



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – All Records Responsive Provided in a Timely Manner

Scott Madlinger
Complainant

GRC Complaint No. 2021-181

v.

Berkeley Township Police Department (Ocean)
Custodial Agency

Custodian of Record: Joyce Settembrino
Request Received by Custodian: June 1, 2021
GRC Complaint Received: June 3, 2021

Complaint Disposition: The Custodian certified that all records responsive to the Complainant's OPRA request were provided to the Complainant within the statutorily mandated response time. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification.¹ Thus, this complaint shall be dismissed because the Custodian timely provided all responsive records.

Applicable OPRA Provision: "A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record." N.J.S.A. 47:1A-5(g).

"Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record . . . as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived." N.J.S.A. 47:1A-5(i).

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: September 28, 2021

Prepared By: John E. Stewart
Date: September 21, 2021

Distribution Date: September 29, 2021

¹ The Complainant examined records maintained by a County agency and concluded that there were records that must be responsive to his request also maintained by Berkeley Township; however, the Complainant's conclusion does not constitute competent, credible evidence sufficient to refute the Custodian's certification.