



Minutes of the Government Records Council July 29, 2025 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:33 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 July 24, 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 Andrew Hedin.

II. Executive Director’s Report:

Current Statistics

- Since OPRA’s inception in July 2002, the GRC has received 7,422 Denial of Access Complaints. That averages about 323 annual complaints per 23 tracked program years. So

far in the current program year (FY2026), the GRC has received 38 Denial of Access Complaints.

- 515 of the 7,422 complaints remain open and active (6.9%). Of those open cases:
 - 7 complaints are on appeal with the Appellate Division (1.4%);
 - 37 complaints are currently in mediation (7.2%);
 - 6 complaints are proposed for the Office of Administrative Law (1.2%);
 - 3 complaints await adjudication by the Office of Administrative Law (0.6%);
 - 57 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (11.1%);
 - 405 complaints are work in progress (78.6%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 41,156 total inquiries, averaging about 1,871 annual inquiries per 22 tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2026), the GRC has received 130 inquiries (6.8 inquiries per workday).

GRC Outreaches

- The GRC's next training will be at a transparency workshop hosted by the New Jersey Principals and Supervisors Association on July 31, 2025. Thereafter, the GRC will be conducting a virtual training session for municipal officials hosted by the New Jersey League of Municipalities on August 27, 2025.

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)).

Mr. Alexy called for a motion to go into closed session. Mr. Chen made a motion, and Mr. Ritardi seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:40 p.m. until 1:50 p.m.

Mr. Alexy called for a motion to end the closed session. Mr. Chen made a motion, which was seconded by Mr. Ritardi. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:51 p.m., and Ms. Bordzoe called roll.

IV. Approval of Minutes of Previous Meetings:

June 24, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the June 24, 2025,

meeting. Ms. Tabakin made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Mr. Alexy stated that an “Administrative Complaint Disposition” means a decision by the Council as to whether to accept or reject the Executive Director’s recommendation of dismissal based on jurisdictional, procedural, or other defects of the complaint. The reason for the Administrative Disposition is under each complaint below.

A. Administrative Disposition Adjudications with Recusals (Consent Agenda):

1. **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 of 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

Mr. Alexy stated that an “Administrative order” means an order issued by the Council requiring the records custodian or the complainant to perform a specific action in furtherance of the adjudication of a pending denial of access complaint or taking other actions deemed appropriate to adjudicate a complaint in an expedited manner. The Executive Director’s recommended reason for the Administrative Order is under each complaint below.

A. Administrative Orders with Recusals (Consent Agenda):

1. **Dan Halper v. Rutgers University (2023-141) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.

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

1. **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.

Mr. Alexy called for any discussion on the Administrative Orders as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in all the above

Administrative Orders. Mr. Chen made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote.

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

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

A. Individual Complaint Adjudications with Recusals:

1. **Perrault Jean Paul v. City of Jersey City (Hudson) (2022-317) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
2. **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.
 - 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.

Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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.

Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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.

Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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.

Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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).
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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.
- 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. Chen made a motion, and Mr. Ritardi 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:

- Petrossian v. Borough of Rutherford, 2025 N.J. Super. Unpub. LEXIS 1249 (App. Div. 2025): This matter addressed several issues; however, of relevance to the Council is plaintiff's assertion that defendants failed to timely respond to their OPRA requests previously filed in March 2021. Plaintiffs filed a verified complaint in August 2023 asserting, in part, that defendants committed OPRA violations by failing to respond to OPRA requests. However, the trial court dismissed this claim on the basis that it was time barred. The Appellate Division agreed, finding that Mason v. City of Hoboken, 196 N.J. 51, 66 (2008) made it clear that this claim was time barred because plaintiff failed to file an OPRA action within forty-five (45) calendar days. Affirmed.

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

XI. Public Comment: None

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Chen made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote. The meeting adjourned at 2:28 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: August 26, 2025