2009-199. Such a remedy is beyond the GRC's statutory mandates.]

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.

A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record." N.J.S.A. 47:1A-5.g.

Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record ... as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived." N.J.S.A. 47:1A-5.i.

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



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 29, 2010

Prepared and
Approved By: Catherine Starghill, Esq.
Executive Director

Date: June 22, 2010

Distribution Date: June 29, 2010