



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Leon Singletary
Complainant

GRC Complaint No. 2022-229

v.

Essex County Prosecutor's Office
Custodial Agency

Custodian of Record: Stephen Pogany
Request Received by Custodian: March 10, 2022
GRC Complaint Received: May 31, 2022

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.¹ Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. 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: July 26, 2022

Prepared By: Frank F. Caruso
Executive Director

Date: July 19, 2022

Distribution Date: July 27, 2022

¹ The Custodian certified in the Statement of Information that a search of the Promis Gavel system for Wyatt Davis yielded no indication of an arrest or indictment. The Complainant's own OPRA request stating that Mr. Davis was "held in custody for approximately one week" and subsequently "released" in April 1982 appears to support the absence of him from the system.