



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

David Weiner
Complainant

GRC Complaint No. 2020-208

v.

County of Essex
Custodial Agency

Custodian of Record: Olivia Schumann
Request Received by Custodian: September 17, 2020
GRC Complaint Received: October 13, 2020

Complaint Disposition: The Custodian certified that she responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. Further, Division of Family Assistant and Benefits employee Albert Fusco certified that his search for any responsive records yielded none.¹ 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: November 9, 2021

Prepared By: Frank F. Caruso
Executive Director

Date: October 26, 2021
Distribution Date: November 10, 2021

¹ The Custodian included in the Statement of Information a discussion of events occurring in mediation. The GRC notes that pursuant to the Uniform Mediation Act, N.J.S.A. 2A:23C-1 et seq., communications that take place during the mediation process are not deemed to be public records subject to disclosure under OPRA. N.J.S.A. 2A:23C-2. All communications that occur during the mediation process are privileged from disclosure and may not be used in any judicial, administrative, or legislative proceeding, or in any arbitration, unless all parties and the mediator waive the privilege. N.J.S.A. 2A:23C-4.