



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
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CHRIS CHRISTIE  
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KIM GUADAGNO  
Lt. Governor

CHARLES A. RICHMAN  
Commissioner

July 7, 2017

VIA E-MAIL

Alec Ferretti  
2582 Bellmore Avenue  
Bellmore, New York 11710

RE: Alec Ferretti v. New Jersey Dep't of Health – Office of Population Health  
GRC Complaint No. 2017-123

Dear Mr. Ferretti:

Because both parties have agreed to mediate this complaint, it has been forwarded to me for resolution. As the assigned mediator, my job is to encourage and facilitate settlement of this dispute. Before we start this process please note the following:

- The mediation process is strictly voluntary—you may discontinue at any time and the complaint will be referred back to the GRC case manager for adjudication. As such, it is expected that you will make a good faith effort to resolve the complaint and this will likely require some “give and take” on both sides.
- You have a right to legal counsel or other representation; however, your representative must execute the *Agreement to Mediate* if he/she intends to actively participate in the process.
- **All mediation communications are confidential. Mediation discussions and materials remain confidential unless the privilege against disclosure is expressly waived by all parties. This matter will remain in mediation until all parties receive a *Mediation Disposition Report*. While this matter is in mediation, do not communicate with anyone who is not a party to the mediation, this includes copying the GRC or any of its staff members with any correspondence or mediation communications. If this matter fails to settle, and is referred back to a GRC case manager for adjudication, do not submit copies of any mediation communications to any person or entity, including the GRC or any of its staff members.**
- The mediation session will not be recorded and a transcript of the session will not be produced, although I may take notes to track the progress of the mediation.
- I will, in an impartial manner, guide the mediation process but you are not my client and I am not an advocate for you or your interests. Based upon my knowledge of OPRA and my familiarity with Council decisions, I may offer opinion regarding potential Council action with respect to the existing complaint. You may consider my opinion to help guide your decision, but do not construe it as the foreseeable outcome of this matter. I cannot predict a Council decision.



- Mediation sessions will be conducted either conference style (in a meeting room at the DCA Building in Trenton) or telephonically, whichever format I deem to be most conducive to a successful resolution of the issues. Once scheduled, should a mediation session be canceled at the request of a party, it must be rescheduled within a period not to exceed seven (7) business days from the cancellation date. If the mediation cannot be rescheduled within such a timeframe, the complaint may be referred back to the GRC case manager for adjudication.
- In order for the mediation process to proceed smoothly time constraints may be imposed by the mediator or the GRC. It is important that the parties adhere to all deadlines. Failure to do so will likely result in the complaint being referred back to the GRC case manager for adjudication.
- All parties must cooperate and remain actively engaged throughout the mediation process. If I deem the mediation process at any time to be less than productive, I will refer the complaint back to the GRC case manager for adjudication.
- The parties will execute a written settlement agreement if the complaint is resolved during mediation. As a courtesy, a form of settlement agreement will be provided to the parties upon resolution of the complaint; however, the parties are free to negotiate and execute their own agreement as long as it provides for settlement/withdrawal of the complaint.
- If the custodian discloses to the complainant any government records or other information or material requested by the complainant before a settlement agreement is executed, and the complainant subsequently fails or refuses to sign the settlement agreement, I will make no effort to recover said records or materials on behalf of the custodian. Therefore, if the custodian is concerned that this may be an issue, upon request I will schedule a mediation session so that the records may be conveyed simultaneously with the execution of the settlement agreement. This paragraph does not apply if the complainant is incarcerated.
- If there is any reason why you believe I may not be able to perform my mediation duties in an impartial manner, please bring such reason or reasons to my attention immediately.
- If you do not understand my role in this matter, please tell me before we commence the mediation process.

If any aspect of this letter is unclear and you wish further clarification or elaboration, please contact me immediately. If I do not otherwise hear from you within five (5) business days of the date of this letter, it will be understood that you understand and agree to abide by the contents of this letter.

I will contact you shortly in order to schedule the mediation. During the interim, please give some thought to potential settlement alternatives from your perspective. I look forward to working along with you in an effort to resolve this complaint.

Very truly yours,



John E. Stewart, Mediator, GRC

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