



Minutes of the Government Records Council December 9, 2025 Public Meeting – Open Session

I. Public Session:

- Call to Order**

The meeting was called to order at 1:40 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 December 4, 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), Maria Rossi (Staff Attorney), Rose-Valda Julceus (Staff Attorney), Brenda Alves, and Deputy Attorney General Mark Gulbranson.

II. Executive Director’s Report:

Official Welcome to New Staff Attorneys

The GRC also welcomes two (2) staff attorneys: Brenda Alves and Rosevalda Julceus. Ms. Alves joins the GRC from the New Jersey Department of Transportation and Ms. Julceus joins from private practice. Both have had a quick start to their training cycle. We look forward to integrating both Ms. Alves and Ms. Julceus into the adjudication process shortly.

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 7,600 Denial of Access Complaints. That averages about 323 annual complaints per 23 ½ tracked program years. So far in the current program year (FY2026), the GRC has received 216 Denial of Access Complaints.
- 580 of the 7,600 complaints remain open and active (7.6%). Of those open cases:
 - 7 complaints are on appeal with the Appellate Division (1.2%);
 - 23 complaints are currently in mediation (4.0%);
 - 1 complaint is proposed for the Office of Administrative Law (0.2%);
 - 10 complaints await adjudication by the Office of Administrative Law (1.7%);
 - 43 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (7.4%);
 - 496 complaints are work in progress (85.5%); and
 - 0 complaints are being held in abeyance (0.0%).

The GRC notes that the 216 Denial of Access Complaints received since July 1, 2025 amounts to about 2 complaints per workday over that time frame. The GRC has already received and opened 19 Denial of Access Complaints in December 2025 and has not yet reviewed for intake upwards of 20 complaints received since December 5, 2025 alone. The GRC notes that these counts do not include numerous attempted complaint filings created through AI services and absent the required forms or attachments.

- Since Program Year 2004, the GRC has received and responded to 41,786 total inquiries, averaging about 1,857 annual inquiries per 22 ½ 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 760 inquiries (7.0 inquiries per workday).

GRG Outreaches

- The GRC's 17th Annual OPRA Seminar will be held virtually on Thursday, December 11, 2025. Joining the GRC again this year will be the Office of Information Privacy and Records Management Services. Credit status has been obtained through Local Government Services and the Continuing Legal Education Board. For the first time in the history of this seminar, the GRC reached capacity at 1,000 attendees by the beginning of last week.

III. 2026 Proposed Council Meeting Dates – Final Review

- Mr. Caruso read the proposed meeting dates for 2026. Mr. Alexy called for a motion to approve the meeting dates. Mr. Chen made a motion, seconded by Ms. Berg Tabakin, to approve the 2026 meeting dates. The motion passed by a unanimous vote.

IV. Closed Session: None

V. Approval of Minutes of Previous Meetings:

October 6, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the October 6, 2025, meeting. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

VI. 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, Bureau of Corrections (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.
6. David J. Durling v. NJ Department of Corrections (2025-135) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
7. Rafael Miranda v. NJ Department of Corrections (2025-141) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
8. David J. Durling v. NJ Department of Corrections (2025-199) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
9. Michael Stevens v. County of Hudson (2025-260) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
10. Michael Stevens v. County of Hudson (2025-267) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
11. Chris Krol v. Rutgers University (2025-194) (RC & SR Recusal)
 - Cannot be adjudicated due to lack of quorum.

B. Administrative Disposition Adjudications with no Recusals (Consent Agenda):

1. Daniel J. Maloney, Jr. v. NJ State Police (2023-158)
 - Complaint Untimely Filed.
2. David P. Leeds v. City of Absecon (Atlantic) (2025-110)
 - No Records Responsive to the Request Exist.
3. Jack Simmermon (o/b/o Simmermon Corp d/b/a A-Jack's Towing & Recovery) v. Township of Monroe (Gloucester) (2025-269)
 - Complaint Dismissed Without Prejudice.
4. Jones-Bey Desmond v. East Orange Municipal Court (Essex) (2025-340)
 - Not Within the Council's Jurisdiction.
5. Anthony Dixon v. Ocean County Superior Court (2025-345)
 - Not Within the Council's Jurisdiction.

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 Ms. 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. Jose L. Gonzalez Jr. v. City of Newark (Essex) (2024-110)
 - Complaint Voluntarily Withdrawn.
2. Kelly Ann Arzberger v. Randolph Township Board of Education (Morris) (2024-154)
 - Complaint Voluntarily Withdrawn.
3. Joseph M. Kanfer (o/b/o A.L.M. Electric Co., Inc.) v. Hillside Public Schools (Union) (2024-211)
 - Complaint Voluntarily Withdrawn.
4. Kenneth Sharperson v. Morris Township Police Department (Morris) (2025-81)
 - Complaint Voluntarily Withdrawn.
5. Susan J. Kozel v. Township of Upper Freehold (Monmouth) (2025-96)
 - Complaint Voluntarily Withdrawn.
6. Avinash Melkote v. Borough of Keyport (Monmouth) (2025-97)
 - Complaint Voluntarily Withdrawn.
7. Steve Hallo v. NJ Department of Banking & Insurance (2025-104)
 - Complaint Voluntarily Withdrawn.
8. Avinash Melkote v. Township of Irvington (Essex) (2025-111)
 - Complaint Settled in Mediation.
9. Everett Falt v. Borough of Carteret (Middlesex) (2025-142)
 - Complaint Voluntarily Withdrawn.
10. Brian J. Bartiromo v. Township of Washington (Warren) (2025-172)
 - Complaint Settled in Mediation.
11. Marvin Chambers v. Passaic Board of Education (Passaic) (2025-198)
 - Complaint Settled in Mediation.

12. **Joshua Nash v. NJ Transit (2025-209)**
 - Complaint Settled in Mediation.
13. **Joshua Nash v. NJ Transit (2025-215)**
 - Complaint Settled in Mediation.
14. **Shannon Thomas v. Irvington Police Department (Essex) (2025-218)**
 - Complaint Settled in Mediation.
15. **James R. Smith v. NJ Department of Corrections (2025-235)**
 - Complaint Settled in Mediation.
16. **Ashley-Jean Meyer v. NJ Department of Education (2025-257)**
 - Complaint Voluntarily Withdrawn.
17. **Avinash Melkote v. Middletown Township Police Department (Monmouth) (2025-264)**
 - Complaint Voluntarily Withdrawn.
18. **Avinash Melkote v. Mahwah Police Department (Bergen) (2025-279)**
 - Complaint Voluntarily Withdrawn.
19. **Avinash Melkote v. Wall Township Police Department (Monmouth) (2025-297)**
 - Complaint Voluntarily Withdrawn.
20. **Surtirtha Bagchi v. City of Union City (Hudson) (2025-298)**
 - Complaint Voluntarily Withdrawn.
21. **Teresa Wickiser v. NJ State Police (2025-329)**
 - Complaint Voluntarily Withdrawn.
22. **Michele Carr v. Township of Pemberton (Burlington) (2025-338)**
 - Complaint Voluntarily Withdrawn.

VII. 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. **Scott Madlinger v. Berkeley Township Police Department (Ocean) (2024-99)**
 - *In Camera* Review.
 - Mr. Alexy called for any discussion on the Administrative Order as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Ms. Berg Tabakin 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. Vincent Dixon v. City of Hoboken (Hudson) (2023-296) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
9. James Butler v. Borough of Caldwell (Essex) (2025-85) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
10. Maria Diamonte v. Rutgers University (2022-355) (RC & SR Recusals)
 - Cannot be adjudicated due to lack of quorum.
11. Maria Diamonte v. Rutgers University (2022-388) (RC & SR Recusals)
 - Cannot be adjudicated due to lack of quorum.
12. 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. Gregory J. Puliti v. Township of Lawrence (Mercer) (2023-106)
 - The Custodian did not unlawfully deny access to the subject OPRA request because she disclosed all records that existed. 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).
 - 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 Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

2. **Thomas and Nancy Ferrante v. Borough of Paramus (Bergen) (2023-128)**

- A portion of Complainants' request item No. 1 and all of request item No. 2 are invalid because they failed to identify specific records. 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); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015).
- The Custodian unlawfully denied access to the remaining portion of Complainants' OPRA request item No. 1 and shall either locate and disclose to Complainants' responsive records, 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. Chen made a motion and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

3. **Veronica Gasmen v. Township of Lacey (Ocean) (2024-4)**

- The Custodian lawfully denied access to the requested draft meeting minutes under the "inter-agency or intra-agency advisory, consultative, or deliberative material" exemption. N.J.S.A. 47:1A-1.1; 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 Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

4. **Elizabeth Strochak v. Alexandria Township Board of Education (Hunterdon) (2024-35)**

- The Custodian unlawfully denied access to the responsive meeting recording. N.J.S.A. 47:1A-6; Burlett v. Monmouth Cnty. Bd. of Chosen Freeholders, GRC Complaint No. 2009-49 (February 2010). However, the GRC declines to order disclosure because same occurred on February 7, 2024, and again on March 9, 2024.
- 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 Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

5. **Everett Falt v. Borough of Carteret (Middlesex) (2025-196)**

- The Custodian's failure to submit a Statement of Information resulted in a violation of N.J.A.C. 5:105-2.4.
- The Custodian's 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 may have unlawfully denied access to the portion of the Complainant's OPRA request seeking individual e-mails. N.J.S.A. 47:1A-6. Thus, the Custodian shall either locate and disclose to the Complainant responsive records, 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. Chen made a motion and Ms. Berg Tabakin 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:

- Vele v. Borough of Englewood Cliffs, 2025 N.J. Super. Unpub. LEXIS 1935 (App. Div. 2025): In 2021, defendants denied several requests for the Mayor's e-mails potentially contained in multiple personal/non-government business accounts. The trial court held that disclosure was required, and after a lengthy, convoluted process supervised by the court, it issued financial sanctions when the Mayor failed to comply. The Appellate Division upheld some financial sanctions and remanded to the trial court for further action. Reversed and remanded for further proceedings.

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

XI. Public Comment:

- Gary Marek, Esq.: Mr. Marek stated that he tried signing up for the OPRA webinar and received an error message. Mr. Caruso advised that the annual seminar, which was capped at 1,000 attendees, was full and that the GRC hoped to post the recording to its website following the event. Mr. Caruso also noted that the GRC will have to consider whether to increase the attendance cap for next year's seminar.
- Mr. Keith Bendel: Mr. Bendel wished everyone happy holidays and wanted to know if mediation decisions were available on the website. Mr. Caruso advised that Administrative Dispositions where complaints were "Settled in Mediation" are accessible through the "GRC Decision Search" website page. Mr. Bendel clarifying that he was asking whether the actual outcomes of the mediations, including communications were available for review. Mr. Caruso stated that pursuant to the Uniform Mediation Act and GRC regulations, mediation communications are confidential and not available for public review.

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote. The meeting adjourned at 2:12 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: January 27, 2026