



**Minutes of the Government Records Council
October 27, 2015 Public Meeting – Open Session**

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:40 p.m. by Chairwoman Robin Tabakin 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**

Ms. Tabakin 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 October 22, 2015.”

Ms. Tabakin read the fire emergency procedure.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Dominic Rota, Esq. (designee of Department of Education Commissioner David C. Hespe), Gabrielle Gallagher, Esq. (designee of Department of Community Affairs Commissioner Charles A. Richman).

Absent: Steven Ritardi, Esq. (Public Member)

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.

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

II. Executive Director's Report:

Current Statistics

- Since OPRA's inception in calendar year 2002, the GRC has received 4,103 Denial of Access Complaints. That averages a bit fewer than 308 complaints per 13 1/3 program years.
- In the current program year, the GRC has so far received 130 complaints, which is an increase of about 14% over the amount received at approximately the same time last year.
- 416 of the 4,103 complaints remain open and active. Of those open cases,
 - 12 complaints are on appeal with the Appellate Division (2.9%);
 - 12 complaints are currently in mediation (2.9%);
 - 43 complaints await adjudication by the Office of Administrative Law (10%);
 - 123 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the October 2015 meeting (30%); and
 - 226 complaints are work in progress (54%).
- Since 2004, the GRC has received 23,792 total inquiries. That is an average of about 1,929 inquiries per 12 1/3 tracked program years. So far in the current program year, the GRC has received 671 inquiries – a bit fewer than six per calendar day. At approximately the time last year, the GRC had received 677 complaints.

III. Closed Session:

Ms. Tabakin read the Closed Session Resolution to go into closed session pursuant to N.J.S.A. 10:4-12(b)(7) to receive legal advice in the following matters:

- J. C. McCormack v. NJ Department of Treasury (2013-357)
- Michael A. King v. NJ Department of Corrections (2014-156)

Ms. Gallagher made a motion to go into closed session, and Mr. Rota seconded the motion. The Council adopted the motion by a unanimous vote. Ms. Gallagher made a motion to end the closed session, which was seconded by Mr. Rota. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:43 p.m. until 2:16 p.m.

Open Session reconvened at 2:18 p.m., and Ms. Bordzoe called roll.

Present: Ms. Tabakin, Mr. Rota, Ms. Gallagher; Mr. Ritardi was absent.

IV. Approval of Minutes of Previous Meetings:

- **September 29, 2015 Open Session Meeting Minutes**

Ms. Gallagher noted that she confirmed the accuracy of the minutes with Ms. Lane. Mr. Rota made a motion, seconded by Ms. Gallagher, to approve the open session minutes of the July 28, 2015, meeting. The motion passed by a unanimous vote.

- **September 29, 2015 Closed Session Meeting Minutes**

Ms. Gallagher noted that she confirmed the accuracy of the minutes with Ms. Lane Ms. Mr. Rota made a motion, seconded by Ms. Gallagher, to approve the closed session minutes of the July 28, 2015, meeting. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Ms. Tabakin 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):

None.

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

1. **Patricia Hart McGlone, Esq. McGovern Legal Services, LLC. (On behalf of Mill Pond at Eatontown Condominium Association, Inc.) v. Borough of Eatontown (Monmouth) (2015-92)**
 - The parties settled the matter through mediation.
2. **Ann Stockton v. County of Gloucester (2015-204)**
 - The parties settled the matter through mediation.
3. **Vito Sacco v. NJ State SPCA (2015-216)**
 - The parties settled the matter through mediation.
4. **Johnathan Robins v. Burlington County Surrogate’s Court (2015-299)**
 - The GRC has no jurisdiction over the Judicial Branch.

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

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

1. **Andrew Lyubarsky (On behalf of NJ Advocates for Immigrant Detainees) v. Essex County Department of Corrections (2015-48)**
2. **Paul Edelstein (On behalf of Dana Corrar) v. NJ Department of Law & Public Safety, Alcoholic Beverage Control (2015-191)**

VI. New Business – Cases Scheduled for Individual Complaint Adjudication

A. Individual Complaint Adjudications with Recusals:

A summary of the Executive Director's recommended action is under each complaint:

1. **Robert Kovacs v. Newark Police Department (Essex) (2014-316) (SR Recusal)**
 - The Council should reconsider its decision, dated June 30, 2015, based on extraordinary circumstances.
 - Paragraphs 1-3 of the Interim Order should be rescinded, and the Council should find the request invalid for failure to provide adequate search terms.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused and was absent from the vote.
2. **Mark L. Tompkins v. City of Newark (Essex) (2014-399) (SR Recusal)**
 - There is no unlawful denial of access, as the record evidences that no responsive records exist.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused and was absent from the vote.
3. **Mark Tompkins v. Essex County Prosecutor's Office (2014-404) (SR Recusal)**
 - The request is invalid in part, as it seeks information rather than a specifically identifiable government record.
 - There is no unlawful denial of access, as the record evidences that no responsive records exist.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused and was absent from the vote.

4. **David H. Weiner v. County of Essex (2015-20) (SR Recusal)**

- The Custodian failed to comply fully with the Interim Order.
- The Council should refer the Complaint to the Office of Administrative Law for a hearing to determine the facts.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused and was absent from the vote.

B. Individual Complaint Adjudications with no Recusals:

1. **Luis Rodriguez v. Kean University (2013-71)**

- The Custodian complied with the Interim Order.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

2. **June Maxam v. Bloomfield Township Department of Health & Human Services (Essex) (2013-285)**

- The Council should dismiss the Complaint, as the Complainant failed to appear for a scheduled hearing at the Office of Administrative Law.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

3. **J. C. McCormack v. NJ Department of Treasury (2013-357)**

- *On the advice of legal counsel, the Council chose to table the matter.*

4. **Michael A. King v. NJ Department of Corrections (2014-156)**

- The Custodian complied with the Interim Order.
- The Custodian's redactions were lawful because the records contained proprietary commercial and trade secret information and because the Complainant failed to certify as to his conviction status.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

5. **Robert C. Scutro v. City of Linden (Union) (2014-254)**

- The Custodian initially denied access unlawfully by not providing records under his control and custody.
- The Custodian complied with the Interim Order and provided responsive records.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept

the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

6. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-266)**
7. **Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-267) Consolidated**
 - The Custodian complied with the Council's most recent Interim Order.
 - The Custodian did not bear his burden of proving that the special services charge was reasonable and warranted.
 - There is no knowing and willful violation.
 - The Complainant is a prevailing party, eligible for reasonable counsel fees.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.
8. **Paul Nichols v. Housing Authority of Bergen County (2014-291)**
 - The GRC takes judicial notice of Judge Doyne's decision in Nichols v. Hous. Auth. of Bergen Cnty. and therefore finds that the Custodian did not unlawfully deny access to the requested record.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Glover noted that this complaint was originally an administrative disposition, but was changed based on advice of counsel. Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as amended. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.
9. **Susan Barker v. Borough of Lakehurst (Ocean) (2014-318)**
 - The Custodian lawfully denied access, as the requested records are exempt personnel records pursuant to N.J.S.A. 47:1A-10.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Glover noted that footnote no. 4 was moved into the body of the analysis. Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as edited. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.
10. **Robert A. Verry v. Franklin Fire District No. 1 (Somerset) (2014-325)**
 - The Complaint is materially defective and should be dismissed because the Complainant's cause of action was not ripe at the time the Complaint was filed.
 - The Complainant is not a prevailing party eligible for reasonable attorneys' fees.
 - Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.
11. **June Maxam dba The North Country Gazette v. Bloomfield Township Department of Health & Human Services (Essex) (2014-350)**
 - The Complaint should be dismissed, as the Complainant failed to appear for a scheduled hearing at OAL.

- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

12. **Gregory W. Kasko v. Town of Westfield (Union) (2014-389)**

- The GRC must conduct an in camera review.
- The knowing and willful analysis is deferred pending the Custodian’s compliance.
- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

13. **John Paff v. Harrison Township Fire District (Gloucester) (2014-402)**

- The Custodian complied with the Interim Order.
- There is no knowing and willful violation.
- The Complainant is a prevailing party, eligible for reasonable counsel fees.
- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

14. **Lisa Hurff v. Borough of Helmetta (Middlesex) (2014-416)**

- Following the Council’s referral of the matter to the Office of Administrative Law, the Complainant withdrew the complaint.
- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

15. **Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-1)**

16. **Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-22) Consolidated**

- There is no unlawful denial of access because the evidence supports that the Township had not yet executed and finalized a settlement at the time of the OPRA request.
- The Custodian ultimately disclosed the responsive record.
- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

17. **Klarida Papajani v. NJ Turnpike Authority (2015-9)**

- The Council should refer the matter to OAL for a hearing to resolve the facts and to determine whether any public official knowingly and willingly violated OPRA.
- Ms. Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

18. **Milton Durham v. NJ Department of Corrections (2015-10)**

- The Custodian's failure to grant access, deny access, seek clarification, or request a further extension of time within the extended time frame results in a "deemed" denial.
- The Custodian made the records available for an on-site inspection, but the Complainant refused to participate.
- The Custodian lawfully denied access to certain forms because the record shows that no responsive records exist.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

19. **Law Offices of Walter Luers, LLC (On behalf of C.C.) v. Eastern Camden County Regional School District (2015-15)**

- The Custodian failed to provide a specific lawful basis for his redactions.
- The Custodian proved that the special services charge was both reasonable and warranted.
- The Council must conduct an *in camera* review.
- The knowing and willful and prevailing party analyses are deferred pending the Custodian's compliance.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

20. **Richard Stolte v. Burlington County Prosecutor's Office (2015-28)**

- There is no unlawful denial of access because the Complainant did not provide the Custodian with adequate identifiers, thus making it impractical for the Custodian to locate responsive records.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

21. **Richard Stolte v. NJ Division on Civil Rights (2015-34)**

- There is no unlawful denial of access because the record evidences that no responsive records exist.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

22. **Luigi Altomonte v. Branchburg Township School District (2015-39)**

- The Custodian's redactions were lawful pursuant to N.J.A.C. 6A:32-7.1 et seq.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept

the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

23. **Joseph Post v. NJ Office of the Attorney General (2015-51)**

- The Custodian did not timely respond, thus resulting in a "deemed" denial.
- There is no unlawful denial of access, as the Custodian certified that no responsive records exist.
- There is no knowing and willful violation.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Rota made a motion, and Ms. Gallagher seconded the motion. The motion passed unanimously.

24. **Keith Werner v. NJ Department of Treasury (2015-236)**

- The Custodian's response was insufficient because it failed to respond immediately to a request for immediate access records as required by N.J.S.A. 47:1A-5e.
- The Custodian must disclose all responsive documents, redacted as set forth in the Interim Order.
- The Custodian lawfully denied access in part because the record evidences that no responsive records exist.
- The knowing and willful analysis is deferred pending the Custodian's compliance.
- Ms. Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Mr. Stewart noted that he made a few edits to the analysis for clarity sake. Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as edited. Mr. Rota made a motion, and Ms. Gallagher 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:

- Blaettler v. Twp. of Weehawken, 2015 N.J. Super. Unpub. LEXIS 2277 (September 29, 2015): Here, the Law Division held that defendants lawfully denied access to video recordings taken from police surveillance video cameras in two (2) locations within the Weehawken Police Department based on the security and surveillance exemption, NJ State Police Identification and Information Technology Section, NJ Criminal Justice Information System Security Policy, and Executive Order No. 21. In coming to this conclusion, the court distinguished this case from Gilleran v. Twp. of Bloomfield, 440 N.J. Super. 490 (App. Div. 2015). Specifically, the court reasoned that:

The operative facts in these certifications establishes that (1) the requested video recordings show the interior, non-public sections of a police department and show the entrance to the Police Department's armory that stores counterterrorism weapons and devices; (2) disclosing the security footage would open the department and the public up to substantial security risks; (3) disclosing the CCTV footage would expose shortfalls in security of the Police Department building that could be taken advantage

of by those with intent to cause harm to the building, township employees, police officers and the public; and (4) the requested footage shows a computer terminal used by police personnel that displays sensitive and personal information. Under the New Jersey State Police Security Policy, disclosure of information on these monitors would be both a risk to the safety of persons and electronic data.

...

The fact that the requested footage shows non-public areas, which, if held available for public inspection could cause serious security risks, clearly distinguishes this circumstance from Gilleran's "blanket" security footage denial. In Gilleran the requested footage showed the rear outer wall of a municipal building, an area in full public view that was not subject to the kinds of risk associated with the non-public area in question.

Here, Defendants have produced specific and valid reasons required to deny an OPRA request under the OPRA security measures and procedures exception and, thus, Defendants have met their statutory burden. Furthermore, Defendants have provided reason why the denial was proper under the provisions of the state's security policies, and under EO 21 (McGreevey 2002), and why their denial was not a "blanket" denial as per [Gilleran].

Id. at 7-9.

- Wilde v. Borough of W. Cape May, 2015 N.J. Super. Unpub. LEXIS 2313 (App. Div. 2015): Here, the Appellate Division reversed the trial court's order on prevailing party fees without prejudice, remanded for an *in camera* review of responsive records, and ordered the trial court to consider the prevailing party attorney's fee issue anew at the conclusion of the *in camera* review.

The Court first held that the trial court erred by not conducting an *in camera* review, especially because defendant redacted attorney bills under the attorney-client privilege exemption. *See Hartz Mountain Indus., Inc. v. NJ Sports & Exposition Auth.*, 369 N.J. Super. 175, 183 (App. Div. 2004)(*certif. denied*, 182 N.J. 147 (2004)); *Hunterdon Cnty. Policemen's Benev. Ass'n. Local 188 v. Twp. of Franklin*, 286 N.J. Super. 389, 394 (App. Div. 1996).

The Court next held that the trial judge erred by denying plaintiff additional attorney's fees for her successful reconsideration on the issue of relevancy redactions.

- Acad. Express, LLC v. Rutgers, 2015 N.J. Super. Unpub. LEXIS 2356, (App. Div. 2015): Here, the Appellate Division reversed the trial court's decision that defendants violated OPRA, reversed the order granting summary judgement based on procedural errors, and vacated the award of prevailing party attorney's fees.

This particular decision is flush with issues not related to OPRA, but the Court did also address plaintiff's OPRA claim.

The Court first held that plaintiff's procedure for challenging the perceived denial of access was at odds with N.J.S.A. 47:1A-6. Specifically, the Court reasoned that plaintiff did not seek

summary judgement on the OPRA issues until after the conclusion of discovery, which was contrary to New Jersey Court Rule 4:67-2(a), and MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005).

Second, the Court held that the trial court erred in finding that defendants violated OPRA for failing to “[describe] the withheld documents sufficiently.” Id. at 26. Specifically, the Court stated that the evidence of record supported that defendants provided enough information for plaintiff to ascertain what was redacted. Additionally, the Court noted that plaintiff did not take issue with the redactions and the trial court cited no authority that a custodian’s failure to adequately describe the redacted information resulted in a violation of OPRA.

Finally, the Court also held that the trial court erred in finding that Defendants failed to search for responsive correspondence. The Court noted that defendants initially denied the request item as invalid; however, they later provided some records in response to a second request for the same records. However, plaintiff argued that defendants violated OPRA by failing to provide records that they later disclosed as part of discovery. To this end, the Court held that:

[T]he fact that additional documents were produced in response to discovery requests during litigation has no relevance to a determination as to whether documents were wrongfully withheld under OPRA.

The scope of the University's obligation to produce documents under OPRA is established by the definition of "government record" contained in N.J.S.A. 47:1A-1.1. Significantly, "OPRA only allows requests for records, not requests for information." [Bent v. Twp. of Stafford Police Dept., 381 N.J. Super. 30, 37, (App. Div. 2005)]. The requirement that an OPRA request must specifically describe the document sought shields government officials from the use of OPRA to force them "to conduct research among its records." Ibid. (quoting MAG, 375 N.J. Super. at 546).

Id. at 30.

The Court further reasoned that “[t]he sufficiency of this response was to be measured against the definition of "government record" contained in OPRA, not against the documents ultimately provided in discovery.” Id. at 31. Based on the foregoing, the Court determined that the trial court exceeded the standard for disclosure of records required under OPRA.

IX. Public Comment (Second Session): None.

X. Adjournment:

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

The meeting adjourned at 2:39 p.m.

Respectfully submitted,

Robin Berg Tabakin, Esq., Chair

Date Approved: November 17, 2015