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JACQUELYN A. SUÁREZ
Commissioner

NOTICE OF MEETING
Government Records Council
June 24, 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, June 24, 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:

May 20, 2025, Open Session Meeting Minutes

May 20, 2025, Close 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. 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. 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. Kristine M. Thomas v. Township of Washington (Gloucester) (2025-118)
 - Motion to File Within Time Denied.
2. Lisa Ryan v. Delaware River Port Authority (Camden) (2025-123)
 - Request Made to a Non-Public Agency.

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

1. Steven Van Oyen v. NJ Department of Labor & Workforce Development (2023-101)
 - Complaint Voluntarily Withdrawn.
2. Jason Szep v. NJ State Police (2023-130)
 - Complaint Voluntarily Withdrawn.
3. E. Peter Tiboris v. Township of Montclair (Essex) (2023-156)
 - Complaint Voluntarily Withdrawn.
4. Alfred Wilson v. Neptune Township Police Department (Monmouth) (2024-95)
 - Complaint Voluntarily Withdrawn.
5. Robert C. Scutro v. City of Linden (Union) (2024-233)
 - Complaint Voluntarily Withdrawn.
6. Yasha Kahn v. Cannabis Regulatory Commission (2024-266)
 - Complaint Voluntarily Withdrawn.
7. Robert McDonnell v. Franklin Fire District No. 1 (Somerset) (2024-270)
 - Complaint Settled in Mediation.

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. Victorina Salvador v. City of Union City (Hudson) (2022-637)
 - *In Camera* Review.
2. Giancarlo R. D’Orazio v. Township of Washington (Gloucester) (2024-34)
 - *In Camera* Review.
3. Giancarlo R. D’Orazio v. Township of Washington (Gloucester) (2024-44)
 - *In Camera* Review.
4. Scott Madlinger v. Berkeley Township (Ocean) (2024-117)
 - *In Camera* Review.
5. Wassim Elhouar v. South Orange & Maplewood School District (Essex) (2025-64)
 - *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. 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. Charles D. Whelan, III, Esq. v. City of Newark (Essex) (2025-95) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**
8. Maria Diamonte v. Rutgers University (2022-355) **(RC & SR Recusals)**
 - **Cannot be adjudicated due to lack of quorum.**
9. Maria Diamonte v. Rutgers University (2022-388) **(RC & SR Recusals)**
 - **Cannot be adjudicated due to lack of quorum.**
10. 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. Lisa Andreula-Porto v. Cape May County (2020-62)
 - The Custodian did not fully comply with the Council's June 25, 2024 Interim Order.
 - This complaint should be referred to the Office of Administrative Law ("OAL") for a hearing to resolve contested facts, and if necessary an *in camera* review and knowing and willful determination.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Hillside Township Police Department (Union) (2022-125)
 - The current Custodian did not fully comply with the Council's April 29, 2025 Interim Order.
 - Notwithstanding the insufficient response, 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 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 & Baffi Obafemi) v. Borough of Wildwood Crest Police Department (Cape May) (2022-197)
 - 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 Env'tl. 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 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 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.
4. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Borough of Garwood Police Department (Union) (2022-219)
 - 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, GRC 2011-64. 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.
5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Delran Township Police Department (Burlington) (2022-223)
- 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 spreadsheets were derived from individual physical records. Valdes, GRC 2011-64. 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.
6. Naeem Akhtar v. City of Trenton (Mercer) (2022-227)
- The Custodian failed to comply with the Council's May 20, 2025 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 original and current Custodians' actions may have been knowing and willful. Thus, this complaint should be referred to the OAL for a knowing and willful hearing.
7. Mark Lindros v. NJ Division of Law (2022-255)
- The Custodian's extensions were warranted and substantiated; thus, no "deemed" denial of access occurred. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Rodriguez v. Kean Univ., GRC Complaint No. 2016-87 (April 2018).
8. Judith V. Burton v. City of Trenton (Mercer) (2022-297)
- The Custodian failed to comply with the Council's February 18, 2025 Interim Order.
 - The Council's Order is enforceable in Superior Court. 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 OAL for a knowing and willful hearing.

9. Drew Bradford v. New Providence Police Department (Union) (2022-395)
- 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).
 - The Complainant's July 25, 2022 request No. 1, item No. 2; July 25, 2022 request No. 2, and July 27, 2022 request are invalid because they required research. 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); Carter v. N.J. Dep't of Cmty. Affairs, Div. of Local Gov't Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.
 - The Custodian lawfully denied access to the Complainant's July 25, 2022 OPRA request No. 1, item No. 1, because he already received the requested record on June 30, 2022 in response to a prior OPRA request. 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).
10. Sean Mussenden v. Bayonne Police Department (Hudson) (2022-633)
- The portions of the Complainant's request seeking "all personnel records" or "records" are invalid because they failed to identify the specific records sought. MAG, 375 N.J. Super. 534, 546; Bent, 381 N.J. Super. 30, 37; 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 portions of the request. N.J.S.A. 47:1A-6.
 - The Custodian lawfully denied access to the remainder of the Complainant's OPRA request because the records sought were exempt from disclosure under N.J.S.A. 47:1A-10 and the Internal Affairs Policy & Procedures. Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124, 142 (2022); Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 2004).
11. Scott Madlinger v. Berkeley Township Police Department (Ocean) (2023-48)
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 1 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
 - The Custodian failed to conduct a reasonable search for records responsive to the Complainant's OPRA request item No. 2. Schneble, GRC 2007-220. However, the GRC declines to order disclosure because the Custodian disclosed responsive records on March 17, 2023.
12. Janet Pizar v. NJ Department of Environmental Protection, Division of Game & Wildlife (2023-111)
- The Complainant's request is invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. 534, 546; Bent, 381 N.J. Super. 30, 37; Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.

13. John Paff v. City of Trenton (Mercer) (2023-155)
- The Council should adopt the Administrative Law Judge’s Initial Decision approving a settlement agreement between the parties and ordering the case be **“CONCLUDED.”**
14. David Weiner v. County of Essex (2023-220)
- 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.
15. Troy White v. Somerset County Jail (2023-261)
- This complaint should be dismissed as unripe because the Complainant filed it before the statutory time frame expired. Sallie v. N.J. Dep’t of Banking & Ins., GRC Complaint No. 2007-226 (April 2009).
16. Hector Geronimo v. NJ State Police (2023-264)
- The Custodian lawfully denied access to the requested body-worn camera footage under N.J.S.A. 40A:14-118.5(l)(1) because it was subject to the 180-day minimum retention period and the Complainant failed to provide evidence that he was an accepted party capable of reviewing same. N.J.S.A. 47:1A-6.
17. John Paff v. Township of Hillside (Union) (2024-234)
- This complaint should be dismissed because the Complainant withdrew it via e-mail on May 19, 2025.
18. Richard Rivera v. City of Trenton (Mercer) (2025-26)
- The Custodian failed to comply with the Council’s March 25, 2025 Interim Order.
 - The Council’s Order is enforceable in Superior Court. 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 OAL for a knowing and willful hearing.
19. Daniel Opdyke v. City of Trenton Department of Health & Human Services (Mercer) (2025-76)
- 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 Complainant’s OPRA request item No. 1. 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.
 - The Complainant’s request item No. 2 is invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent, 381 N.J. Super. 30, 37; Lagerkvist, 443 N.J. Super. 230, 236-237. Thus, the Custodian lawfully denied access to this request item. N.J.S.A. 47:1A-6.

- 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:

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.