



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

**GRC Complaint No.:** 2012-208

**Complainant:** Richard Isasi

**Public Agency:** New Jersey Department of Corrections

**Custodian of Record:** John Falvey, Esq.

**Date of Request:** February 29, 2012

**Date of Complaint:** July 6, 2012<sup>1</sup>

**Complaint Disposition:** The Custodian certifies that he responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. Specifically, the Custodian certifies that the record responsive to the Complainant's OPRA request Item No. 1 was destroyed in accordance with the Records Destruction Schedule established and approved by Records Management Services. Further, the Custodian certifies that the New Jersey Department of Corrections does not maintain the record responsive to the Complainant's OPRA request Item No. 2. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification.

**Applicable OPRA Provision:** "Government record' or 'record' means 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 in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof." 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:** September 25, 2012

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<sup>1</sup> The GRC received the Denial of Access Complaint on said date.



Prepared By: Frank F. Caruso  
Senior Case Manager

Approved By: Karyn Gordon, Esq.  
Acting Executive Director

Date: September 18, 2012

**Distribution Date: September 25, 2012**