



**Minutes of the Government Records Council
April 30, 2019 – Closed Session**

The Council convened in closed session at 1:51 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Jennifer Simons, Esq. (designee of Department of Education Commissioner, Dr. Lamont Repollet), Jason Martucci, Esq. (designee of Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver)

Absent: Steven Ritardi, Esq. (Public Member).

Also, in attendance were GRC Staff: Frank F. Caruso (Acting Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator) Samuel Rosado (Staff Attorney), and Deputy Attorney General Debra Allen.

Ms. Berg Tabakin called for a motion to go into closed session. Mr. Martucci made a motion, which was seconded by Ms. Simons. 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:

- Jeff Carter v. Franklin Fire District No. 1, 2019, N.J. Super. Unpub. LEXIS 590 (App Div. 2019)
- Scott M. Halliwell and Anthony G. Pennant v. Borough of Brooklawn (Camden) (2016-201)
- Micaela P. Bennett v. West Orange Board of Education (2018-209)
- Edwin Gregory Sheppard v. County of Cape May (2019-3) (**FFC Recusal**)

***Council changed order of discussion to address GRC 2016-201 first.

Mr. Rosado introduced GRC Complaint No. 2016-201. The Council reviewed the records at *in camera*. Mr. Martucci commented on several of the e-mails that he believed should have been redacted. The Council agreed with Mr. Martucci's comments and requested that Mr. Rosado make the necessary adjustments.

Mr. Caruso introduced Carter, 2019 N.J. Super. Unpub. LEXIS 590 to the Council. The Council sought advice from DAG Allen regarding how to address the Appellate Division's remand. The Council also sought advice on the decision's impacts to the GRC's long-standing adjudicatory practices. DAG Allen provided advice to the Council on both issues.

Mr. Caruso introduced GRC Complaint No. 2018-209. Mr. Caruso stated that the "objection to representation" issue is novel, and that the GRC's regulations provide no guidance on how the Council should handle such an issue. Mr. Caruso noted that he worked with DAG Allen to craft

boilerplate language for this issue. The Council reviewed that language and consented to the proposed actions the Council should take going forward.

Mr. Stewart introduced GRC Complaint No. 2019-3. Mr. Stewart noted that this case similarly included an “objection to representation” issue. The Council discussed the proposed conclusions and received legal advice from DAG Allen. Mr. Caruso was not present during this discussion due to a recusal.

Ms. Berg Tabakin called for a motion to end the closed session. Ms. Simons made a motion, which was seconded by Mr. Martucci. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:26 p.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: May 21, 2019