



GRC Use Only

New Jersey Government Records Council Denial of Access Complaint

Please read these instructions before completing this form:

- This form is to be used only for claims of denial of access to government records that you want the Government Records Council (GRC) to decide. Your request must have been made on or after July 8, 2002, under "OPRA," the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).
- Please print or type your responses and provide ALL information requested. Incomplete forms will delay processing. This form may be submitted online or is available in downloadable format from the GRC web site at www.nj.gov/grc.
- Only one complaint is required for each OPRA request form, regardless of the number of documents sought in the request.
- The GRC recommends that you keep a copy of this complaint for your own files.

● **MAIL, FAX, OR E-MAIL THIS COMPLAINT AND ALL SUPPORTING DOCUMENTATION TO:**

Government Records Council
PO Box 819
Trenton, NJ 08625-0819

Fax: (609) 633-6337
E-mail: Government.Records@dca.nj.gov
Online: cform.mwv.nj.gov

1. About the Requester of the Records:

Full Name: Tecumseh McElwee

Mailing Address: 411A Highland Ave

City: Somerville State: MA Zip 02144

Please provide a phone number at which GRC staff can contact you between 9 A.M.-5 P.M., Monday-Friday: (517) 299-1832

Fax Number: _____

E-Mail Address: 83963-18761136@requests.muckrock.com

If you are represented by an attorney in this matter, please provide:

Name: _____ Phone Number: _____

Address: _____ Fax Number: _____

E-mail Address: _____

If you are an attorney who requested records and are filing this complaint **on behalf of a client**, please state the client's name:

2. About the Custodian of Records:

Name of the public agency from which records were requested: Division of Gaming Enforcement

Name of custodian to whom records request was submitted: Sara Ben-David

Telephone Number: _____ E-Mail Address (if used): records.dge@njdgc.org

Name of custodian who denied records request (if different from above): _____

Telephone Number: _____ E-Mail Address (if used): _____

Fax Number: _____



3. About the Record Request:

Date your records request was provided to the custodian: 12/02/2019

Did you receive a reply to your request? Yes No

If so, state the date your request was denied: 12/10/2019

Have you previously filed a complaint with the GRC concerning the record request that is subject of this complaint?

Yes No

If yes, provide the GRC complaint number and a copy of the GRC decision in the matter.

Date: _____ Complaint No.: _____

Have you spoken with or written to the GRC about the record request that is subject of this complaint?

Yes Date: _____ No

Have you filed an action in the N.J. Superior Court concerning the record request that is subject of this complaint?

No Yes If Yes, Docket Number: _____

4. Mediation (please refer to the attached documents for details):

Are you interested in participating in mediation? Yes No

5. Documents to submit with this Form:

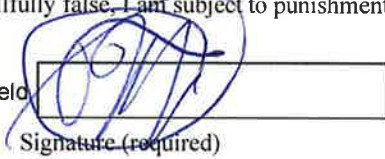
- Complete** the attached **Records Denied List** to describe the records to which you were denied access.
- Attach** a copy of the OPRA Records Request form you filed with the public agency and any correspondence between you and the record custodian(s) or custodial agency staff that concern the portion of your OPRA request that was denied. Be sure to include any e-mail, memoranda, phone messages, or any other documents such as affidavits, or certifications related to the request and the denial.
- Summarize** the facts of this complaint by writing the content, time, and date of any interaction you had with the custodian regarding the OPRA records request that is the subject of this complaint. Use the attached **Detail Summary** for this purpose.
- Provide** any legal arguments, allegations, or other information you would like the GRC to consider in deciding this complaint. Use the attached **Detail Summary** for this purpose.
- If applicable, until the Complainant's Counsel submits a formal letter of representation to all parties, the GRC will communicate exclusively with the Complainant. *See N.J.A.C. 5:105-1.3 & 2.2;*
- Sign** the Agreement to Mediate if you wish to participate in the mediation process.

6. Verification of Complaint:

By signing this complaint, I affirm under penalty of perjury that:

- I am the person who submitted the OPRA request for records which is the subject of this Complaint;
- The documents submitted with this Complaint are true copies of material which I believe is relevant to my claim;
- I am not seeking disclosure of any personal information pertaining to the victim of any crime committed by me, which is an indictable offense under the laws of the State of New Jersey, or any other State, or pertaining to the family of that victim; and
- I am simultaneously providing a copy of this complaint to the Custodian of Records.
- The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to the New Jersey Court Rule 1:4-4.

Signature Field


Signature (required)

12/11/2019
Date

**New Jersey Government Records Council
Denial of Access Complaint - Detail Summary**

Use this form to summarize the content, time, and date of any conversations regarding this complaint, along with the names of the participants and any witnesses.

I hereby appeal the denial of my request for records from the Division of Gaming Enforcement. The request was for records of Vyacheslav Ivankov, a casino patron. The number assigned by the Division was W153139. The Custodian Contact Information is Sara Ben-David. The stated grounds for denial were that it was "overbroad and improper."

I appeal on the basis that the cited grounds are completely baseless and merely a cover for the sheer laziness by the Division of Gaming Enforcement. I provided a reasonably specific class of records (those concerning a casino patron named Vyacheslav Ivankov). I provided a reasonably chronological basis for these records (1992-1995). Finally, I have every reason to believe that the records have been preserved as a matter of interest to regulators (there were several requests by the USDOJ and DGE over Ivankov's status as a "whale"/"high-roller" at several Atlantic City casinos).

This is not a request for "wholesale records" as cited by the Division, and it is disingenuous to classify the request this way without even bothering to do a simple search of records. I demand an actual search of records and the return of all responsive ones consistent with OPRA.

**New Jersey Government Records Council
Denial of Access Complaint – Records Denied List**

Name of Complainant: Tecumseh McElwee

This is page of

Please fill out this form describing the record (or portion of it) to which access has been denied and the response to your request, including the reason given for denial of access. Submit additional pages if necessary.

Item #	Description of record (or portion)	Response to request
1	Request Number W153139: Records re: casino patron Vyacheslav Ivankov	Denial: 39. Improper and Overbroad

**New Jersey Government Records Council
Agreement to Mediate**

By participating in mediation, I/we agree:

1. To engage in a good faith effort to resolve the above referenced complaint filed with the Government Records Council ("GRC") concerning access to records or related matters described in the Complaint;
2. That I will abide by any procedural rules set forth by the mediator. Such rules may include the establishment of a timetable for completion of mediation and/or phases of the mediation, a requirement that the parties periodically reduce settled issues to writing, a requirement that the parties personally meet with the mediator at a mutually convenient time and place and such other reasonable procedural rules deemed by the mediator to facilitate the mediation process.
3. That all discussions and documents arising during mediation are confidential unless otherwise legally obtainable. Documents provided in mediation cannot be used in a GRC hearing or appeal from a GRC determination unless those documents are public records or the party with control over the documents consents to their use in such a proceeding. Conversations with the mediator or with the other party during mediation will not constitute statements that can be used in a later GRC hearing or appeal from a GRC determination;
4. That I will not subpoena the mediator to testify or to produce any mediation materials whatsoever following the mediation. I acknowledge that the mediator will not testify on behalf of any party in any pending or future administrative or judicial proceeding, or disclose any information obtained during mediation unless the parties expressly consent to such disclosure, or unless law or court order requires disclosure. I further agree that the mediator will be held harmless for any claim arising from the mediation process;
5. That the mediation session will not be recorded (either video or audio) and that no transcript of the session will be produced;
6. That the mediator will not decide who is right or wrong, and that I shall not ask the mediator to act as my advocate. I acknowledge that the mediator will try to help the parties reach their own resolution of this dispute by encouraging discussion; however, if the mediator determines that the mediation process is no longer productive the mediator may unilaterally terminate said mediation and refer the matter back to the GRC for further processing;
7. That when a settlement is reached, it shall be put in writing and signed, and shall be binding upon all parties to the agreement. A copy shall be provided to the GRC. If the complaint is not resolved during mediation, the complaint will be transferred to the GRC for further processing.

The parties to this agreement, whose names and signatures appear below, are the only persons authorized to participate in the mediation process. The principal's representative, if any, affirms that he/she is authorized to act by, and on behalf of, the principal.

<input checked="" type="checkbox"/> YES, I want to participate in mediation.	<input type="checkbox"/> NO, I do not want to participate in mediation.
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Tecumseh McElwee 12/11/2019

Name of Principal (Please Print) Signature Date

I am the Complainant I am the Custodian

Name of Legal Representative (Please Print) Signature Date

Name of Representative (Please Print) Signature Date

Revised October 28, 2016

[Open the Central Repository Home Page to start the Form Submission Process](#)