



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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Commissioner

NOTICE OF MEETING
Government Records Council
December 19, 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, December 19, 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

- Charles R. Cohen v. City of Englewood (Bergen) (2016-253)

IV. Approval of Minutes of Previous Meetings:

November 14, 2017 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. Al Khidr Tulu v. Atlantic County Justice Facility (2016-118)
 - No correspondence received by the Custodian
2. Brian Keith Bragg v. Mercer County Correctional Center (2016-151)
 - No correspondence received by the Custodian
3. Shaun Clifton-Short v. NJ Civil Service Commission (2017-193)
 - No correspondence received by the Custodian

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

1. William Budesheim v. NJ Department of Banking and Insurance (2017-171)
 - The parties settled this matter through mediation.
2. Rahgeam Jenkins v. Ocean County Sheriff's Office (2017-175)
 - The parties settled this matter through mediation.
3. Luis F. Rodriguez v. Kean University (2017-205)
 - The Complainant voluntarily withdrew this complaint.
4. Toni Cilli v. Vernon Public School District (Sussex) (2017-213)
 - The Complainant voluntarily withdrew this complaint.
5. Amanda Thomas v. City of Ventnor City (Atlantic) (2017-214)
 - The Complainant voluntarily withdrew this complaint.

VI. 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. Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-133) **(SR Recusal)**
 - The Custodian complied with the Council's October 31, 2017 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. Katalin Gordon v. City of Orange Township (Essex) (2016-127) **(SR Recusal)**
 - The Custodian complied with the Council's November 14, 2017 Interim Order.
 - There is no knowing and willful violation.

B. Individual Complaint Adjudications with no Recusals:

1. Shawn G. Hopkins v. Colts Neck Township (Monmouth) (2014-21)
 - The current Custodian did not fully comply with the Council's October 31, 2017 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 Deal (Monmouth) (2014-22)
 - Both the original and current Custodians complied with the Council's October 31, 2017 Interim Order.
 - There is no knowing and willful violation.
 3. Shawn G. Hopkins v. Borough of Rumson (Monmouth) (2014-29)
 - Both the original and current Custodians complied with the Council's October 31, 2017 Interim Order.
 - There is no knowing and willful violation.
 4. Shawn G. Hopkins v. Loch Arbour Village (Monmouth) (2014-48)
 - The current Custodian failed to fully comply with the Council's July 25, 2017 Interim Order.
 - The original Custodian unlawfully denied access to the responsive records.
 - Given the facts of this specific case, the Council is giving the current Custodian a final opportunity to comply with the Council's Order. The current Custodian shall 1) disclose all responsive CAMA data; 2) provide an explanation of how any existing disclosure issues were remedied; and 3) provide the Complainant a copy of the photograph DVD by regular mail.
 - The knowing and willful analysis is deferred pending the current Custodian's compliance.

5. Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-01)
6. Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-22) **Consolidated**

- This consolidated complaint should be dismissed because the parties reached a settlement on the remaining issues.
- No further adjudication is required.

7. Christina Moreira v. Elizabeth Board of Education (Union) (2015-313)
 - This complaint should be tabled based on advice of Counsel.

8. Talbot B. Kramer, Jr., Esq. (o/b/o William Juliana) v. Township of Washington (Gloucester) (2016-107)
9. Talbot B. Kramer, Jr., Esq. (o/b/o William Juliana) v. Township of Washington (Gloucester) (2016-108) **Consolidated**

- The Custodian's failure to timely respond to the subject OPRA requests resulted in a "deemed" denial.
- There is no knowing and willful violation.
- The Complainant is not a prevailing party and is not entitled to an award of reasonable attorney's fees.

10. Art Rittenhouse v. Middlesex County (2016-142)
 - The Custodian complied with the Council's November 14, 2017 Interim Order.
 - There is no knowing and willful violation.
11. Brian Hoffman v. NJ Department of Corrections (2016-154)
 - The Custodian lawfully denied access to the Complainant's OPRA request by timely responding that no records existed and referring the Complainant to the Atlantic County Justice Facility.
12. Charles R. Cohen v. City of Englewood (Bergen) (2016-253)
 - This complaint should be tabled based on the Council's closed session review.
13. Stacie Percella v. City of Bayonne (Hudson) (2017-70)
 - The Custodian failed to comply with the Council's October 31, 2017 Interim Order and is therefore in violation of said Order.
 - The Interim Order is enforceable in the Superior Court if the Complainant chooses that option.
 - This complaint should be referred to the Office of Administrative Law for a proof hearing on whether the Custodian and/or any other municipal official knowingly and willfully violated OPRA.

VII. Court Decisions of GRC Complaints on Appeal:

- Scheeler v. Galloway Twp., 2017 N.J. Super. Unpub. LEXIS 2847 (App. Div. 2017)
- Carter v. Franklin Fire Dist. No. 1, 2017 N.J. Super. Unpub. LEXIS 2892 (App. Div. 2017)
- Carter v. Franklin Fire Dist. No. 2, 2017 N.J. Super. Unpub. LEXIS 2918 (App. Div. 2017)

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

- Wolosky v. Borough of Washington, 2017 N.J. Super. Unpub. LEXIS 2868 (App. Div. 2017)
- Kennedy v. Montclair Ctr. Corp. Bus. Improvement Dist., 2017 N.J. Super. Unpub. LEXIS 2927 (App. Div. 2017)
- Wronko v. Twp. of Jackson & Ann Marie Eden, 2017 N.J. Super. Unpub. LEXIS 3058 (December 12, 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.