



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

JACQUELYN A. SUÁREZ
Commissioner

NOTICE OF MEETING
Government Records Council
February 18, 2025

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, February 18, 2025, 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: 126 639 081#

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

- Rotimi Owoh (o/b/o African American Data & Research Institute) v. North Bergen Police Department (Hudson) (2021-304) *In Camera* Review (N.J.A.C. 5:105-2.8(g)).

IV. Approval of Minutes of Previous Meetings:

January 28, 2025, Open Session Meeting Minutes
January 28, 2025, Closed 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. Jeannie Santiago v. City of Jersey City, Division of City Planning (Hudson) (2025-12) (SR Recusal)
 - **Cannot be adjudicated due to lack of quorum.**

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Franklin Township Police Department (Somerset) (2022-138)
 - All Records Responsive Provided in a Timely Manner.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Rumson Police Department (Monmouth) (2022-148)
 - All Records Responsive Provided in a Timely Manner.
3. Michael I. Inzelbuch, Esq. (o/b/o Julian Parisi) v. Franklin Lakes Public Schools (Bergen) (2022-382)
 - No Records Responsive to the Request Exist.
4. Troy Swint v. Essex County Prosecutor's Office (2022-357)
 - No Records Responsive to the Request Exist.
5. David Weiner v. County of Essex (2023-96)
 - Unripe Cause of Action.
6. David Weiner v. County of Essex (2024-218)
 - No Records Responsive to the Request Exist.
7. Kevin P. Moran v. West Deptford Township Police Department (Gloucester) (2024-276)
 - Not a Valid OPRA Request.

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

1. Emily Kostek v. County of Burlington (2022-503)
 - Complaint Voluntarily Withdrawn.
2. John Paff v. City of Paterson (Passaic) (2023-177)
 - Complaint Voluntarily Withdrawn.
3. Gary Pollak v. Township of Mount Holly (Burlington) (2024-116)
 - Complaint Settled in Mediation.
4. Derrick B. Parreott, Sr. v. Township of Ocean Police Department (Ocean) (2024-134)
 - Complaint Settled in Mediation.
5. William Bowman v. Franklin Township Fire District No. 3 (Somerset) (2024-204)
 - Complaint Settled in Mediation.
6. Kevin Alexander v. NJ Office of the Attorney General (2024-260)
 - Complaint Settled in Mediation.
7. Kevin Kearns v. Ocean City Police Department (Cape May) (2024-273)
 - Complaint Voluntarily Withdrawn.

8. David Weiner v. County of Essex (2025-22)
 - 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):

1. Dan Halper v. Rutgers University (2023-141) (**RC & SR Recusals**)
 - **Cannot be adjudicated due to lack of quorum.**

B. Administrative Orders with No Recusals (Consent Agenda):

1. Philip I. Brilliant v. Township of Toms River (Ocean) (2024-245)
 - *In Camera* Review.

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. Perrault Jean-Paul v. City of Jersey City (Hudson) (2022-317) (**SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**
2. Scott Madlinger v. City of Jersey City (Hudson) (2022-525) (**SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**
3. Michele Downie v. NJ State Police (2023-118)
4. Michele Downie v. NJ Office of the Attorney General (2023-119) (**SR Recusal**)
CONSOLIDATED
 - **Cannot be adjudicated due to lack of quorum.**
5. John Paff v. Township of Edison (Middlesex) (2023-168) (**SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**
6. Maria Diamonte v. Rutgers University (2022-355) (**RC & SR Recusals**)
 - **Cannot be adjudicated due to lack of quorum.**
7. Maria Diamonte v. Rutgers University (2022-388) (**RC & SR Recusals**)
 - **Cannot be adjudicated due to lack of quorum.**
8. Maria Diamonte v. Rutgers University (2022-398) (**RC & SR Recusals**)
 - **Cannot be adjudicated due to lack of quorum.**
9. Brian Scott Morton v. NJ Civil Service Commission (2023-138) (**SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**

B. Individual Complaint Adjudications with no Recusals:

1. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-284)
2. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-285)
3. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-286)
4. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-287)
5. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-295) **CONSOLIDATED**

- This consolidated complaint should be dismissed because Complainant's Counsel withdrew it from the Office of Administrative Law ("OAL") due to a resolution between the parties.

6. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-288)
7. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-289)
8. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-290)
9. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-293)
10. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2012-294) **CONSOLIDATED**

- This consolidated complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

11. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-120)

- This complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

12. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-137)
13. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-138) **CONSOLIDATED**

- This consolidated complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

14. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-218)
15. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-219) **CONSOLIDATED**

- This consolidated complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

16. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-266)
17. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-267) **CONSOLIDATED**

- This consolidated complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

18. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2015-166)

- This complaint should be dismissed because Complainant's Counsel withdrew it from the OAL due to a resolution between the parties.

19. Enza Cannarozzi v. Jersey City Board of Education (Hudson) (2021-74)

- The Council should adopt the Administrative Law Judge's November 27, 2024, Initial Decision "**FIND[ING]** that the [Custodian]" lawfully redacted certain portions of the responsive contract.
- 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.

20. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. North Bergen Police Department (Hudson) (2021-304)

- The Custodian complied with the Council's November 8, 2023 Administrative Order.
- The Custodian did not unlawfully deny access to the portion of the Complainant's OPRA request seeking personnel information because all records were disclosed. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
- The Custodian shall comply with the Council's *In Camera* Examination findings.
- 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.

21. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Springfield Township Police Department (Union) (2022-84)

22. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Springfield Township Police Department (Union) (2022-137) **CONSOLIDATED**

- The portion of the Complainant's February 23, 2022, OPRA request seeking "agreements" was valid. Burnett v. Cnty. of Gloucester, 415 N.J. Super. 506, 515-516 (App. Div. 2010); Donato v. Twp. of Union, GRC Complaint No. 2005-182 (January 2007). Thus, the Custodian unlawfully denied access to this portion of the February 23, 2022, OPRA request. N.J.S.A. 47:1A-6.
- The Custodian lawfully denied access to the portion of both the Complainant's OPRA requests seeking "agreements" 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).
- The Custodian unlawfully denied access to the portion of both the Complainant's OPRA requests seeking personnel information because the disclosed spreadsheets were derived from individual physical records. Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-64 (Interim Order dated August 28, 2012). The Custodian shall thus locate and provide such records.
- 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.

23. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Denville Police Department (Morris) (2022-120)

- The portion of the Complainant's OPRA request seeking "[n]ames, date of hire, date of separation and reason for separation, salary, payroll record, amount and type of pension" was valid. N.J.S.A. 47:1A-10; Danis, GRC 2009-156, *et seq.* The Custodian shall search for and disclose the most comprehensive records containing the information sought or certify if no records exist.

- The portion of the Complainant's OPRA request seeking "agreements" was valid. Burnett, 415 N.J. Super. at 515-516; Donato, GRC 2005-182. Thus, the Custodian unlawfully denied access to this portion of the OPRA request. N.J.S.A. 47:1A-6. The Custodian shall search for responsive records and either disclose those located or notify the Complainant if none exist.
- 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.

24. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Long Hill Police Department (Morris) (2022-140)

- 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 lawfully denied access to the portion of the Complainant's OPRA request seeking "agreements" because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the disclosed spreadsheet was derived from individual physical records. Valdes, GRC 2011-64. The Custodian shall thus locate and provide such records.
- 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.

25. Judith V. Burton v. City of Trenton (Mercer) (2022-297)

- The Custodian's failure to submit a Statement of Information ("SOI") resulted in a violation of N.J.A.C. 5:105-2.4.
- The Custodian's failure to timely respond to the Complainant's two (2) OPRA requests 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 unlawfully denied access to the records responsive to both OPRA requests. N.J.S.A. 47:1A-6. The Custodian shall search for and disclose the located records, provide a specific lawful basis for denial to any of those records, or certify if records to one, or both, of the OPRA requests do not exist.
- The knowing and willful analysis is deferred.

26. Lisa M. Fittipaldi v. City of Paterson (Passaic) (2022-301)

- The original Custodian's failure to timely respond to the subject OPRA request 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 original Custodian did so on July 7, 2022 and the Custodian included same as part of the SOI.

27. Edward H. Mazer, Esq. v. Township of Millburn (Essex) (2022-413)
28. Edward H. Mazer, Esq. v. Township of Millburn (Essex) (2023-180)

CONSOLIDATED

- The Custodian bore her burden of proof that no unlawful denial of access occurred to the Complainant's February 22, 2022, OPRA request because she timely and reasonably sought clarification and received no response. N.J.S.A. 47:1A-6; Liebel v. Manalapan Englishtown Reg'l Bd. of Educ., GRC Complaint No. 2004-51 (September 2004).
 - The Custodian lawfully denied access to the Complainant's June 9, 2023, OPRA request item No. 3 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
 - The Complainant's March 28, 2022, and May 16, 2022 requests were invalid because they required substantive 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); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). The Complainant's June 9, 2023, request item Nos. 1 and 2 and June 12, 2023 requests were also invalid because they sought generic "documents." Feiler-Jampel v. Somerset Cnty. Prosecutor's Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.
 - The Complainant is not entitled to reasonable attorney's fees because he is a *pro se* complainant. See Pitts v. N.J. Dep't of Corr., GRC Complaint No. 2005-71 (April 2006).
29. Steven A. Myers v. Township of Dennis (Cape May) (2022-491)
- The Complainant's request is invalid because it failed to identify a specific record and required research. MAG, 375 N.J. Super. 534; Lagerkvist, 443 N.J. Super. 230. Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
30. Carl Koyi v. Ocean County Prosecutor's Office (2022-504)
- The Complainant's request is invalid because it was a blanket request that failed to identify the specific records sought. MAG, 375 N.J. Super. 534; Feiler-Jampel, GRC 2007-190. Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
31. Robin Henry v. Fairfield Township Board of Education (Cumberland) (2022-561)
- The Custodian's failure to timely respond to the Complainant's OPRA request 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 did not unlawfully deny access to the Complainant's OPRA request because all records were disclosed. Danis, GRC 2009-156, *et seq.*
32. Scott Madlinger v. Berkeley Township (Ocean) (2022-634)
- The Custodian's failure to timely respond to the Complainant's OPRA request 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 did so on November 7, and 22, 2022.

33. Scott Madlinger v. Lacey Township Police Department (Ocean) (2022-636)
 - The Custodian complied with the Council's January 28, 2025, Interim Order.
 - There is no knowing and willful violation.
34. Catherine Edjo Kamoto v. Borough of Cliffside Park (Bergen) (2022-667)
 - The Custodian lawfully denied access to the records responsive to the Complainant's OPRA request under N.J.S.A. 47:1A-9(a) and VanBree v. Bridgewater Twp. Police Dep't (Somerset), GRC Complaint No. 2014-122 (October 2014). N.J.S.A. 47:1A-6.
35. Dewuane Jackson v. Linden Police Department (Union) (2022-675)
 - The Complainant's request is invalid because it asked questions rather than seeking specific government records. MAG, 375 N.J. Super. 534; Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
36. Andrew Christopher Cruz v. Camden County Prosecutor's Office (2023-136)
 - The Complainant's request is invalid because it did not seek specific government records and would have required the Custodian to conduct research. MAG, 375 N.J. Super. 534; Redd v. Franklin Twp. Pub. Sch. (Somerset), GRC Complaint No. 2014-185 (February 2015). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
37. Kevin Kearns v. Glassboro Police Department (Gloucester) (2023-173)
 - The proposed special service charge is warranted, but not reasonable. N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg'l High Sch. Dist., 360 N.J. Super. 191, 199 (Law Div. 2002); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012). Thus, the Custodian shall review, redact, and disclose to the Complainant the responsive records upon remittance of the adjusted special service charge of \$328.19.
38. Thaise Chapman v. NJ Department of Corrections (2024-56)
 - The Custodian lawfully denied access to the subject OPRA request because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.

VIII. Court Decisions of GRC Complaints on Appeal:

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

- Rosetti v. Ramapo-Indian Hills Reg'l High Sch. Bd. of Educ. 1, 2025 N.J. Super. LEXIS 8 (App. Div. 2025) (Approved for Publication)

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 shall be limited to **five (5) minutes** per the GRC's By-Laws. 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.