NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – All Records Responsive Provided in a Timely Manner

Luis Eduardo Vergara   **GRC Complaint No. 2023-25**
 Complainant

   v.

Township of Berkeley Heights (Union)
 Custodial Agency

Custodian of Record: Ana Minkoff
Request Received by Custodian: January 20, 2023
GRC Complaint Received: February 3, 2023

Complaint Disposition: The Custodian certified that all records responsive to the Complainant's OPRA request were provided to the Complainant within the statutorily mandated response time. Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification.[1] Thus, this complaint shall be dismissed because the Custodian timely provided all responsive records.

Applicable OPRA Provision: "A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record." N.J.S.A. 47:1A-5(g).

"Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record . . . as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived." N.J.S.A. 47:1A-5(i).

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: July 30, 2024

Prepared By: Frank F. Caruso   Date: July 23, 2024
      Executive Director   **Distribution Date: August 1, 2024**

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[1] The Complainant asserted that he was told a file existed but was damaged by a flood. However, there has been no evidence submitted to suggest that those potentially flood-damaged documents still existed or were even responsive to the request.