



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

### Administrative Complaint Disposition – No Correspondence Received by the Custodian

Ronald Ellerman  
Complainant

GRC Complaint No. 2015-23

v.

Office of the Corrections Ombudsman  
Custodial Agency

**Custodian of Record:** Dan DiBenedetti  
**Request Received by Custodian:** N/A  
**GRC Complaint Received:** January 14, 2015

#### Complaint Disposition:

The Custodian certifies that he did not receive a records request from the Complainant dated December 12, 2014. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification. 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).

"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).

**Effective Date of Disposition:** May 26, 2015

Prepared By: Samuel A. Rosado  
Staff Attorney

Reviewed By: Joseph D. Glover  
Executive Director

Date: May 19, 2015

**Distribution Date: May 27, 2015**