



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

NOTICE OF MEETING
Government Records Council
December 13, 2022

Pursuant to the Open Public Meetings Act, notice is hereby given that the Government Records Council will hold a regular meeting, at which formal action may be taken, commencing at 1:30 p.m., Tuesday, December 13, 2022 via Office Teams. Members of the public may attend the meeting by utilizing the following call-in information:

Telephone Number: 1-856-338-7074
Conference ID: 815 013 075

The agenda, to the extent presently known, is listed below. The public session and consideration of cases is expected to commence at 1:30 p.m. remotely.

- I. Public Session:**
 - Call to Order
 - Pledge of Allegiance
 - Meeting Notice
 - Roll Call
- II. 2023 Officer Elections**
- III. 2023 Proposed Council Meeting Dates – Final Review**
- IV. Executive Director’s Report**
- V. Closed Session**
- VI. Approval of Minutes of Previous Meetings:**
 - November 9, 2022 Open Session Meeting Minutes
- VII. New Business – Cases Scheduled for Consent Agenda Administrative Complaint Disposition Adjudication ***

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 Executive Director’s recommended reason for the Administrative Disposition is under each complaint below.



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

1. John Doe v. Township of Irvington (Essex) (2022-404) **(SR Recusal)**
 - No Correspondence Received by the Custodian.
2. John Doe v. Township of Irvington (Essex) (2022-497) **(SR Recusal)**
 - Unripe Cause of Action.
3. Maurice Bronson v. Township of Irvington (Essex) (2022-536) **(SR Recusal)**
 - No Denial of Access at Issue.
4. Shakima K. Thomas v. City of Newark (Essex) (2022-549) **(SR Recusal)**
 - Unripe Cause of Action.

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

1. Scott Madlinger v. Lacey Township Police Department (Ocean) (2022-500)
 - No Correspondence Received by the Custodian.

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

1. Charles F. Kellett v. Rutgers University (2022-116)
 - Complaint Settled in Mediation.
2. Charles F. Kellett v. Rutgers University (2022-117)
 - Complaint Settled in Mediation.
3. Charles F. Kellett v. Rutgers University (2022-118)
 - Complaint Settled in Mediation.
4. Michael C. Storcks v. Hazlet Township Fire District No. 1 (Monmouth) (2022-130)
 - Complaint Settled in Mediation.
5. Stephanie Yager v. Township of Holland (Hunterdon) (2022-526)
 - Complaint Voluntarily Withdrawn.

VIII. New Business – Cases Scheduled for Consent Agenda Administrative Order

An “Administrative order” means an order issued by the Council requiring the records custodian or the complainant to perform a specific action in furtherance of the adjudication of a pending denial of access complaint or taking other actions deemed appropriate to adjudicate a complaint in an expedited manner. The Executive Director’s recommended reason for the Administrative Order is under each complaint below.

A. Administrative Orders with Recusals (Consent Agenda): None

B. Administrative Orders with No Recusals (Consent Agenda): None

IX. New Business – Cases Scheduled for Individual Complaint Adjudication

The Executive Director’s recommended action is under each complaint below.

A. Individual Complaint Adjudications with Recusals:

1. Lynn Petrovich v. Township of Ocean (Monmouth) (2019-226) **(SR Recusal)**
 - The current Custodian timely complied with the Council’s September 29, 2022 Interim Order.
 - There is no knowing and willful violation.

B. Individual Complaint Adjudications with no Recusals:

1. Carol Scutro v. City of Linden (Union) (2016-256)
 - This complaint should be dismissed because the Complainant failed to appear at a scheduled hearing. No further adjudication is required.
2. PBA 400 v. County of Salem (2019-156)
 - This complaint should be dismissed because Complainant’s Counsel withdrew same in writing via letter to the Office of Administrative Law.
3. David O’Sullivan v. Borough of Montvale (Bergen) (2019-193)
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
4. Daniel Z. Rivlin, Esq. (o/b/o American Airlines, Inc.) v. Port Authority of NY & NJ (2020-72)
 - The Custodian complied with the Council’s November 9, 2022 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.
5. Rotimi Owoh, Esq. (o/b/o Grace Woko) v. Borough of Riverton Police Department (Burlington) (2021-49)
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
6. Michael I. Inzelbuch, Esq. (o/b/o L.R.) v. Englewood Public School District (Bergen) (2021-86)
 - This complaint should be dismissed because Complainant’s Counsel failed to submit a fee application within the prescribed time frame. N.J.A.C. 5:105-2.13(b).
7. Brett Coulter v. NJ State Police (2021-87)
 - The Custodian unlawfully denied access to potentially responsive records through use of the “Glomar response.” The Custodian shall identify responsive records in a document index and disclose those not otherwise exempt, with redactions where applicable.

8. Rotimi Owoh, Esq. (o/b/o Delores Simmons & Obafemi Simmons) v. Township of Holland (Hunterdon) (2021-103)
 - The Custodian's response directing the Complainant to the designated Holland Police Department Custodian was proper. N.J.S.A. 47:1A-5(h); Paff v. Twp. of Berkeley Heights (Union), GRC Complaint No. 2007-271 (November 2008).
 - The Complainant is not a prevailing party.
9. Jeffrey Voigt v. Village of Ridgewood (Bergen) (2021-132)
 - The current Custodian did not fully comply with the Council's November 9, 2022 Interim Order.
 - There is no knowing and willful violation.
10. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Borough of Roselle Police Department (2021-141)
 - The original Custodian's June 4, 2021 response was consistent with prevailing case law and the Council's prior decisions. Simmons v. Mercado, 464 N.J. Super. 77 (App. Div. 2020), rev'd 247 N.J. 24 (2021). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore v. N.J. Dep't of Corr., GRC Complaint No. 2009-144 (Interim Order dated October 26, 2010).
 - The Complainant is not a prevailing party.
11. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Bridgeton Police Department (Cumberland) (2021-144)
 - The Custodian's June 4, 2021 response was consistent with prevailing case law and the Council's prior decisions. Simmons, 464 N.J. Super. 77, rev'd 247 N.J. 24 (2021). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
 - The Complainant is not a prevailing party.
12. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Long Branch Police Department (Monmouth) (2021-145)
 - The Custodian's June 10, 2021 response was consistent with prevailing case law and the Council's prior decisions. Simmons, 464 N.J. Super. 77, rev'd 247 N.J. 24 (2021). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
 - The Complainant is not a prevailing party.
13. Kristen Danielle Augelli v. Cherry Hill Township (Camden) (2021-172)
 - The Custodian did not fully comply with the Council's November 9, 2022 Interim Order.
 - There is no knowing and willful violation.
14. Rahgeam Jenkins v. NJ Department of Corrections (2021-219)
 - The Custodian complied with the Council's November 9, 2022 Interim Order.
 - There is no knowing and willful violation.

15. Jennifer Grana v. Sparta Township Police District (Sussex) (2021-261)

- The Custodian unlawfully denied access to the redacted e-mail on the basis that same was not responsive to the subject OPRA request. N.J.S.A. 47:1A-6; ACLU v. N.J. Div. of Criminal Justice, 435 N.J. Super. 533 (App. Div. 2014). Thus, the Custodian shall disclose the e-mail without redaction.

X. Court Decisions of GRC Complaints on Appeal: None.

XI. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None.

XII. Public Comment:

The public comment period is limited to providing an opportunity for speakers to present suggestions, views and comments relevant to the Council's functions and responsibilities. In the interest of time, speakers may be limited to **five (5) minutes**. Speakers shall not be permitted to make oral or written testimony regarding pending or scheduled adjudications.*

XIII. Adjournment

*Neither attorneys nor other representatives of the parties are required to attend this meeting nor will they be permitted to make oral or written comment during the adjudication.