



State of New Jersey  
GOVERNMENT RECORDS COUNCIL  
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Lt. Governor

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Commissioner

**NOTICE OF MEETING**  
**Government Records Council**  
**July 29, 2014**

Pursuant to the Open Public Meetings Act, notice is hereby given that the Government Records Council will hold a regular meeting, at which formal action may be taken, commencing at 10:30 a.m., Tuesday, July 29, 2014, at the Department of Community Affairs ("DCA") offices located at 101 South Broad Street in Trenton, New Jersey.

The agenda, to the extent presently known, is listed below. The public session and consideration of cases is expected to commence at 10:30 a.m. in Room 129 of the DCA.

**I. Public Session:**

- Call to Order
- Pledge of Allegiance
- Meeting Notice
- Roll Call

**II. Executive Director's Report**

**III. Public Comment (First Session):**

- This first session of public comment is reserved solely for suggestions, views and comments relevant to proposed actions on the agenda. A second session of public comment will occur at the end of the meeting to provide an opportunity to present suggestions, views and comments relevant to the Council's functions and responsibilities.

**IV. Closed Session**

- Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance, 2013-66
- Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance, 2013-67 **Consolidated**
- David Roundtree v. NJ Department of State, Division of Elections, 2013-133
- Qudoos Farrad v. State Parole Board, 2013-215



- Sabino Valdes v. Government Records Council, 2013-278 (*Pulled from Closed Session*)
- Thomas E. Ciccarone v. NJ Department of Treasury, 2013-280
- Edgardo Collazo v. Passaic County Superintendent of Elections, 2013-310
- Michael I. Inzelbuch v. Lakewood Board of Education, 2013-320
- Larry S. Loigman v. Monmouth County Prosecutor’s Office, 2013-342
- Thomas Caggiano
- Dr. Alan Bell

**V. Approval of Minutes of Previous Meetings:**

- June 24, 2014 Open Session Meeting Minutes
- June 24, 2014 Closed Session Meeting Minutes

**VI. New Business – Cases Scheduled for Consent Agenda Administrative Complaint Disposition Adjudication \***

- An “Administrative Complaint Disposition” means a decision by the Council as to whether to accept or reject the Executive Director’s recommendation of dismissal based on jurisdictional, procedural or other defects of the complaint. The Executive Director’s recommended reason for the Administrative Disposition is under each complaint below.

**A. Administrative Disposition Adjudications with Recusals (Consent Agenda):**

1. Chasan Leyner & Lamparello, P.C. (On behalf of Monica Redmond) v. Jersey City Board of Education (Hudson) (2014-243) (**SR Recusal**) (*Pulled due to lack of quorum*)

**B. Administrative Disposition Adjudications with no Recusals (Consent Agenda)**

1. James T. Prusinowski, Esq. (On behalf of Lloyd Raheem) v. NJ Civil Service Commission (2013-321)
  - Complaint withdrawn.
2. Matthew Wagner (On behalf of Millstone Township Uniformed Firefighters) v. Millstone Township Fire District (Monmouth) (2013-327)
  - Complaint withdrawn.
3. John Paff v. North Brunswick Board of Education (Middlesex) (2013-351)
  - Complaint withdrawn.
4. Edward J. Meakem v. NJ Department of Health (2014-93) Complaint withdrawn.
  - Complaint settled in mediation.
5. David J. Bildner (On behalf of Sean D. Taylor) v. City of Paterson (Passaic) (2014-107)
  - Unripe cause of action.
6. John David McCann v. City of Millville (Cumberland) (2014-181)
  - Complaint settled in mediation.
7. Lisa Perretto v. Borough of Point Pleasant (Ocean) (2014-233)
  - Complaint withdrawn.
8. Susan Rubba v. Township of Berkeley (Ocean) (2014-245)

- Complaint withdrawn.
- 9. Susan Rubba v. Township of Berkeley (Ocean) (2014-246)
  - Complaint withdrawn.
- 10. Susan Rubba v. Township of Berkeley (Ocean) (2014-247)
  - Complaint withdrawn.
- 11. William L. Brogan v. Borough of National Park (Gloucester) (2014-257)
  - Complaint withdrawn.

**VII. New Business – Cases Scheduled for Individual Complaint Adjudication**

- The Executive Director’s recommended action is under each complaint below.

**A. Individual Complaint Adjudications with Recusals:**

1. Joyce Blay v. Lakewood Board of Education (Ocean) (2013-150) **(DP Recusal)**
  - The Custodian complied with the Council’s IO.
  - No knowing and willful violation.
2. Harry B. Scheeler, Jr. v. NJ Department of Education (2013-191) **(DP Recusal)**
  - The Complainant failed to establish that the complaint should be reconsidered.
  - Custodian was out of time but ultimately complied with the IO.
  - No knowing and willful violation.
3. Michael I. Inzelbuch v. Lakewood Board of Education (2013-320) **(DP Recusal)**
4. Katalin Gordon v. City of Orange (Essex) (2013-255) **(SR Recusal)** *(Pulled from Agenda due to lack of quorum)*
5. Sabino Valdes v. Government Records Council (2013-278) **(DL Recusal)** *(Pulled from Agenda due to lack of quorum)*

**B. Individual Complaint Adjudications with no Recusals:**

1. Kathryn H. Acosta (On behalf of Atlantic City Board of Education) v. NJ Department of Treasury, Division of Pensions & Benefits (2011-87)
  - Council should dismiss this case because it settled at OAL.
2. Christopher T. Tasiopoulos v. Warren County Prosecutor’s Office (2011-231)
  - The Council should accept the ALJ’s Initial Decision and dismiss the Complaint; because the Complaint has not shown that the Custodian had knowledge of the existence of the requested records or knowing and willfully violated OPRA.

3. Joseph Krrywda v. Pinelands Regional School District (Ocean) (2011-285)
4. Joseph Krrywda v. Pinelands Regional School District (Ocean) (2011-307) **Consolidated**

- Complainant's argument set forth in the exceptions is outweighed by the evidenced adduced at the OAL hearing.
  - Thus, the Council should accept the OAL decision dismissing the complaint.
5. Margaret Rieger v. Township of Livingston (Essex) (2011-333)
    - The Council should accept the ALJ's Initial Decision and dismiss the Complaint.
  6. Thomas H. Foregger v. Township of Berkeley Heights (Union) (2012-114)
    - The Council should dismiss this Complaint as it was returned from the OAL having settled.

7. Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance (2013-66)
8. Christopher Lotito v. NJ Department of Labor, Division of Unemployment Insurance (2013-67) **Consolidated**

9. John F. Nelson v. NJ Department of Law & Public Safety (2013-124)
  - The Custodian complied with the Council's IO.
  - No knowing and willful violation.
10. David J. Roundtree v. NJ Department of State, Division of Elections (2013-133)
11. Marc E. Chiappini v. Township of Fairfield (Cumberland) (2013-139)
  - The Custodian's response was untimely, thus the Custodian failed to comply with the Council's IO.
  - The Custodian shall comply with the Council's findings in the *in camera*.
  - Knowing and willful analysis deferred, pending the outcome the Custodian's compliance.
12. Barbara Kulig v. Cumberland County Improvement Authority (2013-178)
  - Complainants, June 4, 2013; June 6, 2013; June 9, 2013; June 11, 2013; June 13, 2014; were unripe and the Council should dismiss the portions of the Complaint regarding same.
  - The Custodian's response was untimely thus the Custodian denied the Complainant's May 18, 2013 request.
  - The Custodian did not unlawfully deny access to the Complainant's May 18<sup>th</sup> and June 7<sup>th</sup> 2013 requests because they were overly broad.
  - No knowing and willful violation.
13. Quddoos Farrad v. NJ State Parole Board (2013-215)

14. Lauren Potts v. Ewing Township Board of Education (Mercer) (2013-232)
  - The Custodian's response was insufficient, thus the Custodian initially denied access to the records.
  - The Custodian failed to respond to the GRC's request for additional information; thus, the Custodian must submit a certification to the GRC as to whether certain emails or correspondence exist responsive records exist and if they have been disclosed.
  - Knowing and willful analysis deferred.
15. Fred Klock v. Newark Public Schools (Essex) (2013-242)
  - Custodian bore her burden of proof that she did not unlawfully deny access to the requested records.
16. David J. Roundtree v. Department of State, Division of Elections (2013-258)
  - Custodian complied with the Council's IO.
  - Custodian improperly required the Complainant to submit his request on Election's form; further, unlawfully denied access to the records.
  - No knowing and willful violation.
17. Michael Zahler v. Ocean County College (2013-266)
  - Custodian's response was insufficient because the Custodian:
    - Failed to respond to each item;
    - Failed to provide specific basis for each redaction;
    - Failed to provide a date certain for response.
  - The Custodian unlawfully denied access to the responsive list containing all elements identified in the Complainant's requests. Custodian must the responsive list containing all specifically identified information; if the Custodian believes a special service charge is warranted, the Custodian must provide the estimated cost to provide the records.
  - Custodian did not unlawfully deny access to request item No. 3 because same was an invalid request.
  - The Custodian has borne her prove that she did not deny access to Item 4 because she requested clarification and the Complaint failed to provide same.
  - The GRC must conduct an *in camera* review of the responsive minutes.
  - No knowing and willful violation.
18. James F. Godfrey v. City of Wildwood (Cape May) (2013-275)
  - The Custodian bore his burden of proof that he did not unlawfully deny access to the Complainant's worker's compensation claims.
19. Thomas E. Ciccarone v. NJ Department of Treasury (2013-280)
20. Robert A. Verry v. Franklin Fire District No. 1 (Somerset) (2013-287)
  - The Custodian did not timely respond to the Complainant's request, thus the request was initially denied.

- The Custodian did not bear his burden that a special service charge is warranted.
  - The Custodian must disclose the records sought.
  - No knowing and willful analysis required.
21. Derek J. Fenton v. NJ State Parole Board (2013-289)
- The Custodian complied with the Council's IO.
  - No knowing and willful violation.
22. Frances Hall v. City of Camden (Camden) (2013-305)
- The Custodian has not borne his burden of proving that the Complainant's request for a Tax Export File is invalid as overly broad.
  - The Custodian has not borne his burden of proving that he lawfully denied access to the requested Tax Export File because the evidence demonstrates that the City makes and maintains the file.
  - Knowing and willful analysis deferred.
23. Luis F. Rodriguez v. NJ Division of Law (2013-306)
- Council reconsiders its Administrative Complaint Disposition pursuant to N.J.A.C. 5:105- 2.10(a) to fully adjudicate the issues.
  - The Custodian lawfully denied access to the discussions between the AG's office and its client, as attorney-client privileged information. 3. The original Custodian has unlawfully denied access to the factual pieces of information contained in the responsive records; and thus must disclose all non-privileged portions of the documents.
  - Knowing and willful analysis deferred.
24. Edgardo Collazo v. Passaic County Superintendent of Elections (2013-310)
- The Custodian's response was untimely; thus initially failed to disclose the documents, the Custodian has borne her burden of proving that she did not unlawfully deny access to the responsive records.
  - No knowing and willful violation.
25. Michael Doss v. Borough of Bogota (Bergen) (2013-315)
- Based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. The complaint should be referred to the OAL for a fact finding and to determine whether there was a knowing and willful violation.
26. Ira Mintz v. NJ Civil Service Commission (2013-317)
- The Custodian bore his burden of proof that he lawfully denied access to the Complainant's request.
27. Rahim R. Caldwell v. Salem County Special Services School District (2013-318)
- The Custodian has did not unlawfully deny access to the documents.

28. Scott Coulson v. Town of Kearny Fire Department (Hudson) (2013-322)
- The Custodian's December 2, 2013 response was insufficient.
  - The Custodian lawfully denied access to request items No. 2, 4 and 5; because no responsive records exist.
  - The Custodian lawfully denied access to request items No. 1, 3, and 6 because she made the records available upon payment of appropriate costs.
  - No knowing and willful violation.
29. Luis Rodriguez v. Kean University (2013-323)
- The Custodian unlawfully denied access to portions of the requested documentation. Custodian must produce the portions which were unlawfully denied.
  - Knowing and willful analysis deferred.
30. Carl W. Hittinger v. NJ Transit (2013-324)
- The Custodian's response was not timely, thus the request initially was denied.
  - The Custodian did not unlawfully deny access to the documents.
  - No knowing and willful violation.
31. Anthony Brent Frye v. Kenilworth Police Department (Union) (2013-326)
- Custodian initially denied the records because he failed to provide a basis for the denial.
  - Custodian ultimately provided the requested records.
  - No knowing and willful violation.
32. Jeff Hoffman v. Borough of Woodcliff Lake (Bergen) (2013-333)
- The Custodian's response was not timely, thus the request initially was denied.
  - The Custodian lawfully denied access to the invitation.
  - The Custodian lawfully denied access to the advisory opinion because it was exempt pursuant to statute.
  - The Custodian lawfully denied access to request for emails of everything regarding gala.
  - No knowing and willful violation.
33. Eurie Nunley v. NJ State Parole Board (2013-335)
- Request seeks a class of documents; and thus, is invalid.
34. James R. Smith v. NJ Department of Corrections (2013-337)
- The Custodian's response to request No. 1 was not timely, thus the request was initially was denied.
  - The Custodian lawfully denied access to the IMP manual.
  - The Custodian lawfully denied access to request No. 2; as it was a request for information.
  - No knowing and willful violation.

35. Jason DiCampli v. NJ State Police (2013-338)
- The Council has no authority over the content requested record.
  - Custodian did not unlawfully deny access to the mobile video recording footage.
36. Larry S. Loigman v. Monmouth County Prosecutor (2013-342)
37. Luis Rodriguez v. Kean University (2013-344)
- The Custodian lawfully denied access to the records because they are not considered government records subject to public access.
38. David Riley v. NJ Department of Corrections (2013-345)
- The Custodian lawfully denied access to the records which were exempt from access pursuant to NJ Ann. Code.
39. James L. Newman, Jr., Esq. (On behalf of Brandi Feaster) v. NJ State Police (2013-347)
- The Custodian timely responded to the Complainant's request.
40. Elizabeth M. Goeckel v. Chatham Borough Police Department (Morris) (2013-356)
- The Custodian did not timely respond to the Complainant's request. GRC declines to order disclosure because the documents were produced.
  - No knowing and willful violation.
41. Dave Weippert v. Borough of Netcong (Morris) (2013-358)
- The Custodian's failure to request an extension of time to respond with an anticipated deadline date of when the requested records will be made available results in a deemed denial.
  - The Custodian bore her burden of proving that she did not unlawfully deny access to the requested records.
  - No knowing and willful violation.
42. Derek Fenton v. NJ Department of Health (2013-359)
- Custodian response to the request was not timely, thus the request was initially denied.
  - The Custodian lawfully denied access to the records.
  - No knowing and willful violation.
43. Scott Coulson v. Town of Kearny Fire Department (Hudson) (2013-360)
- Custodian response to the request was insufficient.
  - The Custodian lawfully denied access to the requested documents in Item No. 1.
  - The Custodian lawfully denied access to the requested documents in Item No. 2.
  - No knowing and willful violation.
44. Michael T. Robinson v. Atlantic City Police Department (Atlantic) (2013-361)

- The Custodian sought and received clarification from the complainant. The Custodian conducted a search and certified that no responsive documents exist.
- No unlawful denial of access.

45. Larry A. Kohn v. Township of Livingston (Essex) (2013-363)

- Custodian response to the request was not timely, thus the request was initially denied.
- No unlawful denial of access to item No. 1 because no records exist.
- No unlawful denial of access to item No. 2 because all responsive records have been provided.
- No knowing and willful violation.

46. Larry A. Kohn v. Township of Livingston (Essex) (2013-364)

- Custodian response was not timely, thus the request was initially denied.
- No unlawful denial of access because the request was over broad and would require research.
- No knowing and willful violation.

47. Larry A. Kohn v. Township of Livingston (Essex) (2013-365)

- Custodian response was not timely, thus the request was initially denied.
- No unlawful denial of access to the Audit Trail.
- No knowing and willful violation.

48. Fareed Ali v. NJ Department of Corrections (2013-367)

- Custodian response was not timely, thus the request was initially denied.
- Custodian provided on-site inspection of the requested records.
- No knowing and willful violation.

49. Caren Caterina (On behalf of The Coast Star) v. Borough of Sea Girt (Monmouth) (2014-66)

- Custodian response was not timely, thus the request was initially denied.
- No unlawful denial of access as the request was overly broad.
- No knowing and willful violation.

50. Michael Doss v. Borough of Bogota (Bergen) (2014-152)

- Based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access. Thus, the Complaint should be referred to the OAL.

51. Luis F. Rodriguez v. State Ethics Commission (2014-186)

- Custodian response to the request was not timely, thus the request was initially denied.
- The Custodian lawfully denied access to the records as they were exempt from disclosure as confidential records related to a State Ethics Commission.

- No knowing and willful violation.

**VIII. Court Decisions of GRC Complaints on Appeal: None**

**IX. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:**

- Kennedy v. Montclair Ctr. Corp. Bus. Improvement Dist., 2014 N.J. Super. Unpub. LEXIS 1654 (App. Div., June 24, 2014)
- Kuehnappel v. Chintall, 2014 N.J. Super. Unpub. LEXIS 1723 (App. Div., July 15, 2014)
- Ingris v. Borough of Caldwell, 2014 N.J. Super. Unpub. LEXIS 1729 (App. Div., July 16, 2014)
- O'Boyle v. Borough of Longport, 2014 N.J. LEXIS 787 (July 21, 2014)

**X. Public Comment (Second Session):**

- This second session of public comment is an opportunity to present suggestions, views and comments relevant to the Council's functions and responsibilities. In the interest of time, speakers may be limited to **five (5) minutes**.

**XI. Adjournment**

**\*Neither attorneys nor other representatives of the parties are required to attend this meeting nor will they be permitted to make oral or written comment during the adjudication.**