



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Correspondence Received by the Custodian

Adam C. Miller
Complainant

GRC Complaint No. 2018-235

v.

Township of Howell (Monmouth)
Custodial Agency

Custodian of Record: Penny Wollman
Request Received by Custodian: N/A
GRC Complaint Received: October 16, 2019

Complaint Disposition: The Custodian certified in the Statement of Information that she did not receive a records request from the Complainant dated September 27, 2018. The Custodian provided a supplemental certification at the request of the GRC detailing her search to locate the request after receiving the instant Denial of Access Complaint. The Custodian again certified at that time that neither she nor any other employee received the subject OPRA request. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. Therefore, this complaint is without any reasonable factual basis to pursue and shall be dismissed.

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: March 26, 2019

Prepared By: Frank F. Caruso
Acting Executive Director

Date: March 19, 2019

Distribution Date: March 27, 2019