



**State of New Jersey**  
GOVERNMENT RECORDS COUNCIL  
101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

**JON S. CORZINE**  
*Governor*

**CHARLES A. RICHMAN**  
*Acting Commissioner*

**FINAL DECISION**

**November 4, 2009 Government Records Council Meeting**

Richard Rivera  
Complainant

Complaint No. 2008-233

v.

Cliffside Park Borough Police Department (Bergen)  
Custodian of Record

At the November 4, 2009 public meeting, the Government Records Council (“Council”) considered the October 21, 2009 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 granting conditional access to the requested records upon payment of the duplication costs within the statutorily mandated seven (7) business days, the Custodian has not violated the provisions of N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.
2. Because the Custodian informed the Complainant in the response to the Complainant’s OPRA request that the records requested as Item #1, copies of the Internal Affairs Annual Summary Reports for the years 2000 through 2007, would be disclosed forthwith following receipt by the Custodian of a copying fee payment in the amount of six dollars (\$6.00), and because the records were sent to the Complainant via the United States Postal Service on the same date the Complainant paid the copying fee, the Custodian did not unlawfully deny access to the requested records.
3. Because the Complainant withdrew his request for Item #2, Computer Aided Dispatching entries for mutual aid from other police agencies for 2006, 2007 and 2008 before he filed his Denial of Access Complaint, the Complainant’s cause of action regarding this request item is moot and therefore should be dismissed.



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 4<sup>th</sup> Day of November, 2009

Robin Berg Tabakin, Chair  
Government Records Council

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

Janice L. Kovach, Secretary  
Government Records Council

**Decision Distribution Date: November 9, 2009**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
November 4, 2009 Council Meeting**

**Richard Rivera<sup>1</sup>  
Complainant**

**GRC Complaint No. 2008-233**

v.

**Cliffside Park Borough Police Department (Bergen)<sup>2</sup>  
Custodian of Records**

**Records Relevant to Complaint:**

1. Copies of the Internal Affairs Annual Summary Reports for the years 2000 through 2007.
2. On-site inspection of Computer Aided Dispatching (“CAD”) entries for mutual aid from other police agencies for 2006, 2007 and 2008.<sup>3</sup>

**Request Made:** September 19, 2008

**Response Made:** September 30, 2008

**Custodian:** Chief Donald V. Keane

**GRC Complaint Filed:** October 9, 2008<sup>4</sup>

**Background**

**September 19, 2008**

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.

**September 22, 2008**

Letter from Cliffside Park Police Officer Khanukayev to the Custodian. Officer Khanukayev informs the Custodian that locating CAD entries for mutual aid from other police agencies to the Cliffside Park Police would entail a review of 77,403 records to determine if there are comments indicating mutual aid was rendered.

**September 30, 2008**

Custodian’s response to the OPRA request. The Custodian’s Counsel responds in writing to the Complainant’s OPRA request on the seventh (7<sup>th</sup>) business day following receipt of such request. Counsel informs the Complainant that Item #1 will be “released

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> Represented by Christos J. Diktas, Esq., of Diktas Schandler Gillen, P.C. (Cliffside Park, NJ).

<sup>3</sup> CAD systems allow public safety operations and communications to be augmented, assisted, or partially controlled by an automated system. CAD can include, among other capabilities, computer-controlled emergency vehicle dispatching, vehicle status, incident reporting and information management.

<sup>4</sup> The GRC received the Denial of Access Complaint on said date.

forthwith” following receipt by the Custodian of a copying fee payment in the amount of six dollars (\$6.00). Counsel also informs the Complainant that Item #2 of his request will require personal examination of over sixty thousand (60,000) CAD entries to find those entries responsive to the Complainant’s request. Counsel informs the Complainant that, upon Complainant’s approval, an escrow will be established at the rate of fifty-five dollars (\$55.00) per hour and the Custodian will then commence examination of the CAD entries.

**October 2, 2008**

E-mail from the Complainant to the Custodian’s Counsel. The Complainant informs the Custodian’s Counsel that on this date he received Counsel’s letter dated September 30, 2008. The Complainant further informs Counsel that he served a Denial of Access Complaint upon the Borough Clerk on October 1, 2008. The Complainant informs the Custodian’s Counsel that CAD records can be accessed by call type and he asks Counsel to contact him regarding the CAD records request.

**October 3, 2008**

Letter from the Custodian’s Counsel to the Complainant. Counsel replies to the Complainant’s e-mail dated October 2, 2008 by informing the Complainant that, although CAD entries use a coding system, there is no incident code for mutual aid provided by other police agencies to the Cliffside Park Borough Police Department. Counsel reiterates the need for manual retrieval of the records and a consequent special service charge.

**October 6, 2008**

E-mail from the Complainant to the Custodian’s Counsel. The Complainant provides Counsel with his telephone number and asks Counsel to call him.

**October 7, 2008**

E-mail from the Complainant to the Custodian’s Counsel. The Complainant asks Counsel if CAD reports can be searched using a keyword.

**October 8, 2008**

Letter from the Custodian’s Counsel to the Complainant. Counsel confirms an October 7, 2008 telephone conversation between Counsel and the Complainant, wherein Counsel verifies that the Complainant has withdrawn his request for inspection of CAD entries. Counsel also states that the Complainant confirmed that the Denial of Access Complaint served upon the Borough Clerk was not filed with the GRC. Counsel further states that he learned that earlier this date the Complainant personally delivered the copying fee for the copies of the Internal Affairs Annual Summary Reports he requested. Counsel states that because the Complainant did not wish to wait for Counsel to fax the requested records to the Borough Hall where the Complainant could have obtained them, the records were mailed to the Complainant.

**October 8, 2008**

Letter from the Complainant to the Custodian’s Counsel. The Complainant informs the Custodian’s Counsel that he paid six dollars (\$6.00) for copies of records that were not available at the Custodian’s office. The Complainant states that an employee at

the Custodian's office informed the Complainant that the records were available at Counsel's office; however, the Complainant contends that when he asked the employee to have the records faxed from Counsel's office, the employee refused to do so. The Complainant contends he was waiting for ten (10) minutes at the Custodian's office while an employee wrote Counsel's address on a note and prepared a receipt for six dollars (\$6.00). The Complainant also states that he is sending an Amended Denial of Access Complaint to the GRC, so the Custodian can explain the reasons for a delayed response and unreasonable cost to access records. The Complainant attaches a copy of the referenced receipt and handwritten address.

### **October 9, 2008**

Denial of Access Complaint filed with the Government Records Council ("GRC") with the following attachments:<sup>5</sup>

- Complainant's OPRA request dated September 19, 2008
- Custodian's response to the OPRA request dated September 30, 2008
- E-mail from the Complainant to the Custodian dated October 2, 2008
- Letter from the Custodian's Counsel to the Complainant dated October 3, 2008
- E-mail from the Complainant to the Custodian's Counsel dated October 6, 2008
- E-mail from the Complainant to the Custodian's Counsel dated October 7, 2008
- Letter from the Custodian's Counsel to the Complainant dated October 8, 2008
- Letter from the Complainant to the Custodian's Counsel dated October 8, 2008

The Complainant states that he submitted his OPRA request to the Custodian for the records relevant to this complaint on September 19, 2008 and never received a response from the Custodian. Thereafter, the Complainant states that he submitted a "courtesy copy" of a Denial of Access Complaint to the Custodian on October 1, 2008.

The Complainant states that on October 2, 2008 he received a response to his OPRA request from the Custodian's Counsel dated September 30, 2008. The Complainant asserts that he sent an e-mail to the Custodian's Counsel dated October 2, 2008 to clarify his request. The Complainant further asserts that on October 6, 2008 he received a letter from the Custodian's Counsel dated October 3, 2008. On October 6, 2008, the Complainant states he telephoned and e-mailed the Custodian's Counsel and asked Counsel to contact him.

On October 7, 2008, the Complainant states that the Custodian's Counsel returned his telephone call. The Complainant states he informed Counsel that he would not file a Denial of Access Complaint with respect to the instant matter because it could be worked out without GRC intervention. The Complainant states that Counsel advised him that mutual aid calls are only coded for aid rendered by Cliffside Park Police to other police agencies and not for aid rendered from other police agencies to Cliffside Park Police.

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<sup>5</sup> Although the Complainant attached several pieces of correspondence to his complaint, he failed to elaborate on the attachments. The Complainant listed dates of events/occurrences in chronological order and included a brief comment concerning each event/occurrence.

The Complainant states that he suggested Cliffside Park Police add another CAD code to remedy the problem.

The Complainant contends that on October 8, 2008 he delivered a check for six dollars (\$6.00) to an employee in the Custodian's office. The Complainant asserts that, after paying the copying fee, the employee told him the records were at the office of the Custodian's Counsel and could be picked up there. The Complainant states he offered the employee his fax number but the employee insisted the Complainant retrieve the records at Counsel's office. The Complainant states the employee then wrote Counsel's address on a sheet of paper and gave it to him along with a receipt for payment of the copying fee. The Complainant states that later on that same date he received a letter from the Custodian's Counsel informing the Complainant that Counsel learned he declined to wait for a fax delivery of the requested records. The Complainant states that he then drafted a letter to the Custodian's Counsel expressing his intention to file this complaint.

The Complainant did not agree to mediate this complaint.

**October 21, 2008**

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

**October 27, 2008**

Custodian's SOI with the following attachments:

- Complainant's OPRA request dated September 19, 2008
- Letter from Cliffside Park Police Officer Khanukayev to the Custodian dated September 22, 2008
- Custodian's response to the OPRA request dated September 30, 2008
- Letter from the Custodian's Counsel to the Complainant dated October 3, 2008
- Letter from the Custodian's Counsel to the Complainant dated October 8, 2008
- Copies of the Internal Affairs Annual Summary Reports for the years 2000 through 2007

The Custodian certifies that his search for the requested records involved copying the Internal Affairs Annual Summary Reports for the years 2000 through 2007 and assigning Police Officer Khanukayev to retrieve the CAD entries for mutual aid from other police agencies for 2006, 2007 and 2008.

The Custodian also certifies that there is no retention requirement for Internal Affairs Annual Summary Reports identified by New Jersey Department of State, Division of Archives and Records Management Local Police Departments Records Retention Schedule; however, they are retained indefinitely pursuant to the Disposition Schedule.

The Custodian certifies that he received the Complainant's OPRA request on September 19, 2008 and responded to the request on September 30, 2008. The Custodian certifies that the copying fee for the records responsive to Item #1 of the Complainant's request totaled six dollars (\$6.00) and that the Complainant was informed in the response to the OPRA request that the documents would be disclosed to him upon the Borough's

receipt of the copying fee. The Custodian also certifies that the Complainant was informed in the response to his request that a special service charge would have to be established in order to fulfill Item #2 of his request. The Custodian certified that an escrow account could be established at the rate of fifty-five dollars (\$55.00) per hour to have a knowledgeable employee research the files and thereby comply with the Complainant's request for Item #2.

The Custodian further certifies that all of the records are electronically stored and accessible for review; however, because there is no code by which to electronically recall records for calls for service involving mutual aid from other police agencies, the "comments" section of every CAD record for the requested three (3) year period would have to be manually examined to determine whether an outside police agency provided assistance to the Cliffside Park Borough Police Department. The Custodian certifies that, as of October 23, 2008, the CAD records requiring manual examination number 79,306.<sup>6</sup> The Custodian certifies that he checked with the CAD software designer and the designer confirmed that there is no other less labor intensive method by which to obtain the CAD records requested by the Complainant. The Custodian further certifies that due to the sensitive and often confidential nature of police department records, as well as the fact that certain police records are exempt from OPRA requirements; the Complainant cannot be granted on-site access to inspect the CAD records. The Custodian certifies that for these same reasons only police personnel can access the records. The Custodian certifies that after the Complainant was informed about the time and cost involved for the agency to fulfill Item #2 of his request, the Complainant withdrew Item #2 of his request.

The Custodian's Counsel also provides a certification to accompany the SOI. Counsel certifies to the timeline of correspondence between the parties, which procedurally follows the timeline asserted by the Complainant. Counsel further certifies that on October 7, 2008, Counsel telephoned the Complainant and the Complainant asked if the records requested as Item #2 of his request could be mechanically identified through the use of computer codes. Counsel certifies that Counsel informed the Complainant that mutual aid calls are only coded for aid rendered by Cliffside Park Police to other police agencies and not for aid rendered from other police agencies to Cliffside Park Police. Counsel certifies that for this reason the content of each individual record would have to be manually reviewed to determine if that record met the criteria of the Complainant's request. The Custodian's Counsel certifies that the Complainant then informed Counsel that he would obtain the information by requesting it from the other police agencies and thereupon withdrew his request for Item #2.

Counsel also certifies that on October 8, 2008, Counsel spoke with an employee at the Borough Hall who informed Counsel that the Complainant appeared at Borough Hall with the copying fee for Item #1 of his request. Counsel states that the employee proposed to have Counsel fax the requested records from their present location at

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<sup>6</sup> It appears the Custodian's understanding is that because the Complainant requested records for the year 2008, and because these are records that increase in quantity daily, the Custodian is obligated to fulfill the request based upon the quantity of records accumulated once the preconditions are met, even if the preconditions are not met until the end of the year. This is not the case because a requestor cannot request records prospectively. For this reason, the records requested for a current year are capped at the quantity in existence when the request is filed.

Counsel's office to the Borough Hall because the Complainant demanded immediate production of the records after he paid the copying fee. Because the Complainant did not want to wait for a fax or retrieve the records at Counsel's office, Counsel certifies that Counsel mailed the copies of the records to the Complainant that same date under cover of a letter wherein Counsel also confirmed that the Complainant had withdrawn his request for the CAD records.

Finally, Counsel certifies that the Complainant failed to sign the Denial of Access Complaint and instead placed his name on the signature line in a typewritten script-styled font.<sup>7</sup>

### **November 11, 2008**

The Complainant's response to the Custodian's SOI. The Complainant asserts that in his original request he sought records from the Custodian to determine the need for police officers with language skills other than English. The Complainant states he submitted OPRA requests to surrounding police agencies and thereby obtained the information he needed concerning the number of calls where other police agencies assisted the Cliffside Park Police Department.<sup>8</sup>

The Complainant contends that the Custodian's September 30, 2008 response was beyond seven (7) business days. The Complainant states that in the response the Custodian failed to provide the number of hours record retrieval would entail. The Complainant further states that the Custodian alleged there were over sixty (60) police employees who are able to access CAD reports including part-time civilians and that the Custodian failed to justify the fifty-five dollar (\$55.00) per hour special service charge.

The Complainant states that the Custodian's Counsel changed her statement as to where the records responsive to Item #1 of the Complainant's request were on October 8, 2008, and/or if said records were available on that date. The Complainant, however, acknowledges the records were delivered to him via the United States Postal Service ("USPS"). The Complainant also takes issue with Counsel's use of the word "demand" to characterize the Complainant's request. The Complainant states that the complaint in this matter was signed with the Complainant's electronic signature.

### **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...*"  
(Emphasis added.) N.J.S.A. 47:1A-1.

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<sup>7</sup> Although the GRC discourages facsimile signatures, such signatures will be acceptable as evidence of a complainant's verification of the complaint when such complaint is filed electronically; however, a copy with an original signature affixed must be filed if requested by the GRC.

<sup>8</sup> The Complainant is referring to Item #2 of his request because that item of his request was for CAD entries which noted mutual aid was received from other police agencies.



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 provides 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 ...” (Emphasis added.) 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. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. 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.

The Complainant alleged that the Custodian’s response to his OPRA request was beyond seven (7) business days. The evidence of record reveals that the Complainant prepared and filed his OPRA request for the records relevant to this complaint on September 19, 2008. The Custodian’s Counsel responded in writing to the Complainant’s OPRA request on September 30, 2008 or the seventh (7<sup>th</sup>) business day following receipt of the request, informing the Complainant that Item #1 will be disclosed upon Complainant’s payment of a six dollar (\$6.00) copying fee. Counsel also stated in the response that Item #2 of the Complainant’s request will require personal examination

of over sixty thousand (60,000) CAD entries in order to find those entries responsive to the Complainant's request; therefore, a special service charge would be necessary to research the CAD reports for those records that may be responsive to the Complainant's request. Counsel further stated that if the Complainant agreed to the special service charge an escrow account would be established at the rate of fifty-five dollars (\$55.00) per hour.

OPRA mandates that a custodian must either grant or deny access to requested records within seven (7) business days from receipt of said request. N.J.S.A. 47:1A-5.i. As also prescribed under N.J.S.A. 47:1A-5.i., a custodian's failure to respond within the required seven (7) business days results in a "deemed" denial. Further, the Custodian's response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5.g. The Custodian's failure to respond in writing to the Complainant's OPRA request granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days, as required by N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i., results in a "deemed" denial of the Complainant's OPRA request. Tucker Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (October 2007).

Moreover, a Custodian is not required to release requested records until payment for the duplication cost of such records is received. Meijias v. NJ Department of Corrections, GRC Complaint No. 2007-181 (July, 2008).

Because the Custodian responded in writing to the Complainant's OPRA request granting access to the requested records upon payment of the duplication costs within the statutorily mandated seven (7) business days, the Custodian has not violated the provisions of N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.

On October 8, 2008, Counsel certified that the Complainant paid the copying fee for the records requested as Item #1. The Custodian's Counsel certified that on that same date, Counsel mailed the records to the Complainant.<sup>9</sup> In the Complainant's Denial of Access complaint, the Complainant stated that after he paid the copying fee at the Borough Hall on October 8, 2008 he requested the records that were then in the possession of the Custodian's Counsel be faxed to him. The Complainant contends, however, that the employee at the Borough Hall told the Complainant that the Complainant would have to go to the office of the Custodian's Counsel and personally pick up the records.

OPRA requires in the legislative findings provision that "all limitations on access be construed in favor of the public". N.J.S.A. 47:1A-1. Therefore, any custodian or representative of a custodian who would not make the requested records physically available to a complainant upon payment of the copying fees but instead direct a complainant to pick the records up from a different office is not adhering to OPRA. As such, that employee does not understand the purpose and importance of OPRA and should therefore familiarize themselves with the requirements of the law.

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<sup>9</sup> The Complainant acknowledged his receipt of the records via the USPS in his response to the Custodian's SOI dated November 11, 2008.  
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The evidence of record further reveals that following the Custodian's response to the Complainant's request dated September 30, 2008, there were communications between the Complainant and the Custodian's Counsel, wherein the Complainant asserted his understanding that CAD records could be retrieved by identifying codes and asked if the records requested as Item #2 of his request could be identified through the use of computer codes. The Custodian's Counsel certified that mutual aid calls are only coded for aid rendered by Cliffside Park Police to other police agencies and not vice-versa; therefore the content of thousands of records would have to be manually reviewed to determine if any of the records were responsive to the Complainant's request. The Custodian's Counsel certified that in a telephone conversation with the Complainant on October 7, 2008, the Complainant informed Counsel that he would obtain the information he needed by requesting it from other police agencies and withdrew his request for Item #2.

It is undisputed between the parties that the Custodian's Counsel sent a letter to the Complainant dated October 8, 2008, and that the Complainant received said letter. Counsel stated that the letter was confirming the October 7, 2008 telephone conversation between Counsel and the Complainant. In the letter, Counsel stated "...you have directed that your OPRA request for [CAD] documents be deemed withdrawn." By letter of that same date, the Complainant acknowledged receipt of Counsel's letter, but did not dispute the withdrawal of his request for Item #2 attributed to him by Counsel. Rather, the Complainant expressed his concerns about the manner in which the employee handled his transaction at the Borough Hall when he delivered payment for the copying fees for Item #1 of his request. The Complainant also stated that because the Custodian wanted to charge a special service charge he was going to file a complaint with the GRC so the Custodian could explain the reasons for a delayed response and unreasonable cost to access records.

In the Complainant's response to the Custodian's SOI dated November 11, 2008, the Complainant stated that he submitted OPRA requests to surrounding police agencies and obtained the information he needed concerning the number of calls in which other police agencies assisted the Cliffside Park Police Department. This further supports Counsel's assertion that the Complainant withdrew his request for Item #2 because he intended to obtain that information from other police agencies.

Because the Complainant withdrew his request for Item #2, CAD entries for mutual aid from other police agencies for 2006, 2007 and 2008 before he filed his Denial of Access Complaint, the Complainant's cause of action regarding this request item is moot and therefore it should be dismissed.

### **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 granting conditional access to the requested records upon payment of the duplication costs within the statutorily mandated seven (7) business days,

the Custodian has not violated the provisions of N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i.

2. Because the Custodian informed the Complainant in the response to the Complainant's OPRA request that the records requested as Item #1, copies of the Internal Affairs Annual Summary Reports for the years 2000 through 2007, would be disclosed forthwith following receipt by the Custodian of a copying fee payment in the amount of six dollars (\$6.00), and because the records were sent to the Complainant via the United States Postal Service on the same date the Complainant paid the copying fee, the Custodian did not unlawfully deny access to the requested records.
3. Because the Complainant withdrew his request for Item #2, Computer Aided Dispatching entries for mutual aid from other police agencies for 2006, 2007 and 2008 before he filed his Denial of Access Complaint, the Complainant's cause of action regarding this request item is moot and therefore should be dismissed.

Prepared By: John E. Stewart  
Case Manager/*In Camera* Attorney

Approved By: Catherine Starghill, Esq.  
Executive Director

October 21, 2009