



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Juan Mendoza
Complainant

GRC Complaint No. 2019-220

v.

City of Jersey City (Hudson)
Custodial Agency

Custodian of Record: Sean Gallagher
Request Received by Custodian: October 9, 2019
GRC Complaint Received: October 31, 2019

Complaint Disposition: The Custodian certified that he responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification.¹ Thus, this complaint shall be dismissed because the evidence of record reflects that no responsive records exist.

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 . . .” 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: April 28, 2020

Prepared By: John E. Stewart

Date: April 21, 2020

Distribution Date: April 29, 2020

¹ By e-mail dated November 1, 2019, the GRC asked the Complainant to provide evidence that (a) a requested body camera video statement of Paul Newman exists; or (b) deliver to the GRC a certification or affidavit averring that the body camera record exists. By e-mail dated November 1, 2019, the Complainant submitted to the GRC a copy of a redacted police investigation report (File 19-019982), together with a still picture which appears to have been captured by a building-mounted surveillance camera. The picture is of a police officer apparently speaking with a civilian. Neither submission provides proof that the requested body camera video statement exists.