



NEW JERSEY GOVERNMENT RECORDS COUNCIL

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

Scott Madlinger
Complainant

GRC Complaint No. 2023-114

v.

Berkeley Township Police Department (Ocean)
Custodial Agency

Custodian of Record: Joyce Settembrino
Request Received by Custodian: May 18, 2023
GRC Complaint Received: May 22, 2023

Complaint Disposition: The Custodian certified that all records responsive to the subject 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: December 10, 2024

Prepared By: Frank F. Caruso
Executive Director

Date: December 3, 2024
Distribution Date: December 12, 2024

¹ The Complainant submitted as part of his complaint a photograph showing police vehicles parked outside a property allegedly on May 17, 2023. This photograph without context does not prove: 1) a computer-aided dispatch ("CAD") was created; or 2) the Custodian did not disclose a CAD report that existed. Further, the photograph does not overcome the Custodian's certified search explanation and CAD system screenshot in the Statement of Information showing five (5) responsive reports, none of which were from May 17, 2024.