



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
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TRENTON, NJ 08625-0819

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**October 25, 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, October 25, 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**

- Michael L. Shelton v. Manasquan Public School District (Monmouth) (2014-183)
- 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 R. Fleming v. Greenwich Township (Warren) (2015-65)

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

September 29, 2016 Open Session Meeting Minutes  
September 29, 2016 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): None**

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

1. Rory Moore v. Township of Nutley (Essex) (2016-85)
  - The parties settled the matter through mediation.
2. Theodosios C. Hadjitheodosiou v. Township of Holmdel (Monmouth) (2016-119)
  - The parties settled the matter through mediation.

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

1. Thomas Dello Russo v. Robbinsville Township (Mercer) (2015-260)
2. Larry S. Loigman, Esq. v. Lakewood Fire District No. 1 (Ocean) (2016-96)
3. Libertarians for Transparent Government v. City of Vineland (Cumberland) (2016-233)
4. David Heasley Weiner v. County of Essex (2016-235)
5. Michael I. Inzelbuch, Esq. (o/b/o Shmuel Newmark) v. Clifton Board of Education (Passaic) (2016-244)
6. Libertarians for Transparent Government v. Mount Ephraim Board of Education (Camden) (2016-252)
7. Angelo J. Maimone v. City of Atlantic City (Atlantic) (2016-255)
8. Luis F. Rodriguez v. Kean University (2016-263)

**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**

- The complaint should be referred to the Office of Administrative Law for a determination of reasonable prevailing party attorney's fees and a determination of whether the Complainant's co-counsels should be awarded the full lodestar.
4. Michael L. Shelton v. Manasquan Public School District (Monmouth) (2014-183) **(KG Recusal)**
    - The Custodian complied with the Interim Order.
    - The *in camera* examination reveals that the responsive documents are reflective of the deliberative process and are therefore exempt from disclosure. There is therefore no unlawful denial of access.
    - There is no knowing and willful violation.

5. Susan R. Fleming v. Greenwich Township (Warren) (2015-65) **(SR Recusal)**
  - The Custodian did not timely respond to the OPRA request, thus resulting in a “deemed” denial.
  - The Custodian violated N.J.S.A. 47:1A-5(e) by failing to provide immediate access to the requested invoice, which is an immediate access document.
  - There is no unlawful denial of access, as all responsive records were provided.
  - There is no knowing and willful violation.
6. Terrence T. McDonald v. City of Jersey City (Hudson) (2015-274) **(SR Recusal)**
  - Legal counsel needs more time to review the matter and has asked the Council to table the item.

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

1. Michael Doss v. Borough of Paramus (Bergen) (2014-149)
  - The Council should adopt the ALJ’s Initial Decision, dated August 4, 2016.
2. Bruce W. Hall v. Township of Lopatcong (Warren) (2015-46)
  - The Council should adopt the ALJ’s Initial Decision, which approved the settlement agreement.
3. 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)
  - Legal counsel needs more time to review the matter and asked the Council to table the item.

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| <ol style="list-style-type: none"> <li>4. Klarida Papajani v. NJ Turnpike Authority (2015-122)</li> <li>5. Klarida Papajani v. NJ Turnpike Authority (2015-198) <b>Consolidated</b></li> </ol> |
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- The Custodian did not fully comply with the Interim Order.
- There is no unlawful denial of access.
- There is no knowing and willful violation.

6. Jody Street v. North Arlington Board of Education (Bergen) (2015-137)
  - The Custodian did not timely respond, thus resulting in a “deemed” denial.
  - Request No. 1 is invalid because it failed to provide the Custodian ample identifiers.
  - The Custodian unlawfully denied access to request No. 2 and 3 and must provide access to the Complainant.
  - The knowing and willful and prevailing party analyses are deferred pending the Custodian’s compliance.

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| <ol style="list-style-type: none"> <li>7. Luis F. Rodriguez v. Kean University (2015-221)</li> <li>8. Luis F. Rodriguez v. Kean University (2015-231)</li> <li>9. Luis F. Rodriguez v. Kean University (2015-235) <b>Consolidated</b></li> </ol> |
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- The Custodian did not timely respond to the OPRA requests, based on unwarranted and unsubstantiated extensions, thus resulting in a “deemed” denial.

- There is no knowing and willful violation.

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

- The Council should reconsider its Interim Order.
- The Council amends paragraph 2 to provide that, although the Custodian's response was insufficient, the evidence of record does not indicate a knowing and willful violation.

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

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

**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.