



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Scott Madlinger
Complainant

GRC Complaint No. 2022-631

v.

Berkeley Township Police Department (Ocean)
Custodial Agency

Custodian of Record: Marcy Novellino
Request Received by Custodian: October 24, 2022
GRC Complaint Received: November 3, 2022

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.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.²

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: May 30, 2023

Prepared By: John E. Stewart

Date: May 23, 2023

Distribution Date: June 5, 2023

¹ Some responsive records, not at issue, were disclosed to the Complainant.

² The Complainant also asserted in the Denial of Access Complaint that he received a motor vehicle accident report that was not fully completed. The GRC will not adjudicate this issue because it has no authority over the content of a record. See Kwanzaa v. Dep’t of Corr., GRC Complaint No. 2004-167 (March 2005).