



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
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**PO Box 819**  
**TRENTON, NJ 08625-0819**

**PHILIP D. MURPHY**  
*Governor*

**TAHESHA L. WAY**  
*Lieutenant Governor*

**JACQUELYN A. SUÁREZ**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**March 25, 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, March 25, 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**

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

February 18, 2025, Open Session Meeting Minutes

February 18, 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 – New Category**

1. Complaint Untimely Filed – This category can be used when a Denial of Access Complaint is untimely filed outside the forty-five (45) calendar day statute of limitations. While the GRC makes every effort to screen its complaints and return those that do not include a motion to file within time (per N.J.A.C. 5:105-2.1(a)), there may be instances where a complaint is opened and must be procedurally disposed of. This category is consistent with the recently amended N.J.S.A. 47:1A-6.

#### **B. Administrative Disposition Adjudications with Recusals (Consent Agenda):**

1. John S. Hilkevich v. NJ Department of Corrections (2022-300) **(SR Recusal)**
  - **Cannot be adjudicated due to lack of quorum.**
2. Miguel Ramos v. NJ Department of Corrections (2022-531) **(SR Recusal)**
  - **Cannot be adjudicated due to lack of quorum.**
3. Bianca Barber v. City of Newark (Essex) (2025-9) **(SR Recusal)**
  - **Cannot be adjudicated due to lack of quorum.**
4. Jennie Santiago v. City of Jersey City, Division of City Planning (Hudson) (2025-12) **(SR Recusal)**
  - **Cannot be adjudicated due to lack of quorum.**

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Stone Harbor Police Department (Cape May) (2022-108)
  - All Records Responsive Provided in a Timely Manner.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Wayne Township Police Department (Passaic) (2022-152)
  - All Records Responsive Provided in a Timely Manner.
3. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Runnemede Police Department (Camden) (2022-167)
  - All Records Responsive Provided in a Timely Manner.
4. Kevin Lawrence Conley v. County of Essex (2022-437)
  - No Correspondence Received by the Custodian.
5. Drew Bradford v. Borough of New Providence (Union) (2022-538)
  - No Correspondence Received by the Custodian.
6. Emilio Giron v. Union County Prosecutor's Office (2022-650)
  - No Correspondence Received by the Custodian.
7. Darlene Esposito v. NJ Department of Military and Veterans Affairs (2023-18)
  - No Correspondence Received by the Custodian.
8. Bernard J. Meenan, Jr. v. Township of Edgewater Park (Burlington) (2024-30)
  - No Records Responsive to the Request Exist.
9. Bernard J. Meenan, Jr. v. Township of Edgewater Park (Burlington) (2024-31)
  - No Records Responsive to the Request Exist.
10. Alexander Ricciardi v. Morris Township Police Department (Morris) (2024-267)
  - Motion to File Within Time Denied.
11. Jacqueline Peoples v. Essex County Sheriff's Office (2025-34)
  - Complaint Untimely Filed.

12. Yesmean Nicole Damon v. Fairleigh Dickinson University (2025-46)
  - Request Made to a Non-public Agency.

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

1. Sasha Wolf & NJ Education Association v. NJ Department of Health, Epidemiology, Environmental & Occupational Health (EEOH) (2023-161)
  - Complaint Voluntarily Withdrawn.
2. Yosef Leser v. City of East Orange (Essex) (2025-3)
  - Complaint Settled in Mediation.
3. Onyinyechi Awobue v. Newark Police Department (Essex) (2025-6)
  - Complaint Voluntarily Withdrawn.
4. Marco D. Navarro v. City of Union City (Hudson) (2025-18)
  - Complaint Voluntarily Withdrawn.
5. Kevin Kearns v. City of Jersey City (Hudson) (2025-25)
  - Complaint Voluntarily Withdrawn.
6. Avinash Melkote v. Township of West Windsor (Mercer) (2025-47)
  - Complaint Voluntarily Withdrawn.
7. Robert C. Scutro v. City of Linden (Union) (2025-50)
  - Complaint Voluntarily Withdrawn.
8. Robert C. Scutro v. City of Linden (Union) (2025-51)
  - Complaint Voluntarily Withdrawn.
9. Eduardo Castillo v. Pennsauken Township (Camden) (2025-53)
  - 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 Recusal**)
  - **Cannot be adjudicated due to lack of quorum.**

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Pennsauken Police Department (Camden) (2022-95)
  - *In Camera* Review.
2. Jason Walker Tyler v. NJ Division of Consumer Affairs (2025-52)
  - Motion to File Within Time Granted.

## 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) (SR Recusal)
4. Michele Downie v. NJ Office of the Attorney General (2023-119) (SR Recusal)  
**CONSOLIDATED**
  - **Cannot be adjudicated due to lack of quorum.**
5. Brian Scott Morton v. NJ Civil Service Commission (2023-138) (SR Recusal)
  - **Cannot be adjudicated due to lack of quorum.**
6. John Paff v. Township of Edison (2023-168) (SR Recusal)
  - **Cannot be adjudicated due to lack of quorum.**
7. Maria Diamonte v. Rutgers University (2022-355) (RC & SR Recusals)
  - **Cannot be adjudicated due to lack of quorum.**
8. Maria Diamonte v. Rutgers University (2022-388) (RC & SR Recusals)
  - **Cannot be adjudicated due to lack of quorum.**
9. Maria Diamonte v. Rutgers University (2022-398) (RC & SR Recusals)
  - **Cannot be adjudicated due to lack of quorum.**

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

1. Marybeth Maida v. Borough of Red Bank (Monmouth) (2021-229)
  - This complaint should be dismissed because the Complainant withdrew it from the Office of Administrative Law.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Pine Beach Police Department (Ocean) (2021-334)
  - The Custodian complied with the Council's January 28, 2025 Interim Order.
  - 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.
3. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Califon Borough Police Department (Hunterdon) (2021-351)
  - The Custodian bore her burden of proof that the proposed special service charge of \$180.00 was warranted and 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). The Custodian shall disclose the responsive records upon payment of the special service charge. Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).
  - The Complainant is not a prevailing party.

4. Debra Hannibal v. City of Paterson (Passaic) (2022-112)
  - 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 also violated N.J.S.A. 47:1A-5(e) by failing to respond to the portion of the OPRA request seeking employee compensation and overtime information.
  - The Custodian unlawfully denied access to the requested time sheets, "375" forms, and compensation and overtime information. N.J.S.A. 47:1A-10, Jackson v. Kean Univ., GRC Complaint No. 2002-98 (February 2004). However, the GRC declines to order disclosure because the Custodian did so on May 19, 2022.
  - There is no knowing and willful violation.
5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Sparta Township Police Department (Sussex) (2022-151)
  - The Custodian lawfully denied access to the portion of the Complainant's OPRA request 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 the Complainant's OPRA request 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.
6. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Bloomingdale Police Department (Passaic) (2022-155)
  - The Custodian did not unlawfully deny access to the portion of the Complainant's OPRA request seeking agreements 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 unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the disclosed spreadsheets were 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.
7. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Morris Plains Police Department (Morris) (2022-176)
  - 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 Custodian lawfully denied access to the portion of the Complainant's OPRA request seeking "agreements" because she 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.

8. Daniel Melfi v. Borough of Leonia (Bergen) (2022-342)

- The Complainant's request item Nos. 1 and 2 were invalid because they did not contain the required correspondence criteria. 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); Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 (April 2010); Verry v. Borough of South Bound Brook (Somerset), GRC Complaint No. 2009-124 (April 2010). Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.
- The Custodian lawfully denied access to the Complainant's OPRA request item Nos. 3 and 4 because she already provided the responsive records to the Complainant days before in response to a prior OPRA request. N.J.S.A. 47:1A-6; Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 618 (App. Div. 2008); Owoh (on behalf of O.R.) v. West Windsor-Plainsboro Reg'l Sch. Dist. (Mercer), GRC Complaint No. 2012-330 (Interim Order dated February 26, 2013).

9. Daniel Melfi v. Borough of Leonia (Bergen) (2022-343)

10. Daniel Melfi v. Borough of Leonia (Bergen) (2022-344)

11. Daniel Melfi v. Borough of Leonia (Bergen) (2022-345) **CONSOLIDATED**

- The Complainant's three (3) requests were invalid because they did not contain the required correspondence criteria and specifically the subject or content. MAG, 375 N.J. Super. at 546; Elcavage, GRC 2009-07; Verry, GRC 2009-124. Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.

12. Qumere McClendon v. NJ Office of the Public Defender (2022-477)

- The Custodian lawfully denied access to the Complainant's OPRA request under N.J.S.A. 47:1A-5(k). Lemon v. N.J. Office of the Pub. Defender, GRC Complaint No. 2015-297 (November 2015).

13. George Paschalis v. Borough of Closter (Bergen) (2022-582)

- 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, GRC 2007-272.
- The portion of the Complainant's request seeking "any records" was invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Lagerkvist v. Office of the

Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to this portion of the request. N.J.S.A. 47:1A-6.

- The portion of the Complainant's request seeking communications, e-mails, and memoranda was invalid because it did not contain the required correspondence criteria and specifically a date or range of dates. MAG, 375 N.J. Super. at 546; Elcavage, GRC 2009-07; Verry, GRC 2009-124. Thus, the Custodian lawfully denied access to this portion of the request. N.J.S.A. 47:1A-6.

14. Ronald Long v. NJ Department of Law and Public Safety, Division of Criminal Justice (2022-643)

- 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 lawfully denied access to the report responsive to OPRA request item No. 1 under the "inter-agency or intra-agency advisory, consultative, or deliberative material" exemption. N.J.S.A. 47:1A-1.1; Educ. Law Ctr. v. N.J. Dep't of Educ., 198 N.J. 274, 284 (2009).
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 2 because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.

15. Danielle Ryan v. Mahwah Board of Education (Bergen) (2023-17)

- The Custodian may have unlawfully denied access to the Complainant's OPRA request because the evidence of record indicates that some records likely exist. N.J.S.A. 47:1A-6; Rodriguez v. Kean Univ., GRC Complaint No. 2018-112 (Interim Order dated February 26, 2020). The Custodian must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist; noting that she is not required to disclose the e-mail chain already in the Complainant's possession. Bart, 403 N.J. Super. at 618.

16. Jason Ritchwood v. Village of South Orange (Essex) (2023-21)

- No "deemed" denial of access occurred because the Custodian's timely attempt to respond was obstructed by an uncontrollable technological error. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Anonymous v. Borough of Haledon (Passaic), GRC Complaint No. 2022-222 (October 2023).

17. David Weiner v. County of Essex (2023-56)

- The Custodian did not unlawfully deny access to the Complainant's OPRA request because all records were disclosed. Danis, GRC 2009-156, *et seq.*

18. Katalin Gordon v. Township of Montclair (Essex) (2023-89)

- The Custodian lawfully denied access to the portion of the Complainant's OPRA request seeking an incident report because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian unlawfully denied access to the body-worn camera footage responsive to the Complainant's OPRA request and must disclose same. N.J.S.A. 47:1A-6.

- There is no knowing and willful violation.

19. *Victorina Salvador v. City of Union City (Union)* (2023-98)

- The Custodian's failure to timely respond to the Complainant's three (3) 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). However, the GRC declines to order any further action regarding OPRA request No. 1 because the Custodian disclosed the responsive record on May 17, 2023.
- The Complainant's request No. 2 was invalid because it sought information and not a specific "government record." MAG, 375 N.J. Super. 534; Lagerkvist, 443 N.J. Super. 230. Thus, the Custodian lawfully denied access to this request. N.J.S.A. 47:1A-6.
- The records sought in the Complainant's request No. 3 were not considered "government records" for purposes of OPRA because they were connected to a political fundraiser. N.J.S.A. 47:1A-1.1; Carter v. Franklin Fire Dist. No. 1, 2018 N.J. Super. Unpub. LEXIS 2189 (App. Div. 2018). Thus, the Custodian lawfully denied access to this request. N.J.S.A. 47:1A-6.
- There is no knowing and willful violation.

20. *Anthony Cesareo, Jr. v. Port Authority of NY & NJ* (2023-104)

- This complaint should be dismissed because it was filed out of time. N.J.A.C. 5:105-2.1(a); Dalnoky v. Pinelands Reg'l Sch. Dist., 2023 N.J. Super. Unpub. LEXIS 2241 (App. Div. 2023).

21. *John Paff v. Borough of East Newark (Hudson)* (2023-193)

- 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's August 8, 2023 response was insufficient because he failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272.
- The Custodian failed to conduct a reasonable search for records responsive to OPRA request item Nos. 4, 5, and 6. Schneble v. N.J. Dep't of Env'tl. Protection, GRC Complaint No. 2007-220 (April 2008); Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013); DiFelice v. Monroe Twp. Pub. Sch. (Gloucester), GRC Complaint No. 2017-233 (Interim Order dated August 27, 2019). Regarding OPRA request item No. 4, the GRC declines to order disclosure of an outstanding record because it was later disclosed. Regarding OPRA request item Nos. 5 and 6, the current Custodian must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist.
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 1 because the current Custodian certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.



22. Amir Madison v. Somerset County Prosecutor's Office (2023-208)  
23. Amir Madison v. Somerset County Prosecutor's Office (2023-228)

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- The Complainant's August 16, 2023 request is invalid because it was a blanket request that failed to identify any specific records. MAG, 375 N.J. Super. 534; Morgano v. Essex Cnty. Prosecutor's Office, GRC Complaint No. 2007-156 (February 2008). Thus, no unlawful denial of access occurred. N.J.S.A. 47:1A-6.
  - The Custodian lawfully denied access to the Complainant's September 1, 2023 OPRA request under N.J. Court Rules, R. 1:38-3(c)(10), R. 3:5-4, and R. 3:5-6(c). N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9.
24. David Weiner v. County of Essex (2023-219)
- The Custodian lawfully denied access to the Complainant's OPRA request because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
25. Richard Rivera v. City of Trenton (Mercer) (2025-26)
- The Custodian's failure to submit a Statement of Information resulted in a violation of N.J.A.C. 5:105-2.4.
  - 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 unlawfully denied access to the Complainant's OPRA request seeking "Use of Force" reports and must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist. N.J.S.A. 47:1A-6; O'Shea v. Twp. of West Milford, 410 N.J. Super. 371, 382 (App. Div. 2009).
  - The knowing and willful analysis is deferred.

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

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

- C.E. v. Elizabeth Pub. Sch. Dist., 2025 N.J. Super. LEXIS 18 (App. Div. 2025)
- Asian Hate Crimes Task Force v. Voorhees Twp., 2025 N.J. Super. Unpub. LEXIS 335 (App. Div. 2025)
- Ciolek v. Twp. of Roxbury, 2025 N.J. Super. Unpub. LEXIS 341 (App. Div. 2025)
- Allen v. Atl. City Bd. of Educ., 2025 N.J. Super. Unpub. LEXIS 384 (App. Div. 2025)

**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.