



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
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**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**January 26, 2016**

Pursuant to the Open Public Meetings Act, notice is hereby given that the Government Records Council will hold a regular meeting, at which formal action may be taken, commencing at 1:30 p.m., Tuesday, January 26, 2016, at the Department of Community Affairs ("DCA") offices located at 101 South Broad Street in Trenton, New Jersey.

The agenda, to the extent presently known, is listed below. The public session and consideration of cases is expected to commence at 1:30 p.m. in Room 129 of the DCA.

**I. Public Session:**

Call to Order  
Pledge of Allegiance  
Meeting Notice  
Roll Call

**II. Executive Director's Report**

**III. Closed Session**

- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-281)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-282)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-283)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-287)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-328)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-329)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-330)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-331)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-137)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-138)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-266)
- Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2014-267)
- Robert A. Verry v. Franklin Fire District No. 1 (Somerset) (2014-325)



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

December 15, 2015 Open Session Meeting Minutes

December 15, 2015 Closed Session Meeting Minutes

**V. New Business – Cases Scheduled for Consent Agenda Administrative Complaint Disposition Adjudication \***

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. A short summary of the Executive Director’s recommended reason for the Administrative Disposition is under each complaint below.

**A. Administrative Disposition Adjudications with Recusals (Consent Agenda):**

1. David H. Weiner v. County of Essex (2015-358) (SR Recusal)

- The complaint is a duplicate of 2015-353.

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

1. Aakash Dalal v. NJ Department of Law and Public Safety, Division of Criminal Justice (2015-183)

- The Custodian received no records request.

2. David Sirota v. NJ Office of the Governor (2015-225)

- The parties settled the matter through mediation.

3. Brian Keith Bragg v. Atlantic County Justice Facility (2015-292)

- The Custodian received no records request.

4. Aakash Dalal v. Borough of Bergenfield (Bergen) (2015-322)

- No responsive records exist.

5. Robert Kovacs v. Monmouth County (2015-355)

- The parties settled the matter through mediation.

6. Paul Cibelli v. Piscataway Police Department (Middlesex) (2015-379)

- The Custodian received no records request.

7. Anthony Walker v. Superior Court of New Jersey – Essex Vicinage (2016-8)

- The request is not within the Council’s jurisdiction to adjudicate.

8. Anthony Walker v. Essex County Probation Office (2016-9)

- The request is not within the Council’s jurisdiction to adjudicate.

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

1. Clarence F. Lear, III v. City of Cape May (Cape May) (2014-427)

2. Angelo Fichera v. Somerset County Prosecutor’s Office (2015-64)

3. Robert McDonnell v. Hillsborough Township Board of Education (Somerset) (2015-105)

4. Jeffrey R. Brown v. NJ Department of Law and Public Safety, Office of the Attorney General (2015-359)

5. Deborah Glenn v. Highland Park Code Enforcement (Middlesex) (2015-367)

6. Harry B. Scheeler, Jr. v. NJ Department of Labor and Workforce Development (2015-374)

7. Stanley T. Baker, Jr. v. NJ State Parole Board (2015-378)
8. Adam P. Friedman (o/b/o Philadelphia Insurance Company) v. Office of the State Comptroller (2015-387)
9. Wayne Smith v. Springfield Township Schools District (Burlington) (2015-389)
10. Angelo J. Maimone v. City of Vineland (Cumberland) (2015-403)
11. Janet Vogelaar v. Atlantic County (2015-413)
12. Randy Bocelle v. Egg Harbor Township Police Department (Atlantic) (2015-421)
13. Diane M. Rowe v. Township of Hillside (Union) (2016-2)

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

A short summary of the Executive Director’s recommended action is under each complaint below.

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

1. Shawn G. Hopkins v. Monmouth County Board of Taxation (2014-1) **(RBT Recusal)**
2. Shawn G. Hopkins v. Sussex County Board of Taxation (2014-10) **(RBT Recusal)**
3. Shawn G. Hopkins v. Morris County Board of Taxation (2014-11) **(RBT and SR Recusals) Consolidated**

- On advice of legal counsel, the GRC should table the matter.

4. Thomas Caggiano v. Township of Green (Sussex) (2014-418) **(RBT Recusal)**

- On advice of legal counsel, the GRC should table the matter.

5. Harry B. Scheeler, Jr. v. NJ Department of Education (2014-123) **(DR Recusal)**

- On advice of legal counsel, the GRC should table the matter.

6. G. Harold Christian v. City of Newark (Essex) (2015-11) **(SR Recusal)**

- The Complainant withdrew the complaint subsequent to the Council’s December 2015 Interim Order.

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

1. Rotimi Owoh (On behalf of O.R.) v. West Windsor-Plainsboro Regional School District (Mercer) (2012-91)

- The Complainant withdrew the complaint subsequent to the Council’s January 2013 Interim Order.

2. Rotimi Owoh (On behalf of Delores Nicole Simmons) v. West Windsor-Plainsboro Regional School District (Mercer) (2012-130)

- The Complainant withdrew the complaint subsequent to the Council’s January 2013 Interim Order.

3. Rotimi Owoh (On behalf of O.R.) v. West Windsor-Plainsboro Regional School District (Mercer) (2012-167)

- The Complainant withdrew the complaint subsequent to the Council’s February 2013 Interim Order.

4. Rotimi Owoh (On behalf of O.R.) v. West Windsor-Plainsboro Regional School District (Mercer) (2012-330)
    - The Complainant withdrew the complaint subsequent to the Council’s February 2013 Interim Order.
  5. Michael Zahler v. Ocean County College (2013-266)
    - The Custodian mostly complied with the Council’s November 2015 Interim Order but ultimately rectified any outstanding deficiencies in a prompt manner.
    - There is no knowing and willful violation.
  6. Harry B. Scheeler, Jr. v. NJ Office of the Attorney General (2014-236)
    - The Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  7. Keith B. Kemery v. Gloucester Township Fire District No. 4 (Camden) (2014-290)
    - The Custodian did not fully comply with the Council’s second Interim Order because the GRC received his certification one business day after the deadline.
    - The Custodian provided the requested record within the required timeframe.
    - There is no knowing and willful violation.
  8. John Paff v. Harrison Township Fire District (Gloucester) (2014-402)
    - The Custodian failed to establish valid grounds for reconsideration.
    - The Complainant did not timely file a request for reconsideration.
  9. Clarence F. Lear, III v. City of Cape May (Cape May) (2014-426)
    - The Complainant withdrew the complaint subsequent to the Council’s November 2015 Interim Order.
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| <ol style="list-style-type: none"> <li>10. Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-1)</li> <li>11. Harry B. Scheeler, Jr. v. Galloway Township (Atlantic) (2015-22) <b>Consolidated</b> <ul style="list-style-type: none"> <li>• The Complainant failed to establish valid grounds for reconsideration.</li> </ul> </li> </ol> |
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12. Dennis E. Kleiner v. Ventnor City (Atlantic) (2015-45)
    - The Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  13. Jeremy Mawhinney v. Egg Harbor City Police Department (Atlantic) (2015-85)
    - The Custodian complied with the Interim Order.
    - There is no knowing and willful violation.
  14. Randy George v. NJ Division of Consumer Affairs (2015-130)
    - The Custodian did not receive a records request, as the Complainant did not comply with the agency’s reasonable submission requirements.
  15. Robert S. Steelman v. City of Summit Parking Services Agency (Union) (2015-140)
    - The Custodian’s response was insufficient, as it failed to cite a lawful basis for the denial of access.

- The Custodian did not bear the burden of proving that she timely responded to the request, thus resulting in a “deemed” denial.
- The denial of access was lawful because the requested document was in draft form and therefore advisory, consultative, and/or deliberative.
- There is no knowing and willful violation.

16. Charles Merritt v. NJ Department of Corrections (2015-146)

- The Custodian lawfully denied access, as the record reflects that no responsive records existed at the time of the request.

17. Luis F. Rodriguez v. Kean University (2015-331)

- On advice of legal counsel, the GRC should table the matter.

18. Harry B. Scheeler, Jr. v. NJ State Police (2015-369)

- The Custodian’s request for extension was reasonable, and the Custodian granted access to responsive records within the appropriate timeframe.
- The Custodian failed to prove that a redaction was lawful, but he ultimately disclosed the redacted information to the Complainant.
- There is no knowing and willful violation.

**VII. Court Decisions of GRC Complaints on Appeal:**

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

- Paff v. Warren Cnty. Prosecutor’s Office, 2015 N.J. Super. Unpub. LEXIS 2834 (App. Div. 2015)
- Lagerkvist v. Office of the Governor of N.J. & Javier Diaz, 2015 N.J. Super. LEXIS 207 (App. Div. 2015)
- N.J. Firemen's Ass'n Obligation v. Doe, 2015 N.J. Super. LEXIS 208 (App. Div. 2015)

**IX. Public Comment:**

The public comment period is limited to providing an opportunity for speakers to present suggestions, views, and comments relevant to the Council’s functions and responsibilities. In the interest of time, speakers may be limited to **five (5) minutes**. Speakers shall not be permitted to make oral or written testimony regarding pending or scheduled adjudications.\*

**X. Adjournment**

\*Neither attorneys nor other representatives of the parties are required to attend this meeting nor will they be permitted to make oral or written comment during the adjudication.