



## **Minutes of the Government Records Council July 27, 2021 Public Meeting – Open Session**

### **I. Public Session:**

- **Call to Order**

The meeting was called to order at 1:35 p.m. by Ms. Robin Berg Tabakin via Microsoft Teams.

- **Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

- **Meeting Notice**

Ms. Berg Tabakin read the following Open Public Meetings Act statement:

“This meeting was called pursuant to the provisions of the Open Public Meeting Act. Notices of this meeting were faxed to the Newark Star Ledger, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on July 22, 2021.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Salma Chand, Esq. (designee of Department of Education Acting Commissioner Dr. Angelica Allen-McMillan), Gina Trish (designee of Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver), and Steven Ritardi, Esq., Public Member.

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Samuel Rosado (Staff Attorney), and Deputy Attorney General Debra Allen.

### **II. Executive Director’s Report:**

#### **Current Statistics**

- Since OPRA’s inception in July 2002, the GRC has received 5,763 Denial of Access Complaints. That averages about 303 annual complaints per 19 program years. So far

in the current program year (FY2022), the GRC has received 28 Denial of Access Complaints.

- 360 of the 5,763 complaints remain open and active (6.2%). Of those open cases:
  - 8 complaint is on appeal with the Appellate Division (2.2%);
  - 23 complaints are currently in mediation (6.3%);
  - 6 complaint are proposed for the Office of Administrative Law (1.7%);
  - 28 complaints await adjudication by the Office of Administrative Law (7.8%);
  - 89 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (24.7%);
  - 206 complaints are work in progress (57.2%); and
  - 0 complaints are being held in abeyance (0.0%).
  
- Since Program Year 2004, the GRC has received and responded to 34,286 total inquiries, averaging about 1,903 annual inquiries per 18 tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2022), the GRC has received 100 inquiries (5.6 inquiries per workday).

### **III. Closed Session:**

- Marcella Aylwin v. Egg Harbor City (Atlantic) (2019-191) *In Camera* Review (N.J.A.C. 5:105-2.8(g)).

Ms. Berg Tabakin called for a motion to go into closed session. Ms. Chand made a motion, and Ms. Trish seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:44 p.m. until 1:50 p.m.

Ms. Berg Tabakin called for a motion to end the closed session. Ms. Chand made a motion, which was seconded by Ms. Trish. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:51 p.m., and Ms. Bordzoe called roll.

- Present: Ms. Berg Tabakin, Ms. Chand, Ms. Trish, and Mr. Ritardi.

### **IV. Approval of Minutes of Previous Meetings:**

#### **June 29, 2021 Open Session Meeting Minutes**

Ms. Berg Tabakin called for a motion to approve the draft open session minutes of the June 29, 2021 meeting. Mr. Ritardi made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote.

## **June 29, 2021 Closed Session Meeting Minutes**

Ms. Berg Tabakin called for a motion to approve the draft closed session minutes of the June 29, 2021 meeting. Mr. Ritardi made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote.

### **V. New Business – Cases Scheduled for Adjudication**

Ms. Berg Tabakin stated that an “Administrative Complaint Disposition” means a decision by the Council as to whether to accept or reject the Executive Director’s recommendation of dismissal based on jurisdictional, procedural, or other defects of the complaint. The reason for the Administrative Disposition is under each complaint below:

#### **A. Administrative Disposition Adjudications with Recusals (Consent Agenda):**

Ms. Berg Tabakin noted that Mr. Ritardi would be muted for Agenda item No. 1 to ensure his non-participation in the item from which he was recused. Ms. Berg Tabakin confirmed to the public that Mr. Ritardi was muted prior to addressing the below agenda item.

##### **1. David Weiner v. County of Essex (2020-128) (SR Recusal)**

- No Records Responsive to the Request Exist.
- Ms. Berg Tabakin called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Chand made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote; Mr. Ritardi recused.

Ms. Berg Tabakin notified the public that Mr. Ritardi would rejoin the meeting by unmuting himself. Mr. Ritardi rejoined the meeting at that time.

#### **B. Administrative Disposition Adjudications with no Recusals (Consent Agenda):**

##### **1. Kevin Alexander v. Middlesex County Board of Chosen Freeholders (2021-110)**

- No Records Responsive to the Request Exist.
- Ms. Berg Tabakin called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Chand made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote.

#### **C. Administrative Disposition of Uncontested, Voluntary Withdrawals by Complainant (No Adjudication of the Council is Required):**

##### **1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Nutley (Essex) (2020-47)**

- Complaint Voluntarily Withdrawn.

2. **Michael I. Inzelbuch, Esq. (o/b/o DAG, JAYS, Semanton) v. Monmouth Ocean Educational Services Commission (2020-249)**
  - Complaint Voluntarily Withdrawn.
3. **Brian McBride v. Manchester Township (Ocean) (2021-22)**
  - Complaint Voluntarily Withdrawn.
4. **Justin Klabin v. Montclair Board of Education (Essex) (2021-32)**
  - Complaint Voluntarily Withdrawn.
5. **Lynn Petrovich v. NJ Department of Health (2021-35)**
  - Complaint Settled in Mediation.
6. **Brady Montalbano Connaughton, Esq. (o/b/o Local 125, International Brotherhood of Teamsters) v. Township of Maplewood (Essex) (2021-42)**
  - Complaint Settled in Mediation.
7. **Rotimi Owoh, Esq. (o/b/o Delores Simmons & Grace Woko) v. Township of South Brunswick (Middlesex) (2021-104)**
  - Complaint Voluntarily Withdrawn.
8. **Scott Madlinger v. Berkeley Township Police Department (Ocean) (2021-123)**
  - Complaint Voluntarily Withdrawn.
9. **Steven J. Kossup, Esq. v. Police and Firemen’s Retirement System of NJ (2021-128)**
  - Complaint Voluntarily Withdrawn.
10. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons & Grace Woko) v. Bridgewater Police Department (Somerset) (2021-146)**
  - Complaint Voluntarily Withdrawn.
11. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons & Grace Woko) v. Stratford Police Department (Camden) (2021-148)**
  - Complaint Voluntarily Withdrawn.

## VI. New Business – Cases Scheduled for Individual Complaint Adjudication

### A. Individual Complaint Adjudications with Recusals:

A brief summary of the Executive Director’s recommended action is under each complaint:

Ms. Berg Tabakin noted that Ms. Trish would be muted for Agenda item No. 1 to ensure her non-participation in the item from which she was recused. Ms. Berg Tabakin confirmed to the public that Ms. Trish was muted prior to addressing the below agenda item.

1. **Scott Madlinger v. Atlantic City Police Department (Atlantic) (2019-206) (GT Recusal)**
  - The Custodian’s response was insufficient because he failed to provide a specific lawful basis for his denial. N.J.S.A. 47:1A-5(g); Morris v. Trenton Police Dep’t (Mercer), GRC Complaint No. 2007-160 (May 2008).
  - The Custodian shall disclose the requested summonses in accordance with Simmons v. Mercado, \_\_\_ N.J. \_\_\_ (2021).
  - The knowing and willful analysis is deferred.

- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote; Ms. Trish recused.

Ms. Berg Tabakin notified the public that Ms. Trish would rejoin the meeting by unmuting herself. Ms. Trish rejoined the meeting at that time.

Ms. Berg Tabakin again noted that Mr. Ritardi would be muted for Agenda item Nos. 2 through 4 to ensure his non-participation in those items from which he was recused. Ms. Berg Tabakin confirmed to the public that Mr. Ritardi was muted prior to addressing the below agenda items.

2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. City of Hoboken (Hudson) (2020-51) (SR Recusal)**

- The Custodian may have unlawfully denied access to the requested records. Simmons, \_\_\_ N.J. \_\_\_. Thus, the Custodian shall either locate and disclose responsive records, pending a special service charge if applicable, or certify if none exist.
- The knowing and willful and prevailing party fee analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Ms. Chand made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Paterson Police Department (Passaic) (2020-56) (SR Recusal)**

- The Custodian did not fully comply with the Council’s June 29, 2021 Interim Order; however, the Complainant took no action to pay the applicable special service charge.
- The Council should decline to analyze the knowing and willful issue because no violation of OPRA occurred.
- The Complainant is not a prevailing party.
- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Ms. Trish made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

4. **David Weiner v. County of Essex (2020-129) (SR Recusal)**

- The Custodian’s failure to timely respond within the extended time frame resulted in a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-

5(i). However, the Council should decline to order disclosure because the Custodian did so on August 18, 2020.

- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

Ms. Berg Tabakin notified the public that Mr. Ritardi would rejoin the meeting by unmuting himself. Mr. Ritardi rejoined the meeting at that time.

#### **B. Individual Complaint Adjudications with no Recusals:**

1. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. South Brunswick Township (Middlesex) (2018-63)**

- The Custodian complied with the Council's February 26, 2020 Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

2. **Wayne Levante v. Town of Newton (Sussex) (2018-127)**

- The Custodian complied with the Council's June 29, 2021 Interim Order.
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Buena Borough (Atlantic) (2018-184)**

- The Custodian did not fully comply with the Council's June 30, 2020 Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached.

If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.

- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

4. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Egg Harbor City Police Department (Atlantic) (2018-190)**

- The current Custodian complied with the Council's June 30, 2020 Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

5. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Lacey (Ocean) (2018-193)**

- The Custodian did not fully comply with the Council's July 28, 2020 Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

6. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Pennsville (Salem) (2018-233)**

- The Custodian may have unlawfully denied access to the requested records. Simmons, \_\_\_ N.J. \_\_\_. Thus, the Custodian shall either locate and disclose responsive records, pending a special service charge if applicable, or certify if none exist.
- The knowing and willful and prevailing party fee analyses are deferred.

- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.
7. **Mitchell Kotler v. Town of Morristown (Morris) (2019-99)**
- The Council should award prevailing party attorney’s fees in the amount of \$1,800.00 representing four (4) hours at \$450.00 per hour, in addition to \$3.80 in expenses.
  - Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Ms. Chand made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.
8. **Luis F. Rodriguez v. Kean University (2019-109)**
- The Council should dismiss this complaint because Complainant’s Counsel withdrew it in an e-mail to the GRC on July 26, 2021. No further action is required.
  - Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Rosado noted that this complaint was amended to reflect Complainant Counsel’s withdrawal the day prior to the meeting. Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as amended. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.
9. **Benjamin Palombi v. NJ Department of Labor and Workforce Development (2019-122)**
- The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian’s assertion that same were lawfully denied under the privacy, deliberative, and personnel exemptions. N.J.S.A. 47:1A-1; N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-10. Paff v. N.J. Dep’t of Labor, Bd. of Review, 379 N.J. Super. 346 (App. Div. 2005).
  - The knowing and willful analysis is deferred.
  - Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Ms. Trish made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.
10. **Marcella Aylwin v. Egg Harbor City (Atlantic) (2019-191)**
- The Custodian complied with the Council’s April 27, 2021 Interim Order.
  - The Custodian shall comply with the Council’s *In Camera* Examination Findings.



- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

11. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Lacey (Ocean) (2020-44)**

- The Custodian complied with the Council's June 29, 2021 Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

12. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Roselle (Union) (2020-46)**

- Ms. Ruiz's response was insufficient because she failed to definitively state whether any responsive records existed. N.J.S.A. 47:1A-5(g); Shanker v. Borough of Cliffside Heights (Bergen), GRC Complaint No. 2007-245 (March 2009).
- The Custodian may have unlawfully denied access to the requested records. Simmons, \_\_\_ N.J. \_\_\_. Thus, the Custodian shall either locate and disclose responsive records, pending a special service charge if applicable, or certify if none exist.
- The knowing and willful and prevailing party fee analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

13. **Anonymous v. Borough of Haledon (Passaic) (2020-82)**

- The Custodian complied with the Council's June 29, 2021 Interim Order.
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

14. **Anonymous v. Borough of Haledon (Passaic) (2020-98)**

- The Custodian complied with the Council's June 29, 2021 Interim Order.
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

15. **Anonymous v. Borough of Haledon (Passaic) (2020-103)**

- The Custodian and Mr. Ramadan conducted an insufficient search. N.J.S.A. 47:1A-6; Schneble v. N.J. Dep't of Env'tl. Prot., GRC Complaint No. 2007-220 (April 2008).
- The Council should decline to order any further disclosures because the Custodian reasonably believed he disclosed the record sought based on the original OPRA request. N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 178 (App. Div. 2007).
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

16. **Anonymous v. Borough of Haledon (Passaic) (2020-107)**

- Mr. Ramadan conducted an insufficient search. N.J.S.A. 47:1A-6; Schneble, GRC 2007-220. However, the Council should decline to order disclosure of fifty-four (54) summonses because the Custodian disclosed them as part of the Statement of Information.
- The Custodian may have unlawfully denied access to additional summonses associated with twenty (20) computer aided dispatch ("CAD") reports. Macek v. Bergen Cnty. Sheriff's Office, GRC Complaint No. 2017-156, *et seq.* (Interim Order dated June 25, 2019). The Custodian shall perform a search and either disclose located records or certify if none exist.
- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

17. **Anonymous v. Borough of Haledon (Passaic) (2020-108)**

- The Custodian's failure to timely respond resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- The Custodian may have unlawfully denied access to at least six (6) summonses associated with CAD report 18-17463. Macek, GRC 2017-156.

The Custodian shall perform a search and either disclose located records or certify if none exist.

- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

18. **Anonymous v. Borough of Haledon (Passaic) (2020-109)**

- The Custodian conducted an insufficient search. N.J.S.A. 47:1A-6; Schneble, GRC 2007-220. However, the Council should decline to order disclosure of the Rules and Regulations because the Custodian did so as part of the Statement of Information.
- The Custodian lawfully denied access to the Public Employment Relations Commission certification because no records existed Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

19. **Anonymous v. Borough of Haledon (Passaic) (2020-117)**

- Mr. Ramadan conducted an insufficient search. N.J.S.A. 47:1A-6; Schneble, GRC 2007-220. However, the Council should decline to order disclosure of the outstanding summonses because the Custodian did so on December 9, 2020.
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

20. **Carl Moore v. NJ Department of Corrections (2020-121)**

- The Custodian lawfully denied access to the subject OPRA request because the records sought are exempt under New Jersey Department of Corrections' regulations. N.J.S.A. 47:1A-9(a); N.J.A.C. 10A:22-2.3(a)(12).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

21. **Kevin O'Connor v. Borough of Fort Lee (Bergen) (2020-126)**

- The Custodian timely responded to the Complainant's OPRA request; as such, no "deemed" denial occurred. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

**VII. Court Decisions of GRC Complaints on Appeal: None**

**VIII. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None**

**X. Public Comment: None**

**XI. Adjournment:**

Ms. Berg Tabakin called for a motion to end the Council meeting. Ms. Chand made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote. The meeting adjourned at 2:17 p.m.

Respectfully submitted,

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Robin Berg Tabakin, Esq., Chair

Date Approved: August 24, 2021