



**Minutes of the Government Records Council  
June 28, 2011 – Closed Session**

The Council convened in closed session at 1:14 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin (Chairwoman), Denise Parkinson Vetti (designee of Department of Education Acting Commissioner Christopher D. Cerf), and Charles Richman (designee of Department of Community Affairs Commissioner Lori Grifa).

Also in attendance were GRC Staff: Catherine Starghill (Executive Director), Karyn Gordon (In-House Counsel), Dara Lownie (Communications Manager), Harlynn Lack (Case Manager), Brigitte Hairston (Secretary), and Joseph Maddaloni, Jr. (Designated Outside Counsel).

A motion was made by Ms. Vetti and seconded by Mr. Richman to go into closed session. The motion was adopted by a unanimous vote.

The Council met in closed session pursuant to N.J.S.A. 10:4-12.b(7) to receive legal advice and discuss anticipated litigation in which the public body may become a party in the following matter:

1. Marilou Halvorsen v. NJ Department of Law & Public Safety, Division of Consumer Affairs (2010-114) In-Camera Review

The Council reviewed the records submitted for an *in camera* review. The Council discussed the Executive Director's Findings and Recommendations, as well as possible amendments to said findings. The Council decided to accept the Findings and Recommendations of the Executive Director, by a vote to be taken during the open session, which hold that the requested memorandum from Scott Jenkins to Cindy Miller dated April 13, 2010 regarding the Complainant revealed that the memorandum did not contain recommendations, opinions, or advice about agencies policies or decisions and as such is not exempt from disclosure as adversary, consultative or deliberative material pursuant to N.J.S.A. 47A:1.1 as asserted by Custodian. However, the requested record should have been denied as a record of complaint under the New Jersey State Policy Prohibiting Discrimination in the Workplace (*N.J.A.C. 4A:7-3.1 et seq.*) pursuant to Executive Order 26 (McGreevey 2002) and N.J.S.A. 47:1A-9.a.

A motion was made by Mr. Richman and seconded by Ms. Vetti to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 1:24 p.m.

Respectfully Submitted:

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Denise Parkinson-Vetti, Secretary

Date Approved: July 26, 2011