



Minutes of the Government Records Council September 29, 2016 – Closed Session

The Council convened in closed session at 1:44 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Tim Cunningham (designee of Department of Community Affairs Commissioner Charles A. Richman), and Christopher Huber, Esq. (designee of Department of Education Commissioner David C. Hespe).

Absent: Steven Ritardi, Esq. (Public Member)

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

Ms. Tabakin called for a motion to go into closed session. Mr. Cunningham made a motion, seconded by Mr. Huber. The Council adopted the motion by a majority vote; Mr. Ritardi was absent.

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 to which the public body may become a party in the following matters:

- Naeem Akhtar v. NJ Department of Law and Public Safety, Division of Criminal Justice (2014-344)
- Eric M. Aronowitz, Esq. (o/b/o Middlesex County Board of Social Services) v. NJ Department of Human Services, Division of Medical Assistance and Health Services (2015-113)
- Susan Noto v. Bergen County (2015-245)

Mr. Caruso introduced GRC Complaint No. 2014-344 to the Council. DAG Allen provided legal advice, and the Council discussed the proposed conclusions.

Mr. Caruso introduced GRC Complaint No. 2015-113 to the Council. DAG Allen provided legal advice. Ms. Tabakin asked several questions about the redactions and the contract under which the intervenor was operating. Messrs. Huber and Cunningham provided their opinions of the proposed findings. Ms. Tabakin also shared her concern about the broad impact of this decision on the public at large. The Council agreed that this matter be tabled pending further legal advice from DAG Allen.

Mr. Glover introduced GRC Complaint No. 2015-245 and discussed its legal pertinence to another agenda item. Mr. Stewart discussed the issues present in this matter. Mr. Caruso noted

that a prior decision exists that addresses one of the main issues in the complaint. Mr. Glover posited several questions to the Council regarding how 2015-245 could affect similar matters going forward. DAG Allen provided legal advice regarding the options that Mr. Glover posited to the Council. Mr. Huber provided his opinion on the question before the Council. Ultimately, the Council agreed that this matter be tabled pending further legal advice from the DAG.

Ms. Tabakin called for a motion to end the closed session. Mr. Cunningham made a motion, seconded by Mr. Huber. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:32 p.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: October 25, 2016