

## Minutes of the Government Records Council July 28, 2020 Public Meeting – Open Session

## I. Public Session:

# • Call to Order

The meeting was called to order at 1:32 p.m. by Ms. Robin Berg Tabakin via Microsoft Teams.

# • Pledge of Allegiance

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

## • Meeting Notice

Ms. Berg 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, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on July 23, 2020."

## • Roll Call

Ms. Bordzoe called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Salma Chand, Esq. (designee of Department of Education Interim Commissioner Kevin Dehmer), Donald Palombi (designee of Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver), and Steven Ritardi, Esq., Public Member

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Samuel Rosado (Staff Attorney), Brandon Garcia (Case Manager), and Deputy Attorney General Debra Allen.

## II. Executive Director's Report:

## **OPRA** Trainings

• Upcoming trainings are currently on hold pending notification of either an alternate training method or a future rescheduled date. The GRC is currently working with DCAIT to determine the feasibility of conducting the annual seminar remotely.

## **Current Statistics**

- Since OPRA's inception in July 2002, the GRC has received 5,483 Denial of Access Complaints. That averages about 305 annual complaints per 18 program years. So far in the current program year (FY2021), the GRC has received 12 Denial of Access Complaints.
- 384 of the 5,483 complaints remain open and active (7.0%). Of those open cases:
  - $\circ$  2 complaints are on appeal with the Appellate Division (0.5%);
  - 17 complaints are currently in mediation (4.4%);
  - o 7 complaints are proposed for the Office of Administrative Law (1.8%);
  - o 26 complaints await adjudication by the Office of Administrative Law (6.8%);
  - 76 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (19.8%);
  - o 256 complaints are work in progress (66.6%); and
  - $\circ$  0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 32,487 total inquiries, averaging about 1,911 annual inquiries per 17 tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2021), the GRC has received 99 inquiries (5.8 inquiries per workday).

#### III. Closed Session: None

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

#### June 30, 2020 Open Session Meeting Minutes

Ms. Berg Tabakin called for a motion to approve the draft open session minutes of the June 30, 2020 meeting. Mr. Palombi stated that he confirmed the accuracy of the draft minutes with Mr. Jason Martucci. Ms. Chand made a motion, which was seconded by Mr. Palombi. The motion passed by a unanimous vote.

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

Ms. Berg 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): None

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

## 1. <u>Lonnie Britton v. N.J. Department of Treasury, Division of Risk Management</u> (2019-22)

• No Correspondence Received by the Custodian.

Ms. Berg Tabakin called for a motion to accept the recommendations as written for the above Administrative Complaint Disposition. Mr. Ritardi made a motion, which was seconded by Mr. Palombi. The motion passed by a unanimous vote.

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

- 1. Heidi Frahm v. Rutgers University (2019-84)
  - Complaint Voluntarily Withdrawn.
- 2. <u>Kelvyn Anderson v. Township of Pennsauken (Camden)</u> (2019-85)
   Complaint Voluntarily Withdrawn.
- 3. Jane Donoghue v. Woodland Township (Burlington) (2019-213)
  - Complaint Voluntarily Withdrawn.
- 4. David Weiner v. County of Essex (2019-215)
  - Complaint Settled in Mediation.
- 5. <u>Rory Moore v. Township of Nutley (Essex)</u> (2020-13)
  - Complaint Settled in Mediation.
- 6. <u>Pedro Gutierrez v. N.J Department of Corrections</u> (2020-21)
  - Complaint Settled in Mediation.
- 7. <u>Beth Schwartzapfel v. N.J. Department of Corrections</u> (2020-40)
  Complaint Settled in Mediation.
- 8. Nate Jones v. N.J. Office of the Governor (2020-85)
  - Complaint Settled in Mediation.
- 9. Andrew Fiore, Jr. v. Borough of Florham Park (Morris) (2020-94)
  - Complaint Voluntarily Withdrawn.
- 10. Ryan Lawrence Johnson v. N.J. State Police (2020-96)
  - Complaint Voluntarily Withdrawn.
- 11. <u>Steven J. Kossup, Esq. v. Newark Housing Authority (Essex)</u> (2020-102)
  Complaint Voluntarily Withdrawn.
- 12. Scott Madlinger v. Berkeley Township (Ocean) (2020-120)
  - Complaint Voluntarily Withdrawn.

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

## A. Individual Complaint Adjudications with Recusals:

Mr. Caruso noted that Mr. Ritardi would be muted for Agenda item No. 1 to ensure his nonparticipation in this item from which he was recused. Mr. Caruso confirmed to the public that Mr. Ritardi was muted prior to addressing the below agenda item. A brief summary of the Executive Director's recommended action is under each complaint:

## 1. <u>Litty Sue Jones v. Township of Teaneck (Bergen)</u> (2018-110) (SR Recusal)

- The Custodian's extension was warranted and substantiated. <u>Ciccarone v. N.J.</u> <u>Dep't of Treasury</u>, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

Mr. Caruso notified the public that Mr. Ritardi would return to the meeting by unmuting himself. Mr. Ritardi rejoined the meeting at that time.

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

## 1. Karen Brown, Esq. (o/b/o Joyce W. Harley) v. Essex County College (2017-227)

- Because the parties did not settle the prevailing party fee issue, and because Counsel submitted a timely fee application, the Council should determine the reasonable fee amount.
- The Council should award fees in the adjusted amount of \$11,250.00 representing 37.5 hours at \$300.00 per hour with no enhancements.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

## 2. Henry Tukes v. N.J. Department of Corrections (2018-88)

3. Henry Tukes v. N.J. Department of Corrections (2018-89)

## 4. Henry Tukes v. N.J. Department of Corrections (2018-90) Consolidated

- The Custodian lawfully denied access to the Complainant's OPRA request No. 1; OPRA request No. 2, item No. 2; and OPRA request No. 3, item Nos. 2 and 3 because no records exist. <u>Pusterhofer v. N.J. Dep't of Educ.</u>, GRC Complaint No. 2005-49 (July 2005).
- The Custodian lawfully denied access to the Complainant's OPRA request 3, item No. 4 because he disclosed all records that existed. <u>Burns v. Borough of Collingswood</u>, GRC Complaint No. 2005-68 (September 2005).
- The GRC must conduct an *in camera* review of the denied records responsive to the Complainant's OPRA request No. 3, item No. 1 to determine the validity of the Custodian's denial of access. <u>Paff v. N.J. Dep't of Labor, Bd. of Review</u>, 379 <u>N.J. Super.</u> 346 (App. Div. 2005).
- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a

motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

#### 5. <u>Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Freehold</u> <u>Township Police Department (Monmouth)</u> (2018-155)

- The Custodian lawfully denied access to the Complainant's July 23, 2018 OPRA request item Nos. 2 and 3 because no records exist. <u>Pusterhofer</u>, GRC 2005-49.
- The Custodian failed to bear her burden of proof that a special service charge was warranted in this complaint. <u>N.J.S.A.</u> 47:1A-5(c); <u>Rivera v. Borough of Fort Lee Police Dep't (Bergen)</u>, GRC Complaint No. 2009-285 (Interim Order dated May 24, 2011). However, the current Custodian may charge copy costs associated with disclosing the responsive records. <u>Paff v. Twp. of Teaneck (Bergen)</u>, GRC Complaint No. 2010-9 (Interim Order dated May 24, 2011). The current Custodian shall disclose the responsive records after receiving the Complainant's payment.
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

#### 6. <u>Geoffrey J. Cullen v. Great Meadows Regional School District Board of Education</u> (Warren) (2018-191)

- The Custodian complied with the Council's May 19, 2020 Interim Order.
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

## 7. <u>Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v.</u> <u>Township of Lacy (Ocean)</u> (2018-193)

- The Custodian may have unlawfully denied access to the requested complaints and summonses. <u>N.J.S.A.</u> 47:1A-6; <u>Merino v. Borough of Ho-Ho-Kus</u>, GRC Complaint No. 2003-110 (July 2004). The Custodian shall locate and disclose responsive records, with redactions and/or applying a special service charge where applicable.
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

## 8. <u>Scott Madlinger v. Berkeley Township Police Department (Ocean)</u> (2018-253)

- The Custodian lawfully denied access to the Complainant's OPRA request because no records exist. <u>Pusterhofer</u>, GRC 2005-49.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

# 9. Jamie Epstein, Esq. (o/b/o C.B.) v. Hopewell Crest Board of Education (Cumberland) (2018-257)

- The Complainant's request item Nos. 1 and 4 were valid because they contained enough information allowing the Custodian to identify responsive records. <u>MAG Entm't, LLC v. Div. of Alcoholic Beverage Control</u>, 375 <u>N.J. Super.</u> 534, 549 (App. Div. 2005); <u>Burke v. Brandes</u>, 429 <u>N.J. Super.</u> 169, 177-78 (App. Div. 2005); <u>Elcavage v. West Milford Twp. (Passaic)</u>, GRC Complaint No. 2009-7 (April 2010). The Custodian shall perform a search and disclose all responsive records, certify if no records exist, or certify if records were previously disclosed.
- The Custodian unlawfully denied access to the Complainant's OPRA request item Nos. 2 and 3 because he qualified as an exception able to access the responsive student records. <u>N.J.A.C.</u> 6A:32-7.5(e)(14), (g); <u>L.R. v. Camden City Pub. Sch.</u> <u>Dist.</u>, 452 <u>N.J. Super.</u> 56, 86-87 (App. Div. 2017).
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

# 10. U'Bay Lumumba v. N.J. Department of Corrections (2018-261)

- The Custodian may have unlawfully denied access to the Complainant's OPRA request. <u>N.J.S.A.</u> 47:1A-6; <u>Macek v. Bergen Cnty. Sheriff's Office</u>, GRC Complaint No. 2017-156, *et seq*. Thus, the Custodian must locate and disclose the responsive record or certify if none exist.
- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

## 11. <u>Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute and Baffi</u> <u>Simmons) v. Logan Township Police Department (Gloucester)</u> (218-264)

- The Custodian lawfully denied access to the Complainant's OPRA request because no records exist. <u>Pusterhofer</u>, GRC 2005-49.
- The Complainant is not a prevailing party.

• Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

# 12. Paul Williams v. N.J. Department of Treasury (2018-268)

- The Custodian lawfully denied access to all responsive e-mail chains between the Division of Taxation and Airbnb. <u>N.J.S.A.</u> 47:1A-9(b); <u>N.J.S.A.</u> 54:50-8(a).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

## 13. <u>Mario Crispin v. Middlesex County Prosecutor's Office</u> (2018-274)

- The portion of the Complainant's OPRA request seeking "complete discovery or whatever material is available" is invalid. <u>MAG</u>, 375 <u>N.J. Super</u>. 534; <u>Feiler-Jampel v. Somerset Cnty. Prosecutor's Office</u>, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008).
- The responsive witness statements are exempt from disclosure as criminal investigatory records. <u>N.J.S.A.</u> 47:1A-1.1; <u>N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst</u>, 229 <u>N.J.</u> 541 (2017); <u>Janeczko v. N.J. Dep't of Law & Pub. Safety</u>, <u>Div. of Criminal Justice</u>, GRC Complaint No. 2002-79, *et seq*. (June 2004); <u>Parker v. Essex Cnty. Prosecutor's Office</u>, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

## 14. Randall & Lynda Burns v. Cape May County Sheriff's Office (2018-299)

- The Custodian timely responded to the subject OPRA request. <u>N.J.S.A</u> 47:1A-5(g); <u>N.J.S.A.</u> 47:1A-5(i).
- The Custodian may have unlawfully denied access to Mr. Payne's surety bond. <u>N.J.S.A.</u> 47:1A-6; <u>Macek</u>, GRC 2017-156, *et seq*. The Custodian must either locate and disclose the responsive record or certify if no record exists.
- The knowing and willful analysis is deferred.

## 15. Randall & Lynda Burns v. Warren County Sheriff's Office (2018-300)

• The Custodian timely responded to the Complainant's two (2) OPRA requests. <u>N.J.S.A</u> 47:1A-5(g); <u>N.J.S.A.</u> 47:1A-5(i).

- The Custodian lawfully denied access to the Complainant's October 22, 2018 OPRA request because she disclosed all records that existed. <u>Burns</u>, GRC 2005-68.
- The Custodian lawfully denied access to the Complainant's November 9, 2018 OPRA request because no records exist. <u>Pusterhofer</u>, GRC 2005-49.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

## 16. Charles Richardson v. N.J. State Police (2018-319)

- The Custodian's failure to timely respond resulted in a "deemed" denial of access. <u>N.J.S.A.</u> 47:1A-5(g); <u>N.J.S.A.</u> 47:1A-5(i).
- The Custodian lawfully denied access to the responsive criminal record histories under <u>N.J.S.A.</u> 47:1A-9(a) and Executive Order No. 9 (Gov. Hughes, 1963). <u>See Franklin v. Passaic Cnty. Prosecutor's Office</u>, GRC Complaint No. 2016-308 (April 2018).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

#### 17. Kory Shamar McClary v. N.J. Department of Corrections (2019-6)

- The Custodian lawfully denied access to the Complainant's OPRA request seeking visitation records under <u>N.J.S.A.</u> 47:1A-9(a) and <u>N.J.A.C.</u> 10A:22-2.3(a)(12).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

#### 18. Kory McClary v. Atlantic County (2019-14)

- The Custodian lawfully denied access to the Complainant's OPRA request seeking a visitator's log under <u>N.J.S.A.</u> 47:1A-9(a) and <u>N.J.A.C.</u> 10A:31-6.10(a)(13). <u>See Azzolini v. N.J. Dep't of Corr.</u>, GRC Complaint No. 2018-26 (November 2019).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

# 19. Marc Aisen v. N.J. Department of Transportation (2019-18)

- The Custodian lawfully denied access to the Complainant's OPRA request because no records exist. <u>Pusterhofer</u>, GRC 2005-49.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Palombi seconded the motion. The motion passed by a unanimous vote.

## 20. Bryden Williams v. Union County Prosecutor's Office (2019-21)

- The requested police reports are exempt from disclosure as criminal investigatory records. <u>N.J.S.A.</u> 47:1A-1.1; <u>N. Jersey Media Grp., Inc.</u>, 229 <u>N.J.</u> 541; <u>Janeczko</u>, GRC 2002-79, *et seq*.
- The requested crime scene photographs are exempt from disclosure under <u>N.J.S.A.</u> 47:1A-1.1, <u>N.J.S.A.</u> 47:1A-9(a), and Executive Order No. 69 (Gov. Whitman, 1997). <u>See Leak v. Union Cnty. Prosecutor's Office</u>, GRC Complaint No. 2007-148 (Interim Order dated February 25, 2009).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Chand made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

# 21. <u>Steven Schrager v. Middlesex County Prosecutor's Office</u> (2019-31)

- The Custodian's failure to timely respond resulted in a "deemed" denial of access. <u>N.J.S.A.</u> 47:1A-5(g); <u>N.J.S.A.</u> 47:1A-5(i).
- The Custodian may have unlawfully denied access to the Complainant's OPRA request item No. 1 seeking arrest reports. <u>N.J.S.A.</u> 47:1A-6; <u>Morgano v. Essex</u> <u>Cnty. Prosecutor's Office</u>, GRC Complaint No. 2007-156 (Interim Order dated October 29, 2008). The Custodian must disclose the responsive records or certify if none exist.
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 2 seeking police reports under the criminal investigatory exemption. <u>N. Jersey</u> <u>Media Grp., Inc.</u>, 229 <u>N.J.</u> 541; <u>Janeczko</u>, GRC 2002-79, *et seq*.
- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.

## 22. Joseph Maddaloni, Jr., Esq. (o/b/o Renaissance School Services, LLC.) v. The Kingdom Charter School of Leadership (Camden) (2020-66)

• The Custodian's failure to submit a Statement of Information resulted in a violation of <u>N.J.A.C.</u> 5:105-2.4(a).

- The Custodian's failure to timely respond resulted in a "deemed" denial of access. <u>N.J.S.A.</u> 47:1A-5(g); <u>N.J.S.A.</u> 47:1A-5(i).
- The Complainant's OPRA request item Nos 1 and 2 seeking access to "any and all documents and records evidencing" is invalid. <u>MAG</u>, 375 <u>N.J. Super.</u> 534.
- The Custodian may have unlawfully denied access to the responsive records. <u>N.J.S.A.</u> 47:1A-6. Thus, the Custodian shall locate and disclose those records sought by the Complainant. If the Custodian already provided records, none exist, or certain records came into existence after submission of the OPRA request, the Custodian must certify to these facts.
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Palombi made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

#### 23. <u>Thomas S. Kirkland v. Borough of Englishtown Fire District No. 1 (Monmouth)</u> (2020-75)

- This complaint should be dismissed because the Complainant withdrew it via email on July 15, 2020.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Chand seconded the motion. The motion passed by a unanimous vote.
- VI. Court Decisions of GRC Complaints on Appeal: None
- VII. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None

#### VIII. Complaints Adjudicated in United State District Court: None

#### IX. Public Comment:

• Mr. Philip Meshinsky, Trustee for the Kingdom Charter School of Leadership (Camden) (GRC Complaint No. 2020-66): Mr. Meshinsky asked how the Council ruled in GRC 2020-66. Mr. Caruso restated the Council's decision. Mr. Meshinsky also asked whether he would be given an opportunity to argue his position. Mr. Caruso advised Mr. Meshinsky that copies of the Council's decision would be mailed to the parties with information on how to seek reconsideration or file an appeal. Mr. Caruso further suggested that Mr. Meshinsky should contact the case manager addressing GRC 2020-66 if he had any additional questions about the decision.

# X. Adjournment:

Ms. Berg Tabakin called for a motion to end the Council meeting. Mr. Palombi made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote.

The meeting adjourned at 2:04 p.m.

Respectfully submitted,

Robin Berg Tabakin, Esq., Chair

Date Approved: August 25, 2020