



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

David Weiner
Complainant

GRC Complaint No. 2024-218

v.

County of Essex
Custodial Agency

Custodian of Record: George Seylaz
Request Received by Custodian: July 29, 2024
GRC Complaint Received: September 9, 2024

Complaint Disposition: The Custodian certified that he responded to the Complainant in writing¹ 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: February 18, 2025

Prepared By: Frank F. Caruso
Executive Director

Date: February 13, 2025³
Distribution Date: February 20, 2025

¹ The Custodian’s August 8, 2024 response extending the time frame through August 14, 2024 occurred on the eighth (8th) business day after receipt of the subject OPRA request, which is a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the Complainant did not raise this issue as part of his complaint.

² The Complainant argued that statements made at a City of Newark Council meeting showed that the “an added expense this year was \$22 million owed to the [County of Essex] under a practice known as equalization[.]” prove that records must exist. However, nothing in this statement or the remainder of the passage cited by the Complainant supports that the County “compelled” the City to pay such an expense. Thus, the GRC does not consider the passage to provide competent, credible evidence to overcome the Custodian’s certification.

³ This complaint was prepared for adjudication beginning with the Council’s November 7, 2024 meeting but could not be adjudicated due to lack of quorum.