



## **Minutes of the Government Records Council July 29, 2014 – Closed Session**

The Council convened in closed session at 10:43 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), and Dana Lane, Esq. (designee of Department of Community Affairs Commissioner Richard E. Constable, III) and Steven Ritardi, Esq. (public member).

Absent: Denise Parkinson, Esq. (designee of Department of Education Commissioner Chris Cerf)

In attendance by phone: Brian Tipton, Esq. (Outside Counsel) and Katharine Fina, Esq.

Also in attendance were GRC Staff: Dawn R. SanFilippo, Esq. (Acting Executive Director), 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.

Mr. Ritardi 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:

- 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)
- Quddoos Farrad v. State Parole Board (2013-215)
- 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

The Council noted that the case below was removed from closed session due to lack of quorum:

- Sabino Valdes v. Government Records Council (2013-278)

Mr. Caruso introduced GRC Complaint Nos. 2013-66 and 2013-67 to the Council. The Council discussed its issues with the proposed recommendations based on advice from outside Counsel Brian Tipton. The Council consented to the decision as written.

Mr. Caruso introduced GRC Complaint No. 2013-133 to the Council. The Council discussed its issues with the proposed recommendations based on advice from Mr. Tipton. The Council consented to the decision as written.

Mr. Rosado introduced GRC Complaint No. 2013-215 to the Council. The Council discussed its issues with the proposed recommendations based on advice from Mr. Tipton. The Council consented to the decision as written.

Mr. Stewart introduced GRC Complaint No. 2013-280 to the Council, noting that the proposed recommendations concerning excessive extensions set a new precedent. Ms. SanFilippo stated that whether extensions are excessive will be decided on a case by case basis. The Council discussed its issues with the proposed recommendations based on advice from Mr. Tipton. The Council consented to the decision as written.

Mr. Sharkey introduced GRC Complaint No. 2013-310 to the Council and noted that similar analysis are present in GRC Complaint Nos. 2013-320 and 2013-342. The Council discussed its issues with the proposed recommendations based on advice from DAG Allen. The Council consented to the decision as written.

Mr. Caruso presented issues with Mr. Caggiano to the Council. Mr. Ritardi questioned the dichotomy of the Council's restraining order against Mr. Caggiano and its effect on the Council adjudicating Denial of Access Complaints filed by him. The Council sought and received advice from DAG Allen.

DAG Allen updated the Council on continuing issues with Dr. Alan Bell. The Council received advice from DAG Allen on these issues.

Mr. Ritardi 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 11:49 a.m.

Respectfully Submitted:

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Robin Berg Tabakin, Esq., Chair

Date Approved: January 30, 2015