



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Correspondence Received by the Custodian

Huafang Cui
Complainant

GRC Complaint No. 2021-83

v.

New Jersey Department of Education
Custodial Agency

Custodian of Record: Jeannette Larkins
Request Received by Custodian: N/A
GRC Complaint Received: April 19, 2021

Complaint Disposition: The Custodian alleged to have submitted OPRA requests on September 7, and December 29, 2020. The Custodian certified that she did not receive the requests from the Complainant dated on or about September 7, 2020, or on or about December 29, 2020. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification; documentation submitted by the Complainant to the GRC failed to prove OPRA requests were submitted to the New Jersey Department of Education. 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: May 18, 2021

Prepared By: John E. Stewart
Staff Attorney

Date: May 11, 2021

Distribution Date: May 19, 2021