



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

JACQUELYN A. SUÁREZ
Acting Commissioner

FINAL DECISION

April 30, 2024 Government Records Council Meeting

Rotimi Owoh, Esq. (o/b/o African American
Data and Research Institute)
Complainant

Complaint No. 2021-214

v.
City of Bayonne (Hudson)
Custodian of Record

At the April 30, 2024 public meeting, the Government Records Council (“Council”) considered the April 23, 2024 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 Council dismiss the complaint because the Complainant voluntarily withdrew the complaint in writing via e-mail to the GRC on April 11, 2024. Thus, no further adjudication is required.

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 30th Day of April 2024

Robin Berg Tabakin, Esq., Chair
Government Records Council

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

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: May 2, 2024

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director
April 30, 2024 Council Meeting**

**Rotimi Owoh, Esq. (On Behalf of African American
Data and Research Institute)¹
Complainant**

GRC Complaint No. 2021-214

v.

**City of Bayonne (Hudson)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:³

1. This item relates to your attached letter dated 7-7-2021. Your letter stated in pertinent part: “As such, we will forward your OPRA request to their office to be fulfilled.”
 - a. We request a copy of the e-mail and or cover letter and or any other writing that you used to “forward” the OPRA request to [New Jersey Intergovernmental Insurance Fund (“NJIIF”)] as mentioned in your attached letter.
2. All emails and other written communications between Jessica Connors and [NJIIF] regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present (“present means the date you actually respond to this OPRA request”).
3. All emails and other written communications between the Custodian of Records for the City of Bayonne [“City”] and [NJIIF] regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present.
4. All emails and other written communications between the Law Department for the [City] and [NJIIF] regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present.
5. All emails and other written communications between Custodian of Records for the [City] and the Law Firm or Law Office of the attorney (Mr. Staton) who wrote the attached letter dated 8-6-2021 regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present.
6. All emails and other written communications between the Law Department for the [City] and the Law Firm or Law Office of the attorney (Mr. Staton) who wrote the attached letter dated 8-6-2021 regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present.
7. All emails and other written communications between Jessica Connors and the Law Firm or Law Office of the attorney (Mr. Staton) who wrote the attached letter dated 8-6-2021 regarding the OPRA request mentioned in item 1 above from 7-6-2021 to the present.

¹ No legal representation listed on record.

² Represented by Graham K. Staton, Esq., of Inglesino, Webster, Wyciskala & Taylor, LLC (Parsippany, NJ).

³ The Complainant sought additional records that are not at issue in this complaint.

Rotimi Owoh, Esq. (On Behalf of African American Data & Research Institute) v. City of Bayonne (Hudson), 2021-214 – Supplemental Findings and Recommendations of the Executive Director

8. The attached email of 8-6-2021 from Christine Lagalla states in pertinent part: “I have been notified that a response to OPRA #21-618 is pending.” We request a copy of the notice Christine Lagalla received from the “outside Counsel.”
9. We request itemized billing records prepared by the law firm or law office of the attorney (Mr. Staton) who write the attached letter dated 8-6-2021 regarding the case number HUD-L-4981-19. We seek itemized billing records from when the case (HUD-L-4981-19) was filed in 2019 to the present.

Custodian of Record: Madeline Medina

Request Received by Custodian: August 10, 2021

Response Made by Custodian: August 19, 2021

GRC Complaint Received: August 30, 2021

Background

April 25, 2023 Council Meeting:

At its April 25, 2023 public meeting, the Council considered the March 21, 2023⁴ Administrative Order and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that:

The GRC must conduct an *in camera* review of the responsive redacted itemized billing records prepared by the law firm to determine the validity of the Custodian’s assertion that those records were lawfully redacted under the attorney-client privilege exemption. N.J.S.A. 47:1A-1.1; see Paff v. N.J. Dep’t of Labor, Bd. of Review, 379 N.J. Super. 346, 355 (App. Div. 2005). **Thus, the Custodian shall deliver⁵ to the Council in a sealed envelope nine (9) copies of the requested unredacted e-mails, nine (9) copies of the redacted e-mails, a document or redaction index.**

Procedural History:

On April 27, 2023, the Council distributed its Administrative Order to all parties on. On May 9, 2023, the Custodian requested an extension of time to respond to the Council’s Order. The GRC granted the extension until May 25, 2023. On May 25, 2023, the Custodian responded to the Council’s Order providing nine (9) redacted and unredacted copies of the responsive e-mail correspondence. On June 6, 2023, the GRC responded to the Custodian, stating that her response did not include copies of the itemized billing records, but noted that the Order was unclear in what records were sought for review. The GRC therefore requested copies of the itemized billing records, which the Custodian provided on June 8, 2023.

⁴ This complaint was prepared for adjudication at the Council’s March 28, 2023 meeting, but could not be adjudicated due to lack of quorum.

⁵ The *in camera* records may be sent overnight mail, regular mail, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives them by the deadline.

On April 11, 2024, the Complainant e-mailed the GRC and Custodian's Counsel noticing his withdrawal of the matter.

Analysis

No analysis required.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council dismiss the complaint because the Complainant voluntarily withdrew the complaint in writing via e-mail to the GRC on April 11, 2024. Thus, no further adjudication is required.

Prepared By: Samuel A. Rosado
Staff Attorney

April 23, 2024



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Order – *In Camera* Review

Rotimi Owoh, Esq. (On Behalf of African American
Data and Research Institute)
Complainant

GRC Complaint No. 2021-214

v.

City of Bayonne (Hudson)
Custodial Agency

Custodian of Record: Madeline Medina

Request Received by Custodian: August 10, 2021

GRC Complaint Received: August 30, 2021

Order: The GRC must conduct an *in camera* review of the responsive redacted itemized billing records prepared by the law firm to determine the validity of the Custodian's assertion that those records were lawfully redacted under the attorney-client privilege exemption. N.J.S.A. 47:1A-1.1; see Paff v. N.J. Dep't of Labor, Bd. of Review, 379 N.J. Super. 346, 355 (App. Div. 2005). **Thus, the Custodian shall deliver¹ to the Council in a sealed envelope nine (9) copies of the requested unredacted e-mails, nine (9) copies of the redacted e-mails, a document or redaction index.²**

This is an Administrative Order requiring compliance within ten (10) business days after receipt thereof. The Custodian shall also simultaneously deliver³ certified confirmation of compliance with this Order, in accordance with N.J. Court Rules, R. 1:4-4,⁴ to the Executive Director.

Effective Date of Disposition: April 25, 2023

Prepared By: Samuel A. Rosado
Staff Attorney

Date: March 21, 2023⁵
Distribution Date: April 27, 2023

¹ The *in camera* records may be sent overnight mail, regular mail, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives them by the deadline.

² The document or redaction index should identify the record and/or each redaction asserted and the lawful basis for the denial.

³ The certified confirmation of compliance, including supporting documentation, may be sent overnight mail, regular mail, e-mail, facsimile, or be hand-delivered, at the discretion of the Custodian, as long as the GRC physically receives it by the deadline.

⁴ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

⁵ This complaint was prepared for adjudication at the Council's March 28, 2023 meeting, but could not be adjudicated due to lack of quorum.