



Minutes of the Government Records Council December 20, 2013 – Closed Session

The Council convened in closed session at 10:40 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Denise Parkinson, Esq. (designee of Department of Education Commissioner Chris Cerf), and Dana Lane, Esq. (designee of Department of Community Affairs Commissioner Richard E. Constable, III).

Absent: Steven Ritardi, Esq. (public member).

Also in attendance were GRC Staff: Brandon D. Minde, Esq. (Executive Director), Rosemond Bordzoe (Secretary), Dawn R. SanFilippo, Esq. (Senior Staff Attorney), Frank Caruso (Senior Case Manager), John Stewart, Esq. (Mediator), Tim Sharkey, Esq. (Staff Attorney), Samuel Rosado, Esq. (Staff Attorney), and Deputy Attorney General Debra Allen.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to go into closed session. The Council adopted the motion 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 matters:

- **Cases involving contempt of Council's Order:**
 - Charles J. Femminella v. City of Atlantic City (Atlantic) (2012-232)
 - Darian Vitello v. Borough of Belmar Police Department (Monmouth) (2012-268; 2012-321- 2013-72; and 2013-73)
 - Regina Shuster v. Pittsgrove Township (Salem) (2013-6)

Mr. Minde introduced these matters to the Council. He noted that the Council has the authority to enforce compliance with orders and decisions issued by the Council. In the cases at issue, the Council's orders were not complied with. Mr. Minde noted that the parties were in contempt of Council. Discussion ensued as to whether or not the Office of Administrative Law Judges ("OAL") had the authority to sanction a non-complying party. It was noted by Council members that the OPRA statute provides for sanctions of knowing and willful violations.

Council sought advice from Deputy Attorney General whether contempt of Council could be separately sanctioned for contempt of Council as well as knowing and willful violations. Matters were tabled pending advice of Counsel.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to end the closed session. The Council adopted the motion by a unanimous vote.

The closed session meeting concluded at 10:55 a.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: January 28, 2014