



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Correspondence Received by the Custodian
Regarding This Request.

Caren Matyckas
Complainant

GRC Complaint No. 2013-316

v.

State of New Jersey, Department of Children and Families
Custodial Agency

Custodian of Record: Darryl Rhone¹
Request Received by Custodian: October 2012
GRC Complaint Received: October 25, 2013

Complaint Disposition: The Custodian certified in the Statement of Information that the New Jersey Department of Children and Families did not receive an OPRA request from the Complainant in October 2012. Although the Custodian was able to locate e-mails between Ms. Aileen Williams and the Complainant, the e-mails did not constitute an OPRA request. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification.² Therefore, this complaint is without any reasonable factual basis to pursue.

Applicable OPRA Provision: "The 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. The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged. The form shall also include the following: (1) specific directions and procedures for requesting a record; (2) a statement as to whether prepayment of fees or a deposit is required; (3) the time period within which the public agency is required by [OPRA], to make the record available; (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal; (5) space for the custodian to list reasons if a request is denied in whole or in part; (6) space for the requestor to sign and date the form; (7) space for the custodian to sign and date the form if the request is fulfilled or denied. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce." N.J.S.A. 47:1A-5(f).

¹ Ms. Deniece Jackson and Ms. Aileen Williams were named in this complaint.

² On June 2, 2014, the Complainant submitted to the GRC a copy of an OPRA request sent to the Department of Children and Families on April 19, 2012, which was denied on April 23, 2012. As noted, this request was not identified as at issue in this Denial of Access Complaint. However, this administrative disposition does not preclude the Complainant from filing a new complaint based on that denial of access.



“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).

"The council shall make a determination as to whether the complaint is within its jurisdiction or frivolous or *without any reasonable factual basis*." N.J.S.A. 47:1A-7(e) (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: June 24, 2014

Prepared By: Frank F. Caruso
Senior Case Manager (*or* Staff Attorney)

Approved By: Dawn R. SanFilippo, Esq.
Acting Executive Director

Date: June 17, 2014

Distribution Date: June 24, 2014