

# 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 is available in downloadable format from the GRC web site at [www.nj.gov/grc](http://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	Fax: (609) 633-6337
PO Box 819	E-mail: <a href="mailto:grc@dca.state.nj.us">grc@dca.state.nj.us</a>
Trenton, NJ 08625-0819	

**1. About the Requester of the Records:**

Full Name: Daniel G Nee

Mailing Address: PO Box 1983

City: Brick State: NJ ZIP 08723

Please provide a phone number at which GRC staff can contact you between 8 A.M.-5 P.M., Monday-Friday: 732-703-4072

Fax Number: \_\_\_\_\_

E-Mail Address: daniel@shorebeat.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: Brick Township Board of Education

Name of custodian on whom records request was submitted: James Edwards

Telephone Number: 732-785-3000 E-Mail address (if used): \_\_\_\_\_

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: June 14, 2016

Did you receive a reply to your request?      Yes       No

If so, state the date your request was denied: June 17, 2016

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. Offer of Mediation (please refer to the attached documents for details):**

Are you interested in participating in mediation?      Yes       No

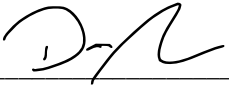
**5. Documents to submit with this Form:**

- 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.
- Sign** the Agreement to Mediate if you wish to participate in the mediation process.

**6. Verification of Complaint:**

By signing this complaint, I affirm that:

- I am the person who submitted the OPRA request for records which is the subject of this Complaint;
- The information I have provided is true to the best of my knowledge and belief;
- 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.

  
Signature (required)

July 21, 2016  
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.**

Statement of Facts:

1. On June 14, 2016, Daniel Nee (“the complainant”), a Brick Township resident who is also a news reporter covering the township, submitted an Open Public Records Act request to the Brick Township Board of Education, seeking three items:
  1. Termination charge(s) filed against Walter Uszenski.
  2. Draft document of termination charge(s) against Walter Uszenski.
  3. Legal services invoices received between May 2, 2016 and present.
2. The custodian of records, James Edwards, responded to the request well within the seven day deadline and provided the third item requested.
3. The custodian denied requests one (1) and two (2), replying that the “records do not exist.”
4. Walter Uszenski is the superintendent of the Brick Township public school district. He is currently suspended from that position due to pending criminal charges, for which he has been indicted.
5. At the Jan. 6, 2016 Board of Education meeting, elected board member Victoria Pakala instructed Nicholas Montenegro, the new board attorney who had been appointed at the same meeting, to review the charges against Uszenski and to report to the board, at its next public meeting, “options regarding termination of his existing contract.” (Exhibit A, minutes from the Jan. 7, 2016 Board of Education meeting.)
6. Neither the board, nor Montenegro, discussed the termination of Uszenski at the next meeting, or any subsequent meeting, during public session.
7. On May 25, 2016, the complainant submitted an OPRA request to the custodian, seeking copies of legal services invoices from Feb. 1, 2016 through May 25, 2016. The custodian supplied the requested records.
8. The legal services invoices make numerous references to the draft of termination charges against Uszenski.
9. The records, on information and belief, refer to Uszenski by his initials, “W.U.” These records include:
  - a. Jan. 14, 2016 - “Legal research/analysis of legal issues relating to pending charges - filing of termination charges (W.U.)” (Exhibit B, legal services invoice.)
  - b. Feb. 1, 2016 - “Drafted statement of initial termination charges 1-7 (W.U.)” (Exhibit C, legal services invoice)
  - c. Feb. 3, 2016 - “Reviewed, revised and finalized draft of tenure charges; cover letter for filing; telephone call with prosecutor’s office. (W.U.)” (Exhibit D, legal services invoice).
  - d. Feb. 9, 2016 - “Reviewed and finalized draft of charges for review/discussion with interim superintendent; review of policy 5118;” (Exhibit E, legal services invoice).

10. A government record is “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.” N.J.S.A. 47:1A-1.1.

11. A document is a public record when it is “created by, or at the behest of, public officers in the exercise of a public function.” *Keddie v. Rutgers*, 148 N.J. 36, 50 (1997)

12. The legal services invoices referenced in exhibits B, C, D and E reflect specific actions creating the requested documents at the behest of Pakala, at a public meeting, in her capacity as an elected board member.

13. On information and belief, Montenegro acted in good faith to create the requested document(s) and charged the school district accordingly for his services in doing so.

14. The complainant filed a separate OPRA request on June 2, 2016 which substituted the phrase “tenure charges” for “termination charges.” That request was similarly denied by the custodian, who replied that the records did not exist.

13. The custodian’s denial under the reasoning that the requested document(s) do not exist runs contrary to the evidence presented in exhibits B, C, D and E that the documents do, indeed, exist and were created on the dates detailed in the invoices.


# EXHIBIT 'A'

## BRICK TOWNSHIP BOARD OF EDUCATION MINUTES REORGANIZATION MEETING DATE: JANUARY 7, 2016

Counsel), Insurance Broker (Workers Compensation), Auditor, Architect, Engineer, Financial Advisor and School Physician, seconded by Ms. Wohlrab with the following roll call vote:

Ms. Cusanelli asked a question on #16, Mr. Edwards answered.

Mr. Barton	Yes
Ms. Cantillo	Abstain
Ms. Cusanelli	No
Mr. Lamela	Yes
Ms. Pakala	Yes
Mr. White	Yes
Ms. Wohlrab	Yes



18. Ms. Pakala asked for a motion to instruct the Board Attorney Montenegro to review the pending matters related to Superintendent Uszenski and to report to the Board at its next regularly scheduled meeting on the status and this Board's legal rights and options regarding termination of his existing contract seconded by Ms. Wohlrab, with the following roll call vote:

Ms. Cusanelli asked a question on #18, Mr. Lamela answered.  
Mr. Barton asked a question on #18, Mr. Sahradnik answered.

Mr. Barton	Unfairly Abstain
Ms. Cantillo	Abstain
Ms. Cusanelli	Abstain
Mr. Lamela	Yes
Ms. Pakala	Yes
Mr. White	Yes
Ms. Wohlrab	Yes

19. Ms. Pakala asked for a motion to instruct the Board Attorney Montenegro to obtain a list of all pending engagements/lawsuits from current Board Counsel, Special Education Counsel, Bond Counsel and Labor Negotiations Counsel and to report a status of same to the Board at its next regularly scheduled meeting, seconded by Ms. Wohlrab with the following roll call vote:

Mr. Barton	Yes
Ms. Cantillo	Yes
Ms. Cusanelli	Abstain
Mr. Lamela	Yes
Ms. Pakala	Yes
Mr. White	Yes
Ms. Wohlrab	Yes

	receipt and review of email from Sahradnik with attachment re pending OAL matter- bus driver appeal (M.B.)	0:30	72.50
Jan-13-16	email correspondence exchange re PTI application/BOE response (L.M.)	0:18	43.50
	receipt and review of email from Sahradnik with attachments re bus driver layoff appeal; telephone call with Sahradnik office (M.M.)	1:00	145.00
Jan-14-16	Legal research/analysis of legal issues related to pending charges - filing of termination charges (W.U.)	2:42	391.50
	Email to Kalac re 1/13 conference; receipt and review of email from Kalac; email to Kalac re closed session (J.H.)	0:24	58.00
Jan-15-16	Review letter of termination forwarded by Interim Superintendent's office and confirmation of accuracy (D.S. employee); telephone call from Osborn; receipt and review of email from Osborn; email to Osborn (D.S.)	0:24	58.00
	receipt and review of appeal records for analysis; letter to court with substitution of attorney for filing; telephone call with Cunningham office (I.D.)	3:30	507.50
	receipt and review of 31B issued by appointing authority (M.B.)	0:24	58.00
Jan-18-16	Letter to Judge Pelios with substitution for filing; telephone call with Cunningham office; completed file document review (I.D.)	0:36	87.00
	telephone call with Cunningham re pending appeal (I.D.)	0:18	43.50
	Review of personnel file documents and terms of prior proposed settlement for modification to reach settlement currently (M.B.)	2:48	406.00
Jan-19-16	Telephone call with Megan Osborn twice and Superintendent Caldes regarding status of employee activities, termination and potential additional charges (D.S.);	0:36	87.00
	Review email correspondence from Human Resources indicating message left to me with Dr. Caldes on Thurs. (D.S.);	0:13	30.00
Jan-20-16	Review email correspondence from Human Resource Manager Osborn relative to discovery request from the Union President and discussion of same with Ms. Osborn and the parameters of the review of the file for redaction of personal information prior to submission when employees themselves consent to the release of said information (B & C employees);	0:27	65.25

EXHIBIT 'B'

**EXHIBIT**  
**'C'**

	information submitted and advise Ms. Osborne that the matter will be resolved by way of a conference call with the OAL Judge today (Bus Drivers);	1:48	261.00
Feb-01-16	receipt and review of email from Osborn with attachment re PERC decision related to production of files to unit representative; file document review in prep for conference call with Judge Scarola (M.B.)	0:33	79.75
	Review email correspondence from Human Resources as to summary of complaint, hearing and suggested actions discussion of same with Meagan Osborne as to her recommendation to the Board of Education (J.D. employee);	0:13	30.00
	Telephone conversation with Interim Super. Caldes regarding discussion with Union Representative send status of case (D.S. employee);	0:12	29.00
	Email to Osborn for copy of TWU contract (M.B.)	2:00	290.00
	drafted statement of initial termination charges 1-7 (W.U.)		
	<b>Totals</b>	<b>34:36</b>	<b>\$5,011.34</b>



<b>Total Fees, Disbursements</b>	<b>\$5,011.34</b>
Previous Balance	\$0.00
Previous Payments	\$0.00
<b>Balance Due Now</b>	<b>\$5,011.34</b>

# EXHIBIT 'D'

	Brick High School Prom preparation of memorandum to B.A. Edwards reviewing same and proposed additional paragraphs to be added as an addendum to said agreement (Ocean Place);		
	Review proposed contract from Tri-State Tours and preparation of memo to B.A. Edwards relative to a review of same (Tri-State Tours);	0:32	77.33
	Review agenda items for public meeting of Feb. 4;	0:30	72.50
	Review email correspondence from B.A. Edwards and including email request from Shore Beat as to clarification of request (Shore Beat OPRA)	0:18	43.50
	Review email correspondence from Interim Superintendent Caldes forwarding correspondence from employee requesting medical leave and response thereto (D.S. employee);	0:31	74.92
	Review email correspondence from interim Superintendent Caldes that the union representative will contact me concerning the employee's request and response thereto (D.S. employee);	0:26	62.83
	telephone call with B.A. Edwards re contract; telephone call with County Super office re modifications/clarifications; drafted revised contract - redlined and clean; email to Flora and Muller for final review/approval; email to B.A. Edwards (Interim)	2:00	290.00
	Reviewed, revised and finalized draft of tenure charges; cover letter for filing; telephone call with Prosecutor's office (W.U.)	1:06	159.50
	receipt and review of email from B.A. Edwards with attached spreadsheet to County Super (Interim)	0:13	30.00
	receipt and review of initial agenda with attachments (Agenda)	3:30	507.50
	Letter with stip sent to Judge Scarola (M.B.)	0:18	43.50
	drafted new business motions for board meeting in accord with committee recommendation (Agenda)	0:30	72.50
	Legal research regarding sale of public lands and BOE property. (Thorn)	1:30	217.50
Feb-04-16	Telephone call to Human Resources regarding personnel matters listed on the agenda and discussion of same;	0:13	30.00
	Telephone call with B.A. Edwards regarding addendum to the public meeting agenda and discussion of the OPRA request from Shore	0:18	43.50



**EXHIBIT  
'E'**

	for role/input in interview processes (Personnel)		
	Research statutes and codes regarding record production requirements and ability to charge for copies, etc.	1:00	145.00
Feb-09-16	Telephone call Prosecutor's office discussion of meeting to review file details (W.U. employee);	0:13	31.42
	Telephone call attorney Driscoll regarding status of transfer, discussion of same with Ms. Osborn at Human Resources for update as to status (A.L. employee);	0:33	79.75
	telephone call with committee chair re competitive contracting; legal review on inquiry; telephone call with committee chair (Contracts)	0:30	72.50
	Revised and finalized draft of charges for review/discussion with interim superintendent; review of policy 5118 - exhibit attachment (W.U.)	0:36	87.00
	[A.L 504 accommodation request] Receipt and review of correspondence from attorney seeking accommodation for employee. Review of applicable U.S. federal codes and regulations. Legal opinion letter regarding applicability to employee's request.	2:00	290.00
Feb-10-16	Telephone call with the Prosecutor's office scheduling an appointment to review file (W.U. employee);	0:13	31.42
	Review emails from Human Resources requesting review of personnel file and response thereto (B & C employees);	0:24	58.00
	Extensive telephone conversation with Prosecutor's office relative to charges (W.U. employee);	0:24	58.00
	Review memo and email correspondence from Human Resources (S & T employees);	0:24	58.00
	Review Disbursement Review proposal for providing services and preparation of memo to B.A. Edwards outlining issues and concerns relative to same as well as suggesting addendum revisions (Disbursement Review);	1:00	145.00
	receipt and review of document provided by Osborn re personnel matter; receipt and review of TWU contract provisions for discussion with administration (Personnel)	0:30	72.50
	receipt and review of counsel outline of pending special education matter;	0:24	58.00
	correspondence review in prep for conference (W.U.)		



# COPY OF REQUEST/DENIAL



**BRICK TOWNSHIP PUBLIC SCHOOLS  
OPEN PUBLIC RECORDS ACT REQUEST FORM**

101 Hendrickson Avenue, Brick, NJ 08724  
732-785-3000 Ext. 1016, Fax: 732-458-3670

Custodian of Records:  
**James W. Edwards, Jr., CPA**  
Business Administrator/  
Board Secretary

**Requestor Information – Please Print**

First Name Daniel MI G Last Name Nee RECEIVED  
JUN 14 2016

E-mail Address daniel@shorebeat.com BUSINESS ADMINISTRATOR

Mailing Address PO Box 1983

City Brick State NJ Zip 08723

Telephone 732-703-4072 FAX \_\_\_\_\_

Preferred Delivery: Pick Up \_\_\_\_\_ US Mail \_\_\_\_\_ On-Site Inspect \_\_\_\_\_ Fax \_\_\_\_\_ E-mail

**If you are requesting records containing personal information, please circle one:** Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE**  **HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature  Date June 14, 2016

**RECORD REQUEST INFORMATION**

Please be as specific as possible in describing the records being requested.

ITEM	APPROVED OR DENIED/REASON
1. Termination charge(s) filed against Walter Uszenski	Denied
2. Draft document of termination charge(s) against Walter Uszesnki	Denied
3. Legal services invoices received between May 2 and present (6/14/16)	Approved
4.	

**For Office Use Only**

**DATES/PAYMENT INFORMATION**

RECEIVED:	
CONTACTED:	① Document does not exist ② " " "
FEE FOR PAPER COPIES (\$.05 each):	
FEE FOR DVDs (\$.25 each):	
DELIVERY/POSTAGE:	
TOTAL:	

Signature of Custodian of Records

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

Name of Complainant: Daniel G Nee

This is page 1 of 1.

Please fill out this form describing the record (or portion of it) to which access has been denied, 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	Termination charges filed against Walter Uszenski.	"Does not exist."
2	Draft document of termination charge(s) against Walter Uszenski.	"Does not exist."

## Using Mediation to Resolve Complaints

### ❖ The Mediation Option

The New Jersey Government Records Council offers mediation to resolve disagreements arising from a request for government records. A trained, neutral mediator is available to assist the parties – the person who was allegedly denied access to a government record and the custodian who allegedly denied access -- reach a mutually acceptable resolution to their differences.

### ❖ What is Mediation?

Mediation is an informal, non-adversarial, voluntary problem-solving process. The purpose of the mediation is to:

- i. Promote discussion between the parties,
- ii. Assist parties to develop and exchange pertinent information and data concerning the issues in dispute, and
- iii. Assist parties to develop proposals that will enable them to arrive at a mutually acceptable outcome.

The mediator is an impartial, third party whose purpose is to help frame the issues, focus discussion, clarify points of agreement and disagreement, and assist parties in considering options to resolve the dispute. The mediator is not a judge and has no authority to determine the merits of the complaint or the outcome of the mediation, nor does a mediator act as an advocate for any party to the dispute. Ultimately, the parties control whether and how the dispute is resolved.

### ❖ Features of Mediation:

**Voluntary** - Both parties must agree to participate in mediation. Any party to the mediation may withdraw at any time by notifying the mediator and all other parties involved. The mediator can also terminate the process at any point if it appears that further mediation would be unproductive. Settlement, too, is entirely voluntary. If a settlement is reached, however, the mediator will assist the parties in putting their agreement into written form. Once all parties sign a Mediation Settlement Agreement, it becomes binding and all parties are obligated to fulfill the promises made in the Agreement.

**Confidential** - Information that is disclosed in the course of mediation and not otherwise obtainable is confidential, for settlement purposes only, and cannot be used in any future proceeding unless expressly agreed to by the parties. Records of the proceeding - stenographic, electronic or otherwise - will be maintained in a confidential file pursuant to the Uniform Mediation Act (N.J.S.A. 2A:23C-1 et seq.). Parties will not be bound by anything said or done in mediation unless and until there is a written Mediation Settlement Agreement.

**Informal** - Mediation is not a legal proceeding. There will be no testimony or witnesses, and rules of evidence do not apply. Rather, mediation is informal and aimed at reaching terms agreeable to both parties.

### ❖ Why Consider Mediation?

**No cost** - Mediation is free to both parties. If both parties agree to try mediation, there is no obligation for the custodian to formally respond to the complaint, or for the person requesting records to prepare testimony.

**Prompt, convenient and private** - Mediation takes place at a mutually agreed upon time and place; the mediation session is a private, informal discussion.

**No representation necessary** - Although the parties may each bring a legal representative. It is essential however, that participants in the mediation have decision-making authority, that is, the ability to commit to a settlement, or in the case of the custodian, to obtain such authority by telephone.

**Parties control the outcome** - Parties negotiate the terms that meet their interests. Parties will not be bound by anything said or done at the mediation unless a Mediation Settlement Agreement is signed. In addition, parties do not waive any of their rights by coming to mediation, nor will they be sanctioned for not participating or not reaching agreement.

❖ **How does Mediation Work?**

Once both parties sign the **Agreement to Mediate**, a mediator will contact the parties to conduct an initial conference call to describe the mediation process, to identify the people with decision-making authority who need to be present at the mediation session, to provide the mediator with a brief overview of the issues, and to schedule the mediation. It is the responsibility of each party to notify their legal representative, if any, of the pending mediation session.

**The mediator opens the mediation session by describing his or her role as an impartial, third party and explaining the mediation procedure. Each party then will have an opportunity to discuss issues of concern. The mediator will meet jointly and separately with the parties to further the exchange of information, to help parties understand one another's perspective, and to explore settlement options.**

If settlement is reached, the terms of the agreement will be reduced to writing and signed by the parties. A copy of the Mediation Settlement Agreement is given to each party. If there is no agreement, the matter will be referred for adjudication by the GRC.

❖ **Who is the Mediator?**

The GRC provides mediation services to promote the use of means other than litigation to resolve disputes affecting the public interest. The Mediator is an attorney well versed in the Open Public Records Act and is professionally trained in dispute resolution.

❖ **For more information**

For more information about mediation or if you have any questions please contact:

New Jersey Government Records Council  
101 South Broad Street  
PO Box 819  
Trenton, NJ 08625-0819  
Phone: (609) 292-6830  
Fax: (609) 633-6337  
Web: [www.nj.gov/grc](http://www.nj.gov/grc)

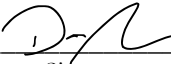
**New Jersey Government Records Council  
 Agreement to Mediate  
 GRC Complaint No. 20XX-XX**

**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 type="checkbox"/> YES, I want to participate in mediation.	<input checked="" type="checkbox"/> NO, I do not want to participate in mediation.
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Daniel G. Nee		July 21, 2016
Name of Principal (Please Print)	Signature	Date
<input checked="" type="checkbox"/> I am the Complainant <input type="checkbox"/> I am the Custodian		

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Name of Legal Representative (Please Print)	Signature	Date
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Name of Representative (Please Print)	Signature	Date
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