



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
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**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**August 29, 2017**

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, August 29, 2017 at the Department of Community Affairs (“DCA”) offices located at 101 South Broad Street in Trenton, New Jersey.

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. in Room 129 of the DCA.

**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:**

July 25, 2017 Open Session Meeting Minutes  
July 25, 2017 Closed 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. A brief summary of the Executive Director’s recommended reason for the Administrative Disposition is under each complaint below.

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

1. Richard L. Smith v. Irvington Police Department (Essex) (2016-90) (**SR Recusal**)
  - The Custodian did not receive a records request from the Complainant.



2. Anthony Hernandez v. Essex County Correctional Facility (2017-151) **(SR Recusal)**
  - The OPRA request was invalid.

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

1. Carmen Parish v. Trenton Municipal Court (2017-152)
  - The GRC has no authority over records requests made to the Judicial Branch.
2. Brian Keith Bragg v. NJ Office of the Public Defender (2017-166)
  - The OPRA request was invalid.

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

1. Michael I. Inzelbuch, Esq. v. Lakewood Board of Education (Ocean) (2016-200)
  - The Complainant voluntarily withdrew the Complaint.
2. Brendan J. Kavanagh, Esq. v. City of Millville (Cumberland) (2017-43)
  - The Complainant voluntarily withdrew the Complaint.
3. Serges Demefack (o/b/o American Friends Service Committee, Newark Office) v. Bergen County (2017-44)
  - The Complainant voluntarily withdrew the Complaint.
4. Caroline Yu v. Township of Millburn (Essex) (2017-78)
  - The Complainant voluntarily withdrew the Complaint.
5. Lane R. Jubb, Jr., Esq. v. NJ Transit (2017-84) **(SR Recusal)**
  - The parties settled the matter through mediation.
6. Thomas R. Lawrence, IV v. Gloucester County Prosecutor's Office (2017-87)
  - The parties settled the matter through mediation.
7. Alec Ferretti v. NJ Department of Health, Office of Population Health (2017-123)
  - The Complainant voluntarily withdrew the Complaint.
8. Kevin Alexander v. NJ Department of Corrections (2017-126)
  - The parties settled the matter through mediation.
9. Cynthia A. McBride v. Borough of Stanhope (Sussex) (2017-149)
  - The Complainant voluntarily withdrew the Complaint.
10. Patricia D. Force v. Flemington-Raritan Regional School District (Hunterdon) (2017-150)
  - The Complainant voluntarily withdrew the Complaint.
11. Casey Murphy v. Kean University (2017-159)
  - The Complainant voluntarily withdrew the Complaint.
12. Christopher Williams v. County of Salem (2017-160)
  - The Complainant voluntarily withdrew the Complaint.

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

A brief summary of 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. Shawn G. Hopkins v. Township of Aberdeen (Monmouth) (2014-04)
  - Mr. Kineavy complied with the Interim Order.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party, who is entitled to an award of reasonable attorney's fees.
  - The parties shall confer in an effort to decide the amount of reasonable attorney's fees and promptly notify the GRC in writing if a fee agreement is reached. Otherwise, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
  
2. Shawn G. Hopkins v. Borough of Allentown (Monmouth) (2014-05)
  - The current Custodian did not fully comply with the Interim Order because she did not provide certified confirmation of compliance to the GRC.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party, who is entitled to an award of reasonable attorney's fees.
  - The parties shall confer in an effort to decide the amount of reasonable attorney's fees and promptly notify the GRC in writing if a fee agreement is reached. Otherwise, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
  
3. Shawn G. Hopkins v. Borough of Atlantic Highlands (Monmouth) (2014-06)
  - The current Custodian did not fully comply with the Interim Order because she failed to provide certified confirmation of compliance to the GRC.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party, who is entitled to an award of reasonable attorney's fees.
  - The parties shall confer in an effort to decide the amount of reasonable attorney's fees and promptly notify the GRC in writing if a fee agreement is reached. Otherwise, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
  
4. Shawn G. Hopkins v. Borough of Farmingdale (Monmouth) (2014-25)
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party, who is entitled to an award of reasonable attorney's fees.
  - The parties shall confer in an effort to decide the amount of reasonable attorney's fees and promptly notify the GRC in writing if a fee agreement is reached. Otherwise, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
  
5. Shawn G. Hopkins v. Borough of Freehold (Monmouth) (2014-26)
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party, who is entitled to an award of reasonable attorney's fees.

- The parties shall confer in an effort to decide the amount of reasonable attorney’s fees and promptly notify the GRC in writing if a fee agreement is reached. Otherwise, Complainant’s Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
6. Shawn G. Hopkins v. Borough of Spring Lake Heights (Monmouth) (2014-51)
    - The current Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  7. Regina Discenza v. Lacey Township Board of Education (Ocean) (2015-223)
    - The current Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  8. James Keenan v. NJ Department of Labor and Workforce, Division of Disability Determination Services (2015-388)
    - The Custodian did not fully comply with the Interim Order because he did not provide certified confirmation of compliance to the GRC.
    - There is no knowing and willful violation.
  9. Richard E. Wenger, Esq. (o/b/o David Pereira) v. Voorhees Fire District No. 3 (Camden) (2016-80)
    - Based on inadequate evidence, the GRC is unable to determine whether or not a special services charge is warranted and whether the Custodian unlawfully denied access to the requested records.
    - Therefore, the matter is a contested case that should be referred to the Office of Administrative Law for a hearing to resolve the facts.
    - The knowing and willful and prevailing party analyses should be deferred, pending the OAL’s disposition of the matter.
  10. Lisa A. Tilton (d/b/a Galloway Township News) v. City of Cape May (Cape May) (2016-97)
    - The Council should dismiss the matter because the parties have agreed to a prevailing party fee amount, thereby negating the need for a fee application. No further adjudication is required.
  11. Luis F. Rodriguez v. Kean University (2016-129)
    - The Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  12. Ranjeet Singh v. Borough of Carteret (Middlesex) (2017-148)
    - The Custodian’s response was insufficient because she failed to respond in writing to each requested item individually.
    - The Custodian’s failure to respond in writing within seven (7) business days results in a “deemed” denial.
    - The Custodian must therefore disclose to the Complainant the requested pictures. If no records are responsive, the Custodian must so certify.
    - The knowing and willful analysis is deferred, pending the Custodian’s compliance.

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

- Verry v. Franklin Fire Dist. No. 1, 2017 N.J. LEXIS 829 (2017)

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

- Carter v. Doe (In Re: N.J. Firemen's Ass'n Obligation), 2017 N.J. LEXIS 823 (2017)
- North Jersey Media Grp. v. State Office of the Governor, 2017 N.J. Super. LEXIS 118 (App. Div. 2017)(Approved for Publication)
- Bay Head-Mantoloking Land Co. v. Borough of Mantoloking, 2017 N.J. Super. Unpub. LEXIS 2070 (App. Div. 2017)

**IX. 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.\*

**X. 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.