



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Mark-Brian Kline
Complainant

GRC Complaint No. 2025-360

v.

Township of Hazlet (Monmouth)
Custodial Agency

Custodian of Record: Mary L. Lynch

Request Received by Custodian: November 14, 2025

GRC Complaint Received: November 25, 2025

Complaint Disposition: The Custodian certified¹ that she responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist.² Additionally, the Complainant failed to provide any evidence to contradict the Custodian’s certification.³ 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.

¹ The Complainant contended that the GRC should not accept the Statement of Information because it was prepared by Custodian’s Counsel without evidence of his current oath of office. The GRC notes that, regardless of the oath of office contention (an issue not properly before the GRC), the Custodian signed the legal certification attesting to the contents thereof.

² The Complainant explicitly sought several types of records related to the “Municipal Court Fines and Fees Workflow, Chain of Command, and Financial Handling of Records.” The Custodian responded that no records existed and directed the Complainant to the Judiciary.

³ The Complainant contended that the Custodian’s response that no records existed failed to cite a specific exemption and did not contain a certification that no records existed. However, no provision in OPRA requires a custodian to include a legal certification attesting to the nonexistence of records as part of a response to an OPRA request. Further, to the Complainant’s argument that “no records exist” is not a lawful basis for denial, the GRC has routinely held that “the custodian must definitively state that records did not exist at the time of the initial response.” Owoh, Esq. (O.B.O. AADARI) v. Borough of Roselle (Union), GRC Complaint No. 2020-46 (Interim Order dated July 27, 2021) at 5 (citing Shanker v. Borough of Cliffside Heights (Bergen), GRC Complaint No. 2007-245 (March 2009)).



Effective Date of Disposition: March 31, 2026

Prepared By: Frank F. Caruso
Executive Director

Date: March 24, 2026

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