



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Correspondence Received

**Demetrius Minor,
Complainant**

GRC Complaint No. 2017-49

v.

**New Jersey Department of Corrections,
Custodial Agency**

Custodian of Record: John Falvey
Request Received by Custodian: N/A
GRC Complaint Received: March 3, 2017

Complaint Disposition: The Custodian certified that he did not receive an Open Public Records Act (“OPRA”) request dated January 9, 2017, from the Complainant. The Complainant sought his prison’s Legal Access Plan, various purchase orders, and policy and procedures for inmate access to the prison’s law library.

The Complainant claimed he submitted the request to the Custodian via “institutional mail,” as noted in handwriting on a copy of the request. However, the Complainant’s handwritten notation that he sent the request to the Custodian via “institutional mail” is insufficient evidence to rebut the Custodian’s SOI and certification. Therefore, the complaint is without any reasonable factual basis to pursue.

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: January 30, 2018

Prepared By: Samuel A. Rosado
Staff Attorney

Date: January 23, 2018

Distribution Date: January 31, 2018