



State of New Jersey

GOVERNMENT RECORDS COUNCIL

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ROBIN BERG TABAKIN
DAVID FLEISHER
CATHERINE STARGHILL Esq., Executive Director

FINAL DECISION

October 31, 2007 Government Records Council Meeting

Rachel Yanda
Complainant

Complaint No. 2006-175

v.

NJ Department of Law & Public Safety,
Division of NJ State Police
Custodian of Record

At the October 31, 2007 public meeting, the Government Records Council (“Council”) considered the October 24, 2007 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The Custodian’s failure to respond in writing to the Complainant’s OPRA request within seven (7) business days of receipt of the OPRA request resulted in a deemed denial of access to the Complainant’s May 12, 2006 OPRA request. Therefore, the Custodian has violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.
2. Because the records responsive to the Complainant’s May 12, 2006 OPRA request are exempt from disclosure pursuant to Executive Order 48 as state police investigatory records, it is unnecessary to address the question of whether the requested records contain advisory, consultative and deliberative material which may be exempt from disclosure pursuant to OPRA or whether Executive Order 21 also exempts the requested records from disclosure.
3. Even though the Custodian’s actions in failing to respond in writing to the Complainant’s May 12, 2006 OPRA request within seven (7) business days resulted in a deemed denial of access, the Custodian bore the burden of proving that her denial of access to the requested records was authorized by Executive Order 48. Therefore, it is concluded that the Custodian’s actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances. However, the Custodian’s deemed denial of access appears negligent and heedless since she is vested with the legal responsibility of granting and denying access in accordance with the law.



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. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 31st Day of October, 2007

Vincent P. Maltese, Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Robin Berg Tabakin, Vice Chairman
Government Records Council

Decision Distribution Date: November 15, 2007

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
October 31, 2007 Council Meeting**

**Rachel Yanda¹
Complainant**

GRC Complaint No. 2006-175

v.

**New Jersey Department of Law & Public Safety,
Division of NJ State Police²
Custodian of Records**

Records Relevant to Complaint: All documents relating to the Security Officer Registration Act, specifically copies of any applications, complaints, correspondence and other material, from the past five (5) years, for Planned Security Services and Planned Building Security.

Request Made: May 12, 2006

Response Made: July 12, 2006

Custodian: Sgt. Jeannie Henwheel and Sgt. Linda Largey-Whitehead³

GRC Complaint Filed: September 28, 2006

Background

May 12, 2006

Complainant's Open Public Records Act ("OPRA") request. The Complainant requests the records relevant to this complaint listed above on an official OPRA request form.

May 22, 2006

The Custodian responds by telephone to the Complainant. The Custodian denies access to the requested records and states that the reason for denial will be presented to the Complainant upon the Custodian's return from vacation.

July 12, 2006

The Custodian's response to the OPRA request. The Custodian responds in writing to the Complainant's OPRA request on the forty-second (42nd) business day

¹ Represented by Katchen Locke, Esq., (New York, NY).

² Represented by DAG Kenneth Goodman, on behalf of the NJ Attorney General.

³ Sgt. Henwheel was the original Custodian who handled the Complainant's OPRA request until July 12, 2006, when she informed the Complainant to refer all questions to Sgt. Largey-Whitehead.

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following receipt of such request. The Custodian does not state why access to the requested records is denied.

August 1, 2006

E-mail from the Complainant to the Custodian. The Complainant asks the Custodian why the request is denied.

August 3, 2006

E-mail from the Custodian to Complainant. The Custodian states that the requested records are exempt from disclosure pursuant to Executive Order No. 48 (Hughes) (“E.O. 48”), which exempts State Police investigative files from disclosure. The Custodian asserts that these files cannot be released absent a court-issued subpoena or Order. The Custodian informs the Complainant that she may contact the new Custodian, Sgt. Largey-Whitehead, with any further questions.

September 28, 2006

Denial of Access Complaint filed with the Government Records Council (“GRC”) with the following attachments:

- Complainant’s OPRA records request dated May 12, 2006.
- Letter from the Custodian to the Complainant dated July 12, 2006.
- E-mail from the Complainant to the Custodian dated August 1, 2006.
- E-mail from the Custodian to the Complainant dated August 3, 2006.

The Complainant asserts that on May 12, 2006, an OPRA request was submitted to the Custodian requesting copies of any applications, complaints, correspondence or other materials pertaining to Planned Security Services or Planned Building Security. The Complainant states that on May 22, 2006, she received a phone call from the Custodian saying that the request was denied and that the denial would be sent to the Complainant in writing once the Custodian returned from vacation. The Complainant alleges that after three (3) weeks the Custodian informed the Complainant that a new custodian would be taking over the request.

The Complainant asserts that on July 12, 2006, she received a government records request receipt stating that the file was closed but the letter failed to specify why the request was denied. The Complainant states that she received an e-mail on August 3, 2006 from the Custodian denying the Complainant access to the records requested pursuant to E.O. 48. The Complainant asserts that she was directed to forward any further questions to the new Custodian, Sgt. Largey-Whitehead.

The Complainant alleges that she called Sgt. Largey-Whitehead and asked why E.O. 48 was cited as a reason for denial of access when the Complainant is not requesting access to criminal investigatory records; rather, the Complainant requests access to

applications, complaints, etc. The Complainant asserts that the Custodian was unable to answer the Complainant's questions and directed the Complainant to Sgt. Ed Tobin.

The Complainant asserts that she had several conversations with Sgt. Tobin wherein he stated that E.O. 48 does not apply to this situation, but perhaps the Private Detective Act of 1939 or the Security Officer Registration Act may apply. The Complainant alleges that eventually Sgt. Tobin referred her back to the Custodian because Sgt. Tobin did not know how to handle the request. The Complainant alleges that at that time she had no choice but to file a Denial of Access Complaint.

October 2, 2006

Offer of Mediation sent to both parties.

October 3, 2006

The Complainant accepts the offer to mediate this complaint. The Custodian did not respond to the Offer of Mediation.

October 26, 2006

Request for the Statement of Information sent to the Custodian.

November 9, 2006

Custodian's Statement of Information ("SOI") with the following attachments:

- Letter from the Custodian to the Complainant dated July 12, 2006.
- Letter from the Complainant to the Custodian dated August 1, 2006.
- Letter from the Custodian to the Complainant dated August 3, 2006.

The Custodian asserts that the applications and investigatory materials requested were submitted by persons filing applications to be licensed by New Jersey as security officers or as a security agency pursuant to the Private Detective Act of 1939, N.J.S.A. 45:19-8, et seq. The Custodian further asserts that the records sought in the Complainant's OPRA request are now governed by the Security Officer Registration Act ("SORA"), N.J.S.A. 45:19A-1, et seq., which became effective September 1, 2005.⁴ The Custodian declares that the New Jersey State Police has the following records responsive to the Complainant's OPRA request:

- Private Detective License Applications.
- Applicant Background Investigation Reports.
- Review Board Approval.
- Approval Letters.

⁴ Upon its enactment, SORA, N.J.S.A. 45:19A-1 et seq., superseded the registration provisions of the Private Detective Act of 1939 ("PDA"), N.J.S.A. 45:19-8 et seq., regarding security officers and security agencies. SORA does not contain the confidentiality provisions contained in the PDA.
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- Renewal Applications.
- Employee lists (including dates of birth and social security numbers).
- Surety bonds.
- Planned Security Services' Annual Report.
- Three (3) letters from Planned Security Services, Inc. dealing with a change of address.

The Custodian alleges that the records listed are exempt from disclosure pursuant to E.O. 48 because they are investigative records in the custody of the State Police. The Custodian states that Paragraph 1 of E.O. 48 indicates that “[n]o person having custody of State Police investigative files shall turn the same over to any other person who is not a member of a duly recognized law enforcement agency...” The Custodian cites Nero v. Hyland, 76 N.J. 213, 222 (1978), in which the court referred to E.O. 48 in its finding that “the public interest is best served when background checks of potential public employees obtain as much information as possible and this statutory goal would be undermined if the sources of such information could not be guaranteed anonymity.”

The Custodian further alleges that these memoranda and communications files contain advisory, consultative and deliberative material which also exempts the requested records from disclosure under OPRA pursuant to N.J.S.A. 47:1A-1.1. Lastly, the Custodian asserts that records obtained from the State Police Criminal History Database contained within the records requested are restricted from access pursuant to N.J.S.A. 47:1A-5; N.J.S.A. 47:1A-9; and Executive Order No. 21 (McGreevey 2002) (“E.O. 21”). The Custodian states that the Complainant was provided with the following information on July 12, 2006:

“Planned Building Security Inc., 167 Fairfield Rd., Fairfield, NJ was a licensed agency from 1990 until 2002. The company did not renew its licenses. License # 4152.”

“Planned Security Services, Inc., 150 Smith Rd., Parsippany, NJ has been licensed since 2003. The company is in good standing. Contact [phone number]: 973-739-0080. License # 7044.”

The Custodian further alleges that the remaining records responsive are exempt from disclosure under OPRA for the reasons listed above and this complaint should be dismissed.

December 6, 2006

The Complainant’s Response to the Custodian’s SOI. The Complainant asserts that the Custodian’s denial of access is unlawful because the requested records are public records under OPRA. The Complainant contends that the records should not be considered exempt pursuant to E.O. 48 because the Order makes clear that the exemption from disclosure is limited to records concerning criminal investigations.

The Complainant also contends that the Custodian’s allegation that the requested records are exempt from disclosure as “inter-agency or intra-agency advisory, consultative, or deliberative material” (“ACD”) is inaccurate. The Complainant suggests that if any of the records contain deliberative material such as notations or recommendations they may be redacted. The Complainant finally alleges that the Custodian has failed to clarify which of the records responsive are found only in the criminal history database.

December 19, 2007

Letter from GRC to Custodian. The GRC requests that the Custodian complete the document index found in the Request for a Statement of Information.

January 12, 2007

Document Index from the Custodian to the GRC.

List of all Documents Responsive	Legal Explanation and Citation for Non-Disclosure
(1) Initial Private Detective License Application (SP-171) dated 10/23/2002.	The Custodian asserts that the records are investigative in nature and are in the custody of the State Police, therefore rendering the records exempt from disclosure pursuant to E.O. 48. The Custodian further asserts that the requested records contain ACD material which is not considered public records pursuant to <u>N.J.S.A. 47:1A-1.1</u> . The Custodian finally asserts that pursuant to <u>N.J.S.A. 47:1A-9</u> , <u>N.J.S.A. 47:1A-5</u> and E.O. 21, the requested records are exempt because access is prohibited by <u>N.J.A.C. 13:59-1.1 et seq.</u> ⁵ which was promulgated pursuant to <u>N.J.S.A. 53:1-20.6</u> .
(1) Completed Applicant Background Investigation Report (SP-495) dated 3/17/2003. Containing requisite documents: credit history report, criminal history report, employment report, reference information.	Same As Above

⁵ N.J.A.C. 13:59-1.6 provides that “[e]xcept when engaged in the lawful exercise of official duties, no public servant shall access or permit any other person to access information stored in the central repository of the New Jersey State Police [State Bureau of Identification], National Crime Information Center (NCIC) or other states’ repositories of computerized CHRI.”

(1) Review Board Approval dated 4/22/2003.	Same As Above
(1) Approval Letter dated 4/23/2003.	Same As Above
(1) Five Thousand Dollar Surety Bond dated 4/29/2003.	Same As Above
(1) Initial Private Detective License Application (SP-171) dated 2/07/2003.	Same As Above
(1) Completed Applicant Background Investigation Report (SP-495) dated 3/14/2003. Containing requisite documents: credit history report, criminal history report, employment report, reference information.	Same As Above
(1) Review Board Approval dated 4/22/2003.	Same As Above
(1) Approval Letter dated 4/23/2003.	Same As Above
(1) Initial Private Detective License Application (SP-171) dated 3/14/2003.	Same As Above
(1) Completed Applicant Background Investigation Report (SP-495) WITHDRAWN ON 3/14/2003.	Same As Above
(1) 2005 Renewal Application Package containing: (1) Renewal Application (SP-415) dated 1/26/2005; (1) Renewal Application (SP-415) dated 1/26/2005 (credit history report), Agency List containing all employees identifiers (date of birth, social security numbers, etc.); (1) Updated/Renewed Five Thousand Dollar Surety Bond dated 4/29/2005; and (1) Planned Security Services, Inc. Annual Report for 2003.	Same As Above

(3) Letters from planned Security Services, Inc. dealing with change of address for the agency.	Same As Above
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February 5, 2007

Letter from Complainant to GRC. The Complainant disputes the exemptions listed in the Custodian’s document index. The Complainant disagrees with the Custodian’s characterization of the records as criminal investigative records within the statutory limitations of E.O. 48 and states that any records which contain ACD material may be redacted.

March 9, 2007

Letter from Custodian to GRC. The Custodian reiterates the legal arguments previously submitted to the GRC on November 9, 2006, and disputes the Complainant’s assertions that the records requested are not criminal investigative records as contemplated by E.O. 48.

March 15, 2007

Letter from Complainant to GRC disputing the legal arguments made by the Custodian in its letter of March 9, 2007 to the GRC. The Complainant contends that the confidentiality provisions of the New Jersey Private Detective Act of 1939 apply only to private detectives. The Complainant further contends that the Security Officer Registration Act, passed in 2005, applies to the records requested and does not specifically state that security officer files should remain confidential.

Analysis

Whether the Custodian responded in a timely manner to the Complainant’s May 12, 2006 OPRA request?

OPRA provides that:

“...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, *with certain exceptions...*” (Emphasis added.) N.J.S.A. 47:1A-1.

Additionally, OPRA defines a government record as:

“... 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 ... or that has been received* in the course of his or its official business ...” (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA also states that:

“...[i]f the custodian is unable to comply with a request for access, the custodian shall indicate the *specific basis therefor on the request form and promptly return it to the requestor*. The custodian shall sign and date the form and provide the requestor with a copy thereof ...” N.J.S.A. 47:1A-5.g.

OPRA further provides that:

“[u]nless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access ... or deny a request for access ... as soon as possible, but *not later than seven business days after receiving the request ...* In the event a custodian fails to respond within seven business days after receiving a request, *the failure to respond shall be deemed a denial of the request ...*” (Emphasis added.) N.J.S.A. 47:1A-5.i.

OPRA places the onus on the Custodian to prove that a denial of access is lawful. Specifically, OPRA states:

“...[t]he public agency shall have the burden of proving that the denial of access is authorized by law...” N.J.S.A. 47:1A-6.

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

Pursuant to N.J.S.A. 47:1A-5.g and N.J.S.A. 47:1A-5.i, a custodian must respond in writing to an OPRA request and either grant access, deny access, seek clarification or ask for an extension of the statutorily mandated time within seven (7) business days following receipt of the request. See Kelley v. Rockaway Township, GRC Complaint No. 2006-176 (March 2007) and Paff v. Bergen County Prosecutors Office, GRC Complaint No. 2005-115 (March 2006). Further, failing to respond in writing within the statutorily mandated time frame results in a deemed denial of access to the requested records.

If a custodian requires additional time beyond the seven (7) business day time period required by OPRA in order to satisfy the Complainant's OPRA request, a custodian should obtain a written agreement from the complainant in order to do so. In Paff, supra, the Custodian knew that he needed additional time in order to respond to the Complainant's request, but failed to obtain a written agreement from the Complainant extending the seven (7) business day time frame required under OPRA to respond. The Council held that the Custodian's failure to obtain a written agreement extending the seven (7) business day time period resulted in a "deemed" denial of the request.

In this complaint, the Complainant submitted an OPRA request to the Custodian, Sgt. Henwheel, on May 12, 2006. The Custodian did not provide a written response to the Complainant until July 12, 2007, forty-two (42) business days following receipt of the Complainant's request. The Custodian's failure to respond in writing to the Complainant's OPRA request within seven (7) business days granting access, denying access, requesting clarification or requesting an extension of time results in a deemed denial of access to the Complainant's May 12, 2006 OPRA request. Therefore, the Custodian has violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.

Whether the Custodian unlawfully denied access to the requested record?

OPRA provides that:

"...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, *with certain exceptions...*" (Emphasis added.) N.J.S.A. 47:1A-1.

Additionally, OPRA defines a government record as:

"... 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 ... or that has been received* in the course of his or its official business ... [t]he terms shall not include *inter-agency or intra-agency advisory, consultative, or deliberative material.*" (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA also provides that:

"The provisions of this act ... shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to [OPRA]; any other statute; resolution ...; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive

Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order.” N.J.S.A. 47:1A-9.a.

Executive Order 48 states:

“[n]o person having custody of State Police investigative files shall turn over the same to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey.” Executive Order 48, Paragraph 1 (Hughes 1968).

The Private Detective Act of 1939 states that:

“The Superintendent and all members of the State Police *shall hold as confidential* all information obtained as a result of any investigation of any applicant ... of any license issued under the provisions of this act, and the same shall not be divulged except by an order so to do by a court of record of this State...” (Emphasis added.) N.J.S.A. 45:19-12.

The Private Detective Act of 1939 (“PDA”), N.J.S.A. 45:19-8, requires the Superintendent of the New Jersey State Police to examine the applications of individuals and companies which seek licenses as a private detective or investigator or as a private detective agency. The Superintendent is authorized to conduct such investigations as he or she deems proper and “shall hold as confidential all information obtained as a result of any investigation of any applicant or officer, assistant or employee of any holder of any license issued under” the PDA. N.J.S.A. 45:19-12

The Security Officer Registration Act (“SORA”), N.J.S.A. 45:19A-1 et seq. specifically concerns the licensing of security officers and security officer companies. Although SORA also requires the Superintendent to examine license applications and conduct investigations pursuant thereto, SORA contains no requirement that information obtained as a result of the license application process be kept confidential. N.J.S.A. 45:19A-9.

However, E.O. 48 specifically provides that “[no] person having custody of State Police investigative files shall turn over the same to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey.” Therefore, to the extent that the records requested by the Complainant encompass “investigations ... as to the good character, competency and integrity” by the Superintendent of an applicant for licensure as a security officer under N.J.S.A. 45:19A-1, such records are prohibited from disclosure pursuant to E. O. 48.

Because the records responsive to the Complainant's May 12, 2006 OPRA request are exempt from disclosure pursuant to E.O. 48 as state police investigatory records, it is unnecessary to address the question of whether the requested records contain ACD material which may be exempt from disclosure pursuant to OPRA or whether E.O. 21 also exempts the requested records from disclosure.

Whether the Custodian's delay in access to the requested records rises to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances?

OPRA states that "[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty ..." N.J.S.A. 47:1A-11.a.

OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically OPRA states:

"... If the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA]..." N.J.S.A. 47:1A-7.e.

Certain legal standards must be considered when making the determination of whether the Custodian's actions rise to the level of a "knowing and willful" violation of OPRA. The following statements must be true for a determination that the Custodian "knowingly and willfully" violated OPRA: the Custodian's actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170 at 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian's actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (Berg); the Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J.Super. 86 (App. Div. 1996) at 107).

In this complaint, the Custodian failed to respond in writing to the Complainant's May 12, 2006 OPRA request until July 12, 2006, forty-two (42) business days after the Complainant's OPRA request. Because the Custodian failed to respond in writing within the statutorily mandated seven (7) business days, she has violated N.J.S.A. 47:1A-5.g.

and N.J.S.A. 47:1A-5.i. However, the Custodian has borne the burden of proving that the denial of access to the requested records was authorized by law. N.J.S.A. 47:1A-6.

It is therefore concluded that the Custodians' actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances. However, the Custodians' unlawful denial of access appears negligent and heedless since she is vested with the legal responsibility of granting and denying access in accordance with the law.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian's failure to respond in writing to the Complainant's OPRA request within seven (7) business days of receipt of the OPRA request resulted in a deemed denial of access to the Complainant's May 12, 2006 OPRA request. Therefore, the Custodian has violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.
2. Because the records responsive to the Complainant's May 12, 2006 OPRA request are exempt from disclosure pursuant to Executive Order 48 as state police investigatory records, it is unnecessary to address the question of whether the requested records contain advisory, consultative and deliberative material which may be exempt from disclosure pursuant to OPRA or whether Executive Order 21 also exempts the requested records from disclosure.
3. Even though the Custodian's actions in failing to respond in writing to the Complainant's May 12, 2006 OPRA request within seven (7) business days resulted in a deemed denial of access, the Custodian bore the burden of proving that her denial of access to the requested records was authorized by Executive Order 48. Therefore, it is concluded that the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances. However, the Custodian's deemed denial of access appears negligent and heedless since she is vested with the legal responsibility of granting and denying access in accordance with the law.

Prepared By:

Frank F. Caruso
Case Manager

Approved By:

Catherine Starghill, Esq.
Executive Director

October 24, 2007