



Minutes of the Government Records Council February 23, 2016 – Closed Session

The Council convened in closed session at 1:43 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Dominic Rota, Esq. (designee of Department of Education Commissioner David C. Hespe), and Jason Martucci, Esq. (designee of Department of Community Affairs Commissioner Charles A. Richman), and Steven Ritardi, Esq. (Public Member).

Also in attendance were GRC Staff: Joseph Glover (Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Communications Specialist/Resource Manager), John Stewart (Mediator), Ernest Bongiovanni, (Staff Attorney), Samuel Rosado (Staff Attorney), Husna Kazmir (Staff Attorney), and Deputy Attorney General Debra Allen.

Mr. Rota made a motion, seconded by Mr. Ritardi, 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:

- Dudley Burdge v. NJ Civil Service Commission (2014-168)
- Robert A. Verry v. Borough of South Bound Brook (Somerset) (2015-59)
- Shawn G. Hopkins v. Monmouth County Board of Taxation (2014-1) (**RBT Recusal**)
- Shawn G. Hopkins v. Sussex County Board of Taxation (2014-10) (**RBT Recusal**)
- Shawn G. Hopkins v. Morris County Board of Taxation (2014-11) (**RBT and SR Recusals**) **Consolidated**

Ms. Kazmir introduced GRC Complaint No. 2014-168 to the Council. DAG Allen then provided legal advice on the “public agency” and “inter-agency, intra-agency advisory, consultative, or deliberative” material questions. The Council highlighted the dual-agency nature of the subject committee. Ms. Kazmir provided to the Council insight on her review process and Mr. Caruso included a brief historical background of similar *in camera* reviews. The Council suggested amendments to be made to the case and also expressed satisfaction with *in camera* review. Mr. Glover recused himself from the discussion and returned to the meeting room once the matter was concluded.

Mr. Caruso introduced GRC Complaint No. 2015-59 to the Council. Ms. Tabakin provided her view of the issue. DAG Allen provided some legal advice and asked that complaint be tabled for consideration at the Council’s next meeting. Mr. Ritardi recused himself from the discussion and returned to the meeting room once the matter was concluded.

DAG Allen introduced GRC Complaint No. 2014-1, 2014-10, and 2014-11 to the Council. DAG Allen apprised the Council of recusal issues present in the consolidated complaint and provided options for curing them. The Council chose to table the consolidated complaint in order to explore all

available options. The entire Council reviewed this matter in closed session based on the doctrine of necessity.

Mr. Rota made a motion, seconded by Mr. Ritardi, to end the closed session. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:42 p.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: April 26, 2016