



**Minutes of the Government Records Council
April 28, 2015 – Closed Session**

The Council convened in closed session at 1:37 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Denise Parkinson, Esq. (designee of Department of Education Commissioner David C. Hespe), Dana Lane, Esq. (designee of Department of Community Affairs Acting Commissioner Charles A. Richman, III), and Steven Ritardi, Esq. (Public Member)

Absent: Robin Berg Tabakin, Esq. (Chairwoman)

Also in attendance were GRC Staff: Joseph Glover (Executive Director), Dawn R. SanFilippo, (Deputy Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Senior Case Manager), John Stewart, (Mediator), Samuel Rosado, (Staff Attorney), Ernest Bongiovanni, (Staff Attorney), Husna Kazmir (Staff Attorney), Deputy Attorney General Debra Allen.

Ms. Parkinson made a motion, seconded by Ms. Lane, 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:

- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-281 *et seq.*) (ICFR)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-328 *et seq.*) (ICFR)
- Salvatore J. Sorce v. Stafford Township (Ocean) (2014-109) (ICFR)
- Legal advice concerning OPRA responses and the attorney-client privilege.

Mr. Caruso introduced GRC Complaint No. 2013-281 *et seq.*, to the Council. DAG Allen provided the Council with her opinion on the proposed conclusions. Mr. Ritardi noted to keep mindful of the significance of ethics appeals. The Council consented to the decision as written.

Mr. Caruso introduced GRC Complaint No. 2013-328 *et seq.* to the Council. DAG Allen provided the Council with her opinion on the proposed conclusions. The Council consented to the decision as written.

Mr. Caruso introduced GRC Complaint No. 2014-190 to the Council. DAG Allen provided the Council with her opinion on the proposed conclusions. The Council consented to the decision as written.

Legal advice concerning OPRA response and attorney-client privilege: Mr. Glover introduced this matter to the Council. A lengthy discussion of whether current case law supports partial disclosure of attorney-client privileged records ensued. DAG Allen provided advice on responding to requests

where attorney-client privileged records are at issue. Ms. SanFilippo noted that case law allows for limited disclosure in certain instances. Mr. Ritardi had questions about waiving the attorney-client privilege and the disclosability of attorney advice given in the form of communications. DAG Allen provided advice accordingly. The Council agreed to respond to requests seeking attorney-client privileged material on a case-by-case basis.

Ms. Parkinson made a motion, seconded by Ms. Lane, to end the closed session. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:32 p.m.

Respectfully Submitted:

Steven Ritardi, Esq., Secretary

Date Approved: May 26, 2015