



Minutes of the Government Records Council April 28, 2026 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 April 23, 2026.

- **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), Steven Ritardi, Esq. (Secretary), and Ronald Chen, Esq., Public Member.

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Brenda Alves (Staff Attorney), Rose-Valda Julceus (Staff Attorney), and Deputy Attorney General Craig Keiser.

II. Executive Director’s Report:

Current Statistics

- Since OPRA’s inception in July 2002, the GRC has received 7,874 Denial of Access Complaints. That averages about 332 annual complaints per 23 ¾ tracked program years.

So far in the current program year (FY2026), the GRC has received 490 Denial of Access Complaints (noting the GRC received only 270 complaints in all of FY2025).

- This is an increase of 48 complaints since the last meeting. Overall, the GRC has received 207 complaints since January 1, 2026 (averaging nearly 2 per calendar day) and 168 complaints since the 90-day adjudication time frame went into effect.

- 724 of the 7,874 complaints remain open and active (9.2%). Of those open cases:
 - 8 complaints are on appeal with the Appellate Division (1.1%);
 - 28 complaints are currently in mediation (3.9%);
 - 2 complaints are proposed for the Office of Administrative Law (0.3%);
 - 6 complaints await adjudication by the Office of Administrative Law (0.8%);
 - 36 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (5.0%);
 - 644 complaints are work in progress (90.0%); and
 - 0 complaints are being held in abeyance (0.0%).

- Since Program Year 2004, the GRC has received and responded to 42,536 total inquiries, averaging about 1,870 annual inquiries per 22 ³/₄ 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 1,510 inquiries (7.5 inquiries per workday).

GRC Outreaches

- The GRC's next training will be at a workshop held virtually and hosted by the Institute for Professional Development on April 29, 2026.

III. Closed Session

IV. Approval of Minutes of Previous Meetings:

March 31, 2026, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the March 31, 2026, meeting. Mr. Ritardi made a motion, which was seconded by Mr. Chen. 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. **Abdelhamid Arbab v. NJ Department of Corrections (2023-39) (RBT and SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.
2. **Newell Knight v. NJ Department of Corrections (2026-155) (RBT and SR Recusal)**
 - Cannot be adjudicated due to lack of quorum

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

1. **Everett Falt v. Borough of Roselle (Union) (2026-14)**
 - Unripe Cause of Action.
2. **Christopher Capodice, Sr. v. Springfield Public Schools (Union) (2026-65)**
 - Duplicate Complaint Filed With the GRC (Re-Issue).
3. **Gawargyous Shind v. Essex County Correctional Facility (2026-107)**
 - Motion to File Within Time Denied.
4. **Thomas M. Riche v. Long Branch Housing Authority (Monmouth) (2026-118)**
 - Complaint Dismissed Without Prejudice.
5. **Ricotson R. Dolisca v. Essex County Prosecutor's Office (2026-142)**
 - Motion to File Within Time Denied.

Mr. Alexy called for any discussion on the Administrative Dispositions as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Dispositions. Mr. Ritardi made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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

1. **Everett Falt v. Borough of Carteret (Middlesex) (2025-143)**
 - Complaint Voluntarily Withdrawn.
2. **Everett Falt v. Borough of Carteret (Middlesex) (2025-148)**
 - Complaint Voluntarily Withdrawn.
3. **Everett Falt v. Borough of Carteret (Middlesex) (2025-162)**
 - Complaint Voluntarily Withdrawn.
4. **Everett Falt v. Borough of Carteret (Middlesex) (2025-166)**
 - Complaint Voluntarily Withdrawn.
5. **Everett Falt v. Borough of Carteret (Middlesex) (2025-169)**
 - Complaint Voluntarily Withdrawn.
6. **Everett Falt v. Borough of Carteret (Middlesex) (2025-171)**
 - Complaint Voluntarily Withdrawn.
7. **Everett Falt v. Borough of Carteret (Middlesex) (2025-201)**
 - Complaint Voluntarily Withdrawn.
8. **Everett Falt v. Borough of Carteret (Middlesex) (2025-246)**
 - Complaint Voluntarily Withdrawn.

9. **Avinash Melkote v. Township of Union (Union) (2025-331)**
 - Complaint Settled in Mediation.
10. **Timothy Greene v. City of East Orange (Essex) (2025-357)**
 - Complainant Settled in Mediation.
11. **Nick Sodano v. Mount Holly Fire District No. 1 (Burlington) (2025-366)**
 - Complaint Voluntarily Withdrawn.
12. **John T. Murphy v. Rutgers University (2025-431)**
 - Complaint Settled in Mediation.
13. **Erik Ertle v. Borough of Manasquan (Monmouth) (2025-438)**
 - Complaint Settled in Mediation.
14. **Randolph Hauser v. NJ Department of Labor & Workforce Development, Division of Public Safety & Occupational Safety & Health (2026-76)**
 - Complaint Voluntarily Withdrawn.
15. **Fran Brooks v. Shamong Township (Burlington) (2026-125)**
 - Complaint Voluntarily Withdrawn.
16. **Ashley Meyer v. NJ Department of Education (2026-129)**
 - Complaint Voluntarily Withdrawn.
17. **John Paff v. City of Elizabeth (Union) (2026-131)**
 - Complaint Voluntarily Withdrawn.
18. **Jason Guzik v. Middletown Township Board of Education (Monmouth) (2026-151)**
 - Complaint Voluntarily Withdrawn.
19. **Patricia L. Bussow v. Sandyston-Walpack Consolidated School District (Sussex) (2026-153)**
 - Complaint Voluntarily Withdrawn.
20. **Junior Nunez Fernandez v. Asbury Park Police Department (Monmouth) (2026-167)**
 - 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): None

B. Administrative Orders with No Recusals (Consent Agenda): None

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. **Thomas Dudley, Jr. v. NJ Department of Corrections (2024-46) (RBT and SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
2. **Terence Holmes v. NJ Department of Corrections (2024-167) (RBT and SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.

B. Individual Complaint Adjudications with no Recusals:

1. **Kathleen Fraidstern v. Township of Maplewood (Essex) (2022-280)**
 - The Custodian's failure to timely respond 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's proposed special service charge is warranted but not reasonable. N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg'l High Sch., 360 N.J. Super. 191, 204 (Law Div. 2002); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012). Thus, the Custodian shall recalculate the charge based on the lowest paid Township employee capable of performing the work and provide same to the Complainant for remittance.
 - The Custodian lawfully denied access to the OPRA request item No. 8 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).
 - There is no knowing and willful violation.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Caruso stated that an amendment to conclusion No. 3 was amended to add additional language on the parties' obligation to comply with the proposed order. 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. **Kevin Kearns v. Township of Pemberton (Burlington) (2023-197)**
 - The Custodian's proposed special service charge of \$182.88 for six (6) hours at an hourly rate of \$30.48 is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J. Super. at 204; Rivera, GRC 2009-311; see also Kearns v. Glassboro Police Dep't (Gloucester), GRC Complaint No. 2023-197 (February 2025). Thus, the Custodian shall disclose the responsive records upon remittance of the appropriate fee. Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).
 - 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. **Tesia Miller v. County of Mercer (2023-216)**
 - The Council should dismiss the portion of the complaint regarding the June 7, 2023 OPRA request and two (2) June 9, 2023 OPRA requests as out of time. N.J.A.C. 5:105-2.1(a). Further, the Complainant did not provide evidence showing good cause existed to accept these portions of the complaint as within time.
 - The Complainant's August 12, 2023 request is invalid because it asked questions and did not seek specific government records. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 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. Ritardi made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote.

4. **Kevin Kearns v. Borough of New Providence (Union) (2023-222)**
 - The Custodian's proposed special service charge of \$563.78 for 6.76 hours at an hourly rate of \$83.40 is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J. Super. at 204; Rivera, GRC 2009-311. Thus, the Custodian shall disclose the responsive records upon remittance of the appropriate fee. Paff, GRC 2006-54.
 - 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. **Brian R. Wittig v. Rockaway Township (Morris) (2025-55)**
6. **Brian R. Wittig v. Rockaway Township (Morris) (2026-126) Consolidated**
 - The Custodian lawfully denied access to the subject OPRA requests seeking draft documents 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; Libertarians for Transparent Gov't v. Gov't Records Council, 453 N.J. Super. 83 (App. Div. 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. 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:

- Ass'n for Gov't Responsibility v. State Office of the AG, 2026 N.J. Super. Unpub. LEXIS 618 (App. Div. 2026): Here, Plaintiff appealed the trial court's dismissal (with prejudice) of its complaint on the basis that the requested materials from an "Attorney General's Advocacy Institute" training session were exempt under OPRA pursuant to N.J.A.C. 13:1E-3.2(a)(3). That exemption within the N.J. Dep't of Law & Pub. Safety's ("LPS") promulgated regulations provides that the following "records shall not be considered government records subject to public access pursuant to [OPRA], . . . standard operating procedures, manuals, and training materials that may reveal: case or matter specific legal strategy or advice, attorney work product, attorney-client privileged material, or other privileged material." Id. The trial court also held that Plaintiff was not entitled to the records under common law.

On appeal, while the parties did not dispute that the records sought were "training records," the issue in dispute was whether the trial court properly dismissed the complaint based on LPS certifications and absent an *in camera* review. The App. Div. held that although an *in camera* review is not automatic, one was warranted here and not conducted. Based on this, the App. Div. vacated the dismissal and remanded to the trial court to: 1) conduct an *in camera* review to determine if the asserted exemption; 2) determine whether the attorney work-product doctrine applied to the records; and 3) conduct a common law balancing test.

Vacated and remanded for additional proceedings.

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

XI. Public Comment:

- Mr. Gawargyous Shind (GRC Complaint No. 2026-107): Mr. Shind stated that he did not agree with the outcome of the decision and that he reserved his right to appeal.

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 1:56 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: May 28, 2026