



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Philip Brilliant
Complainant

GRC Complaint No. 2025-62

v.

Township of Toms River (Ocean)
Custodial Agency

Custodian of Record: Stephen Hensel
Request Received by Custodian: January 30, 2025
GRC Complaint Received: March 17, 2025

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. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification.¹ 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: May 20, 2025

Prepared By: Frank F. Caruso
Executive Director

Date: May 13, 2025

Distribution Date: May 22, 2025

¹ In his sur-reply to the Statement of Information, the Complainant contended that the Council President's discarding of meeting notes raised concerns about compliance with the Open Public Meetings Act ("OPMA"). The Complainant asked the Council to "take the necessary steps to rectify this situation." However, the GRC does not have the authority to adjudicate issues that arise under OPMA. N.J.S.A. 47:1A-7(b); Paff v. Neptune Twp. Hous. Auth. (Monmouth), GRC Complaint No. 2010-307 (Interim Order dated April 25, 2012).