



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

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

**Brian Keith Bragg**  
Complainant

**GRC Complaint No. 2017-166**

v.

**NJ Office of the Public Defender**  
Custodial Agency

**Custodian of Record:** Taylor Hawes-Pacheco  
**Request Received by Custodian:** N/A  
**GRC Complaint Received:** August 7, 2017

**Complaint Disposition:** The Custodian certifies that she did not receive an OPRA request from the Complainant dated June 15, 2017. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian’s certification. Therefore, this complaint is without any reasonable factual basis to pursue.<sup>1</sup>

**Applicable OPRA Provision:** “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).

“The council shall make a determination as to whether the complaint is within its jurisdiction or frivolous or *without any reasonable factual basis*.” N.J.S.A. 47:1A-7(e) (emphasis added).

**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:** August 29, 2017

Prepared By: Frank F. Caruso  
Communications Specialist/Resource Manager

Date: August 22, 2017

**Distribution Date: August 30, 2017**

<sup>1</sup> The GRC notes that the Complainant appeared to submit a “Consent for Release of Information” (“Consent”) form, which does not constitute a valid OPRA request. The GRC has no authority to adjudicate a complaint when an agency does not respond to a Consent form. *See Bragg v. Mercer Cnty. Corr. Ctr.*, GRC Complaint No. 2015-396 (May 2016) (administratively disposing of the complaint because the Consent form did not constitute “a valid OPRA request”).