



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Records Responsive to the Request
Exist

GRC Complaint No.: 2011-365

Complainant: David Herron

Public Agency: New Jersey Department of Education

Custodian of Record: Maria Casale

Date of Request: November 9, 2011

Date of Complaint: November 23, 2011¹

Complaint Disposition: The Custodian certified in her Statement of Information that she responded to the Complainant's OPRA request in writing within the extended response time² 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: December 18, 2012

Prepared By: Dara L. Barry
Communications Manager

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

² The Custodian responded to the Complainant's OPRA request on the seventh (7th) business day following receipt of said request seeking an extension of time until November 28, 2011. The Custodian ultimately denied access to the request on November 23, 2011, within the extended time frame.



Approved By: Karyn Gordon, Esq.
Acting Executive Director

Date: November 20, 2012³

Distribution Date: December 18, 2012

³ This complaint was prepared and scheduled for adjudication at the Council's November 27, 2012 meeting; however, said meeting was cancelled due to lack of quorum.