

GOVERNMENT RECORDS COUNCIL
Administrative Case Disposition – Not a valid OPRA request

GRC Complaint Nos: 2007-27, 2007-28, 2007-29, 2007-30, 2007-31, 2007-32, 2007-33, 2007-34, 2007-35, 2007-36, 2007-37, 2007-38, 2007-39 and 2007-48¹

Complainant: Thomas Caggiano

Custodian: Borough of Stanhope – Robin Kline

Date of Requests: December 22, 2006, December 26, 2006 and January 9, 2007

Date of Complaints: December 29, 2006 and January 9, 2007

Case Disposition: The Custodian submitted a certification dated March 8, 2007 in which the Custodian certifies that she never received the OPRA requests which are the subject of the above referenced complaints.

Type of Administrative Disposition: Not a valid OPRA request.

Applicable OPRA Provision: OPRA provides that:

“[t]he custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor and a brief description of the government record sought...” N.J.S.A. 47:1A-5.f.

Additionally, OPRA states:

“[a] request for access to a government record shall be in writing and hand delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian...” N.J.S.A. 47:1A-5.g.

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: April 25, 2007

Prepared By:

¹ In addition to the Custodian’s certification which stated that the Custodian never received the Complainant’s OPRA request, which is the subject of GRC Complaint No. 2007-48, the Complainant failed to wait the statutorily mandated seven (7) business days following the date of his request to file his Denial of Access Complaint pursuant to N.J.S.A. 47:1A-5.i.

Dara Lownie
Case Manager

Approved By:

Catherine Starghill, Esq.
Executive Director

Date: April 18, 2007