



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

CHARLES A. RICHMAN  
*Commissioner*

**FINAL DECISION**

**December 15, 2015 Government Records Council Meeting**

Harry B. Scheeler, Jr.  
Complainant

Complaint No. 2015-19

v.

NJ Department of Education  
Custodian of Record

At the December 15, 2015 public meeting, the Government Records Council (“Council”) considered the December 15, 2015 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that the Complainant has failed to establish in his request for reconsideration of the Council’s July 28, 2015 Final Decision that either: 1) the Council's decision is based upon a “palpably incorrect or irrational basis;” or 2) it is obvious that the Council did not consider the significance of probative, competent evidence, and has failed to show that the Council acted arbitrarily, capriciously or unreasonably. The Complainant failed to establish that the complaint should be reconsidered. The Complainant has also failed to show that the Council acted arbitrarily, capriciously, or unreasonably. Thus, the Complainant’s request for reconsideration should be denied. Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996); D’Atria v. D’Atria, 242 N.J. Super. 392 (Ch. Div. 1990); In The Matter Of The Petition Of Comcast Cablevision Of South Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Television System In The City Of Atlantic City, County Of Atlantic, State Of New Jersey, 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).

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 15<sup>th</sup> Day of December, 2015

Robin Berg Tabakin, Esq., Chair  
Government Records Council

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

Steven Ritardi, Esq., Secretary  
Government Records Council

**Decision Distribution Date: December 17, 2015**

**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

***Reconsideration***  
**Supplemental Findings and Recommendations of the Executive Director**  
**April 28, 2015 Council Meeting**

**Harry B. Scheeler, Jr.<sup>1</sup>**  
**Complainant**

**GRC Complaint No. 2015-19**

**v.**

**New Jersey Department of Education<sup>2</sup>**  
**Custodial Agency**

**Records Relevant to Complaint: “emails”**

**Custodian of Record:** Dominic Rota  
**Request Received by Custodian:** December 22, 2014  
**Response Made by Custodian:** January 2, 2015  
**GRC Complaint Received:** January 26, 2015

**Background**

July 28, 2015 Council Meeting:

At its July 28, 2015 public meeting, the Government Records Council (“Council”) considered the June 26, 2015 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, found that because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided a specific deadline date when the requested records would be made available, the Custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5.i. *See* Rivera v. City of Plainfield Police Dep’t (Union), GRC Complaint No. 2009-317 (May 2011); Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010); and Werner v. NJ Civil Serv. Comm’n, GRC Complaint No. 2011-151 (December 2012). *See also* Rivera v. Union City Board of Education (Hudson), GRC Complaint No. 2008-112 (April 2010); O’Shea v. Borough of Hopatcong (Sussex), GRC Complaint No. 2009-223 (December 2010); and Starkey v. NJ Department of Transportation, GRC Complaint Nos. 2007-315, 2007-316, and 2007-317 (February 2009). Accordingly, there is no “deemed” denial of the Complainant’s request.

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

<sup>2</sup> Represented by Deputy Attorney General Christopher Huber.

Harry B. Scheeler, Jr. v. New Jersey Department of Education, 2015-19 – Supplemental Findings and Recommendations of the Executive Director

## Procedural History:

On July 30, 2015, the Council distributed its July 28, 2015 Final Decision to all parties. On August 10, 2015, the seventh (7<sup>th</sup>) business day following transmission of the Council's Order to the Complainant, the Complainant filed a request for reconsideration based on mistake, extraordinary circumstances, and illegality.<sup>3</sup> On August 24, 2015, the tenth (10<sup>th</sup>) business day following receipt of the Complainant's request for reconsideration, the Custodian submitted an objection to the request for reconsideration.

## Analysis

### Reconsideration

Pursuant to N.J.A.C. 5:105-2.10, parties may file a request for a reconsideration of any decision rendered by the Council within ten (10) business days following receipt of a Council decision. Requests must be in writing, delivered to the Council, and served on all parties. Parties must file any objection to the request for reconsideration within ten (10) business days following receipt of the request. The Council will provide all parties with written notification of its determination regarding the request for reconsideration. N.J.A.C. 5:105-2.10(a) – (e).

In the matter before the Council, the Complainant filed the request for reconsideration of the Council's Order on August 10, 2015, seven (7) business days from the issuance of the Council's Order.

Applicable case law holds that:

“A party should not seek reconsideration merely based upon dissatisfaction with a decision.” D'Atria v. D'Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990). Rather, reconsideration is reserved for those cases where (1) the decision is based upon a “palpably incorrect or irrational basis;” or (2) it is obvious that the finder of fact did not consider, or failed to appreciate, the significance of probative, competent evidence. *E.g.*, Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996). The moving party must show that the court acted in an arbitrary, capricious or unreasonable manner. D'Atria, . . . 242 N.J. Super. at 401. “Although it is an overstatement to say that a decision is not arbitrary, capricious, or unreasonable whenever a court can review the reasons stated for the decision without a loud guffaw or involuntary gasp, it is not much of an overstatement.” Ibid.

In The Matter Of The Petition Of Comcast Cablevision Of S. Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Tel. Sys. In The City Of Atl. City, Cnty. Of Atl., State Of N.J., 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).

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<sup>3</sup> The Complainant sent an e-mail request for reconsideration dated August 8, 2015, which was a Saturday. For this reason, the request for reconsideration was not received by the GRC until August 10, 2015.

Harry B. Scheeler, Jr. v. New Jersey Department of Education, 2015-19 – Supplemental Findings and Recommendations of the Executive Director

Here, the Complainant argued that the Council erred in rendering its decision because the GRC: (1) implied that the Complainant's expectations were unreasonable, (2) considered legal review as a valid reason for an extension of time, and (3) asserted that the Complainant "should have known staffing levels [in the custodian agency] would not be as high during the holidays." The Complainant also reiterates allegations made in the complaint.

The Custodian's Counsel argues that the Complainant's request for reconsideration fails to present any basis to justify reconsideration of the Council's July 28, 2015 Final Decision. Counsel states that the Complainant does not raise any new facts or evidence to warrant reconsideration but rather simply disagrees with the decision. Counsel further argues that the Complainant failed to meet his burden in seeking reconsideration and that his motion should be denied.

The Complainant filed the request for reconsideration based on allegations of mistake, extraordinary circumstances, and illegality; however, he failed to advance any evidence to prove said allegations. The Complainant argued that the GRC cannot consider legal review of records as a valid reason for an extension of time. The Complainant, citing Paff v. Bergen County Prosecutor's Office, GRC Complaint No. 2005-115 (March 2006), stated that "seeking legal advice is reasonable, but is not a lawful basis for delaying a response to an OPRA request." *Id.* However Paff concerned a custodian's initial failure to respond to a complainant's OPRA request, granting or denying access within the statutorily mandated seven (7) business day period; it has no application to this matter. Indeed, with respect to an extension of time, seeking legal advice may be one of the factors the Council might consider when reaching a decision as to whether such a request was warranted.

The Complainant's statement that the GRC asserted that the Complainant "should have known staffing levels [in the custodian agency] would not be as high during the holidays" is not accurate. The GRC stated that "staffing levels during the holidays may not be as high as they are during non-holiday periods." Therefore, the GRC emphasized that such a factor would "influence the aspect of *reasonableness* in granting an extension of time." (Emphasis in original).<sup>4</sup>

As the moving party, the Complainant was required to establish either of the necessary criteria set forth above: that either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. *See Cummings*, 295 N.J. Super. 384. The Complainant failed to establish that the complaint should be reconsidered. The Complainant has also failed to show that the Council acted arbitrarily, capriciously, or unreasonably. *See D'Atria*, 242 N.J. Super. 401. Thus, the Complainant's, request for reconsideration should be denied. Cummings, 295 N.J. Super. 384; D'Atria, 242 N.J. Super. 401; Comcast, 2003 N.J. PUC at 5-6.

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<sup>4</sup> In the Final Decision, the GRC cited Ciccarone v. NJ Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014), as authority for stating that the Council considers what is "reasonably necessary" when reaching a decision as to whether a request for an extension of time was warranted.

Harry B. Scheeler, Jr. v. New Jersey Department of Education, 2015-19 – Supplemental Findings and Recommendations of the Executive Director

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that the Complainant has failed to establish in his request for reconsideration of the Council's July 28, 2015 Final Decision that either: 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence, and has failed to show that the Council acted arbitrarily, capriciously or unreasonably. The Complainant failed to establish that the complaint should be reconsidered. The Complainant has also failed to show that the Council acted arbitrarily, capriciously, or unreasonably. Thus, the Complainant's request for reconsideration should be denied. Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996); D'Atria v. D'Atria, 242 N.J. Super. 392 (Ch. Div. 1990); In The Matter Of The Petition Of Comcast Cablevision Of South Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Television System In The City Of Atlantic City, County Of Atlantic, State Of New Jersey, 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).

Prepared By: John E. Stewart

Reviewed By: Joseph D. Glover  
Executive Director

December 15, 2015



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO BOX 819  
TRENTON, NJ 08625-0819

CHRIS CHRISTIE  
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KIM GUADAGNO  
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CHARLES A. RICHMAN  
Commissioner

**FINAL DECISION**

**July 28, 2015 Government Records Council Meeting**

Harry B. Scheeler, Jr.  
Complainant

Complaint No. 2015-19

v.

NJ Department of Education  
Custodian of Record

At the July 28, 2015 public meeting, the Government Records Council (“Council”) considered the June 26, 2015 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided a specific deadline date when the requested records would be made available, the Custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5.i. See Rivera v. City of Plainfield Police Dep’t (Union), GRC Complaint No. 2009-317 (May 2011); Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010); and Werner v. NJ Civil Serv. Comm’n, GRC Complaint No. 2011-151 (December 2012). See also Rivera v. Union City Board of Education (Hudson), GRC Complaint No. 2008-112 (April 2010); O’Shea v. Borough of Hopatcong (Sussex), GRC Complaint No. 2009-223 (December 2010); and Starkey v. NJ Department of Transportation, GRC Complaint Nos. 2007-315, 2007-316, and 2007-317 (February 2009). Accordingly, there is no “deemed” denial of the Complainant’s request.

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 28<sup>th</sup> Day of July, 2015

Robin Berg Tabakin, Esq., Chair  
Government Records Council

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

Steven Ritardi, Esq., Secretary  
Government Records Council

**Decision Distribution Date: July 30, 2015**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
July 28, 2015 Council Meeting**

**Harry B. Scheeler, Jr.<sup>1</sup>  
Complainant**

**GRC Complaint No. 2015-19**

v.

**New Jersey Department of Education<sup>2</sup>  
Custodial Agency**

**Records Relevant to Complaint: “emails”<sup>3</sup>**

**Custodian of Record: Dominic Rota  
Request Received by Custodian: December 22, 2014  
Response Made by Custodian: January 2, 2015  
GRC Complaint Received: January 26, 2015**

**Background<sup>4</sup>**

**Request and Response:**

On December 22, 2014, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On January 2, 2015, the seventh (7<sup>th</sup>) business day following receipt of said request, the Custodian responded in writing, informing the Complainant that “...additional time is needed to gather, review and process potentially responsive records...” The Custodian provided a date certain, January 16, 2015, as the deadline date for the extension of time. Thereafter, on January 15, 2015, the Custodian disclosed to the Complainant the requested records.

**Denial of Access Complaint:**

On January 26, 2015, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant states that he filed his OPRA request

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

<sup>2</sup> Represented by Deputy Attorney General Christopher Huber.

<sup>3</sup> “Emails” is the only description of the records alleged to be denied. Moreover, the Complainant failed to attach a copy of the OPRA request filed with the agency as required per paragraph 5 of the Denial of Access Complaint. However, the Complainant attached the Custodian’s Government Records Request Receipt, wherein the Custodian stated that the Complainant requested “[a]ll emails sent or recieved [sic] by David Hespe in 2014 or 2013 regarding OPRA or the GRC.”

<sup>4</sup> The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

on December 22, 2014. The Complainant acknowledges that the seven day deadline for the Custodian to respond was January 2, 2015 due to the intervening Christmas and New Year's holidays. The Complainant states that on January 2, 2015, the Custodian sought an extension of time until January 16, 2015. The Complainant argues that the Custodian's reason for seeking an extension of time to comply with the request was "legally insufficient to justify an extension."

The Complainant states that he has knowledge that the Custodian "was not at work for several of the initial 7 days he had to work on [the Complainant's] request," and that the "Dept [sic] of Education is not above the rights of the people."

The Complainant offers some advice with respect to the capabilities of the State's information technology equipment and alleges that the Custodian, by taking 16 business days to comply with the request, has violated OPRA.

#### Statement of Information:

On February 13, 2015, the Custodian filed a Statement of Information ("SOF"). The Custodian certifies that he received the Complainant's OPRA request on December 22, 2014, and that he responded in writing on January 2, 2015, seeking an extension of time until January 16, 2015. The Custodian certifies that on January 15, 2015, he provided twenty-five (25) pages of responsive, non-privileged records to the Complainant via e-mail. The Custodian further certifies that neither the disclosure of the records, nor the nature of the redactions, is in dispute.

The Custodian's Counsel argues that the Complainant makes only one claim; to wit, that the Custodian failed to provide a timely response to the request. Counsel states that the nature of the request required extensive review of the records and consultation with the Commissioner before the records were produced. Counsel further states that the Custodian requested an extension of time as he is permitted to do under OPRA; and thereafter he fully complied with, and responded to, the request.

### Analysis

#### Unlawful Denial of Access

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.

OPRA also provides that a custodian may request an extension of time to respond to the complainant's OPRA request but that a specific date on which the custodian will further respond must be provided. N.J.S.A. 47:1A-5(i). OPRA also provides that should the custodian fail to provide a response on that specific date, "access shall be deemed denied." N.J.S.A. 47:1A-5(i).

Here, the Complainant's only claim is that the Custodian took sixteen (16) business days to comply with the request, therefore violating OPRA. Although a specific denial of access was not set forth in the complaint, the Complainant alluded to a "deemed" denial arising from the Custodian's failure to disclose the requested records within the statutorily-mandated time frame. The Complainant ignored the extended time period sought by the Custodian because he claimed that the reason for the extension provided by the Custodian was not legally sufficient to justify an extension.

In Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011), the custodian responded in writing to the complainant's request on the fourth (4<sup>th</sup>) business day, seeking an extension of time to respond to the request and providing an anticipated deadline date when the requested records would be made available. The complainant did not agree to the custodian's request for an extension of time. The Council stated that:

The Council has further described the requirements for a proper request for an extension of time. Specifically, in Starkey v. NJ Dep't of Transportation, GRC Complaint Nos. 2007-315, 2007-316 and 2007-317 (February 2009), the Custodian provided the Complainant with a written response to his OPRA request on the second (2<sup>nd</sup>) business day following receipt of said request in which the Custodian requested an extension of time to respond to said request and provided the Complainant with an anticipated deadline date upon which the Custodian would respond to the request. The Council held that "because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided an anticipated deadline date of when the requested records would be made available, the Custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g) [and] N.J.S.A. 47:1A-5(i)."

Further, in Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010), the Council held that the custodian did not unlawfully deny access to the requested records, stating in pertinent part that:

[B]ecause the Custodian provided a written response requesting an extension on the sixth (6<sup>th</sup>) business day following receipt of the Complainant's OPRA request and providing a date certain on which to expect production of the records requested, and, notwithstanding the fact that the Complainant did not agree to the extension of time requested by the Custodian, the Custodian's request for an extension of time [to a specific date] to respond to the Complainant's OPRA request was made in writing within the statutorily mandated seven (7) business day response time.

Moreover, in Werner v. NJ Civil Serv. Comm'n, GRC Complaint No. 2011-151 (December 2012), the Council again addressed whether the custodian lawfully sought an extension of time to respond to the complainant's OPRA request and concluded that because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days, and provided an anticipated deadline date when the requested records would be made available, the Custodian properly requested the extension pursuant to OPRA. In rendering

the decision, the Council cited as legal authority Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011); Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010); Rivera v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2008-112 (April 2010); O'Shea v. Borough of Hopatcong (Sussex), GRC Complaint No. 2009-223 (December 2010); and Starkey v. NJ Dep't of Transportation, GRC Complaint Nos. 2007-315 through 317 (February 2009).

This is not to say that the Council will unquestioningly find valid every request for an extension of time containing a date certain deadline. Cf. Ciccarone v. NJ Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014), where the Council found that notwithstanding the fact that extensions are rooted in well-settled case law, the custodian cannot exploit same to deny access continuously by repeatedly rolling over an extension once it is obtained. In reaching their conclusion, the Council looked to what is "reasonably necessary."

In the instant complaint, the Custodian sought a ten (10) day extension of time to comply with the request. This should certainly not appear to be an excessive amount of time from the requestor's perspective, knowing that the Custodian would have to search for records responsive to the request, have them reviewed by legal counsel, and perhaps make any appropriate redactions before disclosure. Moreover, in this particular matter, the Requestor/Complainant knew that the Custodian "was not at work for several of the initial 7 days" and also knew, or should have known, that staffing levels during the holidays may not be as high as they are during non-holiday periods. These factors do not constitute an excuse for denying access, but they do influence the aspect of *reasonableness* in granting an extension of time. Given the facts of this complaint, a ten (10) day extension of time for the Custodian to comply with the request was not unreasonable.

Here, there is no dispute between the parties that the Custodian responded in writing to the Complainant's OPRA request on January 2, 2015, the seventh (7<sup>th</sup>) business day from receipt of the request. There is also no dispute between the parties that on January 2, 2015, the Custodian sought an extension of time to a date certain; viz., January 16, 2015, to further respond to the Complainant's request.<sup>5</sup>

Therefore, because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided a specific deadline date when the requested records would be made available, the Custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5(i). See Rivera, GRC 2009-317; Criscione, GRC 2010-68; and Werner, GRC 2011-151. See also Rivera, GRC 2008-112; O'Shea, GRC 2009-223; and Starkey, GRC 2007-315, 316, and 317. Accordingly, there is no "deemed" denial of the Complainant's request.

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<sup>5</sup> To clarify the record, the GRC notes that the Complainant filed the Denial of Access Complaint on January 26, 2015; therefore he knew that the Custodian responded on January 15, 2015, disclosing the requested records. As such, the Complainant's allegation that the Custodian took sixteen (16) business days to comply with the request was incorrect.

### **Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that because the Custodian requested an extension of time in writing within the statutorily mandated seven (7) business days and provided a specific deadline date when the requested records would be made available, the Custodian properly requested said extension pursuant to N.J.S.A. 47:1A-5(g) and N.J.S.A. 47:1A-5.i. *See* Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011); Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010); and Werner v. NJ Civil Serv. Comm'n, GRC Complaint No. 2011-151 (December 2012). *See also* Rivera v. Union City Board of Education (Hudson), GRC Complaint No. 2008-112 (April 2010); O'Shea v. Borough of Hopatcong (Sussex), GRC Complaint No. 2009-223 (December 2010); and Starkey v. NJ Department of Transportation, GRC Complaint Nos. 2007-315, 2007-316, and 2007-317 (February 2009). Accordingly, there is no "deemed" denial of the Complainant's request.

Prepared By: John E. Stewart

Reviewed By: Joseph D. Glover  
Executive Director

June 26, 2015