



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Scott Madlinger
Complainant

GRC Complaint No. 2020-186

v.

Berkeley Township Police Department (Ocean)
Custodial Agency

Custodian of Record: Sandra Brelsford

Request Received by Custodian: September 8, 2020¹

GRC Complaint Received: September 22, 2020

Complaint Disposition: The Custodian certified that she 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.² 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: November 10, 2020

Prepared By: John E. Stewart

Date: October 27, 2020

Distribution Date: November 12, 2020

¹ The request was transmitted to the Custodian on September 7, 2020 which was a legal holiday.

² The Complainant stated he was present at the date/time of the alleged incident for which he is requesting the record. The Complainant attached to the complaint a copy of a black and white photograph depicting a portion of the left front fender and tire of a vehicle. In the background two people standing in a darkened area are barely discernable. The race, sex or approximate age of the persons cannot be determined from the copy of the photograph. The GRC does not consider this evidence sufficient to contradict the Custodian's certification.