



**Minutes of the Government Records Council  
May 24, 2016 Public Meeting – Open Session**

**I. Public Session:**

**• Call to Order**

The meeting was called to order at 1:46 p.m. by Ms. Robin Tabakin at the Department of Community Affairs, Conference Room 129, Trenton, New Jersey.

**• Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

**• Meeting Notice**

Ms. Tabakin 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 (fax number out of service), Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on May 19, 2016.”

Ms. Tabakin read the fire emergency procedure.

**• Roll Call**

Ms. Bordzoe called the roll:

Present: Robin Tabakin, Esq. (Chairwoman), Christopher Huber, Esq. (designee of Department of Education Commissioner David C. Hespe), Jason Martucci, Esq. (designee of Department of Community Affairs Commissioner Charles A. Richman), and Steven Ritardi, Esq. (Public Member).

GRC Staff in Attendance: Joseph Glover (Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Communications Specialist/Resource Manager), John Stewart (Mediator), Samuel Rosado (Staff Attorney), Ernest Bongiovanni (Staff Attorney), Husna Kazmir (Staff Attorney), Deputy Attorney General Debra Allen, Deputy Attorney General Susan Scott, Deputy Attorney General Brian Kerr, and Deputy Attorney General Cameryn Hinton.

Ms. Tabakin informed the public that copies of the agenda with complaint summaries are available by the conference room door.

## II. Executive Director's Report:

### Current Statistics

- Since OPRA's inception in calendar year 2002, the GRC has received 4,342 Denial of Access Complaints. That averages about 312 complaints per a bit fewer than 14 program years.
- In the current program year, the GRC has so far received 369 denial of access complaints. With a bit more than a month remaining in the current program year, intake is 18% above the yearly average. At approximately this point last year, the GRC had received 333 complaints. That reflects a roughly 11% increase in the agency's intake from one year to the next.
- 476 of the 4,342 complaints remain open and active. Of those open cases,
  - 14 complaints are on appeal with the Appellate Division;
  - 18 complaints are currently in mediation;
  - 33 complaints await adjudication by the Office of Administrative Law;
  - 134 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the May 2016 meeting; and,
  - 267 complaints are work in progress.
- Since 2004, the GRC has received 24,996 total inquiries. That is an average of about 1,935 inquiries per a bit fewer than 13 tracked program years. So far in the current program year, the GRC has received 1,875 inquiries. Assuming the current pace remains consistent for the remainder of the program year, the GRC should exceed last year's total.
- With a bit more than a month still remaining in Program Year 2016, the GRC has already received more denial of access complaints than it received in each of Program Years 2012 and 2013. Assuming no slowdown in intake, the GRC should exceed last year's total.

## III. Closed Session:

Ms. Tabakin read the Closed Session Resolution to go into closed session pursuant to N.J.S.A. 10:4-12(b)(7) to receive legal advice in the following matters:

- Michael Doss v. Borough of Bogota (Bergen) (2013-315) (**SR Recusal**)
- Michael Doss v. Borough of Bogota (Bergen) (2014-152) (**SR Recusal**)  
**Consolidated**
- J.C. McCormack v. NJ Department of Treasury (2013-357)

- Shawn G. Hopkins v. Monmouth County Board of Taxation (2014-1) (**RBT Recusal**)
- Shawn G. Hopkins v. Sussex County Board of Taxation (2014-10) (**RBT Recusal**)
- Shawn G. Hopkins v. Morris County Board of Taxation (2014-11) (**RBT and SR Recusals**) **Consolidated**

Ms. Tabakin called for a motion to go into closed session. Mr. Ritardi made a motion and Mr. Martucci seconded the motion. The Council adopted the motion by a unanimous vote.

The Council met in closed session from 1:50 p.m. until 2:43 p.m.

Ms. Tabakin called for a motion to end the closed session minutes. Mr. Martucci made a motion which was seconded by Mr. Ritardi. The Council adopted the motion by a unanimous vote. Open Session reconvened at 2:45 p.m., and Ms. Bordzoe called roll.

Present: Ms. Tabakin, Mr. Huber, Mr. Martucci and Mr. Ritardi.

#### **IV. Approval of Minutes of Previous Meetings:**

- **April 26, 2016 Open Session Meeting Minutes**

Ms. Tabakin called for a motion to approve the open session minutes of April 26, 2016 meeting. Mr. Ritardi made a motion, seconded by Mr. Martucci. The motion passed by a unanimous vote.

- **April 26, 2016 Closed Session Meeting Minutes**

Ms. Tabakin called for a motion to approve the closed session minutes of April 26, 2016 meeting. Mr. Ritardi made a motion, seconded by Mr. Huber. The motion passed by a unanimous vote.

#### **V. New Business – Cases Scheduled for Adjudication**

Ms. Tabakin 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. Mitali Nagrecha for Siddhi Vinayak, Inc. v. University Hospital (Essex) (2015-349) (SR Recusal)**

- The parties settled the matter through mediation.
- Ms. Tabakin called for a motion to accept the recommendations as written in the above Administrative Disposition. Mr. Martucci made a motion, which was seconded by Mr. Huber. The motion passed by a majority vote; Mr. Ritardi recused.

2. **Mitali Nagrecha for Siddhi Vinayak, Inc. v. University Hospital (Essex) (2015-350) (SR Recusal)**
  - The parties settled the matter through mediation.
  - Ms. Tabakin called for a motion to accept the recommendations as written in the above Administrative Disposition. Mr. Martucci made a motion, which was seconded by Mr. Huber. The motion passed by a majority vote; Mr. Ritardi recused.
3. **David H. Weiner v. County of Essex (2015-353) (SR Recusal)**
  - The parties settled the matter through mediation.
  - Ms. Tabakin called for a motion to accept the recommendations as written in the above Administrative Disposition. Mr. Martucci made a motion, which was seconded by Mr. Huber. The motion passed by a majority vote; Mr. Ritardi recused.
4. **Mitali Nagrecha for Siddhi Vinayak, Inc. v. University Hospital (Essex) (2015-361) (SR Recusal)**
  - The parties settled the matter through mediation.
  - Ms. Tabakin called for a motion to accept the recommendations as written in the above Administrative Disposition. Mr. Martucci made a motion, which was seconded by Mr. Huber. The motion passed by a majority vote; Mr. Ritardi recused.

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

1. **Brian Killion v. NJ Department of Corrections (2015-275)**
  - The complaint is not ripe for adjudication.
2. **Scott Halliwell and Anthony Pennant v. Borough of Brooklawn (Camden) (2015-289)**
  - The parties settled the matter through mediation.
3. **Brian Keith Bragg v. Atlantic County Justice Facility (2015-307)**
  - The Custodian did not receive an OPRA request.
4. **Thomas Patrick Kiernan v. Middlesex Borough Police Department (Middlesex) (2015-384)**
  - The parties settled the matter through mediation.
5. **Brian Keith Bragg v. Mercer County Correctional Center (2015-396)**
  - The Custodian did not receive an OPRA request.
6. **Robert Kovacs v. NJ State Police (2016-22)**
  - The Custodian did not receive an OPRA request.
7. **Michael McElroy v. NJ Division of Consumer Affairs (2016-59)**
  - The parties settled the matter through mediation.
8. **James Baxter v. Superior Court of NJ – Burlington County (2016-121)**
  - The Council has no jurisdiction over OPRA requests to the Judicial Branch.
9. **James Baxter v. Superior Court of NJ – Burlington County (2016-123)**
  - The Council has no jurisdiction over OPRA requests to the Judicial Branch.

10. **James Baxter v. Mercer County Courthouse (2016-132)**

- The Council has no jurisdiction over OPRA requests to the Judicial Branch.

Ms. Tabakin called for a motion to accept the recommendations as written in all of the above Administrative Complaint Dispositions. Mr. Ritardi made a motion, which was seconded by Mr. Huber. The motion passed by a unanimous vote.

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

1. **Richard D. Picini, Esq. v. Township of Aberdeen (Monmouth) (2015-398)**
2. **Michael Ehrenreich v. NJ Department of Transportation (2016-26)**
3. **David H. Weiner v. County of Essex (2016-122)**

**VI. New Business – Cases Scheduled for Individual Complaint Adjudication**

**A. Individual Complaint Adjudications with Recusals:**

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

1. **Shawn G. Hopkins v. Monmouth County Board of Taxation (2014-1) (RBT Recusal)**
2. **Shawn G. Hopkins v. Sussex County Board of Taxation (2014-10) (RBT Recusal)**
3. **Shawn G. Hopkins v. Morris County Board of Taxation (2014-11) (RBT and SR Recusals) Consolidated**
  - On the advice of legal counsel, the Council tabled the matter.
  - Ms. Tabakin called for a motion to table the above matter. Mr. Ritardi made a motion, and Mr. Martucci seconded the motion. The motion passed by a unanimous vote.
4. **Michael Doss v. Borough of Bogota (Bergen) (2013-315) (SR Recusal)**
5. **Michael Doss v. Borough of Bogota (Bergen) (2014-152) (SR Recusal) Consolidated**
  - On the advice of legal counsel, the Council tabled the matter.
  - Ms. Tabakin called for a motion to table the above matter. Mr. Huber made a motion, and Mr. Martucci seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.
6. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-56) (SR Recusal)**
  - The Custodian did not timely respond, resulting in a "deemed" denial.
  - The Custodian lawfully denied access to the request logs because no responsive records existed, and a Custodian is not required to create records in response to an OPRA request.
  - There is no knowing and willful violation.
  - The Complainant is not a prevailing party eligible for reasonable counsel fees.
  - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to

accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Martucci seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.

7. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-57) (SR Recusal)**
8. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-60) (SR Recusal)**
9. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-70) (SR Recusal) Consolidated**
  - The Custodian did not timely respond, resulting in a “deemed” denial.
  - The Custodian’s response was insufficient because the Custodian failed to provide a date certain by which he would respond.
  - The Custodian violated N.J.S.A. 47:1A-5(d) by not providing the records in the medium requested. The Custodian therefore shall either contact all available vendors and/or the Borough’s IT vendor to determine whether duplication is possible. Should the Custodian obtain a quote, he must provide same to the Complainant. Should no duplication method exist, the Custodian must so certify.
  - The knowing and willful and prevailing party analyses are deferred pending the Custodian’s compliance.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Martucci made a motion, and Mr. Huber seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.
10. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-58) (SR Recusal)**
  - The Custodian failed to comply fully with the Council’s Interim Order because he failed to prove that he performed a search more thorough than his initial attempt.
  - The matter should be referred to the Office of Administrative Law to determine: whether the Custodian performed an adequate search to locate responsive records; whether the Custodian properly certified that the Borough, in its entirety, did not maintain any records beyond the Complainant already possessed; whether the Custodian or any other Borough official knowingly and willfully violated OPRA; and whether the Complainant is a prevailing party eligible for reasonable attorney’s fees.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Martucci made a motion, and Mr. Huber seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.

11. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-97) (SR Recusal)**
12. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-98) (SR Recusal)**
13. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-99) (SR Recusal)**
14. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-100) (SR Recusal)**
15. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-101) (SR Recusal)**
16. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-102) (SR Recusal)**
17. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-103) (SR Recusal) Consolidated**
  - The Custodian complied with the Council’s Interim Order.
  - The Custodian violated OPRA by failing to respond timely to the Complainant’s eight OPRA requests.
  - The Custodian unlawfully denied access to request numbers 1 and 2 because same were valid. The Custodian lawfully denied access to request numbers 3 through 8.
  - There is no knowing and willful violation.
  - The Complainant is not a prevailing party eligible for reasonable counsel fees.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Huber made a motion, and Mr. Martucci seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.
18. **Vesselin Dittrich v. City of Hoboken (Hudson) (2015-214) (SR Recusal)**
  - The Custodian did not timely respond in writing to the initial OPRA request, resulting in a “deemed” denial.
  - The initial request is overly broad and therefore invalid.
  - The Complaint, with respect to the subsequent OPRA request, was verified prior to the expiry of the statutory deadline to respond and must therefore be dismissed.
  - There is no knowing and willful violation.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Martucci made a motion, and Mr. Huber seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.
19. **Terrence T. McDonald v. City of Jersey City (Hudson) (2015-274) (SR Recusal)**
  - The Custodian did not timely respond within the extended deadline, resulting in a “deemed” denial.
  - The Custodian’s response was insufficient, as it failed to inform the requestor that responsive records were being withheld and failed to state a specific basis for denying access.

- The GRC must conduct an *in camera* review of the Mayor's private meetings calendar to determine whether it contains exempt ACD material or implicates privacy concerns that outweigh the public's interest in disclosure.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Martucci seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.

**B. Individual Complaint Adjudications with no Recusals:**

1. **Jeff Carter v. Franklin Fire District No. 2 (Somerset) (2011-259)**

- The Complainant withdrew his complaint in writing to the Office of Administrative Law.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Martucci made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

2. **Michael I. Inzelbuch v. Lakewood Board of Education (Ocean) (2013-145)**

- The Custodian complied with the Council's Interim Order.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

3. **Leslie A. Flora (o/b/o Michael Schonzeit) v. Ocean County Health Department (2013-188)**

- The matter should be referred to the Office of Administrative Law to determine: whether the Assistant Custodian unlawfully denied access to the GPS reports responsive to paragraph 7 of the Council's Interim Order; whether to order disclosure; whether or not the Custodian knowingly and willful violated OPRA; and whether the Complainant is a prevailing party eligible for reasonable counsel fees and, if so, determine and award such fees.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Martucci seconded the motion. The motion passed a unanimous vote.

4. **J.C. McCormack v. NJ Department of Treasury (2013-357)**

- The Custodian complied with the Interim Order.
- The Custodian shall comply with the findings of the *in camera* review.

- The knowing and willful analysis is deferred pending the Custodian’s compliance.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Huber seconded the motion. The motion passed a unanimous vote.
5. **Michael A. D’Antonio v. Borough of Allendale (Bergen) (2014-220)**
- The Council should dismiss the complaint because the Complainant failed to appear for a scheduled hearing at OAL and further failed to provide the GRC an explanation for his failure to appear.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Martucci seconded the motion. The motion passed a unanimous vote.
6. **Darlene R. Esposito v. Township of Belleville (Essex) (2014-310)**
- The Council should adopt the Initial Decision of the Administrative Law Judge by which the ALJ approved the settlement agreement.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Martucci made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.
7. **Charles Urban v. Clinton Township (Hunterdon) (2014-343)**
- The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Huber seconded the motion. The motion passed a unanimous vote.
8. **Richard Spillane v. NJ Department of Corrections (2015-129)**
9. **Richard Spillane v. NJ Department of Corrections (2015-267) Consolidated**
- The Complainant failed to establish valid grounds for reconsideration.
  - Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Huber made a motion, and Mr. Martucci seconded the motion. The motion passed a unanimous vote.

10. **Richard B. Henry, Esq. (o/b/o Joseph Cordaro) v. Township of Hamilton Police Department (Atlantic) (2015-155)**

- The Custodian's response was insufficient because it did not contain specific reasons for the denial.
- The Custodian lawfully denied access to the requested records that are criminal investigatory in nature.
- The Custodian may have unlawfully denied access to item number 1 and items 10-25 because the Custodian has not demonstrated a valid reason for withholding the records.
- The Custodian shall therefore either disclose the responsive records or provide an affidavit stating that the records were withheld because the Custodian has personal knowledge and can otherwise demonstrate that the Complainant possessed the records at the time of the request.
- The knowing and willful analysis is deferred pending the Custodian's compliance.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Martucci made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

11. **Dane R. Ellis v. North Brunswick Police Department (Middlesex) (2015-184)**

- There is no unlawful denial of access because the Custodian properly forwarded the request to the proper custodian pursuant to N.J.S.A. 47:1A-5(h) and certified that the Township did not possess the requested records.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Martucci made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

12. **Ruth Paez v. Borough of Pompton Lakes (Passaic) (2015-193)**

- The Custodian has not proven that a special service charge is reasonable and warranted.
- The Custodian therefore shall disclose the responsive records, redacted as might be appropriate, and shall state the basis for any redactions.
- In the alternative, the Custodian may provide both the Complainant and the GRC an invoice from the vendor to evidence the actual cost of retrieval from Cit-i-Net and offer the requestor an opportunity to review and object to the charge prior to it being incurred.
- The knowing and willful analysis is deferred pending the Custodian's compliance.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

13. **Stanley T. Baker, Jr. v. NJ State Parole Board (2015-201)**

- The Custodian lawfully denied access because the record is exempt from disclosure pursuant to Executive Order 26.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Martucci seconded the motion. The motion passed a unanimous vote.

14. **I Be Allah v. NJ Department of Corrections (2015-293)**

- The Custodian lawfully denied access because the records are exempt pursuant to federal and state law and state regulation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

15. **John Martin Roth v. NJ Department of Corrections (2015-306)**

- The Custodian lawfully denied access because the requested records are exempt pursuant to state regulation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Huber made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

16. **Frank J. Caligiuri v. Monroe Township Public Schools (Middlesex) (2015-381)**

- There is no unlawful denial of access because the request sought information and asked questions rather than identify government records.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Martucci made a motion, and Mr. Ritardi seconded the motion. The motion passed a unanimous vote.

17. **Sean P. Vandy v. Newfield Police Department (Gloucester) (2016-74)**

18. **Sean P. Vandy v. Newfield Police Department (Gloucester) (2016-75) Consolidated**

- The Custodian's failure to respond timely in writing results in a "deemed" denial.
- The request was invalid because it failed to seek identifiable government records.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Martucci seconded the motion. The motion passed a unanimous vote.

**V. Court Decisions of GRC Complaints on Appeal: None**

**VI. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:**

- N.J. Firemen's Ass'n Obligation v. Doe, 2016 N.J. LEXIS 473 (April 25, 2016): Here, the Supreme Court granted Plaintiff's petition for certification.

To recap, the Appellate Division previously reversed and remanded the Law Division's decision that the NJ Firemen's Association lawfully denied access to responsive records. In doing so, the Appellate Division also addressed Plaintiff's ability to file a proactive OPRA complaint seeking validation of their denial of access (they couldn't).

**VII. Public Comment: None**

**X. Adjournment:**

Ms. Tabakin called for a motion to end the Council meeting. Mr. Martucci made a motion which was seconded by Mr. Ritardi. The motion passed unanimously.

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

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Robin Berg Tabakin, Esq., Chair

Date Approved: June 28, 2016