



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
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**PHILIP D. MURPHY**  
*Governor*

**LT. GOVERNOR SHEILA Y. OLIVER**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**July 25, 2023**

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, July 25, 2023 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. Executive Director's Report**

**III. Closed Session**

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

June 27, 2023 Open Session Meeting Minutes

**V. 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): None**



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

1. Scott Madlinger v. Ocean County Health Department (2022-532)
  - No Records Responsive to the Request Exist.
2. Angelous Jackson v. Bound Brook Police Department (Somerset) (2023-97)
  - Unripe Cause of Action.
3. Scott Madlinger v. Berkeley Township (Ocean) (2023-113)
  - All Records Responsive Provided in a Timely Manner.
4. Anne LaGrange Loving v. Village of Ridge (Bergen) (2023-120)
  - No Denial of Access at Issue.

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

1. John Doe v. Township of Irvington (Essex) (2022-132 *et al.*) (See Appendix A)
  - Complaint Voluntarily Withdrawn.

2. Anonymous v. Township of Irvington (Essex) (2022-479)

3. Anonymous v. Township of Irvington (Essex) (2022-480) **Consolidated**

- Complaint Voluntarily Withdrawn.
4. Isidro Cruz v. Borough of Roselle Park (Union) (2023-59)
    - Complaint Voluntarily Withdrawn.
  5. Brandon J. Becker v. County of Gloucester (2023-123)
    - Complaint Voluntarily Withdrawn.
  6. William Robb Graham v. Moorestown Fire District No. 1 (Burlington) (2023-129)
    - Complaint Voluntarily Withdrawn.
  7. Barry Muller v. Sayreville Board of Education (Middlesex) (2023-139)
    - Complaint Voluntarily Withdrawn.
  8. Scott Madlinger v. Berkeley Township (Ocean) (2023-145)
    - Complaint Voluntarily Withdrawn.

**VI. 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**

**VII. 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: None**

## B. Individual Complaint Adjudications with no Recusals:

1. Rotimi Owoh, Esq. (o/b/o Baffi Simmons) v. Glassboro Police Department (Gloucester) (2020-157)
  - Complainant's Counsel complied with the Council's September 29, 2022 Interim Order.
  - The Council should find that Complainant's Counsel is entitled to an adjusted fee award of \$2,010.00 representing 6.7 hours of service at \$300.00 per hour with no fee enhancement.
2. Larry S. Loigman, Esq. v. NJ Department of Labor and Workforce Development, Division of Unemployment Insurance (2021-176)
  - The Complainant's request for reconsideration should be denied.
3. Stacy Hogan v. Township of Denville (Morris) (2021-231)
  - The Custodian's request for an extension of the statutory response time frame was timely and proper. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011).
  - This complaint should be dismissed as unripe because the Complainant filed it before the statutory time frame, as extended, expired. Rivera v. Borough of Rutherford Police Dep't (Bergen), GRC Complaint No. 2011-277 (August 2012).
4. Anonymous v. Belleville Board of Education (Essex) (2021-233)
  - The Complainant's anonymous complaint was lawful at the time of filing. Anonymous (In Care of John Paff) v. Twp. of Monroe, GRC Complaint No. 2006-160 (April 2008).
  - The Complainant's request item No. 2 was invalid because it required research. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012).
  - The Custodian's proposed special service charge of \$1,741.80 was warranted and reasonable. N.J.S.A. 47:1A-5(c); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012). Thus, the Custodian shall disclose responsive records upon payment of the fee unless the Complainant declines to remit same or fails to pay within ten (10) business days.
5. Patrick Wall v. Newark Public Schools (Essex) (2021-257)
  - The Custodian lawfully denied access to responsive e-mails because same qualified as "student records" not subject to disclosure under N.J.A.C. 6A:32-7.5(e). N.J.S.A. 47:1A-9(a); N.J.A.C. 6A:32-2.1.
  - The Custodian did not unlawfully deny access to the portion of the OPRA request seeking text messages because she certified, and the record reflects, that no records exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).

6. Eleanore Rogalski v. Township of Barnegat (Ocean) (2021-260)
  - The Custodian's failure to disclose the responsive permit resulted in an unlawful denial of access. N.J.S.A. 47:1A-6. However, the Council should decline to order disclosure because the Custodian, through Custodian's Counsel, did so on November 19, 2021.
  - There is no knowing and willful violation.
  
7. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Montvale Police Department (Bergen) (2021-264)
  - The Custodian's October 26, 2021 response was insufficient. DeAppolonio v. Borough of Deal (Monmouth), GRC Complaint No. 2008-62 (September 2009) and Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008).
  - The Custodian's response was consistent with prevailing case law and the Council's prior decisions. Libertarians for Transparent Gov't v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020). 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.
  
8. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Secaucus Police Department (Hudson) (2021-265)
  - The Custodian's October 26, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians, 465 N.J. Super. 11. 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.
  
9. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Jackson Police Department (Ocean) (2021-269)
  - The Custodian did not unlawfully deny access to records responsive to the Complainant's OPRA request because all records were previously provided. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
  - The Custodian lawfully denied access to the portion of the OPRA request seeking internal affairs records. N.J.S.A. 47:1A-9(b); Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124, 142-43 (2022); Gannett Satellite Info. Net., LLC v. Twp. of Neptune, 467 N.J. Super. 385, 404-05 (App. Div. 2021).
  - The Complainant is not a prevailing party.
  
10. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Haddon Township Police Department (2021-270)
  - The Custodian did not unlawfully deny access to records responsive to the Complainant's OPRA request because all records were previously provided. Danis, GRC 2009-156, *et seq.*
  - The Complainant is not a prevailing party.

11. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Audubon Park Police Department (Camden) (2021-272)
  - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all records were previously provided. Danis, GRC 2009-156, *et seq.*
  - The Complainant is not a prevailing party.
  
12. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Point Pleasant Police Department (Ocean) (2021-279)
  - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all records were previously provided. Danis, GRC 2009-156, *et seq.*
  - The Custodian lawfully denied access to the portion of the OPRA request seeking internal affairs records. N.J.S.A. 47:1A-9(b); Rivera, 250 N.J. at 142-43; Gannett, 467 N.J. Super. at 404-05.
  - The Complainant is not a prevailing party.
  
13. Joanne Schreyer v. Township of Belleville (Essex) (2022-199)
  - 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 did not unlawfully deny access to OPRA request No.1 and item No. 1 of OPRA request Nos. 2 and 3 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
  - The Custodian unlawfully denied access to certificates of occupancy responsive to item No. 2 of both the Complainant’s OPRA request Nos. 2 and 3. Thus, the Custodian shall disclose those records to the Complainant.
  - There is no knowing and willful violation.
  
14. Anonymous v. Borough of Haledon (Passaic) (2022-204)
  - The Custodian’s failure to locate multiple case and CAD reports until after a more reasonable search was conducted resulted in an insufficient search. N.J.S.A. 47:1A-6; Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013). However, the Council should decline to order disclosure because the Custodian did so on June 7, 2022.
  - The Custodian’s failure to locate summonses responsive to CAD Report No. 16-19099 was not the result of an insufficient response: Mr. Freitas was not provided with enough information to conduct the search required to locate same.
  
15. Anonymous v. Englishtown Police Department (Monmouth) (2022-439)
  - The Borough’s collective failure to submit a Statement of Information resulted in a violation of N.J.A.C. 5:105-2.4(a).
  - 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); Kohn v. Twp. of Livingston Library (Essex), GRC Complaint No. 2007-124 (March 2008).
  - The Custodian may have unlawfully denied access to the responsive records. N.J.S.A. 47:1A-6. The current Custodian shall disclose the responsive records

or certify if none exist inclusive of an explanation of search from all individuals involved.

**VIII. Court Decisions of GRC Complaints on Appeal:**

**IX. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:**

- Gannett Satellite Info. Network, LLC v. Twp. of Neptune, 2023 N.J. LEXIS 650 (2023)
- Zeza v. Evesham Twp. Bd. of Educ., 2023 N.J. Super. Unpub. LEXIS 1095 (App. Div. 2023)
- First Managed Care Option, Inc. v. N. Hudson Reg'l Fire & Rescue, 2023 N.J. Super. Unpub. LEXIS 1094 (App. Div. 2023)
- C.E. & B. v. Elizabeth Pub. Sch. Dist. & Harold E. Kennedy, 2023 N.J. Super. Unpub. LEXIS 1206 (App. Div. 2023)

**X. Complaints Adjudicated in U.S. District Court:**

**XI. 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.\*

**XII. 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.\*

Appendix A – John Doe v. Twp. of Irvington (Essex), Complaints Withdrawn on June 22, 2023

- |                  |                  |                   |
|------------------|------------------|-------------------|
| 1. GRC 2022-132  | 45. GRC 2022-314 | 88. GRC 2022-399  |
| 2. GRC 2022-146  | 46. GRC 2022-315 | 89. GRC 2022-400  |
| 3. GRC 2022-158  | 47. GRC 2022-320 | 90. GRC 2022-401  |
| 4. GRC 2022-164  | 48. GRC 2022-321 | 91. GRC 2022-402  |
| 5. GRC 2022-186  | 49. GRC 2022-323 | 92. GRC 2022-403  |
| 6. GRC 2022-190  | 50. GRC 2022-324 | 93. GRC 2022-405  |
| 7. GRC 2022-200  | 51. GRC 2022-326 | 94. GRC 2022-407  |
| 8. GRC 2022-201  | 52. GRC 2022-327 | 95. GRC 2022-408  |
| 9. GRC 2022-209  | 53. GRC 2022-328 | 96. GRC 2022-409  |
| 10. GRC 2022-210 | 54. GRC 2022-329 | 97. GRC 2022-410  |
| 11. GRC 2022-211 | 55. GRC 2022-330 | 98. GRC 2022-412  |
| 12. GRC 2022-226 | 56. GRC 2022-331 | 99. GRC 2022-415  |
| 13. GRC 2022-228 | 57. GRC 2022-332 | 100. GRC 2022-416 |
| 14. GRC 2022-233 | 58. GRC 2022-333 | 101. GRC 2022-417 |
| 15. GRC 2022-244 | 59. GRC 2022-334 | 102. GRC 2022-418 |
| 16. GRC 2022-245 | 60. GRC 2022-336 | 103. GRC 2022-419 |
| 17. GRC 2022-250 | 61. GRC 2022-346 | 104. GRC 2022-420 |
| 18. GRC 2022-253 | 62. GRC 2022-347 | 105. GRC 2022-421 |
| 19. GRC 2022-256 | 63. GRC 2022-350 | 106. GRC 2022-425 |
| 20. GRC 2022-257 | 64. GRC 2022-351 | 107. GRC 2022-426 |
| 21. GRC 2022-260 | 65. GRC 2022-352 | 108. GRC 2022-427 |
| 22. GRC 2022-261 | 66. GRC 2022-353 | 109. GRC 2022-428 |
| 23. GRC 2022-262 | 67. GRC 2022-360 | 110. GRC 2022-430 |
| 24. GRC 2022-263 | 68. GRC 2022-361 | 111. GRC 2022-431 |
| 25. GRC 2022-264 | 69. GRC 2022-362 | 112. GRC 2022-434 |
| 26. GRC 2022-265 | 70. GRC 2022-363 | 113. GRC 2022-440 |
| 27. GRC 2022-266 | 71. GRC 2022-364 | 114. GRC 2022-441 |
| 28. GRC 2022-270 | 72. GRC 2022-365 | 115. GRC 2022-445 |
| 29. GRC 2022-271 | 73. GRC 2022-367 | 116. GRC 2022-446 |
| 30. GRC 2022-272 | 74. GRC 2022-368 | 117. GRC 2022-447 |
| 31. GRC 2022-273 | 75. GRC 2022-369 | 118. GRC 2022-448 |
| 32. GRC 2022-274 | 76. GRC 2022-373 | 119. GRC 2022-449 |
| 33. GRC 2022-276 | 77. GRC 2022-374 | 120. GRC 2022-450 |
| 34. GRC 2022-278 | 78. GRC 2022-375 | 121. GRC 2022-454 |
| 35. GRC 2022-282 | 79. GRC 2022-377 | 122. GRC 2022-460 |
| 36. GRC 2022-292 | 80. GRC 2022-379 | 123. GRC 2022-461 |
| 37. GRC 2022-306 | 81. GRC 2022-380 | 124. GRC 2022-462 |
| 38. GRC 2022-307 | 82. GRC 2022-381 | 125. GRC 2022-466 |
| 39. GRC 2022-308 | 83. GRC 2022-384 | 126. GRC 2022-467 |
| 40. GRC 2022-309 | 84. GRC 2022-386 | 127. GRC 2022-468 |
| 41. GRC 2022-310 | 85. GRC 2022-390 | 128. GRC 2022-469 |
| 42. GRC 2022-311 | 86. GRC 2022-391 | 129. GRC 2022-470 |
| 43. GRC 2022-312 | 87. GRC 2022-396 | 130. GRC 2022-474 |
| 44. GRC 2022-313 |                  |                   |

Appendix A – John Doe v. Twp. of Irvington (Essex), Complaints Withdrawn on June 22, 2023

131. GRC 2022-485
132. GRC 2022-486
133. GRC 2022-489
134. GRC 2022-490
135. GRC 2022-493
136. GRC 2022-498
137. GRC 2022-499
138. GRC 2022-507
139. GRC 2022-510
140. GRC 2022-522
141. GRC 2022-524
142. GRC 2022-540
143. GRC 2022-541
144. GRC 2022-542
145. GRC 2022-543
146. GRC 2022-545
147. GRC 2022-579
148. GRC 2022-580
149. GRC 2022-581
150. GRC 2022-610
151. GRC 2022-612
152. GRC 2022-613
153. GRC 2022-614
154. GRC 2022-615
155. GRC 2022-616
156. GRC 2022-617
157. GRC 2022-618
158. GRC 2022-619
159. GRC 2022-620
160. GRC 2022-621
161. GRC 2022-622
162. GRC 2022-623