



State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
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*Governor*

SHEILA Y. OLIVER  
*Lieutenant Governor*

KIMBERLY K. HOLMES  
*Acting Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**August 29, 2023**

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, August 29, 2023 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**

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

July 25, 2023 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):**

1. Shinea Jones v. Newark Police Department (Essex) (2023-153) (**SR Recusal**)
  - No Records Responsive to the Request Exist.

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

1. Klarida Papajani v. Saddle Brook Board of Education (Bergen) (2023-117)
  - No Records Responsive to the Request Exist.
2. Klarida Papajani v. Saddle Brook Police Department (Bergen) (2023-122)
  - No Records Responsive to the Request Exist.
3. Mildred F. Waale v. Warren Township Planning Board (Somerset) (2023-166)
  - Motion to File Within Time Denied.
4. Walter Marsico v. Vernon Township (Sussex) (2023-171)
  - All Records Responsive Provided in a Timely Manner.

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

1. Young America's Foundation v. Rutgers University (2022-277)
  - Complaint Settled in Mediation.
2. Vincent Conti v. NJ Civil Service Commission (2022-589 *et al*) (See Appendix A)
  - Complaint Settled in Mediation.
3. Tracy Soman v. Deerfield Township (Cumberland) (2023-38)
  - Complaint Settled in Mediation.
4. Romeo Murano v. City of Newark (Essex) (2023-124)
  - Complaint Voluntarily Withdrawn.
5. Alexandria "Alix" Hayes v. Township of Ocean School District (Monmouth) (2023-126)
  - Complaint Voluntarily Withdrawn.
6. Rachael Tennant v. City of Orange Township (Essex) (2023-132)
  - Complaint Voluntarily Withdrawn.
7. John Paff v. Piscataway Fire District No. 3 (Middlesex) (2023-140)
  - Complaint Voluntarily Withdrawn.
8. Maureen Woerner v. Lebanon Township School District (Hunterdon) (2023-147)
  - Complaint Voluntarily Withdrawn.
9. Derek Timms v. City of Ventnor City (Atlantic) (2023-172)
  - Complaint Voluntarily Withdrawn.
10. Sandeep Chellani v. Township of Weehawken (Hudson) (2023-185)
  - Complaint Voluntarily Withdrawn.

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

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): None**

### **B. Administrative Orders with No Recusals (Consent Agenda): None**

## **VII. 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. David Weiner v. County of Essex (2022-185) (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). However, the GRC declines to order disclosure because the Custodian responded on July 12, 2022 stating that no additional records existed.

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

#### **1. MN and EN (o/b/o AN) v. Gloucester Township Board of Education (Camden) (2020-124)**

- 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 \$9,400.00 representing 18.2 hours of service at \$500.00 per hour and 1.5 hours at \$200.00 per hour.
- No fee enhancement should be awarded because Complainant’s Counsel failed to demonstrate that the complaint warrants same.

#### **2. Kenneth S. Goodkind v. NJ Civil Service Commission (2021-84)**

- The Custodian did not fully comply with the Council’s June 28, 2022 Interim Order.
- This complaint should be referred to the Office of Administrative Law (“OAL”) based on contested facts. N.J.A.C. 1:1-3.2(a). The fact-finding hearing should include a clarification of the factual record, a full accounting of all responsive records to both OPRA requests, an *in camera* review, and additional actions the OAL deems necessary. For efficacy purposes, the OAL should also determine whether the Custodian knowingly and willfully violated OPRA.

3. Andrew Garcia Phillips v. City of Rahway (Union) (2023-236)
  - The Custodian unlawfully denied access to the requested survey data because he failed to prove that same was in draft form and thus exempt 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; Libertarians for Transparent Gov’t v. Gov’t Records Council, 453 N.J. Super. 83 (App. Div. 2018). However, the GRC declines to order disclosure because the Custodian did so on October 25, 2021.
  
4. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. North Arlington Borough Police Department (Bergen) (2021-273)
  - The Custodian unlawfully denied access to the OPRA request seeking specific personnel information. N.J.S.A. 47:1A-10; Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010). The Custodian shall either locate and disclose the requested personnel information or certify if no records exist.
  - The Custodian’s response to the portion of the request seeking settlements was consistent with prevailing case law and the Council’s prior decisions. Libertarians for Transparent Gov’t v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore v. N.J. Dep’t of Corr., GRC Complaint No. 2009-144 (Interim Order dated October 26, 2010).
  - The prevailing party analysis is deferred.
  
5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Harrington Park Police Department (Bergen) (2021-274)
  - The Custodian’s insufficient search resulted in an unlawful denial of access to responsive agreements. N.J.S.A. 47:1A-6; Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013). However, the GRC declines to order disclosure because the Custodian did so on December 6, 2021.
  - 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.
  
6. Fred Thomas v. County of Burlington (2021-275)
  - The Custodian lawfully denied access to the requested body-worn camera and other footage from the inside of a jail based on the security and surveillance exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016).
  
7. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Bergenfield Police Department (Bergen) (2021-280)
  - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all were provided. Danis, GRC 2009-156, *et seq.*

- The Complainant is not a prevailing party.
8. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Fort Lee Police Department (Bergen) (2021-281)
    - The Custodian unlawfully denied access to the OPRA request seeking specific personnel information. N.J.S.A. 47:1A-10; Danis, GRC 2009-156, *et seq.* The Custodian shall either locate and disclose the requested personnel information or certify if no records exist.
    - The Custodian’s response to the portion of the request seeking settlements was consistent with prevailing case law and the Council’s prior decisions. Libertarians, 465 N.J. Super. 11. Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
    - The prevailing party analysis is deferred.
  9. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Clementon Borough Police Department (Camden) (2021-282)
    - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all were provided. Danis, GRC 2009-156, *et seq.*
    - The Complainant is not a prevailing party.
  10. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Berkeley Heights Police Department (Union) (2021-284)
    - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all were provided. Danis, GRC 2009-156, *et seq.*
    - The Complainant is not a prevailing party.
  11. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Green Brook Police Department (Somerset) (2021-286)
    - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all were provided. Danis, GRC 2009-156, *et seq.*
    - The Complainant is not a prevailing party.
  12. Ronald Brown v. East Brunswick Police Department (Middlesex) (2021-290)
    - The Custodian’s response was insufficient because she 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 Complainant’s OPRA request is invalid because it failed to identify a specific government record and required research. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534 (App. Div. 2005); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230 (App. Div. 2015).

13. Ronald Brown v. East Brunswick Police Department (Middlesex) (2021-291)
- The Complainant’s request item Nos. 1 through 7 are invalid because they failed to identify a specific government record and required research. MAG, 375 N.J. Super. 534; Lagerkvist, 443 N.J. Super. 230. Further request item No. 2 is outside of the Council’s jurisdiction. N.J.S.A. 47:1A-7(g).
  - The Complainant’s request item No. 8 is invalid because it failed to identify a specific government record and required research. MAG, 375 N.J. Super. 534; Taylor v. Elizabeth Bd. of Educ. (Union), GRC Complaint No. 2007-214 (April 2008).
  - The Custodian did not unlawfully deny access to OPRA request item No. 9 because the Complainant sought a record he confirmed was in his possession. Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609 (App. Div. 2008).
14. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Elk Township Police Department (Gloucester) (2021-292)
- The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request because all were provided. Danis, GRC 2009-156, *et seq.*
  - The Complainant is not a prevailing party.
15. Ronald Brown v. East Brunswick Police Department (Middlesex) (2021-314)
- The Complainant’s request item No. 1 is invalid because it did not contain the requisite criteria, and specifically the content and/or subject, to be considered valid. Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010).
  - The Custodian lawfully denied access to the Complainant’s OPRA request item No. 3, which sought internal affairs records. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); Rivera v. Union Cnty. Prosecutor’s Office, 250 N.J. Super. 124 (2022).
  - The Custodian did not unlawfully deny access to records responsive to the Complainant’s OPRA request item Nos. 2 and 4 because all were provided. Danis, GRC 2009-156, *et seq.*
16. Michael Gardenier v. Borough of Cliffside Park (Bergen) (2022-171)
- The Complainant’s request item Nos. 1, 3, and 5 are invalid because they sought generic “documents.” MAG, 375 N.J. Super. 534; Carter v. N.J. Dep’t of Cmty. Affairs, Div. of Local Gov’t Servs., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019); Feiler-Jampel v. Somerset Cnty. Prosecutor’s Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). The Complainant’s request item No. 2 is invalid because it sought information. LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009). Finally, the Complainant’s request item No. 4 (and by extension item No. 6) is invalid because it did not contain the requisite criteria, and specifically the date or range or range of dates and the content and/or subject, to be considered valid. Elcavage, GRC 2009-07.

17. Anonymous v. Englishtown Police Department (Monmouth) (2022-439)

- Custodian Counsel's request for reconsideration should be denied. Thus, the July 25, 2023 Interim Order remains in effect and the Custodian shall comply accordingly.

18. Anonymous v. Atlantic County One Stop Center (2023-93)

- The Complainant's request for reconsideration should be denied.
- The Council's May 30, 2023 Administrative Order is reinstated and the Complainant has thirty (30) days to advise of their willingness to proceed on a non-anonymous basis. N.J.A.C. 5:105-2.3(k).

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

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

- Ciolek v. Twp. of Roxbury, 2023 N.J. Super. Unpub. LEXIS 1296 (App. Div. 2023)

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

**XI. 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.\*

**XII. 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.\*

Appendix A – Vincent Conti v. N.J. Civil Service Commission,  
Complaints Settled in Mediation on July 20, 2023

1. GRC 2022-589
2. GRC 2022-590
3. GRC 2022-591
4. GRC 2022-592
5. GRC 2022-593
6. GRC 2022-594
7. GRC 2022-595
8. GRC 2022-596
9. GRC 2022-597
10. GRC 2022-598
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14. GRC 2022-602
15. GRC 2022-603
16. GRC 2022-604