



**Minutes of the Government Records Council
March 26, 2024 Public Meeting – Open Session**

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:33 p.m. by Mr. Steven Ritardi via Microsoft Teams.

- **Pledge of Allegiance**

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

- **Meeting Notice**

Mr. Ritardi 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 March 21, 2024.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Michael Hahn, Esq. (designee of Department of Education Acting Commissioner Kevin Dehmer), and John Alexy (designee of Department of Community Affairs Acting Commissioner, Jacquelyn A. Suarez), and Steven Ritardi, Esq., Public Member.

*****Ms. Berg Tabakin (Chairwoman) participated in the meeting from 1:34 p.m. until 1:47 p.m. for the purposes of voting on cases with recusals.*****

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

II. Executive Director’s Report:

Current Statistics

- Since OPRA’s inception in July 2002, the GRC has received 7,017 Denial of Access Complaints. That averages about 323 annual complaints per 21 3/4 tracked program years. So far in the current program year (FY2024), the GRC has received 210 Denial of Access Complaints.
- 585 of the 7,017 complaints remain open and active (8.3%). Of those open cases:
 - 13 complaints are on appeal with the Appellate Division (2.2%);
 - 38 complaints are currently in mediation (6.5%);
 - 2 complaints are proposed for the Office of Administrative Law (0.3%);
 - 27 complaints await adjudication by the Office of Administrative Law (4.6%);
 - 45 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (7.7%);
 - 460 complaints are work in progress (78.6%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 38,714 total inquiries, averaging about 1,866 annual inquiries per 20 3/4 tracked program years (the GRC did not track inquiries in the agency’s first year). So far in the current program year (FY2024), the GRC has received 1,256 inquiries (6.9 inquiries per workday).
- Regarding the GRC’s mediation program, 1,478 complaints were referred to mediation as of February 29, 2024. Of those, 758 were settled in mediation, 690 were referred to the GRC for adjudication, and 30 remained active in mediation.

GRC Outreaches

- The GRC’s next outreach will be on held on April 8, 2024 and is hosted by the City of Trenton.

III. Closed Session:

- *Marybeth Maida v. Borough of Red Bank (Monmouth) (2021-229) In Camera Review (N.J.A.C. 5:105-2.8(g)).*

Mr. Ritardi called for a motion to go into closed session. Mr. Alexy made a motion, and Mr. Hahn seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:52 p.m. until 1:57 p.m.; Ms. Berg Tabakin was absent.

Mr. Ritardi called for a motion to end the closed session. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:58 p.m., and Ms. Bordzoe called roll.

- Present: Mr. Hahn, and Mr. Alexy, and Mr. Ritardi.

IV. Approval of Minutes of Previous Meetings:

February 27, 2024 Open Session Meeting Minutes

Mr. Ritardi called for a motion to approve the draft open session minutes of the February 27, 2024 meeting. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The motion passed by a unanimous vote.

February 27, 2024 Closed Session Meeting Minutes

Mr. Ritardi called for a motion to approve the draft closed session minutes of the February 27, 2024 meeting. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Prior to moving forward, Mr. Ritardi announced to the Public that a conflict check alerted him to the need to recuse from Kenneth S. Goodkind v. NJ Civil Service Commission, (2021-84) and that he had not reviewed any of the materials associated with it. Ms. Berg Tabakin called for a motion to move the complaint from VII(B)(1) to VII(A)(2). Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

Mr. Ritardi 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): None

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

1. Tucker M. Kelley v. Rockaway Township (Morris) (2022-29)

- 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. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The motion passed by a unanimous vote.

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

1. Din Narain v. NJ State Police (2023-125)

- Complaint Settled in Mediation.
- 2. **Eli Levine (o/b/o Bruce Cheeseman/Bruce Taylor) v. Gloucester County Prosecutor's Office (2023-265)**
 - Complaint Voluntarily Withdrawn.
- 3. **Adam Lisberg v. Montclair Public Schools (Essex) (2023-307)**
 - Complaint Voluntarily Withdrawn.
- 4. **Samantha Dos Santos, Esq. (o/b/o Estate of Douglas Smith) v. Paulsboro Police Department (Gloucester) (2024-6)**
 - Complaint Voluntarily Withdrawn.
- 5. **Scott Madlinger v. Berkeley Township Sewerage Authority (Ocean) (2024-14)**
 - Complaint Voluntarily Withdrawn.
- 6. **Justin Klabin v. Montclair Board of Education (Essex) (2024-42)**
 - Complaint Voluntarily Withdrawn.
- 7. **Alec Ferretti v. NJ Department of Health (2024-47)**
 - Complaint Voluntarily Withdrawn.

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

Ms. Berg Tabakin noted that Mr. Ritardi would be muted for this portion of the agenda 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.

Ms. Berg Tabakin stated that 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):

1. **Donna Popowich v. City of Clifton (Passaic) (2023-242) (SR Recusal)**
 - *In Camera* Review.
 - Ms. Berg Tabakin called for a motion to accept the recommendations as written in the above Administrative Order. Mr. Alexy made a motion, which was seconded by Mr. Hahn. 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 Orders with No Recusals (Consent Agenda):

1. **Thaise Chapman v. NJ Department of Corrections (2024-56)**
 - Motion to File Within Time Granted.

- Mr. Ritardi called for a motion to accept the recommendations as written in the above Administrative Order. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The motion passed by a unanimous vote.

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

Ms. Berg Tabakin again noted that Mr. Ritardi would be muted for this portion of the agenda to ensure his non-participation in the 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.

A. Individual Complaint Adjudications with Recusals:

1. **Joseph Semaan v. City of Hackensack (Bergen) (2019-118) (SR Recusal)**
 - The Custodian complied with the Council’s January 30, 2024 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. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.
2. **Kenneth S. Goodkind v. NJ Civil Service Commission (2021-84) (SR Recusal)**
 - This complaint should be dismissed because the Complainant, through Mr. Cohen, withdrew it via letter to the Office of Administrative Law (“OAL”) on December 22, 2023. No further adjudication is required.
 - 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. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.
3. **David Weiner v. County of Essex (2022-546) (SR Recusal)**
 - 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 lawfully denied access to the Complainant’s OPRA request 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).
 - 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. Alexy made a motion and Mr. Hahn 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 and Ms. Tabakin exited the meeting at 1:47p.m.

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

B. Individual Complaint Adjudications with no Recusals:

1. **Peter O'Reilly v. Borough of Lawnside (Camden) (2021-173)**

- This complaint should be dismissed because the Complainant withdrew it via e-mail to the OAL on February 6, 2024. No further adjudication is required.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

2. **Marybeth Maida v. Borough of Red Bank (Monmouth) (2021-229)**

- The current Custodian did not fully comply with the Council's November 9, 2022 Interim Order.
- The current Custodian shall comply with the Council's *In Camera* Examination Findings.
- The current Custodian shall be given a final opportunity to respond to conclusion No. 3 of the November 9, 2022 Interim Order.
- The knowing and willful analysis is deferred.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

3. **Tucker M. Kelley v. Rockaway Township (Morris) (2021-311)**

- The Custodian's extension was warranted and substantiated; thus, no "deemed" denial of access occurred. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Ciccarone v. N.J. Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014).
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

4. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Pine Valley Police Department (Camden) (2021-341)**

- The Custodian performed 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).

However, the GRC declines to order disclosure because the Custodian did so on February 1, 2022 as part of the Statement of Information (“SOP”).

- 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.
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

5. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Edgewater Park Township Police Department (Burlington) (2021-352)**

- The Custodian’s response was insufficient because he failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008).
- The Custodian performed an insufficient search. N.J.S.A. 47:1A-6; Schneble, GRC 2007-220. However, the GRC declines to order disclosure because Custodian’s Counsel did so on February 16, 2022.
- 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.
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

6. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Hamburg Police Department (Sussex) (2022-10)**

- The Custodian’s response was insufficient because he failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272.
- The Custodian did not unlawfully deny access to the portion of the Complainant’s OPRA request seeking certain personnel information because all was disclosed. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
- The Custodian unlawfully denied access to a court order responsive to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. However, the GRC declines to order disclosure because the Custodian did so on February 7, 2022 as part of the SOI.
- 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.

- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.
7. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Voorhees Township Police Department (Camden) (2022-12)**
- The Custodian did not unlawfully deny access to the portion of the Complainant’s OPRA request seeking certain personnel information because all was disclosed. Danis, GRC 2009-156, *et seq.*
 - The Complainant is not a prevailing party.
 - Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Hahn asked whether he would need to recuse from this complaint due to residency. Mr. Caruso stated that unless a Councilmember had a formal relationship directly with the municipality, a recusal would not be necessary based on residency alone. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.
8. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Holland Township Police Department (Hunterdon) (2022-22)**
- The Custodian unlawfully denied access to certain disclosable personnel information sought by the Complainant. N.J.S.A. 47:1A-10; Danis, GRC 2009-156, *et seq.*; Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-64 (Interim Order dated August 28, 2012); Matthews v. City of Atlantic City (Atlantic), GRC Complaint No. 2008-123 (February 2009). The Custodian must disclose said personnel information or certify if none exists.
 - The Custodian lawfully denied access to the portion of the Complainant’s OPRA request seeking “agreements” because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
 - The prevailing party analysis is deferred.
 - Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Rosado stated that the findings and recommendations were changed from Final Decision to an Interim Order and the prevailing party attorney fee issue has been deferred. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as amended. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.
9. **Jennifer Dericks v. Sparta Township (Sussex) (2022-159)**
- The portion of the Complainant’s two (2) OPRA requests seeking “documents” was invalid because it failed to specify records and required research. MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J.

Super. 30, 37 (App. Div. 2005). However, the usage of term “representatives” under the Diamond umbrella is not overly broad and the Custodian unlawfully denied access to this portion thereof. N.J.S.A. 47:1A-6.

- The Custodian may have unlawfully denied access to additional correspondence responsive to the Complainant’s March 3, 2022 OPRA request. N.J.S.A. 47:1A-6; Burnett v. Cnty. of Gloucester, 415 N.J. Super. 506, 517 (App. Div. 2010); Meyers v. Borough of Fair Lawn, GRC Complaint No. 2005-127 (May 2006). The Custodian shall either obtain and disclose the located records, identify any specific lawful basis for denied records, or certify if no additional records exist.
- The Custodian lawfully denied access to the Complainant’s March 28, 2022 OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

10. **James Boland v. Township of Pemberton (Burlington) (2022-397)**

- 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 performed an insufficient search. N.J.S.A. 47:1A-6; Schneble, GRC 2007-220. Thus, the Custodian may have unlawfully denied access to potentially responsive records. The Custodian shall conduct a new search and disclose any responsive records located, identify any specific lawful basis for denied records, or certify if no additional records exist. The Custodian is not required to disclose the e-mail already in the Complainant’s possession. Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 618 (App. Div. 2008).
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

11. **Vincent Conti v. NJ Civil Service Commission (2022-512)**

12. **Vincent Conti v. NJ Civil Service Commission (2022-515)**

13. **Vincent Conti v. NJ Civil Service Commission (2022-516)**

14. **Vincent Conti v. NJ Civil Service Commission (2022-517) CONSOLIDATED**

- The Custodian lawfully denied access to the Complainant’s four (4) OPRA requests. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); N.J.A.C. 4A:4-2.16(b)(1); N.J.S.A. 47:1A-10; Kovalcik v. Somerset Cnty. Prosecutor’s Office, 206 N.J. 581 (2011).
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy

made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

15. **Vincent Conti v. NJ Civil Service Commission (2022-513)**

- The Custodian lawfully denied access to the Complainant's OPRA request. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); N.J.A.C. 4A:4-2.16(b)(1).
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

16. **Vincent Conti v. NJ Civil Service Commission (2022-514)**

17. **Vincent Conti v. NJ Civil Service Commission (2022-518) CONSOLIDATED**

- The Custodian lawfully denied access to the Complainant's two (2) OPRA requests. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); N.J.A.C. 4A:4-2.16(b)(1); N.J.S.A. 47:1A-10; Kovalcik, 206 N.J. 581.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

18. **Vincent Conti v. NJ Civil Service Commission (2022-519)**

19. **Vincent Conti v. NJ Civil Service Commission (2022-520) CONSOLIDATED**

- The Custodian lawfully denied access to the Complainant's two (2) OPRA requests. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); N.J.A.C. 4A:4-2.16(b)(1); N.J.S.A. 47:1A-10; Kovalcik, 206 N.J. 581.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

20. **Maurice Bronson v. Township of Irvington (Essex) (2022-527)**

- The Custodian's failure to respond immediately to an "immediate access" OPRA request resulted in a violation of OPRA. N.J.S.A. 47:1A-5(e). However, the GRC declines to order disclosure because the Custodian did so on November 17, 2022 as part of the SOI.
- There is no knowing and willful violation.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

21. **Maurice Bronson v. Township of Irvington (Essex) (2022-627)**

- The Custodian’s immediate response to an “immediate access” OPRA request did not result in a violation of OPRA. N.J.S.A. 47:1A-5(e).
- The Custodian’s failure to 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’s method of whiting out the disclosed payroll registers was not an appropriate form of redaction. N.J.S.A. 47:1A-5(g); Scheeler, Jr. v. City of Cape May (Cape May), GRC Complaint No. 2015-91 (Interim Order dated December 15, 2015).
- The Custodian lawfully denied access to the redacted personal and deduction information contained within the disclosed payroll registers. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-10; O’Shea v. Twp. of West Milford (Passaic), GRC Complaint No. 2008-283 (November 2009).
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

22. John Paff v. City of Trenton (Mercer) (2023-155)

- The Custodian failed to comply with the Council’s November 8, 2023 Interim Order.
- The Council’s Order is enforceable in Superior Court. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).
- The Custodian’s actions may have been knowing and willful. Thus, this complaint should be referred to the OAL for a knowing and willful hearing.
- The Complainant is a prevailing party and may be entitled to attorney’s fees. For administrative ease, the OAL should determine whether a fee should be awarded and, if so, the amount.
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

23. Deepak Kumar v. Moorestown Township (Burlington) (2023-308)

- The Complainant’s request for reconsideration should be denied.
- Mr. Ritardi called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Ritardi called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Alexy made a motion and Mr. Hahn seconded the motion. The motion passed by a unanimous vote.

VIII. Court Decisions of GRC Complaints on Appeal:

Owoh ex rel. Afr. Am. Data & Rsch. Inst. v. Maple Shade Police Dep't Burlington, 2024 N.J. Super. Unpub. LEXIS 445 (App. Div. 2024): On appeal from Government Records Counsel (“GRC”) Complaint No. 2021-64, the Respondent provided an Excel spreadsheet in response to the Appellant’s OPRA request seeking disclosable personnel information of police officers who separated from Maple Shade during a given period. The Appellant filed a Denial of Access Complaint with the GRC contending that the spreadsheet did not disclose the “real reasons” for officers’ separation and the Respondent should have located and provided any record which contained the “reasons for separation” in accordance with Libertarians for Transparent Gov’t v. Cumberland Cnty., 250 N.J. 46 (2022). The GRC found that unlike the Plaintiff in Libertarians, the Appellant did not expressly request a specific record. The Appellate Division agreed, finding that because the Appellant did not seek any specific records containing the “reasons for separation”, the Respondent’s spreadsheet was a proper response. Further, the court maintained that the GRC does not have jurisdiction over right of access claims under the common law. Affirmed.

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

X. Complaints Adjudicated in U.S. District Court: None

XI. Public Comment:

XII. Adjournment:

Mr. Ritardi called for a motion to end the Council meeting. Mr. Alexy made a motion, which was seconded by Mr. Hahn. The motion passed by a unanimous vote. The meeting adjourned at 2:24 p.m.

Respectfully submitted,

Steven Ritardi, Esq., Acting Chair

Date Approved: April 30, 2024