



**Minutes of the Government Records Council  
February 26, 2013 Public Meeting – Open Session**

The meeting was called to order at 10:36 a.m. at the Department of Community Affairs, Conference Room 129, Trenton, New Jersey.

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

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, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on February 21, 2013.”

Ms. Tabakin read the fire emergency procedure.

Ms. Lillie called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Denise Parkinson Vetti, Esq. (designee of Department of Education Commissioner Chris Cerf), and Dana Lane, Esq. (designee of Department of Community Affairs Commissioner Richard E. Constable, III).<sup>1</sup>

GRC Staff In Attendance: Karyn Gordon, Esq. (Acting Executive Director), Brigitte Lillie (Secretary), Frank F. Caruso (Senior Case Manager), Harlynn A. Lack, Esq. (Case Manager), John Stewart, Esq. (Mediator), and Debra Allen, Esq. (Deputy Attorney General).

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 and/or discuss anticipated litigation in which the public body may become a party in the following matters:

1. Robert Maschke v. Winslow Township Fire District #1 (Camden) (2011-261) (*In-Camera Review*)
2. Robert G. Dooley v. City of Newark (Essex) (2011-257)
3. Alan Rogers v. Essex County Prosecutor’s Office (2011-23)

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4. Gregory A. Scott v. Red Bank Police Department (Monmouth) (2011-244)
5. Ken Schilling v. Township of Little Egg Harbor (Ocean) (2011-294)
6. Jeff Carter v. Franklin Fire District #1 (Somerset) (2011-318)

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<sup>1</sup> Ms. Lillie noted that Steven Ritardi, Esq. (public member) is absent.

7. Thomas H. Foregger v. Township of Berkeley Heights (Union) (2012-114)

Ms. Vetti made a motion to go into closed session and Ms. Lane seconded the motion. The Council adopted the motion by a unanimous vote. Ms. Vetti made a motion to end the closed session and Ms. Lane seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 10:39 a.m. until 11:13 a.m.

Open Session reconvened at 11:14 a.m. and Ms. Lillie called roll.

Present: Ms. Tabakin, Ms. Vetti and Ms. Lane.

The Council put the following meeting minutes requiring approval to a vote:

**January 29, 2013 Open Session Minutes**

Ms. Vetti made a motion and Ms. Lane seconded the motion to approve the open session minutes of the January 29, 2013 meeting. The motion passed unanimously.

**January 29, 2013 Closed Session Minutes**

Ms. Vetti made a motion and Ms. Lane seconded the motion to approve the closed session minutes of the January 29, 2013 meeting. The motion passed unanimously.

**Council Adjudication:**

The following complaints were presented to the Council for summary administrative adjudication:

1. Adam Zoldessy (On behalf of Juan Beccera & Kelly Rovello) v. City of Union City (Hudson) (2011-386)
2. Walter A. Tormasi v. NJ Department of Corrections (2012-42)
3. Walter A. Tormasi v. NJ Department of Corrections (2012-43)
4. Ronald Caputo v. Borough of Bloomingdale (Passaic) (2012-45)
5. Joseph Mendez v. Township of Weehawken (Hudson) (2012-69)
6. Robert A. Tesoroni, Jr. v. Cumberland County Prosecutor's Office (2012-73)
7. Leslie Brickner v. Township of Gloucester (Camden) (2012-74)
8. Shirlee Manahan v. Salem County Improvement Authority (2012-169)
9. Shirlee Manahan v. Salem County Improvement Authority (2012-170)
10. Lynne Lieberman v. NJ Department of Law & Public Safety, Division of Consumer Affairs (2012-210)
11. Mark David Oshinskie v. Borough of Highland Park (Middlesex) (2012-211)
12. Eugene Seabrooks v. NJ Department of Corrections (2012-231)
13. Joy DeSanctis v. East Rutherford Board of Education (Bergen) (2012-258)
14. John D. Tiedemann v. Township of Hamilton (Mercer) (2012-269)
15. John D. Tiedemann v. City of Trenton (Mercer) (2012-270)
16. Shabsi Ganzweig v. Township of Lakewood (Ocean) (2012-296)
17. Michael Inzelbuch v. Lakewood Board of Education (Ocean) (2012-323)

18. Sasha Wolf (On behalf of the NJ Education Association) v. Paterson Public Schools (Passaic) (2013-7)
19. Edward Correa v. Township of Rockaway (Morris) (2013-10)
20. Edward Correa v. Township of Rockaway (Morris) (2013-11)
21. Edward Correa v. Township of Rockaway (Morris) (2013-12)
22. Peter Gartner v. Middlesex Borough (Middlesex) (2013-14)
23. Greg Byrnes v. Township of Teaneck (Bergen) (2013-16)
24. Thomas Dello Russo v. City of Jersey City, Police Department (Hudson) (2013-19)
25. Barbara Burns v. State of NJ Office of the Governor (2013-21)
26. Christopher Lotito v. NJ Department of Banking & Insurance (2013-23)
27. Sandra Reynolds v. Montclair Township (Essex) (2013-26)
28. Judy DeHaven v. Red Bank Charter School (Monmouth) (2013-27)
29. John Campbell v. NJ Department of Environmental Protection (2013-28)
30. John Campbell v. NJ Department of Environmental Protection (2013-29)
31. John Campbell v. NJ Department of Environmental Protection (2013-30)
32. John Paff v. Township of Woolwich (Gloucester) (2013-42)

Ms. Tabakin called for a motion to accept the Executive Director's recommendations as written in all of the above Administrative Complaint Dispositions. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

The Council put the following complaints requiring individual adjudication to a vote:

**Alan Rogers v. Essex County Prosecutor's Office (2011-23)**

Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Caruso read the amended conclusions and stated that the N.J.S.A. 47:1A-3(b) language was removed because said provision was not addressed. Ms. Tabakin questioned whether the new conclusion was reflected in the case synopsis. Mr. Caruso stated it was not.

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as amended. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Angel L. Alicea, II v. City of Hoboken, Police Department (2011-103)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Rashaun Barkley v. Essex County Prosecutor's Office (2011-221)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Robert G. Dooley Jr. v. City of Newark (Essex) (2011-257)**

Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Caruso read the amended conclusions. Mr. Caruso stated that there is not enough evidence in the record to determine whether Item No. 8 is exempt from disclosure. Mr. Caruso stated it was better to refer the case to the Office of Administrative Law to determine if the record is exempt and whether the Custodian knowingly & willfully violated OPRA. Ms. Tabakin questioned whether the new conclusion was reflected in the case synopsis. Mr. Caruso stated it was not.

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as amended. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2011-323)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-326)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-327)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-328)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-329)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-330)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Margaret Rieger v. Township of Livingston (Essex) (2011-333)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-342)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-343)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-344)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry A. Kohn v. Township of Livingston (Essex) (2011-345)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Orie J. McMillan v. City Newark (Essex) (2011-359)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Larry Kohn v. Township of Livingston (Essex) (2011-362)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2011-385)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Robert Edwards v. City Plainfield, Planning Board (Union) (2010-17)**

Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Caruso stated that there is an edit to the Findings & Recommendations. Mr. Caruso said that this complaint was referred back to the GRC from the Office of Administrative Law because the Complainant failed to appear. Mr. Caruso stated that he added a footnote on page 2 stating that the GRC received correspondence from the Complainant on February 25, 2013; however, the correspondence contained no explanation on why the Complainant failed to appear.

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as edited. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Richard Rivera v. Town of West New York (Hudson) (2010-208)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Ali S. Morgano v. NJ Department of Treasury, Division of Administration (2011-145)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Fred U. Andes v. NJ City University (2011-219)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Gregory A. Scott v. Red Bank Police Department (Monmouth) (2011-244)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Robert Maschke v. Winslow Township Fire District #1 (Camden) (2011-261)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Ken Schilling v. Township of Little Egg Harbor (Ocean) (2011-294)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Jeff Carter v. Franklin Fire District #1 (Somerset) (2011-318)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Raymond Klepar v. Little Falls Township (Passaic) (2011-358)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Chris Hayes v. City of Passaic (Passaic) (2011-368)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Jeff Carter v. Franklin Fire District #2 (Somerset) (2011-382)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Jesse Wolosky v. Township of Vernon (Sussex) (2012-47)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Michael Carrow v. Borough of Newfield (Gloucester) (2012-111)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Thomas H. Foregger v. Township of Berkeley Heights (Union) (2012-114)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Rotimi Owoh (On behalf of O.R.) v. West Windsor Plainsboro Regional School District (Mercer) (2012-167)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**Rotimi Owoh (On behalf of O.R.) v. West Windsor Plainsboro School District (Mercer) (2012-330)**

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. Ms. Vetti made a motion and Ms. Lane seconded the motion. The motion passed unanimously.

**GRC Complaints on Appeal:**

**Nia H. Gill v. New Jersey Department of Banking & Insurance, Docket No. A-1801-10T4 (App. Div. February 14, 2013). On appeal from Gill v. New Jersey Department of Banking & Insurance, GRC Complaint No. 2007-189 (October 2010).**

Ms. Gordon provided the Council with the following case synopsis:

This complaint centered around records GEICO submitted to the NJ Department of Banking & Insurance (DOBI). Gill argued that the records requested were underwriting rules subject to public access pursuant to a DOBI statute. DOBI and GEICO asserted that the records were proprietary commercial or financial information. The Complaint required the Council to interpret the DOBI statute, which is outside of the Council's authority so the Council referred the matter to the Office of Administrative Law. The Administrative Law Judge (ALJ) conducted an *in camera* review of the records, determined that a small portion must be disclosed, but that the vast majority of the records were exempt from public access. The Council accepted the ALJ's Initial Decision. Gill's appeal followed.

The Appellate Division affirmed the Council's Final Decision substantially for the reasons set forth in the ALJ's Initial Decision.

**Regina Okafor v. Township of Irvington (Essex), Docket No. A-004921-11T3 (App. Div. February 14, 2013). On appeal from Okafor v. Township of Irvington (Essex), GRC Complaint No. 2008-214 (April 2012).**

Ms. Gordon provided the Council with the following case synopsis:

This appeal followed the Council's April 2012 Final Decision accepting an Administrative Law Judge's Initial Decision dismissing this complaint, but granting the Complainant prevailing party attorney's fees.

The Appellate Division dismissed this appeal because the appellant failed to file a timely brief.

**Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:** None.

**Executive Director's Report and New Business:** Ms. Gordon stated that Darryl Rhone no longer works for the GRC and has moved to another position within State government. Ms. Gordon stated that the process to search for a new case manager started, but she doesn't know how long the process will take.

Ms. Gordon also stated that the March Council Meeting has moved to March 22, 2013 at 10:30 a.m., and the new date will be posted on the website.

**Public Comment:** None.

Ms. Vetti made a motion to end the Council's meeting and Ms. Lane seconded the motion. The motion passed unanimously.

Meeting adjourned at 11:33 am.

Respectfully submitted,

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Robin Berg Tabakin, Esq., Chair

Date Approved: March 22, 2013