Minutes of the Government Records Council
May 20, 2025 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:32 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 May 15, 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), John Stewart (Mediator), 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 7,332 Denial of Access Complaints. That averages about 322 annual complaints per 22 ¾ tracked program years.

So far in the current program year (FY2025), the GRC has received 218 Denial of Access Complaints.

- 490[1] of the 7,332 complaints remain open and active (6.7%). Of those open cases:
  - 7 complaints are on appeal with the Appellate Division (1.4%);
  - 29 complaints are currently in mediation (5.9%);
  - 1 complaint is proposed for the Office of Administrative Law (0.2%);
  - 4 complaints await adjudication by the Office of Administrative Law (0.8%);
  - 62 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (12.7%);
  - 387 complaints are work in progress (79.0%); and
  - 0 complaints are being held in abeyance (0.0%).

- Since Program Year 2004, the GRC has received and responded to 40,857 total inquiries, averaging about 1,878 annual inquiries per 21 ¾ 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 1,593 inquiries (8.6 inquiries per workday).

III. Closed Session:

- Aakash Dalal v. NJ Department of Law & Public Safety, Division of Criminal Justice (2022-55) *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 Mr. Chen seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:38 p.m. until 1:52 p.m.

Mr. Alexy called for a motion to end the closed session. Mr. Ritardi made a motion, which was seconded by Mr. Chen. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:54 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:

April 29, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the April 29, 2025, meeting. Mr. Caruso noted that the minutes were edited on page 1 to reflect in the roll call that Ms. Bordzoe was not in attendance. Mr. Ritardi made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

[1] Since the January 2025 Council meeting, the GRC has decreased its backlog by 72 complaints (562 to 490).

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. J**ohn 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. **Patrick Bender v. Morris County Sheriff's Office (2022-656) (SR Recusal)**
   - **Cannot be adjudicated due to lack of quorum.**
4. **Bianca Barber v. City of Newark (Essex) (2025-9) (SR Recusal)**
   - **Cannot be adjudicated due to lack of quorum.**
5. **Jennie 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 & Baffi Obafemi) v. Borough of Chatham Police Department (Morris) (2022-196)**
   - All Records Responsive Provided in a Timely Manner.
2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. City of Elizabeth Police Department (Union) (2022-218)**
   - All Records Responsive Provided in a Timely Manner.
3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Piscataway Police Department (Middlesex) (2022-225)**
   - All Records Responsive Provided in a Timely Manner.
4. **Tyrell Hicks v. Franklin Township Police Department (Somerset) (2023-43)**
   - Unable to Locate Complainant.
5. **Tyree Mims v. Borough of Pine Hill (Camden) (2024-171)**
   - No Records Responsive to the Request Exist.
6. **Julia I. Evans v. NJ Department of Human Services, Division of Developmental Disabilities (2024-250)**
   - No Records Responsive to the Request Exist.
7. **Philip Brilliant v. Township of Toms River (Ocean) (2025-62)**
   - No Records Responsive to the Request Exist.

Mr. Alexy called for any discussion on the Administrative Complaint Dispositions as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Complaint Dispositions. Mr. Chen 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. **MaryAnn Virgona, Esq. (o/b/o Douglas Paul) v. City of Newark (Essex) (2023-302)**
    - Complaint Voluntarily Withdrawn.
2. **Kevin Kearns v. Borough of Monmouth Beach (Monmouth) (2024-223)**
    - Complaint Voluntarily Withdrawn.
3. **Avinash Melkote v. Ridgewood Police Department (Bergen) (2024-231)**
    - Complaint Settled in Mediation.
4. **Rianna S. Kirchhof v. NJ Department of Transportation (2024-272)**
    - Complaint Settled in Mediation.
5. **Mark A. Jones v. NJ State Police (2025-1)**
    - Complaint Settled in Mediation.
6. **Basmah Raja (o/b/o Jesus Castro) v. City of Paterson (Passaic) (2025-24)**
    - Complaint Settled in Mediation.
7. **John Paff v. City of Newark (Essex) (2025-45)**
    - Complaint Voluntarily Withdrawn.
8. **Stefan J. Erwin v. City of Newark (Essex) (2025-69)**
    - 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):

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. **Kevin Lawrence Conley v. County of Hudson (2022-438) (SR Recusal)**
    - **Cannot be adjudicated due to lack of quorum.**

3. **Scott Madlinger v. City of Jersey City (Hudson) (2022-525) (SR Recusal)**
    - **Cannot be adjudicated due to lack of quorum.**
4. **Andre Graves-Byrd v. NJ Department of Corrections (2022-608) (SR Recusal)**
    - **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 (Middlesex) (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. **Aakash Dalal v. N.J. Department of Law & Public Safety, Division of Criminal Justice (2022-55)**
    - The Custodian did not fully comply with the Council's June 25, 2024 Administrative Order.
    - The Custodian shall comply with the Council's *In Camera* Examination Findings.
    - The Custodian must disclose all other portions of the responsive e-mails not otherwise exempt. Ray v. Freedom Acad. Charter Sch. (Camden), GRC Complaint No. 2009-185 (Interim Order dated August 24, 2010).
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Rosado noted that an amendment has been added to the *In Camera* findings to permit the Custodian to redact handwritten notes contained within the disclosable records. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as amended. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Chatham Police Department (Morris) (2022-141)**
    - 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 may have unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the Custodian failed to indicate how the disclosed spreadsheet was generated. 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 responsive personnel records containing the information sought.

- 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Bogota Borough Police Department (Bergen) (2022-194)**
    - The Custodian failed to conduct a reasonable search for records responsive to the portion of the Complainant's OPRA request seeking "agreements." Schneble v. N.J. Dep't of Envtl. Protection, GRC Complaint No. 2007-220 (April 2008). However, the GRC declines to order disclosure because the Custodian disclosed the located agreement as part of the Statement of Information ("SOI").
    - The Custodian unlawfully denied access to the requested complaints and summonses. Simmons v. Mercado, 247 N.J. 24 (2022). However, the GRC declines to order disclosure because the Custodian did so as part of the SOI.
    - 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 Mr. Chen seconded the motion. The motion passed by a unanimous vote.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

4. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. City of Burlington Police Department (Burlington) (2022-224)**
    - 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 did not unlawfully deny access to the portion of the Complainant's OPRA request seeking disclosable personnel information

because all records were disclosed. Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep't (Camden), GRC Complaint No. 2022-12 (March 2024).

- The Complainant is not a prevailing party.
- **Mr. Rosado read the conclusions as Mr. Caruso recused on the record.** Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

5. **Naeem Akhtar v. City of Trenton (Mercer) (2022-227)**
    - The Custodian's failure to submit a SOI resulted in a violation of N.J.A.C. 5:105-2.4.
    - The original 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 original Custodian unlawfully denied access to the responsive records. N.J.S.A. 47:1A-1.1. The current Custodian shall either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist.
    - The knowing and willful analysis is deferred.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

6. **Patrick Bender v. Monmouth County Sheriff's Office (2022-663)**
    - 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 proposed special service charge was unwarranted and unreasonable. 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 locate and disclose those records responsive to the subject OPRA request (with redactions where applicable) and may charge any allowable copy costs associated with production thereof. N.J.S.A. 47:1A-5(b).
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

7. **James Griglio v. Port Authority of NY & NJ (2022-670)**
    - The Council should not rule in favor of the Complainant solely because the Custodian failed to copy him on the SOI, which the GRC subsequently forwarded in accordance with its regulations. N.J.A.C. 5:105-2.4(h); (n).
    - 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 Complainant's OPRA request was valid under Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 (April 2010); thus, the Custodian unlawfully denied access thereto. See also Burke v. Brandes, 429 N.J. Super. 169 (App. Div. 2012). Thus, the Custodian shall locate and disclose to the Complainant responsive e-mails, with redactions where applicable, or certify to the Complainant if no records 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

8. **Scott Madlinger v. Barnegat Township Police Department (Ocean) (2022-678)**
    - The Custodian complied with the Council's April 29, 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

9. **Tremaine L. Adams v. Passaic County Prosecutor's Office (2023-24)**
    - The Complainant's request is invalid because it failed to include sufficient identifiers necessary for the Custodian to perform a search. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); Pierce v. Salem Cnty. Prosecutor's Office, GRC Complaint No. 2017-176 (May 2019). 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

10. **Scott Madlinger v. Jackson Township (Ocean) (2023-28)**
    - 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 any further action because the Custodian disclosed the responsive records on February 24, 2023.
    - 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

11. **Bridget Fritzsch v. Township of Woodbridge (Middlesex) (2023-63)**
    - The Complainant's request is invalid because it asked questions and did not seek specific government records. MAG, 375 N.J. Super. 534; Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2011-168 (December 2012); Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 2009). 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

12. **Bridget Fritzsch v. Township of Woodbridge (Middlesex) (2023-67)**
    - The Complainant's request is invalid because it asked questions and did not seek specific government records. MAG, 375 N.J. Super. 534; Rummel, GRC 2011-168; Watt, GRC 2007-246. 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

13. **Bridget Fritzsch v. Township of Woodbridge (Middlesex) (2023-79)**
    - 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 Complainant's request is invalid because it asked questions and did not seek specific government records. MAG, 375 N.J. Super. 534; Rummel, GRC

2011-168; Watt, GRC 2007-246. 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

14. **David Weiner v. County of Essex (2023-80)**
    - The Custodian failed to conduct a reasonable search for records responsive to OPRA request item Nos. 4, 5, and 6. Schneble, GRC 2007-220. However, the GRC declines to order disclosure because the Custodian disclosed all records that existed on April 19, 2023, May 1, 2023, and as part of the SOI.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

15. **Scott Madlinger v. Jackson Township (Ocean) (2023-86)**
    - 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 requested e-mail log and shall disclose it to the Complainant. N.J.S.A. 47:1A-6; Paff v. Galloway Twp., 229 N.J. 340 (2017).
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

16. **Tina Lunney v. Essex County Prosecutor's Office (2023-154)**
    - The portion of the Complainant's request item No. 2 seeking "[r]ecords . . . or any related documents" is invalid as a blanket request for a class of various documents requiring an open-ended search. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Morgano v. Essex Cnty. Prosecutor's Office, GRC Complaint No. 2007-156 (February 2008); 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 this portion of the request. N.J.S.A. 47:1A-6.
    - The Custodian lawfully denied access to the Complainant's OPRA request item No. 1 because the requested records were exempt under the criminal investigatory exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541 (2017); Janeczko v. N.J.

Dep't of Law and Pub. Safety, Div. of Criminal Justice, GRC Complaint No. 2002-79, *et seq*. (June 2004).

- The Custodian lawfully denied access to the remaining portion of the Complainant's OPRA request item No. 2 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

17. **Klarida Papajani v. Pascack Valley Regional High School District (Bergen) (2023-159)**
    - The Custodian did not unlawfully deny access to the Complainant's OPRA request item No. 1 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 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.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

18. **Klarida Papajani v. Pascack Valley Regional High School District (Bergen) (2023-160)**
    - 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

19. **Klarida Papajani v. Saddle Brook Police Department (Bergen) (2023-169)**
    - The Complainant's July 10, 2023 request is invalid because it appeared to seek information and would have required research or creation of a record. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
    - The Custodian did not unlawfully deny access to the Complainant's July 11, 2023 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

20. **Jason Ritchwood v. Village of South Orange (Essex) (2023-217)**
    - The subparts of the Complainant's request item No. 1 are invalid because they required substantive research and analysis. 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); 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, GRC 2007-190. Thus, the Custodian lawfully denied access to these subparts. N.J.S.A. 47:1A-6.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

21. **Ryan Lawrence Johnson v. Borough of Sussex (Sussex) (2023-251)**
    - Custodian Counsel's request for reconsideration based on a "mistake" should be denied.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

22. **Kara Fitzsimmons v. Montclair Board of Education (Essex) (2024-187)**
    - The Custodian failed to comply with the Council's November 7, 2024 Interim Order.
    - The Council's Order is enforceable in Superior Court. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).
    - The Custodian's actions may have been knowing and willful. Thus, this complaint should be referred to the Office of Administrative Law for a knowing and willful hearing.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

23. **Gerard J. Toto, Jr. v. North Stelton Volunteer Fire Company (Middlesex) (2024-254)**
    - The Custodian's failure to submit an 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 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 may have unlawfully denied access to the North Stelton Fire Company's bylaws. N.J.S.A. 47:1A-6. The Custodian shall either locate and disclose to the Complainant the responsive record, provide a specific lawful basis for denial, or certify if no records exist.
    - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

VIII. Court Decisions of GRC Complaints on Appeal: None

IX. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None

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

- Prall v. Kuhn, 2025 U.S. Dist. LEXIS 82501 (D.N.J. 2025): Plaintiff alleged Defendant, among other non-OPRA claims, failed to provide Plaintiff with records under OPRA. However, Plaintiff failed to identify a specific OPRA request wherein Defendant refused to comply. Instead, the Plaintiff only identified other OPRA requests submitted to subordinate staff who allegedly provided unsatisfactory responses. The Court therefore found that because Plaintiff did not allege any specific conduct by Defendant that would rise to an OPRA violation, Plaintiff's OPRA claims were dismissed without prejudice.

XI. Public Comment:

- Chris Chapman, Esq. (GRC Complaint No. 2022-194): Mr. Chapman noted that the Borough of Bogota is in Bergen County and not Camden County, which was the county listed on the agenda. Mr. Caruso thanked Mr. Chapman for making the GRC aware of the error and advised that the correction will be made.

- LisaAnne Bicocchi, Esq. (GRC Complaint No. 2023-169): Ms. Bicocchi stated she missed the conclusions read in regard to GRC 2023-169. Mr. Caruso reread the relevant excerpt.

- Brian Bontempo, Esq. (GRC Complaint Nos. 2023-63, 2023-69 and 2023-79): Mr. Bontempo asked about the lack of quorum and if the determination was final. Mr. Caruso stated that these complaints did not lack a quorum and that the decisions would be sent to all parties within five (5) to ten (10) business days of this meeting.

- Gregory J. LaConte (GRC Complaint No. 2022-141): Mr. LaConte asked if written notice of the Council's decisions would be sent to the parties. Mr. Caruso reiterated that decisions would be sent to all parties within five (5) to ten (10) business days of this meeting.

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Ritardi made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote. The meeting adjourned at 2:40 p.m.

Respectfully submitted,

_____
John Alexy, Chair

Date Approved: June 24, 2025