



State of New Jersey
GOVERNMENT RECORDS COUNCIL
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

FINAL DECISION

March 25, 2009 Government Records Council Meeting

Thomas Caggiano	Complaint Nos. 2006-211, -219 2007-
Complainant	24, -25, -26, -40, -43, -44, -45, -46, -47,
v.	-183, -184, -228, -229, -285, -289,
Borough of Stanhope (Sussex)	2008-105 (Consolidated)
Custodian of Record	

At the March 25, 2009 public meeting, the Government Records Council (“Council”) considered the March 18, 2009 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the following cases should be dismissed based on Judge Dana’s December 3, 2008 Judgment: Thomas Caggiano v. Borough of Stanhope, GRC Complaint Nos. GRC Complaint Nos. 2006-211, -219; 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285, -289, 2008-105.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 25th Day of March, 2009

Robin Berg Tabakin, Chair
Government Records Council



I attest the foregoing is a true and accurate record of the Government Records Council.

Janice L. Kovach
Government Records Council

Decision Distribution Date: March 30, 2009

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
March 25, 2009 Council Meeting**

**Thomas Caggiano¹
Complainant**

**GRC Complaint Nos. 2006-211, -219;
2007-24, -25, -26, -40, -43, -44, -45, -46,
-47,-183, -184, -228, -229, -285, -289,
2008-105
(Consolidated)**

v.

**Borough of Stanhope (Sussex)²
Custodian of Records**

<p>Records Relevant to Complaint: Various Request Made: Various Dates Response Made: Various Dates Custodian: Robin Kline GRC Complaint Filed: Various Dates</p>

Background

December 20, 2007

Transmittal from the GRC to the Office of Administrative Law (“OAL”) of the following cases for an adjudicatory hearing: Thomas Caggiano v. Borough of Stanhope (Sussex), GRC Complaint Nos. 2006-211, -219, 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285.

February 4, 2008

Transmittal from the GRC to the OAL of Thomas Caggiano v. Borough of Stanhope (Sussex), GRC Complaint No. 2007-289 for an adjudicatory hearing.

December 3, 2008

Judgment of the Honorable Craig U. Dana, J.M.C., Joint Municipal Court of the Townships of Green, Fredon, Hampton and the Borough of Andover. Judge Dana issues a Judgment of Conviction for harassment and trespass violations prohibiting Thomas Caggiano from having any contact with any present or former employee or official of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency.

March 12, 2009

Letter from the GRC to the Office of Administrative Law. The Executive Director requests the return of the following complaints to the GRC for dismissal: Thomas

¹ No legal representation listed on record.

² Richard Stein, Esq. (Sparta, NJ).

Caggiano v. Borough of Stanhope (Sussex), GRC Complaint Nos. 2006-211, -219, 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, and -285.

Analysis

No analysis is required.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the following cases should be dismissed based on Judge Dana's December 3, 2008 Judgment: Thomas Caggiano v. Borough of Stanhope, GRC Complaint Nos. GRC Complaint Nos. 2006-211, -219; 2007-24, -25, -26, -40, -43, -44, -45, -46, -47, -183, -184, -228, -229, -285, -289, 2008-105.

Prepared By: Karyn Gordon, Esq.
In House Counsel

Approved By: Catherine Starghill, Esq.
Executive Director

March 18, 2009



State of New Jersey

GOVERNMENT RECORDS COUNCIL

101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

Toll Free: 866-850-0511
Fax: 609-633-6337
E-mail: grc@dca.state.nj.us
Web Address:
www.nj.gov/grc

VINCENT P. MALTESE, Chairman
ACTING COMMISSIONER JOSEPH V. DORIA, JR.
COMMISSIONER LUCILLE DAVY
ROBIN BERG TABAKIN
DAVID FLEISHER
CATHERINE STARGHILL Esq., Executive Director

INTERIM ORDER

December 19, 2007 Government Records Council Meeting

Thomas Caggiano
Complainant

Complaint No. 2007-289

v.

Borough of Stanhope (Sussex)
Custodian of Record

At the December 19, 2007 public meeting, the Government Records Council (“Council”) considered the December 12, 2007 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations as amended. The Council, therefore, finds that because of a conflict of interest and at the request of the Complainant, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Interim Order Rendered by the
Government Records Council
On The 19th Day of December, 2007

Robin Berg Tabakin, Vice Chairman
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

David Fleisher, Secretary
Government Records Council

Decision Distribution Date: December 20, 2007



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
December 19, 2007 Council Meeting**

**Thomas Caggiano¹
Complainant**

GRC Complaint No. 2007-289

v.

**Borough of Stanhope (Sussex)²
Custodian of Records**

Records Relevant to Complaint: See attached Exhibit A

Request Made: August 9, 2007

Response Made: November 19, 2007

Custodian: Robin R. Kline, Municipal Clerk

GRC Complaint Filed: December 4, 2007

Background

Because of a conflict of interest,³ and at the request of the Complainant, this matter should be referred to the Office of Administrative Law for a hearing to resolve the facts of this case and any possible violations of OPRA arising therefrom.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that because of a conflict of interest and at the request of the Complainant, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Prepared By:

Karyn Gordon, Esq.

¹ No legal representation listed on record.

² No legal representation listed on record.

³ On or about October 21, 2007, the Executive Director of the GRC, Catherine Starghill, filed a criminal harassment complaint against the Complainant in Mercer County Municipal Court. On or about October 29, 2007, the Government Records Council obtained a temporary civil restraining order against the Complainant in the Superior Court of New Jersey, Chancery Division.

In House Counsel

Approved By:

Catherine Starghill, Esq.
Executive Director

December 12, 2007