

GOVERNMENT RECORDS COUNCIL

Administrative Case Disposition – No Records Responsive Exist

GRC Complaint No: 2007-12

Complainant: James Vogel

Custodian: Borough of Beach Haven, Judith Howard

Date of Request: November 11, 2006

Date of Complaint: November 27, 2006

Case Disposition: The Complainant requested a tape and transcript of the October 27, 2007 closed session meeting on November 11, 2006. On November 27, 2006, seven (7) business days later, the Custodian denied the Complainant access to the records responsive in writing, stating that no records responsive to the OPRA request exist. The Custodian also submitted a certification to the Government Records Council on January 16, 2007 certifying that no records responsive to the Complainant's OPRA request exist.

Type of Administrative Disposition: No records responsive to the request

Applicable OPRA Provision: N.J.S.A. 47:1A-1.1. states that a “[g]overnment 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 ... or that has been or received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof...*” (Emphasis added.)

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: January 31, 2007

Prepared By:

Case Manager:

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Case Manager

Approved By:

Catherine Starghill, Esq.
Executive Director

Date: January 24, 2007

Distribution Date: February 1, 2007