



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
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 July 29, 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, July 29, 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

- Frank Liberato v. Township of Long Hill (Morris) (2022-198) *In Camera* Review (N.J.A.C. 5:105-2.8(g)).

IV. Approval of Minutes of Previous Meetings:

June 24, 2025, Open 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): None

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

1. John Bellocchio v. Mercer County Prosecutor's Office (2023-191)
 - Complaint Voluntarily Withdrawn.
2. Henry R. Marek v. City of Somers Point (Atlantic) (2023-196)
 - Complaint Voluntarily Withdrawn.
3. Diane M. Melody v. Long Branch Board of Education (Monmouth) (2023-230)
 - Complaint Voluntarily Withdrawn.
4. Teresa Gorgia v. Randolph Township School District (Morris) (2023-238)
 - Complaint Voluntarily Withdrawn.
5. Howard Mann v. Borough of Englewood Cliffs (Bergen) (2024-214)
 - Complaint Voluntarily Withdrawn.
6. Christopher Johnson v. Port Authority of NY & NJ (2024-236)
 - Complaint Voluntarily Withdrawn.
7. Christopher Johnson v. Port Authority of NY & NJ (2024-237)
 - Complaint Voluntarily Withdrawn.
8. Cynthia McBride v. Borough of Pitman (Gloucester) (2025-43)
 - Complaint Settled in Mediation.
9. Perrault Jean-Paul v. City of Paterson Police Department (Passaic) (2025-54)
 - Complaint Voluntarily Withdrawn.
10. Jim Brennenstuhl v. City of North Wildwood (Cape May) (2025-72)
 - Complaint Settled in Mediation.
11. Robert L. Astrachan (o/b/o Maria Lobato) v. County of Union) (2025-75)
 - Complaint Voluntarily Withdrawn.
12. Jose L. Gonzalez, Jr. v. Town of West Orange (Essex) (2025-94)
 - Complaint Voluntarily Withdrawn.

13. Charles D. Whelan, III, Esq. (o/b/o Muhammad Ali Shah) v. City of Newark (Essex) (2025-95)
 - Complaint Voluntarily Withdrawn.
14. Ava Blanchard v. NJ State Police (2025-99)
 - Complaint Voluntarily Withdrawn.
15. Christopher Connerton v. Egg Harbor Township Police Department (Atlantic) (2025-106)
 - Complaint Voluntarily Withdrawn.
16. Frank James v. Borough of Roselle (Union) (2025-150)
 - Complaint Voluntarily Withdrawn.
17. Andrew Wilson (o/b/o Melissa Baxter, Esq.) v. City of Millville (Cumberland) (2025-165)
 - Complaint Voluntarily Withdrawn.
18. Michael David Holloway v. NJ Turnpike Authority (2025-170)
 - 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. Jiseong Kim v. NJ Motor Vehicle Commission (2025-107)
 - *In Camera* Review.
2. Steven Van Wingerden v. Rockaway Township (Morris) (2025-134)
 - Motion to File Within Time Denied in Part.

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. John Paff v. City of Jersey City (Hudson) (2023-252) **(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. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Ewing Police Department (Mercer) (2022-81)
 - The Council should reconsider its August 27, 2024, Final Decision based on a mistake.
 - The Council should rescind conclusion Nos. 2 and 3 and hold that the Custodian provided all responsive records in the Township's possession. Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep't (Camden), GRC Complaint No. 2022-12 (March 2024).
 - The Council should also rescind conclusion No. 4 and hold that the Complainant is not a prevailing party.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. City of Northfield Police Department (Atlantic) (2022-175)
 - The Custodian unlawfully denied access to the requested cancelled checks. N.J.S.A. 47:1A-6; Burnett v. Cnty. of Gloucester, 415 N.J. Super. 506, 517 (App. Div. 2010); Libertarians for Transparent Gov't v. Borough of Westwood (Bergen), GRC Complaint No. 2016-214 (Interim Order dated October 30, 2018). The Custodian shall either obtain and disclose the responsive records or certify if none exist.
 - The Custodian lawfully denied access to dates of birth. N.J.S.A. 47:1A-1; Burnett v. Cnty. of Bergen, 198 N.J. 408, 427 (2009).
 - The Complainant is a prevailing party.
3. Frank Liberato v. Township of Long Hill (Morris) (2022-198)
 - The Custodian complied with the Council's March 28, 2023 Administrative Order.
 - The *In Camera* Examination reveals that the Custodian lawfully denied access to the redacted e-mail under the personnel exemption. N.J.S.A. 47:1A-10.
 - The Custodian did not deny access to any "Policy and Procedure" because the Complainant did not request these records. Burns v. N.J. Dep't of State, Div. of Elec., GRC Complaint No. 2013-64 (September 2013).

4. Anonymous v. Ocean County Sheriff's Office (2022-628)
 - The Custodian lawfully denied access to the requested photographs. N.J.S.A. 47:1A-9(a); Executive Order No. 69 (Gov. Whitman, 1997); Leak v. Union Cnty. Prosecutor's Office, GRC Complaint No. 2007-148 (Interim Order dated February 25, 2009).
5. Kevin Alexander v. Somerset County Board of Chosen Freeholders (2022-661)
 - 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 OPRA request item No. 1 because it was a letter the Complainant sent to the County of Somerset. Caggiano v. N.J. Office of the Gov., GRC Complaint No. 2014-408 (Final Decision dated July 25, 2016).
 - The Custodian lawfully denied access to OPRA request item No. 2 because no record existed at the time of the OPRA request. Paff v. City of Union City (Hudson), GRC Complaint No. 2012-262 (August 2013).
 - The Custodian unlawfully denied access to OPRA request item Nos. 3, 4, and 5 and shall disclose those identified in the Statement of Information ("SOI") to the Complainant. N.J.S.A. 47:1A-6.
6. Kevin Alexander v. Somerset County Board of Chosen Freeholders (2023-14)
 - 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 OPRA request item No. 1 seeking the name of a County of Somerset employee. N.J.S.A. 47:1A-6; 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 a responsive personnel record containing the information sought.
 - The Custodian lawfully denied access to OPRA request item No. 2 seeking confiscation forms 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).
7. Luis Eduardo Vergara v. Borough of New Providence (Union) (2023-27)
 - The Custodian unlawfully denied access to the requested site plans. N.J.S.A. 47:1A-6. However, the GRC declines to order disclosure because the Custodian disclosed those plans to the Complainant on March 6, 2023.
8. Greg Zagaja v. Borough of Wallington (Bergen) (2023-87)
 - The portion of the complaint related to the January 6, 2023 OPRA request should be dismissed as out of time. N.J.A.C. 5:105-2.1(a).
 - The Custodian's failure to timely respond to the Complainant's February 2, 2023 and February 20, 2023 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 did not violate OPRA by charging \$70.15 in copy costs for hard copies of records responsive to several OPRA request items. N.J.S.A. 47:1A-5(b). The current Custodian is not required to disclose said records until receipt

of payment. Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).

- The Custodian lawfully denied access to several items of the Complainant's OPRA requests because the current Custodian certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian unlawfully denied access to records responsive to three (3) OPRA request items seeking invoices, payroll registers, and meeting recordings. The current Custodian shall disclose same to the Complainant. N.J.S.A. 47:1A-6.
- The Complainant is a prevailing party.

9. Thomas Ciszak v. City of Trenton (Mercer) (2023-148)

- 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, notwithstanding that the Custodian disclosed responsive records, is invalid because it failed to include all necessary criteria to seek correspondence. Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 (April 2010); Ciszewski v. Newton Twp. Police Dep't (Sussex), GRC Complaint No. 2013-90 (October 2013).

10. Jack Berger v. Woodbridge Township School District (Middlesex) (2023-164)

11. Jack Berger v. Woodbridge Township School District (Middlesex) (2023-165)
CONSOLIDATED

- 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 resumes of unsuccessful candidates and an interviewee list. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(a); Executive Order No. 26 (Gov. McGreevey, 2002).
- The Custodian lawfully denied access to interview scoresheets under the "inter-agency or intra-agency advisory, consultative, or deliberative material" exemption. N.J.S.A. 47:1A-1.1; Fegley v. N.J. Dep't of Env'tl. Prot., GRC Complaint No. 2006-91 (December 2006).
- The Custodian lawfully denied access to the remainder of the Complainant's June 23, 2023 OPRA request because the records sought were exempt from disclosure under N.J.S.A. 47:1A-10. N.J.S.A. 47:1A-6; Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 2004).

12. Charles Urban v. North Hunterdon-Voorhees Regional High School District (Hunterdon) (2023-181)

- The portion of the complaint related to the eight (8) OPRA requests submitted between August 24, 2022 and April 5, 2023 should be dismissed as out of time. N.J.A.C. 5:105-2.1(a).
- No "deemed" denial of access to the remaining OPRA requests occurred because the Custodian timely responded thereto. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).

13. Scott Madlinger v. Borough of Seaside Heights (Ocean) (2023-190)

- The Custodian failed to respond to the Complainant's OPRA request immediately, thereby violating N.J.S.A. 47:1A-5(e).
- The Custodian did not unlawfully deny access to the portion of the OPRA request seeking the record memorializing payments made to a law firm because she disclosed one to the Complainant. N.J.S.A. 47:1A-6; 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 actual law firm invoices between April 1, and July 20, 2023. N.J.S.A. 47:1A-6. The Custodian shall disclose copies of those records to the Complainant.

14. Abussamaa Rasul Ramziddin v. Mercer County Prosecutor's Office (2023-204)

- The portion of the complaint related to the six (6) May 8, 2023 OPRA requests should be dismissed as out of time. N.J.A.C. 5:105-2.1(a).
- The Complainant's July 28, 2023 request No. 1 and portions of request Nos. 2 through 5 seeking "records" are invalid. 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); Feiler-Jampel v. Somerset Cnty. Prosecutor's Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008).
- The Custodian lawfully denied access to remainder of the Complainant's July 28, 2023 OPRA request Nos. 2 through 5 because the records sought were exempt from disclosure under N.J.S.A. 47:1A-10. N.J.S.A. 47:1A-6; Merino, GRC 2003-110.

15. Caleb L. McGillvary v. NJ Office of the Governor (2023-212)

- 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 Complainant's OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.

16. Caleb L. McGillvary v. Port Authority of NY & NJ (2023-213)

- 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 Complainant's OPRA request because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.

17. Rafael Martinez v. City of Long Branch (Monmouth) (2023-215)

- 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 violate OPRA by disclosing the responsive records in .pdf format, which was the format maintained by the City of Long Branch. N.J.S.A. 47:1A-5(d); Carter v. Franklin Fire Dist. No. 1 (Somerset), 2019 N.J.

Super. Unpub. LEXIS 590 (App. Div. 2009). Further, there is no evidence that the disclosure omitted any information from the responsive records. Wolosky v. Twp. of Sparta, 2012 N.J. Super. Unpub. LEXIS 2717 (App. Div. 2012).

- There is no knowing and willful violation.

18. Abussamaa Rasul Ramziddin v. NJ Department of Law & Public Safety, Division of Criminal Justice (2023-223)

- No “deemed” denial of access to the Complainant’s OPRA requests occurred because the Custodian timely responded thereto. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Werner v. N.J. Civil Serv. Comm’n, GRC Complaint No. 2011-151 (December 2012).
- The Complainant’s July 28, 2023 request No. 1 and portions of request Nos. 2 through 5 seeking “records” are invalid. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Feiler-Jampel, GRC 2007-190.
- The Custodian lawfully denied access to remainder of the Complainant’s July 28, 2023 OPRA request Nos. 2 through 5 because the records sought were exempt from disclosure under N.J.S.A. 47:1A-10. N.J.S.A. 47:1A-6; Merino, GRC 2003-110.

19. Angelous Jackson v. Somerset County Prosecutor’s Office (2023-229)

- The Complainant’s request is invalid because it sought information and not specific government records. MAG, 375 N.J. Super. at 546; LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009).

20. Donald Albano v. Warren County Prosecutor’s Office (2023-250)

- No “deemed” denial of access to the Complainant’s OPRA request occurred because the Custodian timely responded thereto. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- The Custodian lawfully denied access to the requested police reports 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 requested death certificate under N.J.S.A. 47:1A-9(b) and N.J.S.A. 26:8-59.1(a). N.J.S.A. 47:1A-6; Fenton v. State of N.J. Dep’t of Health, GRC Complaint No. 2013-359 (July 2004).
- The Custodian unlawfully denied access to the responsive autopsy report and must disclose same to the Complainant. N.J.S.A. 47:1A-6; Schulz v. N.J. State Police, GRC Complaint No. 2014-390 (Interim Order dated June 30, 2015).
- The Custodian lawfully denied access to the requested autopsy photographs under N.J.S.A. 47:1A-1.1. Boretsky v. Middlesex Cnty. Examiner’s Office, GRC Complaint No. 2016-219 (January 2018).

21. Gerard J. Toto, Jr. v. North Stelton Volunteer Fire Company (Middlesex) (2024-254)

- The Custodian failed to comply with the Council’s May 20, 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 Office of Administrative Law (“OAL”) for a knowing and willful hearing.

22. Daniel Opdyke v. City of Trenton Department of Health & Human Services (Mercer) (2025-76)

- The Custodian failed to comply with the Council’s June 24, 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.

VIII. Court Decisions of GRC Complaints on Appeal:

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

- Petrossian v. Borough of Rutherford, 2025 N.J. Super. Unpub. LEXIS 1249 (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.