



**Minutes of the Government Records Council  
May 26, 2015 Public Meeting – Open Session**

**I. Public Session:**

- **Call to Order**

The meeting was called to order at 1:30 p.m. by Vice Chairman Steve Ritardi at the Department of Community Affairs, Conference Room 129, Trenton, New Jersey.

- **Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

- **Meeting Notice**

Mr. Ritardi read the following Open Public Meetings Act statement:

“This meeting was called pursuant to the provisions of the Open Public Meeting Act. Notices of this meeting were faxed to the Newark Star Ledger (*fax number out of service*), Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on May 21, 2014.”

Mr. Ritardi read the fire emergency procedure.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: 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), and Steven Ritardi, Esq. (Public Member)

Absent: Robin Berg Tabakin, Esq. (Chairwoman)

GRC Staff in Attendance: 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), and Deputy Attorney General Debra Allen.

Mr. Ritardi informed the public that copies of the agenda with complaint summaries are available by the conference room door.

## **II. Executive Director's Report:**

### **1. OPRA Training**

- Our most recent training was on May 20 in Morris County. Our next scheduled training will be in Atlantic County on June 3.

### **2. Current Statistics**

- Since OPRA's inception in calendar year 2002 and through last week, the GRC has received 3,911 Denial of Access Complaints. That is an average of about 303 complaints per approximately 12.91 program years (FY 2003 through FY 2015 inclusive).
- In the current fiscal year (July 1, 2014, to June 30, 2015), the GRC has so far received 333 complaints. That is about 110% of the yearly average. In FY 2014, 419 total complaints were received.
- 3,526 of the 3,911 complaints have been closed, which is a bit over 90%. At roughly this time last year, the GRC had closed approximately 90%.
- 385 of the 3,911 complaints remain open and active. Of those open cases,
  - 10 complaints are on appeal with the Appellate Division (3%);
  - 5 complaints are currently in mediation (1%);
  - 42 complaints await adjudication by the Office of Administrative Law (11%);
  - 106 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the May meeting (28%); and
  - 221 complaints are work in progress (57%).
- The GRC has received 22,825 inquiries since Fiscal Year 2004, which is the first year such data was tracked. That is an average of about 1,916 per approximately 11.91 tracked program years (FY 2004 through FY 2015 inclusive). In FY 2015 so far, the GRC has received 1,832 inquiries, which is about 96% of the annual average.

## **III. Closed Session: None**

## **IV. Approval of Minutes of Previous Meetings:**

- The Open and Closed Session Meeting Minutes from March 31, 2015, were tabled due to a lack of quorum.

- **April 28, 2015, Open Session Meeting Minutes**

Ms. Parkinson made a motion, seconded by Ms. Lane, to approve the open session minutes of the April 28, 2015, meeting. The motion passed by a unanimous vote.

- **April 28, 2015, Closed Session Meeting Minutes**

Ms. Parkinson made a motion, seconded by Ms. Lane, to approve the closed session minutes of the April 28, 2015, meeting. The motion passed by a unanimous vote.

**V. New Business – Cases Scheduled for Adjudication**

Mr. Ritardi stated that 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):**

The following complaints were presented to the Council for summary administrative adjudication:

1. **Robert Kovacs v. Irvington Police Department (Essex) (2014-261) (SR Recusal)**
  - The item was tabled from consideration due to lack of a quorum.

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

1. **Kavitha Reddy (On behalf of Diana Moskovitz) v. Rutgers University (2014-340)**
  - The parties settled the complaint through mediation.
2. **Robert A. Verry v. Franklin Township Fire District No. 1 (Somerset) (2014-366)**
  - There is no reasonable factual basis to pursue the complaint.
3. **Ronald Ellerman v. Office of the Corrections Ombudsman (2015-23)**
  - There is no reasonable factual basis to pursue the complaint.
4. **Randy Johnson v. NJ Department of Corrections (2015-52)**
  - The parties settled the complaint through mediation.
5. **Breandan Q. Nemece v. Township of Galloway Police Department (Atlantic) (2015-53)**
  - The parties settled the complaint through mediation.
6. **Richard Stolte v. NJ State Police (2015-73)**
  - The Complainant submitted a duplicate complaint.
7. **Robert Cosme v. NJ Department of Corrections (2015-90)**
  - No responsive records exist.

Mr. Ritaridi called for a motion to accept the Executive Director's recommendations as written in all of the above Administrative Complaint Dispositions. Ms. Parkinson made a motion, which was seconded by Ms. Lane. The motion passed unanimously.

**C. Administrative Disposition of Uncontested, Voluntary Withdrawals by Complainant (No Adjudication of the Council is Required):**

1. Nanticoke Lenni-Lenape Tribal Nation v. NJ Office of the Governor (2014-329)
2. Angelo Fichera v. Township of Montgomery (Somerset) (2014-367)
3. Barbara Boyer v. NJ Division of Criminal Justice (2015-63)
4. Harry B. Scheeler, Jr. v. Cumberland County Sheriff's Department (2015-96)
5. Anthony W. DeStefanis v. NJ Department of Treasury (2015-108)
6. Marisa and Danny Seals v. Lawrence Township Public Schools (Mercer) (2015-112)
7. Angelo Fichera v. Township of Montgomery (Somerset) (2015-120)
8. Carl J. Garrison v. NJ Office of the Public Defender (2015-127)

**D. Cases Withdrawn from Consideration (Consent Agenda): None**

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

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

The Executive Director's recommended actions are under each complaint.

1. Harry B. Scheeler, Jr. v. Woodbine Board of Education (Cape May) (2014-59) (DP Recusal)
  - The item was tabled from consideration due to lack of a quorum.
2. Denyce Carroll v. Trenton Public School District (Mercer) (2014-69) (DP Recusal)
  - The item was tabled from consideration due to lack of a quorum.
3. Harry B. Scheeler, Jr. v. NJ Department of Education (2014-90) (DP Recusal)
  - The item was tabled from consideration due to lack of a quorum.
4. Harry B. Scheeler, Jr. v. Woodbine Board of Education (Cape May) (2014-205) (DP Recusal)
  - The item was tabled from consideration due to lack of a quorum.
5. Kathy L. Camarata v. Essex County Prosecutor's Office (2014-127) (SR Recusal)
  - The item was tabled from consideration due to lack of a quorum.

6. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2014-139) (SR Recusal)**
7. **Robert A. Verry v. Borough of South Bound Brook (Somerset) (2014-161) (SR Recusal) Consolidated**
  - The item was tabled from consideration due to lack of a quorum.
8. **Kevin M. Barry v. NJ Transit (2014-229) (SR Recusal)**
  - The item was tabled from consideration due to lack of a quorum.
9. **Kevin M. Barry v. NJ Transit (2014-264) (SR Recusal)**
  - The item was tabled from consideration due to lack of a quorum.
10. **Kevin M. Barry v. NJ Transit (2014-309) (SR Recusal)**
  - The item was tabled from consideration due to lack of a quorum.
11. **Albert N. Sedges v. Morris County Prosecutor's Office (2014-312) (SR Recusal)**
  - The item was tabled from consideration due to lack of a quorum.

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

1. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2011-73)**
  - The Complainant withdrew the matter at OAL as part of a proposed settlement.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.
2. **Jeff Carter v. Franklin Fire District No. 2 (Somerset) (2012-5)**
  - The Custodian complied with the Interim Order.
  - The request is invalid because it failed to provide the Custodian adequate identifiers to permit a sufficient search.
  - There is neither a knowing and willful violation nor a prevailing party finding.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.
3. **Luis Rodriguez v. Kean University (2013-71)**
  - The matter is tabled pending legal review.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

4. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-281)**
5. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-282)**
6. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-283) Consolidated**
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.
  
7. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-328)**
8. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-329)**
9. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-330)**
10. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-331) Consolidated**
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - The Complainant is a prevailing party.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.
  
11. **Harry B. Scheeler, Jr. v. Salem County Special Services School (2014-108)**
  - The Custodian complied with the Interim Order.
  - The Complainant's objection to the redaction index is without merit because the Custodian complied with the requirements of the Interim Order.
  - There is no knowing and willful violation.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.
  
12. **Salvatore J. Sorce v. Stafford Township (Ocean) (2014-109)**
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
  - Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

13. **Rafael L. Martinez v. Edison Board of Education (Middlesex) (2014-126)**

- Request items #1 and #2 are invalid because they fail to identify senders and/or recipients.
- The Custodian's redactions are lawful.
- The Custodian bore his burden to prove that no records were unlawfully denied to the Complainant.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

14. **Michael Doss v. Borough of Paramus (Bergen) (2014-149)**

- The Custodian failed to establish valid grounds for reconsideration.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

15. **Dudley Burdge v. NJ Civil Service Commission (2014-168)**

- The Custodian complied with the Interim Order.
- GRC must conduct an in camera review to determine whether the records contain advisory, consultative, or deliberative material.
- The knowing and willful analysis is deferred pending the Custodian's compliance.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

16. **Bernard Mitchell v. NJ Department of Military and Veterans Affairs (2014-192)**

- The requested records are exempt from disclosure pursuant to DMAVA's regulations.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

17. **Michael A. D'Antonio v. Borough of Allendale (Bergen) (2014-220)**

- Both parties failed to establish valid grounds for reconsideration.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Mr. Caruso noted that he added a sentence to the end of the conclusion to memorialize that the complaint will be referred to the OAL per the Council's March 31, 2015 Interim Order. DAG Allen also suggested an

edit to a cite in the analysis. Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as edited. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

18. **Lemont Love v. Spotswood Police Department (Middlesex) (2014-223)**

- The Custodian complied with the Interim Order and provided all appropriately redacted documents.
- There is no knowing and willful violation.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

19. **Kevin R. Lare v. Township of Lower (Cape May) (2014-225)**

- Despite an unlawful denial of access to certain records, the evidence at bar demonstrates that the Custodian nonetheless made a good faith effort to comply with an overly broad request by providing responsive documents.
- There is no knowing and willful violation.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

20. **Joseph Baker v. Union County Prosecutor's Office (2014-262)**

- The requested document is not subject to disclosure under OPRA.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

21. **Robert Kovacs v. Middlesex Police Department (Woodbridge) (2014-273)**

- The request was overly broad, as it failed to include adequate identifiers to permit the Custodian to conduct a sufficient search.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

22. **Clifford Wares v. Township of West Milford (Passaic) (2014-274)**

- The requested records are exempt from disclosure, respectively as personnel records and pursuant to the Attorney General's Internal Affairs Policy and Procedures.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

23. **Rose D. Richardson v. NJ Office of the Attorney General (2014-277)**

- The Custodian did not timely respond to the request, which results in a "deemed" denial.
- Part of the request is invalid, as it seeks information rather than properly identified government records.
- The Custodian may have unlawfully denied access to part of the request. The Custodian must therefore disclose the responsive information in the most comprehensive record available.
- The Custodian must advise the Complainant of any proposed special services charge within three business days and provide certified confirmation of compliance to the Executive Director.
- The knowing and willful analysis is deferred pending the Custodian's compliance.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

24. **Michael Hayes v. NJ Department of Corrections (2014-286)**

- The Custodian lawfully denied access to the requested records pursuant to N.J.S.A. 47:1A-1.1.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

25. **Jermaine A. Williams v. Passaic County Prosecutor's Office (2014-297)**

- The Custodian has borne the burden of proving that no responsive records exist.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

26. **Michael Palkowitz v. Borough of Hasbrouck Heights (2014-302)**

- The Custodian has proven that a special service charge is indeed warranted, but one hour of the cited time appears unreasonable. The proposed special service charge is therefore reduced accordingly.
- The Complainant shall deliver to the Custodian the appropriate payment or provide a written statement of his choice to decline the charge.
- Should the Complainant pay the charge, the Custodian must disclose the responsive records within three (3) business days.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

27. **Linda Graumann v. Newfield Police Department (Gloucester) (2014-314)**

- The Custodian did not timely respond, thus resulting in a "deemed" denial.
- The Custodian's response was insufficient because she failed to respond in writing to each request individually.
- Although the Custodian at first denied access improperly to items #1 and #2, she ultimately disclosed the records to the Complainant.
- The Custodian lawfully denied access to item #3, as the evidence indicates that no responsive items exist.
- There is no knowing and willful violation.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

28. **Joseph B. Garrett, POA (On behalf of Regina M. Garrett) v. NJ Department of Banking & Insurance (2014-368)**

- The requested records are not subject to disclosure pursuant to DOBI regulations.
- Mr. Ritardi called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Ritardi called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Parkinson made a motion, and Ms. Lane seconded the motion. The motion passed unanimously.

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

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

- Weinberg v. Goworek, 2015 N.J. Super. Unpub. LEXIS 994 (April 29, 2015): Here, the Law Division appears to have held that plaintiff's requests were invalid, but required the New Jersey Sports and Exposition Authority ("NJSEA") to provide a privilege log

explaining redactions to records disclosed and ordered the parties into a post-hearing meeting to attempt to resolve any outstanding issues.

For background, over a period of a week (from January 16, to January 21, 2014), plaintiff submitted two (2) OPRA requests for a number of “documents” including “financial information” regarding the shuttering of the IZOD Center. Initially, NJSEA responded seeking an extension based on a disruption to agency operations. Thereafter, NJSEA sought clarification, advising that plaintiff’s requests would require them to analyze, collate and compile general information. Defendants also sought an additional extension and advised that records would be provided on a rolling basis.

Over the course of the next two (2) months, NJSEA disclosed multiple records (some with redactions) while extending the time frame to respond a number of times. During these exchanges, plaintiff initiated this action.

The Law Division, in its analysis, points to the actions that supported NJSEA’s good faith attempts to comply with plaintiff’s requests and even strongly suggests that the requests were invalid based on precedential case law. The issue, however, turned to NJSEA’s attempt to disclose records (some with redactions) and how to handle such a situation when a request is determined to be invalid. To this end, the court resigned to encouraging the parties to meet and rectify any outstanding disclosures.

The GRC notes that this case is distinguishable from the Appellate Division’s decisions in Gannett v. Cnty. of Middlesex, 379 N.J. Super. 205 (App. Div. 2005), and Burke v. Brandes, 429 N.J. Super. 169 (App. Div. 2012) because NJSEA initially responded on the presumption plaintiff’s requests were invalid, but attempted to comply in good faith. In those cases, compliance took place without any assertion that the requests were invalid at the outset.

- Gilleran v. Palagano, 2015 N.J. Super. LEXIS 76 (App. Div. 2015)(Approved for Publication, May 13, 2015): Here, the Appellate Division affirmed the trial court’s decision holding that defendants unlawfully denied access to security camera records for a specific time frame based on their failure to sufficiently argue why disclosure would fall within the “security and surveillance” exemption at N.J.S.A. 47:1A-1.1.

Notwithstanding the forgoing, the Court’s discussion then shifted to an agency’s obligation to review and redact footage prior to disclosure where necessary. In the Court’s own words:

Reviewing a video recording is different from perusing a document for purposes of redacting exempt information and disclosing the rest in accordance with N.J.S.A. 47:1A-5(g), but that issue may have to be addressed on a case-by-case basis, depending on the length of the recordings requested and the nature of the information they may contain.

We limit our conclusion to the specific case record presented in this appeal. We do not hold that security camera recordings must necessarily be disclosed unless government officials view them in their entirety and isolate specific footage that meets the requirements of the two exclusions upon which Bloomfield relies. We only hold that Bloomfield did not satisfy its burden of proving the requested recordings are exempt from disclosure through the general statements of its Administrator and its argument for a blanket exemption.

Id. at 14-15 (footnote omitted).

- N.J. Second Amendment v. Div. of State Police of the N.J. Dep't of Law & Pub. Safety, In re Adoption of N.J.A.C. 13:1e-3, 2015 N.J. Super. Unpub. LEXIS 1115 (App. Div. 2015): Here, the Appellate Division had their hands full with actions on the denial of the most recent Firearms Investigation Unit (“FIU”) guide based on New Jersey Law & Public Safety (“LPS”) promulgated regulations and a challenge of the validity of a separate regulation.

For background, plaintiffs were denied access to the FIU guide in 2011. At that time, the Court’s decision in Slaughter v. GRC, 413 N.J. Super. 544 (App. Div. 2010) required all State agencies to either promulgate their OPRA regulations or allow them to expire. Based on this, LPS promulgated regulations exempting access to “Standard Operating Procedures and training materials,” “[r]ecords which may reveal . . . an agency’s surveillance, security or investigative techniques or procedures or undercover personnel,” and “the duty assignment of an individual . . . or any personally identifiable information that may reveal . . . duty assignment, including, but not limited to, overtime data . . .” N.J.A.C. 13:1E-3.2(a).

Plaintiffs filed an action in the Law Division challenging defendant’s denial of access. After conducting an *in camera* review, the trial judge determined that the denial was lawful and dismissed the Society’s complaint. Following this appeal, the ACLU entered into the complaint arguing that LPS’s regulations violated OPRA. The Appellate Division held that:

Having now considered the arguments in light of the record and applicable legal standards, we reverse the Law Division's order that dismissed the Society's complaint and remand for further proceedings consistent with this opinion. We deny ACLU's challenge to section 7 of the Regulation.

Id. at 10.

**IX. Public Comment:** None.

**X. Adjournment:**

Ms. Parkinson made a motion to end the Council’s meeting, which was seconded by Ms. Lane. The motion passed unanimously.

The meeting adjourned at 2:00 p.m.

Respectfully submitted,

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Steven Ritardi, Esq., Secretary

Date Approved: June 30, 2015