



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Correspondence Received by the Custodian

Kevin J. Scank
Complainant

GRC Complaint No. 2020-133

v.

New Jersey Department of Corrections
Custodial Agency

Custodian of Record: John Falvey
Request Received by Custodian: N/A
GRC Complaint Received: July 17, 2020

Complaint Disposition: The Custodian certified that he did not receive a records request from the Complainant dated June 1, 2019. Furthermore, the Complainant did not provide a copy of the alleged request in his Denial of Access Complaint, or a copy of the Custodian's response.¹ 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: April 27, 2021

Prepared By: Samuel A. Rosado
Staff Attorney

Date: April 20, 2021

Distribution Date: April 28, 2021

¹ In his complaint, the Complainant provided a response received from the Custodian pertaining to the records at issue, but the response was dated several months prior to the alleged submission of the instant OPRA request. The Complainant also included responses to other OPRA requests that are not related to the instant matter.