



State of New Jersey
GOVERNMENT RECORDS COUNCIL

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Acting Commissioner

FINAL DECISION

May 29, 2012 Government Records Council Meeting

Gregory Byrnes
Complainant

Complaint No. 2011-113

v.

Borough of Rockaway Police Department (Morris)
Custodian of Record

At the May 29, 2012 public meeting, the Government Records Council (“Council”) considered the May 22, 2012 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 did not timely respond to the Complainant’s clarification of his OPRA request. As such, the Custodian’s failure to respond in writing to the Complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the “restarted” statutorily mandated seven (7) business days results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i., Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007); and Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012).
2. The Complainant’s request is invalid under OPRA because it fails to specifically name identifiable recipients and a particular subject matter pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); and New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007).
3. Although the Custodian timely responded to the Complainant’s request by asking for further clarification of said request, the Custodian failed to timely respond to the resulting clarifying letter with a written response within the “restarted” statutorily mandated seven (7) business days and therefore violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. See Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012). However, the Complainant’s request is invalid under OPRA as a broad and unclear request pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos.



2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Accordingly, the evidence of record does not indicate that the Custodian's violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. 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.

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 29th Day of May, 2012

Robin Berg Tabakin, Chair
Government Records Council

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

Denise Parkinson Vetti, Secretary
Government Records Council

Decision Distribution Date: June 1, 2012

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 29, 2012 Council Meeting**

**Gregory Byrnes¹
Complainant**

GRC Complaint No. 2011-113

v.

**Borough of Rockaway Police Department (Morris)²
Custodian of Records**

Records Relevant to Complaint: Copies of:
E-mails of Doug Scheen, Kyle Schwarzmann, and Michael Godsen for the months of
November and December 2010, excluding spam.

Request Made: January 1, 2011

Response Made: January 11, 2011

Custodian: Sheila Seifert

GRC Complaint Filed: April 13, 2011³

Background

January 1, 2011

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.

January 11, 2011

Custodian's response to the request. The Custodian responds in writing via letter to the Complainant's OPRA request on the same day as the request was received.⁴ The Custodian states that the Complainant's request is unclear because the exclusionary term "spam" is not specified. The Custodian requests that the Complainant clarify the use of the term "spam" in his request.

February 15, 2011

Letter from the Complainant to the Custodian. The Complainant states that his usage of the word "spam" is sufficiently clear and that the Custodian should know what "spam" e-mail is. The Complainant contends that OPRA involves requests for government records, and the usage of the word "spam" is meant to disqualify those e-mails that would not constitute valid government records.

¹ No legal representation listed on record.

² Represented by Richard Beilin, Esq., of Wacks & Hartmann, LLC (Morristown, NJ).

³ The GRC received the Denial of Access Complaint on said date.

⁴ The Custodian certifies in the Statement of Information that she received the Complainant's OPRA request on January 11, 2011.

February 28, 2011

Letter from the Custodian to the Complainant. The Custodian states that the Complainant's request is denied pursuant to Elcavage v. West Milford Township, GRC Complaint No. 2009-07 (April 2010), because the Complainant's request fails to specify the content and subject of the e-mails sought.

April 13, 2011

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

- Complainant's OPRA request dated January 1, 2011
- Custodian's response to the OPRA request dated January 11, 2011
- Letter from the Complainant to the Custodian dated February 15, 2011
- Letter from the Custodian to the Complainant dated February 28, 2011

The Complainant argues that the clarification that the Custodian seeks is a frivolous assertion and is an unlawful denial of his request. The Complainant does not agree to mediate this complaint.

April 29, 2011

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

May 5, 2011

Custodian's SOI with the following attachments:

- Complainant's OPRA request dated January 1, 2011
- Custodian's response to the OPRA request dated January 11, 2011
- Letter from the Complainant to the Custodian dated February 15, 2011
- Letter from the Custodian to the Complainant dated February 28, 2011⁵

The Custodian certifies that the requested records have a three (3) year retention schedule. The Custodian certifies that the Complainant's request was forwarded to the Borough Attorney who advised the Custodian that the request was unclear because the exclusionary term "spam" was not specifically defined. The Custodian argues that a search for the requested records cannot be made because the Complainant's request is invalid.

The Custodian contends that the request is invalid because the Complainant's request fails to specify the content and subject of the e-mails sought and is inconsistent with the requirements the GRC set out in Elcavage v. West Milford Township, GRC Complaint No. 2009-07 (April 2010). The Custodian further argues that MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005) supports the proposition that the Complainant's request is invalid because a valid request for an e-mail must (1) specify the content and subject of the e-mail, (2) specify the specific range of dates that the e-mails were transmitted, and (3)

⁵ The Custodian also attached documents that correspond to previous OPRA requests that are not at issue in this complaint.

specify a sender and/or recipient of the e-mails. The Custodian further maintains that the Complainant failed to provide clarification of the term “spam,” and such a term is not self-explanatory. The Custodian maintains that if the Complainant had specified the subject matter of the requested e-mails, the vagueness of the term “spam” would not be at issue.

Analysis

Whether the Custodian timely responded to the Complainant’s OPRA request?

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 ...” N.J.S.A. 47:1A-5.g.

Further, OPRA 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 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, a custodian’s response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5.g.⁶ Thus, a custodian’s failure to respond in writing to a complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a “deemed” denial of the complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i., and Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

In the instant matter, the Complainant filed his request on January 1, 2011. In the Statement of Information, the Custodian certified that she received the Complainant’s request on January 11, 2011. The Custodian responded to the Complainant’s request in

⁶ It is the GRC’s position that a custodian’s written response either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days, even if said response is not on the agency’s official OPRA request form, is a valid response pursuant to OPRA.

writing seeking further clarification on the same day as receipt thereof, asking the Complainant to clarify what “spam” meant. On February 15, 2011, the Complainant responded in writing to the Custodian’s request for further clarification and stated that the usage of the word “spam” was sufficiently clear and that the term “spam” is used to disqualify e-mails that would not qualify as government records. On February 28, 2011, nine (9) business days following the receipt of the Complainant’s clarifying letter, the Custodian provided the Complainant a letter informing him that his request was denied.

The GRC has held that once a Custodian receives clarification from a Complainant regarding a previously received request, the seven (7) business day time frame in which a Custodian must respond to an OPRA request restarts. In Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012), the GRC held that a complainant’s Denial of Access Complaint was not ripe for adjudication because the complainant filed his complaint within the seven (7) business days following the Custodian’s receipt of the complainant’s e-mail that clarified an OPRA request. Accordingly, the GRC effectively held the seven (7) business day timeline allotted for a custodian to respond to an OPRA request in N.J.S.A. 47:1A-5.i. restarts when a complainant provides a custodian with clarification of an OPRA request.

The GRC’s holding in Mikle applies to the matter before the Council. Here, the Custodian received a letter from the Complainant that responded to the Custodian’s request for further clarification of an OPRA request. Although the Custodian responded to the initial request by asking for clarification within seven (7) business days, the Custodian did not respond to the Complainant’s clarifying letter until the ninth (9th) business day following receipt thereof.

Therefore, the Custodian did not timely respond to the Complainant’s clarification of his OPRA request. As such, the Custodian’s failure to respond in writing to the Complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the “restarted” statutorily mandated seven (7) business days results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i., Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007); and Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012).

Whether the Complainant’s records request is valid under OPRA?

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 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.

In the matter before the Council, the Complainant's request sought "[e]-mails of Doug Scheen, Kyle Schwarzmann, and Michael Godsen for the months of November and December 2010, excluding spam." Of issue is whether this request qualifies as a valid OPRA request. The relevant law is well settled.

The New Jersey Superior Court has held that "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.'* N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). As the court noted in invalidating MAG's request under OPRA:

"Most significantly, the request failed to identify with any specificity or particularity the governmental records sought. MAG provided neither names nor any identifiers other than a broad generic description of a brand or type of case prosecuted by the agency in the past. Such an open-ended demand required the Division's records custodian to manually search through all of the agency's files, analyze, compile and collate the information contained therein, and identify for MAG the cases relative to its selective enforcement defense in the OAL litigation. Further, once the cases were identified, the records custodian would then be required to evaluate, sort out, and determine the documents to be produced and those otherwise exempted." *Id.* at 549.

The Court further held that "[u]nder OPRA, *agencies are required to disclose only 'identifiable' government records* not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency's files." (Emphasis added.) *Id.*

Further, in Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005),⁷ the Superior Court references MAG in that the Court held that a requestor must specifically describe the document sought because OPRA operates to make identifiable government records “accessible.” “As such, a proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents.”⁸

Additionally, in New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007), the court enumerated the responsibilities of a custodian and a requestor as follows:

“OPRA identifies the responsibilities of the requestor and the agency relevant to the prompt access the law is designed to provide. The custodian, who is the person designated by the director of the agency, N.J.S.A. 47:1A-1.1, must adopt forms for requests, locate and redact documents, isolate exempt documents, assess fees and means of production, identify requests that require "extraordinary expenditure of time and effort" and warrant assessment of a "service charge," and, when unable to comply with a request, "indicate the specific basis." N.J.S.A. 47:1A-5(a)-(j). The requestor must pay the costs of reproduction and submit the request with information that is essential to permit the custodian to comply with its obligations. N.J.S.A. 47:1A-5(f), (g), (i). *Research is not among the custodian's responsibilities.*” (Emphasis added), NJ Builders, 390 N.J. Super. at 177.

Moreover, the court cited MAG by stating that “...when a request is ‘complex’ because it fails to specifically identify the documents sought, then that request is not ‘encompassed’ by OPRA...” The court also quoted N.J.S.A. 47:1A-5.g in that “[i]f a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency.” The court further stated that “...the Legislature would not expect or want courts to require more persuasive proof of the substantiality of a disruption to agency operations than the agency’s need to...generate new records...”

The test under MAG then, is whether a requested record is a *specifically identifiable* government record. If so, the record is disclosable, barring any exemptions to disclosure contained in OPRA. The GRC established the criteria deemed necessary to specifically identify an e-mail communication in Sandoval v. NJ State Parole Board, GRC Complaint No. 2006-167 (October 2008). In Sandoval, the Complainant requested “e-mail...between [two individuals] from April 1, 2005 through June 23, 2006 [using seventeen (17) different keywords].” The Custodian denied the request, claiming that it was overly broad. The Council determined:

⁷ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

⁸ As stated in Bent, *supra*.

“The Complainant in the complaint now before the GRC requested specific e-mails *by recipient, by date range and by content*. Based on that information, the Custodian has identified [numerous] e-mails which fit the specific recipient and date range criteria Complainant requested.” (Emphasis added.) *Id.*

In Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010), the Council examined what constitutes a valid request for e-mails under OPRA. The Council determined that:

“In accord with MAG, supra, and its progeny, in order to specifically identify an e-mail, OPRA requests must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) a valid e-mail request must identify the sender and/or the recipient thereof.” (Emphasis in original). *Id.*

In the instant matter, although the Complainant’s request provided a specific range of dates in which the requested e-mails were transmitted and a sender, when measured against the GRC’s holding in Elcavage, the request is overly broad and deficient because the Complainant’s request failed to name a specific, identifiable recipient and a particular subject matter. A request without this information is therefore an invalid request under OPRA.

Therefore, the Complainant’s request is invalid under OPRA because it fails to specifically name identifiable recipients and a particular subject matter pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); and New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007).

Whether the Custodian’s actions rise 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, 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, 107 (App. Div. 1996).

Here, although the Custodian timely responded to the Complainant’s request by asking for further clarification of said request, the Custodian failed to timely respond to the resulting clarifying letter with a written response within the “restarted” statutorily mandated seven (7) business days and therefore violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. See Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012). However, the Complainant’s request is invalid under OPRA as a broad and unclear request pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Accordingly, the evidence of record does not indicate that the Custodian’s violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. 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.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The Custodian did not timely respond to the Complainant’s clarification of his OPRA request. As such, the Custodian’s failure to respond in writing to the Complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the “restarted” statutorily mandated seven (7) business days results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5.g., N.J.S.A. 47:1A-5.i., Kelley v. Township of Rockaway, GRC Complaint No. 2007-11 (Interim Order

October 31, 2007); and Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012).

2. The Complainant's request is invalid under OPRA because it fails to specifically name identifiable recipients and a particular subject matter pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); and New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007).
3. Although the Custodian timely responded to the Complainant's request by asking for further clarification of said request, the Custodian failed to timely respond to the resulting clarifying letter with a written response within the "restarted" statutorily mandated seven (7) business days and therefore violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. See Mikle v. Burlington County Board of Taxation, GRC Complaint No. 2010-232 (January 2012). However, the Complainant's request is invalid under OPRA as a broad and unclear request pursuant to Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 and 2009-08 (March 2010); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Accordingly, the evidence of record does not indicate that the Custodian's violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. 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.

Prepared By: Darryl C. Rhone
Case Manager

Approved By: Catherine Starghill, Esq.
Executive Director

May 22, 2012