



Minutes of the Government Records Council June 24, 2014 – Closed Session

The Council convened in closed session at 11:55 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Denise Parkinson, Esq. (designee of Department of Education Commissioner Chris Cerf), and Dana Lane, Esq. (designee of Department of Community Affairs Commissioner Richard E. Constable, III) and Steven Ritardi, Esq. (public member).

Also in attendance were GRC Staff: Dawn R. SanFilippo, Esq. (Acting Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Senior Case Manager), John Stewart, Esq. (Mediator), Tim Sharkey, Esq. (Staff Attorney), Samuel Rosado, Esq. (Staff Attorney), and Deputy Attorney General Debra Allen.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to go into closed session. The Council adopted the motion by a unanimous vote.

The Council met in closed session pursuant to N.J.S.A. 10:4-12(b)(7) to receive legal advice and discuss anticipated litigation in which the public body may become a party in the following matters:

- John Hyland v. Township of Lebanon (Hunterdon) (2012-227) (ICFR)
- John Hyland v. Township of Tewksbury (Hunterdon)(2012-228) (ICFR) *Consolidated*
- Edwin J. Skidmore v. Lebanon Township (Hunterdon) (2013-194) (ICFR)
- Dr. Alan Bell

The Council noted that the following cases were removed from closed session due to the absence of outside counsel:

- Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance (2013-66) (ICFR)
- Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance (2013-67) (ICFR)
- David Roundtree v. NJ Department of State, Division of Elections (2013-133) (ICFR)
- Quddoos Farrad v. State Parole Board (2013-215) (ICFR)

Mr. Caruso introduced GRC Complaint Nos. 2012-227 and 2012-228 to the Council. The Council discussed the records reviewed *in camera*. Mr. Ritardi asked questions about the issue of redacting information not responsive to a request. The Council sought and received advice from DAG Allen.

Mr. Sharkey introduced GRC Complaint No. 2013-194 to the Council. The Council discussed the records reviewed *in camera*. Mr. Ritardi noted that parties should be afforded chance to provide additional information. Ms. Tabakin expressed uncertainty with certain reactions, but noted that the

parties have the option of requesting reconsideration. Mr. Caruso stated that the *in camera* decision was consistent with Hyman v. City of Jersey City (Hudson), GRC Complaint No. 2007-118 (December 2012). The Council sought and received advice from DAG Allen.

Ms. Tabakin introduced recent issues of contact with Dr. Alan Bell. Mr. Caruso provided the Council and DAG Allen a history of its interaction with Dr. Bell stemming from Bell v. Paterson Pub. Sch. (Passaic), GRC Complaint No. 2013-04 (December 2013). The Council sought advice from DAG Allen and was instructed to provide a detailed time line of events for review.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to end the closed session. The Council adopted the motion by a unanimous vote.

The closed session meeting concluded at 1:03 p.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: July 29, 2014