



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
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PHILIP D. MURPHY  
Governor

LT. GOVERNOR SHEILA Y. OLIVER  
Commissioner

**NOTICE OF MEETING**  
**Government Records Council**  
**January 25, 2022**

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, January 25, 2022, via Office Teams. Members of the public may attend the meeting by utilizing the following call-in information:

Telephone Number: 1-856-338-7074  
Conference ID: 815 013 075

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. remotely.

**I. Public Session:**

Call to Order  
Pledge of Allegiance  
Meeting Notice  
Roll Call

**II. Executive Director's Report**

**III. Closed Session**

- Lisa D. Taylor, Esq. v. NJ Department of Treasury, Division of Purchase & Property (2015-395) *In Camera* Review (N.J.A.C. 5:105-2.8(g)).

**IV. Approval of Minutes of Previous Meetings:**

December 14, 2021 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): None**

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

1. Michael Jurista, Esq. (o/b/o Brian Trovato) v. City of Orange Township (Essex) (2021-38)
  - Complaint Voluntarily Withdrawn.
2. Katherine G. Houghton, Esq. (o/b/o Joseph Harris) v. Township of Irvington, Department of Public Safety (Essex) (2021-50)
  - Complaint Voluntarily Withdrawn.
3. Simon Galperin v. Bloomfield Police Department (Essex) (2021-116)
  - Complaint Settled in Mediation.
4. Steven J. Kossup, Esq. v. Montclair Police Department (Essex) (2021-129)
  - Complaint Voluntarily Withdrawn.
5. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Lindenwold Police Department (Camden) (2021-143)
  - Complaint Voluntarily Withdrawn.
6. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Northvale Police Department (Bergen) (2021-152)
  - Complaint Voluntarily Withdrawn.
7. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Borough of Swedesboro (Gloucester) (2021-153)
  - Complaint Settled in Mediation.
8. Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Berkeley Heights Police Department (Union) (2021-157)
  - Complaint Voluntarily Withdrawn.
9. Old Bridge PBA Local 127 v. Sayreville School District (Middlesex) (2021-222)
  - Complaint Voluntarily Withdrawn.
10. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, & Delores Simmons) v. Midland Park Police Department (Bergen) (2021-247)
  - Complaint Voluntarily Withdrawn.
11. James P. Nolan, Jr., Esq. (o/b/o Laura Czarneski) v. Borough of Jamesburg (Middlesex) (2021-259)
  - Complaint Voluntarily Withdrawn.
12. Jerome D. Greco v. Jersey City Police Department (Hudson) (2021-313)
  - Complaint Voluntarily Withdrawn.
13. Joseph R. Kardos v. Manchester Township Police Department (Ocean) (2021-320)
  - Complaint Voluntarily Withdrawn.
14. Diane C. Nickoloff v. Palisades Park Board of Education (Bergen) (2021-321)
  - Complaint Voluntarily Withdrawn.

## **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. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. City of Atlantic City (Atlantic) (2018-247) (**GT Recusal**)
  - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the prescribed deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Edison Police Department (Middlesex) (2020-55) (**SR Recusal**)
  - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
3. David Weiner v. County of Essex (2020-196) (**SR Recusal**)
  - 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).
4. David Weiner v. County of Essex (2020-197) (**SR Recusal**)
  - The Custodian lawfully denied access to the Complainant's OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
5. David Weiner v. County of Essex (2021-5) (**SR Recusal**)
  - Chief Information Officer Carl Hunte's failure to locate additional responsive records until after the filing of the instant complaint resulted in an insufficient search. Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013). However, the GRC declines to order disclosure of the additional records because the Custodian did so as part of the Statement of Information ("SOI").
  - There is no knowing and willful violation.
6. Chaya-Bracha Karen Walkenfeld v. Rutgers University (2021-26) (**SR Recusal**)
  - The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian's assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff v. N.J. Dep't of Labor, Bd. of Review, 379 N.J. Super. 346 (App. Div. 2005).
  - The knowing and willful and prevailing party analyses are deferred.

### **B. Individual Complaint Adjudications with no Recusals:**

1. Lisa D. Taylor, Esq. v. NJ Department of Treasury, Division of Purchase and Property (2015-395)
  - The Custodian complied with the Council's September 24, 2019 Interim Order.

- The *In Camera* Examination reveals that the Custodian lawfully denied access to the withheld or redacted portions of the responsive bids. N.J.S.A. 47:1A-6.
  - The Council declines to address the knowing and willful issue because no violation of OPRA occurred.
  - The Complainant is not a prevailing party.
2. Mark Demitroff v. Buena Vista Township (Atlantic) (2017-169)
    - The Council should determine the reasonable fee amount to which the Complainant's Counsel is entitled.
    - The Council should find that Complainant's Counsel is entitled to an adjusted fee award of \$6,500.00 representing 16.25 hours of service at \$400.00 per hour.
  3. Edwin Sheppard v. NJ Department of Law and Public Safety, Division of Law (2017-180)
    - The Custodian timely responded based on a warranted and substantiated extension. Ciccarone v. N.J. Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014); Libertarians for Transparent Gov't v. Summit Pub. Sch. (Union), GRC Complaint No. 2016-193 (March 2018).
    - The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian's assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff, 379 N.J. Super. 346.
    - The knowing and willful analysis is deferred.
  4. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Ocean Gate Police Department (Ocean) (2018-194)
    - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
  5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Simons) v. Audubon Park Borough (Camden) (2018-290)
    - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
  6. Adam C. Miller v. Township of Lawrence (Mercer) (2018-313)
    - This complaint should be dismissed because the Complainant failed to appear at the Office of Administrative Law hearing and did not submit an explanation for such failure. N.J.A.C. 1:1-18.4(a). Thus, no further adjudication is required.
  7. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Clinton Township Police Department (Hunterdon) (2019-32)
    - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.

8. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Stockton Borough (Hunterdon) (2019-35)
  - The Custodian complied with the Council's February 23, 2021 Interim Order.
  - There is no knowing and willful violation.
  - 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.
9. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Audubon Park Borough (Camden) (2019-239)
  - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
10. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Town of Westfield (Union) (2020-11)
  - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
11. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Union (Union) (2020-15)
  - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
12. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. East Newark Police Department (Hudson) (2020-38)
  - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
13. Scott Madlinger v. Berkeley Township Police Department (Ocean) (2020-90)
  - This complaint should be tabled for additional review.
14. Anonymous v. Borough of Haledon (Passaic) (2020-125)
  - The Custodian and Mohammad Ramadan's failure to locate responsive records until after the filing of this complaint resulted in an insufficient response. Schneble v. N.J. Dep't of Env'tl. Protection, GRC Complaint No. 2007-220 (April 2008).
  - The Complainant's request item Nos. 3 and 4 seeking correspondence and e-mails were invalid because they did not include senders and/or recipients and a date or range of dates. Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010).
  - The Custodian may have unlawfully denied access to the Complainant's OPRA request item Nos. 5, 6, 7, and 8. N.J.S.A. 47:1A-6. The Custodian shall search for potentially responsive records and either disclose those located or certify if none exist, inclusive of certifications detailing the search conducted.

- The knowing and willful analysis is deferred.
15. Marcia A. Kleinz v. Atlantic Cape Community College (2020-161)
- The current Custodian failed to fully comply with the Council’s November 9, 2021 Interim Order.
  - The Custodian shall have a final opportunity to locate and disclose the remaining outstanding personnel information or certify if same ultimately did not exist. Carter v. Franklin Fire Dist. No. 1 (Somerset), GRC Complaint No. 2014-218, *et seq.* (Interim Order dated April 26, 2016).
  - The knowing and willful and prevailing party analyses are deferred.
16. Anonymous v. Borough of Haledon (Passaic) (2020-205)
- The Custodian’s failure to timely respond to the Complainant’s OPRA request item No. 1 seeking “immediate” access records resulted in a violation of OPRA. N.J.S.A. 47:1A-5(e).
  - The Custodian’s failure to locate the spreadsheet responsive to the Complainant’s OPRA request item No. 5 until after the filing of this complaint resulted in an insufficient search. Schneble, GRC 2007-220. However, the GRC declines to order disclosure of this record because the Custodian did so as part of the SOI.
  - The Complainant’s request item Nos. 1, 4, and 6 are invalid because they require research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Further, the Complainant’s request item No. 2 is invalid because it did not include a sender and/or recipient. Elcavage, GRC 2009-07. Finally, the Complainant’s request item No. 3 was invalid because it required research of the Borough’s minutes. Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012).
  - There is no knowing and willful violation.
17. Michael I. Inzelbuch, Esq. (o/b/o C.J.) v. Teaneck Board of Education (Bergen) (2020-247)

18. Michael I. Inzelbuch, Esq. (o/b/o C.J.) v. Teaneck Board of Education (Bergen) (2020-248) **Consolidated**

  - The Custodian never received the Complainant’s two (2) OPRA requests prior to the filing of this complaint and did not unlawfully deny them. N.J.S.A. 47:1A-6. See Martinez v. Morris Cnty. Prosecutor’s Office, GRC Complaint No. 2014-2 (September 2014), and Valdes v. N.J. Dep’t of Educ., GRC Complaint No. 2012-19 (April 2013).
  - The Complainant is not a prevailing party.
19. Dan Riordan v. Borough of Red Bank (Monmouth) (2021-3)
- The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian’s assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff, 379 N.J. Super. 346.
  - The knowing and willful analysis is deferred.

20. Marc Liebeskind v. Borough of Highland Park (Middlesex) (2021-8)

- The Custodian lawfully denied access to the responsive spreadsheet containing redevelopment scenarios under the “inter-agency, or intra-agency advisory, consultative, or deliberative material” exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; Educ. Law Ctr. v. Dep’t of Educ., 198 N.J. 274 (2009); Giambri v. Sterling High Sch. Dist. (Camden), GRC Complaint No. 2014-393, *et seq.* (September 2015).

21. Raymond C. Mitchell v. Town of Secaucus (Hudson) (2021-40)

- This complaint should be dismissed because the Complainant failed to state a claim. Loigman v. Monmouth Cnty. Prosecutor’s Office, GRC Complaint No. 2013-342 (July 2014).

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

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

**IX. Complaints Adjudicated in U.S. District Court:**

**X. 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.\*

**XI. 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.