



**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**  
**November 15, 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, November 15, 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**

- 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)

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

October 27, 2016 Open Session Meeting Minutes  
October 27, 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 brief 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): None**

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

1. Harry B. Scheeler, Jr. v. NJ Schools Insurance Group (2015-82)
2. Harry B. Scheeler, Jr. v. City of Vineland (Cumberland) (2015-118)
3. Harry B. Scheeler, Jr. v. NJ Department of Education (2015-131)
4. Harry B. Scheeler, Jr. v. NJ Department of Education (2015-135) **Consolidated**
5. Harry B. Scheeler, Jr. v. NJ Department of Education (2015-175)
6. Harry B. Scheeler, Jr. v. Township of Upper (Cape May) (2015-177)
7. Harry B. Scheeler, Jr. v. City of Trenton (Mercer) (2015-197)
8. Harry B. Scheeler, Jr. v. City of Ocean City (Cape May) (2015-213)
9. Joseph Montgomery (o/b/o Luis Bernardo) v. Freehold Regional School District (Monmouth) (2015-253)
10. Charles Street v. North Arlington School District (Bergen) (2015-314)
11. Charles Street v. North Arlington Board of Education (Bergen) (2015-385)
12. Harry B. Scheeler, Jr. v. Ocean County Prosecutor's Office (2016-13)
13. Harry B. Scheeler, Jr. v. Ocean County Prosecutor's Office (2016-14) **Consolidated**
14. Charles Street v. North Arlington School District (Bergen) (2016-32)
15. Charles Street v. North Arlington School District (Bergen) (2016-38) **Consolidated**
16. Charles Street v. North Arlington School District (Bergen) (2016-66)
17. Charles Street v. North Arlington School District (Bergen) (2016-184)

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

A brief summary of the Executive Director's recommended action is under each complaint below.

**A. Individual Complaint Adjudications with Recusals: None**

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

1. Robert A. Verry v. Franklin Fire District No. 1 (2013-287)
  - The Council awards \$4,500 in prevailing party attorney's fees.
2. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-328)
3. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-329)
4. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-330)
5. Jeff Carter v. Franklin Fire District No. 1 (Somerset) (2013-331) **Consolidated**
  - The Council reconsiders its decision in part and amends its previous award of prevailing party's attorney's fees to \$7,770, up from \$7,320.
6. Harry B. Scheeler, Jr. v. Borough of West Cape May (Cape May) (2014-143)
  - The Complainant withdrew the Complaint subsequent to the Council's Interim Order.

7. Gregory W. Kasko v. Town of Westfield (Union) (2014-389)
  - Counsel's application does not conform to the requirements of N.J.A.C. 5:105-2.13(b), and Counsel fails to justify either an hourly rate or a fee. Therefore, the Council awards no fee.
8. John Paff v. Harrison Township Fire District (Gloucester) (2014-402)
  - The Council awards \$2,370 in prevailing party attorney's fees.
9. Regino De La Cruz, Esq. v. City of Union City (Hudson) (2015-14)
  - On the advice of legal counsel, the Council tabled the matter for further legal review.
10. Susan Fleming v. Greenwich Township (Warren) (2015-18)
  - The Council tabled the matter because a quorum could not be achieved.
11. Harry B. Scheeler, Jr. v. Burlington Township (Burlington) (2015-93)
  - The Complainant failed to establish valid grounds for reconsideration.
12. 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)
  - The Custodian complied with the Interim Order.
  - The Custodian must comply with the Council's *in camera* findings.
  - The knowing and willful and prevailing party analyses are deferred pending the Custodian's compliance.
13. Eric Richard v. NJ Department of Treasury, Division of Pensions and Benefits (2015-117)
  - The Custodian timely responded to the OPRA request, and her two extensions of time were reasonable and warranted.
  - The Complaint is materially defective and must be dismissed because the Complainant verified the Complaint before the statutory time for response had expired.
14. Jody Street v. North Arlington Board of Education (Bergen) (2015-137)
  - The Complainant withdrew the Complaint subsequent to the Council's Interim Order.
15. Luis F. Rodriguez v. Kean University (2015-150)
  - Legal counsel needs more time to review the matter and asked that the Council table the matter.
16. Richard B. Henry, Esq., v. Township of Hamilton Police Department (Atlantic) (2015-155)
  - The Custodian did not timely comply with the Interim Order.
  - The Council should refer the matter to the Office of Administrative Law to determine whether the Custodian unlawfully denied access and determine whether

the Complainant is a prevailing party and calculate an award of reasonable attorney's fees as might be appropriate.

17. Robert A. Verry v. West Milford Board of Education (Passaic) (2015-156)
  - The Complainant withdrew the Complaint subsequent to the Council's Interim Order.
18. Theodore Allen Shaw v. Palisades Interstate Parkway Police Department (Bergen) (2015-157)
  - The Custodian did not timely respond, thus resulting in a "deemed" denial.
  - The Council need not order disclosure because the record reflects that the Custodian released all responsive records.
  - There is no knowing and willful violation.
19. Luis F. Rodriguez v. Kean University (2015-203)
  - The Complainant did not establish valid grounds for reconsideration.
20. Randy L. Farkas v. Borough of Milltown (Middlesex) (2015-226)
  - The Custodian lawfully denied access because the records pertained to an ongoing investigation at the time of the request.
21. David Deegan v. Township of Franklin (Gloucester) (2015-233)
  - The Custodian did not comply with the Interim Order.
  - The Complaint should be referred to the Office of Administrative Law to determine the facts of the case and whether the Custodian unlawfully denied access.
  - The knowing and willful analysis is deferred, pending OAL's review.
22. Susan Noto v. Bergen County (2015-245)
  - The Custodian's failure to respond results in a "deemed" denial.
  - The Custodian did not unreasonably deny access because he made the records publicly available on the Internet and the Complainant was able to access those records online.
  - There is no knowing and willful violation.
23. Woo Jin Hwang v. Ridgewood Police Department (Bergen) (2015-305)
  - There is no unlawful denial of access. The request is invalid because it fails to identify specific governmental records.
  - The Custodian lawfully denied access to the Complainant's request for a "list," because she certified that no responsive records existed and the Complainant provided no competent, credible evidence to refute the Custodian's certification.

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

- Johnson v. Borough of Oceanport (Monmouth), 2016 N.J. Super. Unpub. LEXIS 2337 (App. Div. 2016)

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

- N. Jersey Media Group v. Twp. of Nutley, 2016 N.J. Super. Unpub. LEXIS 2166 (App. Div. 2016)
- Collingswood Bd. of Educ. v. McLoughlin, 2016 N.J. Super. Unpub. LEXIS 2307 (App. Div. 2016)

**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.