



## NEW JERSEY GOVERNMENT RECORDS COUNCIL

### Administrative Complaint Disposition – No Records Responsive to the Request Exist

**Kevin Alexander**  
**Complainant**

**GRC Complaint No. 2022-32**

v.

**N.J. Department of Corrections**  
**Custodial Agency**

**Custodian of Record:** John Falvey  
**Request Received by Custodian:** February 3, 2022  
**GRC Complaint Received:** February 15, 2022

**Complaint Disposition:** The Custodian certified that he responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. The Custodian also provided a certification and supporting correspondence from the employee that performed the search. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. Instead, he conceded in the Denial of Access Complaint that his mail was returned without either the letter he composed or a response to it, which were the two (2) records sought in the subject OPRA request.<sup>1</sup> 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:** April 26, 2022

Prepared By: Frank F. Caruso  
Executive Director

Date: April 19, 2022  
**Distribution Date: April 27, 2022**

<sup>1</sup> The GRC notes that the Complainant also identified a third responsive record in his Denial of Access Complaint: a letter he allegedly sent to the Custodian *after* submitting the subject OPRA request. Because this letter was not sought in the OPRA request, the issue is without merit and will not be addressed. See Burns v. NJ Dep't of State, Div. of Elections, GRC Complaint No. 2013-64 (September 2013).