



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Anonymous
Complainant

GRC Complaint No. 2021-67

v.

City of Clifton (Passaic)
Custodial Agency

Custodian of Record: Nancy Ferrigno
Request Received by Custodian: March 4, 2021
GRC Complaint Received: March 25, 2021

Complaint Disposition: The Custodian certified that Heeral Patel responded to the Complainant in writing on her behalf within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. Further, Detective David Petrillo certified that no records existed because two (2) phone lines were not recorded, and the third number identified by the Complainant was for a private business in another municipality. Additionally, the Complainant failed to provide any evidence to contradict these certifications. Thus, this complaint shall be dismissed because the evidence of record reflects that no responsive records exist.¹

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: September 28, 2021

Prepared By: Frank F. Caruso
Executive Director

Date: September 21, 2021

Distribution Date: September 29, 2021

¹ The Custodian also argued in the Statement of Information that the Complainant’s e-mailed request was invalid because it failed to cite to OPRA. Renna v. Cnty. of Union, 407 N.J. Super. 230 (App. Div. 2009). However, the City treated same as an request made pursuant to OPRA in its response; thus, the original e-mail request was effectively converted to an OPRA request by the City.