



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Correspondence Received by the Custodian

**Rotimi Owoh, Esq. (on Behalf of African American
Data & Research Institute)**
Complainant

GRC Complaint No. 2021-293

v.

Cape May City Police Department (Cape May)
Custodial Agency

Custodian of Record: Erin C. Burke
Request Received by Custodian: N/A
GRC Complaint Received: November 16, 2021

Complaint Disposition: The Custodian certified that she did not receive a records request from the Complainant.¹ Additionally, the Complainant failed to provide any evidence to contradict the Custodian’s certification.² Therefore, this complaint is without any reasonable factual basis to pursue and shall be dismissed.

Applicable OPRA Provision: “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: January 30, 2024

Prepared By: Samuel A. Rosado
Staff Attorney

Date: January 23, 2024
Distribution Date: February 1, 2024

¹ The Custodian certified that Cape May Point and West Cape May received OPRA requests from the Complainant, and since Cape May City (“City”) had shared services agreements with both municipalities, she assisted in providing responses to those requests. However, the Custodian certified that instead of relying on those entities to respond to the separate OPRA requests, the City unnecessarily elected to provide its own response to the Complainant notwithstanding never receiving an OPRA request. Such response likely led to the instant complaint.

² The Complainant did not provide a date in which he submitted the OPRA request, or a copy of any e-mail or mail receipt demonstrating his submission.