



Minutes of the Government Records Council April 29, 2014 – Closed Session

The Council convened in closed session at 10:47 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: Dawn R. SanFilippo, Esq. (Senior Counsel), Rosemond Bordzoe (Secretary), Frank F. 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:

- Allan Johnson v. Borough of Oceanport (Monmouth) (2007-107)
- Amanda Stone v. Manasquan School District (Monmouth) (2013-203) (ICFR)
- Robert D. Yackel v. Township of Edison (Middlesex) (2013-227) (ICFR)

The Council noted that the following cases were removed from closed session due to the absence of outside counsel:

- John F. Nelson v. NJ Department of Law & Public Safety, State Police (2013-124) (ICFR)
- Charles L. Marciante v. NJ Department of Environmental Protection (2013-171) (ICFR)
- Harry B. Scheeler, Jr. v. N.J. Department of Education (2013-191)
- Stephen Jacob Smith v. New Jersey Transit (2013-226)

Mr. Caruso introduced GRC Complaint No. 2007-107 to the Council and stated that the GRC had received a request for reconsideration from the Complainant. The Council discussed the GRC's regulations regarding time frames for challenging a decision. The Council sought and received advice from DAG Debra Allen. The Council consented to sending a letter to the Complainant after receiving additional advice from DAG Allen on the specific language of the letter.

Mr. Stewart introduced GRC Complaint No. 2013-203 to the Council. The Council discussed the record reviewed *in camera*. Mr. Stewart noted that the Complainant received the disputed record in unredacted form during the pendency of the *in camera* review.

Mr. Caruso introduced GRC Complaint No. 2013-227 to the Council. The Council discussed its issues with the proposed recommendations based on advice from DAG Debra Allen. The Council consented to the decision as written.

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 11:24 a.m.
Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: June 24, 2014