



State of New Jersey

GOVERNMENT RECORDS COUNCIL

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VINCENT P. MALTESE, Chairman
ACTING COMMISSIONER JOSEPH V. DORIA, JR.
COMMISSIONER LUCILLE DAVY
ROBIN BERG TABAKIN
DAVID FLEISHER
CATHERINE STARGHILL Esq., Executive Director

FINAL DECISION

October 31, 2007 Government Records Council Meeting

Thomas Caggiano
Complainant

Complaint No. 2007-182

v.

Borough of Stanhope (Sussex)
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) Because the Custodian responded in writing to the Complainant's OPRA request on May 29, 2007, four (4) business days after it was received, and because the evidence of record indicates that the Custodian properly informed the Complainant in her May 29, 2007 response that she required additional time to respond to his records request, the Custodian has not violated N.J.S.A. 47:1A-5.g. or N.J.S.A. 47:1A-5.i. See New Jersey Builder's Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 171 (App. Div. 2007); Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-63 (July 2006), Paff v. Bergen County Prosecutor's Office, GRC Complaint No. 2005-115 (March 2006).
- 2) Because the evidence of record indicates that the Custodian provided access to the escrow account for Block 10903, Lot 13, for ENF Development, each claim by John Cilo in account and copy of checks paid by Stanhope to John Cilo Associates, and because the Borough of Stanhope does not separate escrow accounts by block and lot number, the Custodian has not violated OPRA with regard to this record by not providing records that do not exist. The Custodian is under no obligation to create records which do not otherwise exist. See New Jersey Builder's Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 171 (App. Div. 2007).



- 3) Because the evidence of record indicates that the Custodian attempted to provide the Complainant with copies of the requested records on June 4, eight (8) days after the Complainant's May 23, 2007 OPRA request, but the Complainant refused to take possession of same, and because the evidence of record also shows that the Custodian subsequently attempted to provide the Complainant with copies of the requested records on June 19, 2007 and July 16, 2007, but that the Complainant rejected the proffered records and denied that they were responsive to his request, and the Custodian proffered the records again on July 30, August 30 and September 12, 2007, the Custodian has not unlawfully denied access to the requested records under OPRA.
- 4) The Custodian has not unlawfully denied access to the requested records under OPRA, because the Custodian proffered the records responsive to the request on several occasions, but the Complainant refused to accept the records. When the Complainant refused to accept the records, the Custodian properly requested clarification of the request, which the Complainant refused to provide. A custodian may request clarification for any requests deemed broad or unclear. See D'Aquanni v. Borough of Roselle, GRC Complaint No. 2007-78 (June 2007).
- 5) Because the evidence of record indicates that the Complainant in this complaint commenced the complaints "in bad faith, solely for the purpose of harassment[;]" specifically, that the Custodian provided access to the requested records on several occasions, but the Complainant refused to take possession of the records or even examine them, that the Complainant also rejected numerous records as not being responsive to his records request, but refused to provide clarification as to the records requested when the Custodian requested clarification thereof, and because the extremely high number and frequency of OPRA requests filed by the Complainant with the Borough of Stanhope in 2006 and 2007 (the Complainant filed 486 OPRA requests to the Borough of Stanhope in 2006 and 240 OPRA requests by the date of the SOI in 2007) provide further support for the conclusion that the Complainant's continuous, repetitive filings of OPRA requests is "in bad faith, solely for the purpose of harassment," the Complainant's Denial of Access Complaints herein should therefore be dismissed as frivolous pursuant to N.J.S.A. 47:1A-7.e. Caggiano v. Borough of Stanhope, GRC Complaint Nos. 2007-20, 2007-21, 2007-22, 2007-23 (Consolidated)(September 2007).

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 2, 2007

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**Thomas Caggiano¹
Complainant**

GRC Complaint No. 2007-182

v.

**Borough of Stanhope (Sussex)²
Custodian of Records**

Records Relevant to Complaint:

- 1) Copy of DEP Approval of Wetland permit for B & B Homes
- 2) Copy of Resolution by Land Use Board approving Block 10903 Lot 13 (only), not Lot 13 and 14
- 3) Copy of Site Plan submitted by ENF Development for Block 10903, Lot 13 (only) and not for Block 10903 Lots 13 and 14³
- 4) Copy of escrow account for Block 10903, Lot 13, for ENF Development, each claim by John Cilo in account and copy of checks paid by Stanhope to John Cilo Associates.

Request Made: May 23, 2007⁴

Response Made: May 29, 2007

Custodian: Robin R. Kline, Municipal Clerk

GRC Complaint Filed: August 7, 2007

Background

May 23, 2007

The Complainant requests in writing on an OPRA request form the records relevant to this complaint listed above.

May 29, 2007

The Custodian responds in writing to the Complainant four (4) business days after the OPRA request is received. The Custodian informs the Complainant that the Custodian has forwarded the Complainant's OPRA request to the appropriate municipal offices and

¹ No legal representation listed on record.

² Represented by Richard Stein, Esq., Laddey Clerk & Ryan (Sparta, NJ).

³ This record is also the subject of Thomas Caggiano v. Borough of Stanhope, GRC Complaint No. 2007-161, adjudicated concurrently herewith.

⁴ Although the Complainant's OPRA request is dated May 23, 2007, the date stamped as received by the Custodian is May 22, 2007.

informs the Complainant that she will require more time than the seven (7) business days allowed by statute to respond to the OPRA request.

The Custodian's response to the Complainant notes that the Complainant filed eight (8) separate OPRA requests with the Borough of Stanhope on May 23, 2007. The Custodian's letter also notes that the Borough's CFO requested an extension of time to fulfill the Complainant's request for records and therefore, the Custodian would need additional time to respond to the Complainant's request.

May 31, 2007

Memorandum from Ellen Horak, the Land Use Board Secretary, to the Custodian, stating that the records requested at items 1, 2 and 3 are not contained in the Land Use Board files.

June 4, 2007

Memorandum from the Custodian to the file, noting that the Complainant visited the Borough offices to submit additional OPRA requests. The Custodian informed the Complainant that the records responsive to his May OPRA requests were ready, including the May 23, 2007 OPRA request which is the subject of the instant matter, but the Complainant informed the Custodian that "[the Custodian should hold on to them and that he is in no hurry for the documents.]"

June 19, 2007

Memorandum from the Custodian to the file, noting that the Custodian telephoned the Complainant to inquire when he will pick up the documents provided by the Custodian in response to the Complainant's OPRA requests in May and June, including the May 23, 2007 OPRA request which is the subject of the instant matter. The Complainant responded that "he is in no rush to take receipt of [the] records and requested that [the Custodian] hold on to" the records.

July 16, 2007

Memorandum from the Custodian to the file, noting that the Custodian attempted to provide the records collected and copied in response to his previous OPRA requests, including the May 23, 2007 OPRA request which is the subject of the instant matter. The Complainant informed the Custodian that "he is not interested in those documents and would only like to pick up documents [in response to] the June 29 OPRA [request]."

July 30, 2007

Memorandum from the Custodian to the file, noting that the Complainant visited the Borough Hall to submit additional OPRA requests. The Custodian asked the Complainant when he will be picking up or examining the records which the Borough has collected and copied in response to the Complainant's previous OPRA requests, including the May 23, 2007 OPRA request which is the subject of the instant matter. The Complainant informed the Custodian that "he is in no rush to take receipt of these records."

August 3, 2007

Memorandum from the Custodian to the file, noting that the Complainant visited the Borough Hall to inquire whether the Borough Administrator left or was fired. The Custodian responded that she did not know and asked the Complainant whether he would review the records collected for the OPRA requests the Complainant submitted since May, 2007, including the May 23, 2007 OPRA request which is the subject of the instant matter. The Complainant reviewed the records but denied that they were the records he sought. The Custodian then requested clarification as to what records he wants. The Complainant told the Custodian that "his requests were very clear and all [the Custodian] has to do is read the request and provide the records or state the record does not exist. The Complainant was asked to leave the premises by a Borough of Stanhope Councilman.

August 7, 2007

The Complainant files the instant Denial of Access Complaint with the Government Records Council ("GRC"), attaching the following:

- Copy of original request for records on an OPRA request form
- Copy of a Memorandum from Margaret Driscoll, Accounts Payable to Robin Kline, Borough of Stanhope Clerk, dated August 1, 2007
- Copy of a Memorandum from the Clerk's Office to Ellen Horak, Secretary, Land Use Board, Joe Kovalik, CFO and Rich Vitale, Assistant to the CFO, dated May 25, 2007
- Copy of a ledger sheet (one (1) page) for ENF Development showing deposits and disbursements from December 3, 1999 to August 22, 2006

The Complainant requested no mediation and a formal hearing.

August 30, 2007

Request for Statement of Information ("SOI") sent to Custodian.

September 4, 2007

E-mail from the Complainant to the GRC. The Complainant states that he does not object to an extension of time for the Custodian to file the SOI.

September 6, 2007

E-mail from the Custodian requesting an extension of time to file the SOI with the GRC.

September 7, 2007

The GRC grants the Custodian an extension to September 21, 2007 to file the SOI.

September 12, 2007

Letter from the Custodian to the Complainant, noting that the records requested in the Complainant's OPRA requests dated May 9, May 23, June 29, July 17 and July 23, 2007 have been available for some time, and that the records requested for examination in the Complainant's four (4) OPRA requests dated August 20, 2007 are also available. The Custodian notes that the Complainant has repeatedly refused to take possession of the records which he requested. The Custodian also notes that during the Complainant's visits to the Borough Hall on June 19, July 30, August 3, and September 11, 2007, the Complainant submitted additional OPRA requests, adding to the volume of documents awaiting the Complainant's examination or receipt. The Custodian asserts that she wishes to properly close out all of the Complainant's outstanding OPRA requests and requests the Complainant's cooperation in so doing.

September 21, 2007⁵

The Custodian files the SOI with the GRC, attaching the following:

- Copy of original OPRA request filed by the Complainant
- Copy of Memorandum dated May 25, 2007 from the Clerk's Office to Ellen Horak, Secretary, Land Use Board, Joe Kovalik, CFO, and Rich Vitale, Assistant to the CFO
- Copy of Response Letter dated May 29, 2007 from the Custodian to the Complainant
- Memorandum from Ellen Horak, Secretary, Borough of Stanhope Land Use Board dated May 31, 2007 to the Custodian
- Memorandum to file dated June 4, 2007 from the Custodian
- Memorandum to file dated June 19, 2007 from the Custodian
- Memorandum to file dated July 16, 2007 from the Custodian
- Memorandum to file dated July 30, 2007
- Memorandum to file dated August 3, 2007
- Letter to the Complainant dated September 12, 2007 from the Custodian

The Custodian notes that the Borough of Stanhope is a small community of 3,865 residents and that the municipal offices consist of five (5) full-time employees, three (3) of whom work the full business day Monday through Friday. The Custodian asserts that her office is overwhelmed with OPRA requests filed by the Complainant, and that the Custodian received and handled more than 240 requests for government records from the Complainant to date in 2007. The Custodian further asserts that the Complainant filed 486 OPRA requests to the Borough of Stanhope in 2006. The Custodian further asserts that she has made many attempts to resolve the Complainant's numerous OPRA requests but that the Complainant refuses to do so and continues to submit OPRA requests.

The Custodian further asserts that the Complainant repeatedly refuses to take possession of copies of records which he has requested, and that the Complainant

⁵ The Complainant submitted additional correspondence to the GRC on September 24, 2007, which is not relevant to this complaint.

“selectively pick[s] which OPRA requests he chooses to follow up on, and when[.]” The Custodian contends that “[h]andling the hundreds of OPRA requests submitted by [the Complainant] continues to cause substantial disruption to the operations of the Clerk’s Office and continues to cause duress to the Custodian[.]”

Analysis

Whether the Custodian unlawfully denied access to the requested records?

OPRA provides that:

“...government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions...” 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 ...*” (Emphasis added.) N.J.S.A. 47:1A-1.1.

OPRA further provides that:

“[i]mmediate access *ordinarily* shall be granted to ...contracts.”(Emphasis added.) N.J.S.A. 47:1A-5.e.

OPRA also 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* provided that the record is currently available and not in storage or archived....” (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.

The evidence of record indicates that the Custodian responded in writing to the Complainant’s OPRA request on May 29, 2007, four (4) business days after it was

received. The evidence of record further indicates that the Custodian properly informed the Complainant in her May 29, 2007 response that she required additional time to respond to his records request. The Custodian has not violated N.J.S.A. 47:1A-5.g. or N.J.S.A. 47:1A-5.i. because a timely written response was provided requesting an extension of time to fulfill a request requiring a thorough search of municipal files. See New Jersey Builder's Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 171 (App. Div. 2007); Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-63 (July 2006), Paff v. Bergen County Prosecutor's Office, GRC Complaint No. 2005-115 (March 2006).

The evidence of record indicates that the Custodian provided access to the escrow account for Block 10903, Lot 13, for ENF Development, each claim by John Cilo in account and copy of checks paid by Stanhope to John Cilo Associates. The Complainant attached a copy of this record to his Denial of Access Complaint. The Complainant also attached to his Denial of Access Complaint a copy of the August 1, 2007 Memorandum from Margaret Driscoll, Accounts Payable, to the Custodian, which noted that the Borough of Stanhope does not separate escrow accounts by block and lot number. Because the record requested by the Complainant does not exist, the Custodian has not violated OPRA with regard to this record. The Custodian is under no obligation to create records which do not otherwise exist. See New Jersey Builder's Ass'n, *supra*, 390 N.J. Super. at 171.

The evidence of record further indicates that the Custodian attempted to provide the Complainant with copies of the requested records on June 4, eight (8) days after the Complainant's May 23, 2007 OPRA request, but that the Complainant refused to take possession of same, stating that he was "in no hurry" for the records. The evidence of record also shows that the Custodian subsequently attempted to provide the Complainant with copies of the requested records on June 19, 2007 and July 16, 2007. On July 16, 2007, the Complainant rejected the proffered records and denied that they were responsive to his request. The Custodian then attempted to clarify the Complainant's request for records but the Complainant refused to provide said clarification. The Custodian also proffered the requested records to the Complainant on July 30, August 3, and September 12, 2007.

The Custodian has not unlawfully denied access to the requested records under OPRA. The Custodian proffered the records responsive to the request on several occasions, but the Complainant refused to accept the records. When the Complainant refused to accept the records, the Custodian properly requested clarification of the request, which the Complainant refused to provide. A custodian may request clarification for any requests deemed broad or unclear. See D'Aquanni v. Borough of Roselle, GRC Complaint No. 2007-78 (June 2007).

The Custodian has, therefore, not unlawfully denied access to the requested records under OPRA.

Whether the Denial of Access Complaint filed by the Complainant is frivolous?

OPRA provides that:

“If any party declines mediation or if mediation fails to resolve the matter to the satisfaction of all parties, the council shall initiate an investigation concerning the facts and circumstances set forth in the complaint. *The council shall make a determination as to whether the complaint is within its jurisdiction or frivolous* or without any reasonable factual basis. If the council shall conclude that the complaint is outside its jurisdiction, frivolous, or without factual basis, it shall reduce that conclusion to writing and transmit a copy thereof to the complainant and to the records custodian against whom the complaint was filed.” [Emphasis added]. N.J.S.A. 47:1A-7.e.

N.J.S.A. 2A:15-59.1, the Frivolous Litigation Act, states in pertinent part that:

“*In order to find that a complaint, counterclaim, cross-claim or defense of the nonprevailing party was frivolous, the judge shall find on the basis of the pleadings, discovery, or the evidence presented that ... [t]he complaint, counterclaim, cross-claim or defense was commenced, used or continued in bad faith, solely for the purpose of harassment, delay or malicious injury[.]*” [Emphasis added]. N.J.S.A. 2A:15-59.1.b.(1).

A claim constitutes frivolous litigation if “judging the [claimant's] conduct as a whole,” the claim “was brought in bad faith, for the purpose of delay and harassment.” Deutch & Shur, P.C. v. Roth, 284 N.J. Super. 133, 139 (Law Div.1995).

In Deutch, the defendant retained the plaintiff attorneys to represent him in an action to recover insurance proceeds. The defendant lied under oath about four convictions of insurance fraud and lost the case, then refused to pay the plaintiffs’ fees. The plaintiffs filed an action to recover and the defendant did not answer. A default judgment was entered and a levy was placed on the defendant's property. The defendant then had the judgment vacated and filed a counterclaim alleging legal malpractice. The trial court granted the plaintiffs' motion to strike the defendant's counterclaim and granted summary judgment to the plaintiffs. The court granted plaintiffs' motion for fees and costs under N.J.S.A. 2A:15-59.1. In doing so, the court found that the defendant had prosecuted his counterclaim to delay and harass and had no basis for believing that he had somehow been wronged by plaintiffs. Deutch, supra, 284 N.J. Super. at 139. The court further found that the only purpose of the defendant’s counterclaim was to “scare” the plaintiff into compromise or make collection more expensive. *Id.*

With regard to the definition of “bad faith,” the Superior Court of New Jersey, Appellate Division has held that:

[w]e regard “malice” (explicit in N.J.S.A. 2A:15-59.1b and implicit in R. 1:4-8(a)) and “bad faith” to be related, but not necessarily identical

concepts. Dictionary definitions of malice require an animus that is lacking in the concept of bad faith. However, the Supreme Court has held when describing the elements of tortious interference with business, that malice, an element of the tort, “is not used in the literal sense requiring ill will toward the plaintiff,” but instead “malice is defined to mean that the harm was inflicted intentionally and without justification or excuse.” Printing Mart v. Sharp Electronics, 116 N.J. 739, 751, 563 A.2d 31 (1989) (quoting Restatement (Second) of Torts Chapter 37 at 5 (introductory note) and citing Rainier's Dairies v. Raritan Valley Farms, Inc., 19 N.J. 552, 563, 117 A.2d 889 (1955)). We adopt the latter definition when construing the term malice in the present context... Moreover, we note that the bad faith necessary for sanctions here can be demonstrated, as stated in N.J.S.A. 2A:15-59.1b, if litigation was used in bad faith “solely for the purpose of harassment, delay or malicious injury.” Port-O-San Corp. v. Teamsters Local Union No. 863, Welfare & Pension Funds, 363 N.J. Super. 431, 438 (App. Div. 2003).

The evidence of record indicates that the Complainant in this complaint commenced the complaints “in bad faith, solely for the purpose of harassment [.]” The Custodian provided access to the requested records on several occasions, but the Complainant refused to take possession of the records or even examine them. The Complainant also rejected numerous records as not being responsive to his records request, but refused to provide clarification as to the records requested when the Custodian requested clarification thereof. Finally, the extremely high number and frequency of OPRA requests filed by the Complainant with the Borough of Stanhope in 2006 and 2007 (the Complainant filed 486 OPRA requests to the Borough of Stanhope in 2006 and 240 OPRA requests by the date of the SOI in 2007) provide further support for the conclusion that the Complainant’s continuous, repetitive filing of OPRA requests is “in bad faith, solely for the purpose of harassment[.]” Caggiano v. Borough of Stanhope, GRC Complaint Nos. 2007-20, 2007-21, 2007-22, 2007-23 (Consolidated)(September 2007).

The Complainant’s Denial of Access Complaints herein should therefore be dismissed as frivolous pursuant to N.J.S.A. 47:1A-7.e.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

- 1) Because the Custodian responded in writing to the Complainant’s OPRA request on May 29, 2007, four (4) business days after it was received, and because the evidence of record indicates that the Custodian properly informed the Complainant in her May 29, 2007 response that she required additional time to respond to his records request, the Custodian has not violated N.J.S.A. 47:1A-5.g. or N.J.S.A. 47:1A-5.i. See New Jersey Builder’s Ass’n v. New Jersey Council on Affordable Housing, 390 N.J.

Super. 166, 171 (App. Div. 2007); Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-63 (July 2006), Paff v. Bergen County Prosecutor's Office, GRC Complaint No. 2005-115 (March 2006).

- 2) Because the evidence of record indicates that the Custodian provided access to the escrow account for Block 10903, Lot 13, for ENF Development, each claim by John Cilo in account and copy of checks paid by Stanhope to John Cilo Associates, and because the Borough of Stanhope does not separate escrow accounts by block and lot number, the Custodian has not violated OPRA with regard to this record by not providing records that do not exist. The Custodian is under no obligation to create records which do not otherwise exist. See New Jersey Builder's Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 171 (App. Div. 2007).
- 3) Because the evidence of record indicates that the Custodian attempted to provide the Complainant with copies of the requested records on June 4, eight (8) days after the Complainant's May 23, 2007 OPRA request, but the Complainant refused to take possession of same, and because the evidence of record also shows that the Custodian subsequently attempted to provide the Complainant with copies of the requested records on June 19, 2007 and July 16, 2007, but that the Complainant rejected the proffered records and denied that they were responsive to his request, and the Custodian proffered the records again on July 30, August 30 and September 12, 2007, the Custodian has not unlawfully denied access to the requested records under OPRA.
- 4) The Custodian has not unlawfully denied access to the requested records under OPRA, because the Custodian proffered the records responsive to the request on several occasions, but the Complainant refused to accept the records. When the Complainant refused to accept the records, the Custodian properly requested clarification of the request, which the Complainant refused to provide. A custodian may request clarification for any requests deemed broad or unclear. See D'Aquanni v. Borough of Roselle, GRC Complaint No. 2007-78 (June 2007).
- 5) Because the evidence of record indicates that the Complainant in this complaint commenced the complaints "in bad faith, solely for the purpose of harassment[;]" specifically, that the Custodian provided access to the requested records on several occasions, but the Complainant refused to take possession of the records or even examine them, that the Complainant also rejected numerous records as not being responsive to his records request, but refused to provide clarification as to the records requested when the Custodian requested clarification thereof, and because the extremely high number and frequency of OPRA requests filed by the Complainant with the Borough of Stanhope in 2006 and 2007 (the

Complainant filed 486 OPRA requests to the Borough of Stanhope in 2006 and 240 OPRA requests by the date of the SOI in 2007) provide further support for the conclusion that the Complainant's continuous, repetitive filings of OPRA requests is "in bad faith, solely for the purpose of harassment," the Complainant's Denial of Access Complaints herein should therefore be dismissed as frivolous pursuant to N.J.S.A. 47:1A-7.e. Caggiano v. Borough of Stanhope, GRC Complaint Nos. 2007-20, 2007-21, 2007-22, 2007-23 (Consolidated)(September 2007).

Prepared By:

Karyn Gordon, Esq.
In House Counsel

Approved By:

Catherine Starghill, Esq.
Executive Director

October 24, 2007