



**Minutes of the Government Records Council
November 18, 2014 – Closed Session**

The Council convened in closed session at 10:45 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).

Absent: Steven Ritardi, Esq. (Public Member)

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), Ernest Bongiovanni, 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:

- Rules Revision – Procedures for Contested Hearings
- Michael Doss v. Borough of Paramus (Bergen) (2014-149)
- Possible Recusal

Rules Revision – Procedures for Contested Hearings: Mr. Caruso introduced the issue of whether the Executive Director is allowed to hold hearings in the stead of the Council. Mr. Caruso noted that regulations are to be submitted for review on December 1, 2014 and that advice would be necessary to rectify the issue. Ms. Berg Tabakin stated that internal hearings by the Executive Director would put an undue burden on GRC staff. Further, she noted that the Office of Administrative Law is available to conduct hearings. DAG Allen provided advice on the issue, but noted that no formal opinion has been received.

Mr. Caruso introduced GRC Complaint No. 2014-149 to the Council and discussed precedential case law regarding cases involving requests for e-mails and correspondence. The Council discussed its issues with proposed recommendation.

Possible Recusal: Mr. Caruso introduced the issue of multiple recusals on a complaint. Mr. Caruso discussed the GRC's normal process for mailing complaints to the Council for review. DAG Allen provided advice on how the GRC may want to handle the recusal issue. Ms. Berg Tabakin requested

that the GRC contact Mr. Ritardi about the nature of a possible conflict prior to considering the issue any further.

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 11:28 a.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: December 16, 2014