



**Minutes of the Government Records Council
February 18, 2025 Public Meeting – Open Session**

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:34 p.m. by Mr. John Alexy via Microsoft Teams.

- **Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

- **Meeting Notice**

Mr. Alexy read the following Open Public Meetings Act statement:

“This meeting was called pursuant to the provisions of the Open Public Meeting Act. Notices of this meeting were faxed to the Newark Star Ledger, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on February 13, 2025.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: John Alexy (Chairman) (designee of Department of Community Affairs Commissioner, Jacquelyn A. Suárez), Robin Berg Tabakin, Esq. (Vice Chair), Christopher Brown, Public Member, Ronald Chen, Esq., Public Member and Steven Ritardi, Esq., (Secretary).

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), Samuel Rosado (Staff Attorney), Jennifer Howell (Staff Attorney), Maria Rossi (Staff Attorney), and Deputy Attorney General Mark Gulbranson.

II. Executive Director’s Report:

Current Statistics

- Since OPRA’s inception in July 2002, the GRC has received 7,264 Denial of Access Complaints. That averages about 320 annual complaints per a little more than 22 ½

tracked program years. So far in the current program year (FY2025), the GRC has received 150 Denial of Access Complaints.

- 556 of the 7,264 complaints remain open and active (7.7%). Of those open cases:
 - 6 complaints are on appeal with the Appellate Division (1.1%);
 - 26 complaints are currently in mediation (4.7%);
 - 1 complaint is proposed for the Office of Administrative Law (0.2%);
 - 7 complaints await adjudication by the Office of Administrative Law (1.3%);
 - 72 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (12.9%);
 - 444 complaints are work in progress (79.9%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 40,409 total inquiries, averaging about 1,862 annual inquiries per a little more than 21 ½ tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2025), the GRC has received 1,145 inquiries (7.5 inquiries per workday).

GRC Outreaches

- The GRC's next trainings are as follows:
 - On March 12, 2025, the GRC will be participating virtually in a panel discussion at the OPRA CLE for Women Lawyers in Bergen and the Bergen County Bar Association.
 - On March 14, 2025, the GRC will be presenting at the Gloucester County Municipal Clerk's Association 2025 Spring Conference.

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)).

Mr. Alexy called for a motion to go into closed session. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:40 p.m. until 1:46 p.m.

Mr. Alexy called for a motion to end the closed session. Mr. Ritardi made a motion, which was seconded by Ms. Berg Tabakin. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:49 p.m., and Ms. Bordzoe called roll.

- Present: Mr. Alexy, Ms. Berg Tabakin, Mr. Brown, Mr. Chen, and Mr. Ritardi.

IV. Approval of Minutes of Previous Meetings:

January 28, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the January 28, 2025, meeting. Mr. Ritardi made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

January 28, 2025, Closed Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft closed session minutes of the January 28, 2025, meeting. Mr. Ritardi made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Mr. Alexy stated that 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 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.

Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Complaint Dispositions. Mr. Ritardi made a motion, which was seconded by Berg Tabakin. The motion passed by a unanimous vote.

C. Administrative Disposition of 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

Mr. Alexy stated that 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.
- Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Mr. Ritardi made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

A brief summary of the Executive Director's recommended action is under each complaint:

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.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the

Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi

made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.*
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.

- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

X. Court Decisions of GRC Complaints on Appeal: None

XI. 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): Plaintiff sought e-mail logs from the private servers/accounts of public officials who conducted official business on them. The Appellate Division found that access to government records is not confined to only those records "maintained or kept on file" by the public agency but instead encompasses records "made" by a public officer, notwithstanding the record's physical location. Therefore, the court held that when they relate to government business, e-mail logs are government records subject to disclosure, even if they are stored on a public official's private server. The court also found that the request was not unduly burdensome on its face. The court held that the matter should be remanded for the trial court to determine

whether the private e-mail logs cannot be provided by the agency without great difficulty, and whether the agency can impose a special service charge to process the request. Reversed and remanded.

XII. Complaints Adjudicated in U.S. District Court: None

XIII. Public Comment:

- Mr. Kevin Moran (GRC Complaint No. 2024-276): Mr. Moran stated that his records were denied due to improper OPRA request. He went back to the agency to fill out another request and was directed to a neighboring town. Mr. Caruso suggested that Mr. Moran send an e-mail to the GRC inbox with his contact information and a staff member will respond to his questions.
- Mr. Brian Morton (GRC Complaint No. 2023-138): Mr. Morton sought clarification of the Council's decision to table his complaint "due to lack of quorum." Mr. Caruso stated that 5 votes were needed for a decision to be rendered in a complaint; however, the Council currently consists of only 5 members and one member is recused from that complaint.

XIV. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Ritardi made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote. The meeting adjourned at 2:29 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: March 25, 2025