



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Kafele K. Bomani
Complainant

GRC Complaint No. 2017-172

v.

South Jersey Transportation Authority
Custodial Agency

Custodian of Record: Mark Amorosi
Request Received by Custodian: June 30, 2017
GRC Complaint Received: August 25, 2017

Complaint Disposition: The Custodian certified in the Statement of Information that he responded to the Complainant in writing¹ indicating that no records responsive to the OPRA request exist.² Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. 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: March 26, 2019

Prepared By: Frank F. Caruso
Acting Executive Director

Date: March 19, 2019
Distribution Date: March 27, 2019

¹ The request was initially sent to Barry Goldstein via U.S. mail; thus, it is unclear on what date the Custodian received the request. Further, the Complainant did not address any timeliness arguments. The GRC thus declines to address same.

² The Custodian certified that any responsive records were destroyed in 2009 as part of the Authority's retention and disposition schedule. The Custodian affirmed that the Complainant previously requested the same record three (3) times between January 2017 and the subject OPRA request. The Custodian certified that he responded each time noting that the records did not exist and provided the Complainant the relevant “Request and Authorization For Records Disposal” in at least one instance.