



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
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**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

**NOTICE OF MEETING**  
**Government Records Council**  
**May 23, 2017**

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, April 25, 2017 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**

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

March 28, 2017 Open Session Meeting Minutes  
March 28, 2017 Closed Session Meeting Minutes  
April 25, 2017 Open Session Meeting Minutes  
April 25, 2017 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):**

1. Michael I. Inzelbuch, Esq. v. NJ Office of Administrative Law (2017-93)
  - The Complainant filed a duplicate complaint.
2. Ronald DeMeco v. Bergen County Superior Court (2017-101)
  - The complaint is not within the Council’s jurisdiction.

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

1. David R. Castellani, Esq. v. Borough of Folsom (Atlantic) (2016-70)
  - The Complainant voluntarily withdrew the complaint.

<ol style="list-style-type: none"><li>2. Gillian A. Cooper, Esq. (o/b/o Newark Teachers’ Union) v. Newark Public Schools (2016-81)</li><li>3. Gillian A. Cooper, Esq. (o/b/o Newark Teachers’ Union) v. Newark Public Schools (2016-82) <b>Consolidated</b></li></ol>
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- The Complainant voluntarily withdrew the complaints.
4. Stuart J. Alterman, Esq. (o/b/o Policemen’s Benevolent Association Locals 231 and 167) v. County of Cumberland (2016-216)
    - The parties settled the matter through mediation.
  5. Ahmad Allan v. Wayne Police Department (Passaic) (2017-27)
    - The parties settled the matter through mediation.
  6. Ileana Schirmer v. NJ Department of Community Affairs, Division of Local Government Services (2017-39)
    - The Complainant voluntarily withdrew the complaint.
  7. Luis F. Rodriguez v. Kean University (2017-74)
    - The Complainant voluntarily withdrew the complaint.
  8. Libertarians for Transparent Government v. Salem County Prosecutor’s Office (2017-89)
    - The Complainant voluntarily withdrew the complaint.
  9. Cynthia A. McBride v. Gloucester City (Camden) (2017-91)
    - The Complainant voluntarily withdrew the complaint.
  10. Mark Hattman v. Township of Egg Harbor (Atlantic) (2017-109)
    - The Complainant voluntarily withdrew the complaint.

**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:**

1. Elouise McDaniel v. Township of Irvington (Essex) (2015-296) **(SR Recusal)**
  - The Complaint is invalid because it seeks information instead of specifically identifiable government records.
2. Jorge Nuñez v. City of Hackensack (Bergen) (2015-300) **(SR Recusal)**
  - Notwithstanding the Custodian’s production, the records are exempt from disclosure. Therefore, there is no unlawful denial of access.

3. Jeffrey S. Feld v. NJ Division of Local Government Services (2015-333) (**JM Recusal**)
  - The Council must conduct an in camera review to validate the Custodian's claim of privilege.
  - The knowing and willful analysis is deferred, pending the Custodian's compliance.

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

1. Leslie A. Flora (o/b/o Michael Schonzeit) v. Ocean County Health Department (2013-188)
  - The Complainant withdrew the matter subsequent to the referral to the Office of Administrative Law.
2. Demetrios Damplias v. NJ Department of Corrections (2014-96)
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
3. Robert A. Verry v. Franklin Fire District No. 1 (Somerset) (2014-325)
  - The Complainant failed to establish valid grounds for reconsideration.
4. King Victorious v. NJ Department of Corrections (2014-334)
  - The Custodian provided a lawful response, and there is no unlawful denial of access.
5. Regina De La Cruz, Esq. v. City of Union City (Hudson) (2015-14)
  - The Custodian did not comply with the Interim Order because she failed to respond timely and did not seek an extension.
  - There is no knowing and willful violation.
6. Susan Barker v. Borough of Lakehurst (Ocean) (2015-26)
  - The Custodian complied with the Interim Order.
  - There is no knowing and willful violation.
7. Richard B. Henry, Esq. (o/b/o Joseph Cordaro) v. Township of Hamilton Police Department (Atlantic) (2015-155)
  - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for a fee application, and no further adjudication is required.
8. David Deegan v. Township of Franklin (Gloucester) (2015-233)
  - The Complainant withdrew the matter subsequent to the referral to the Office of Administrative Law.
9. Luis F. Rodriguez v. Kean University (2015-269)
  - There was no unlawful denial of access because the Custodian certified that no responsive records exist and the Complainant provided no competent, credible evidence to refute the Custodian's certification.

10. Luis F. Rodriguez v. Kean University (2015-363)
  - The Custodian did not respond immediately to a request for immediate access records, thus resulting in a “deemed” denial.
  - The Custodian violated N.J.S.A. 47:1A-5(h) by failing either to forward the OPRA request to the proper custodian or direct the Complainant to the proper custodian.
  - There was no unlawful denial of access because the Custodian certified that no responsive records exist and the Complainant provided no competent, credible evidence to refute the Custodian’s certification.
  - There is no knowing and willful violation.
  
11. Alexandra Wos v. Borough of Cliffside Park (Bergen) (2015-401)
  - The Custodian properly requested an extension of time to respond.
  - The Complainant’s cause of action was not ripe at the time it was filed. The complaint is therefore materially defective and should be dismissed.
  
12. Demetrius Minor v. NJ Department of Corrections (2016-3)
  - The Custodian did not timely respond, thus resulting in a “deemed” denial.
  - The requests from October 8 and October 14, 2015, were invalid because they did not seek specifically identifiable records.
  - The Custodian unlawfully denied access to the November 25, 2015 request for an “Institutional Legal Access Plan” because the record is required to be made accessible to inmates. The Custodian must disclose the responsive record.
  - The knowing and willful analysis is deferred, pending the Custodian’s compliance.
  
13. Larry Loigman, Esq. v. Lakewood Fire Company No. 1 (Ocean) (2016-84)
  - The complaint should be held in abeyance until the New Jersey Supreme Court has ruled in Verry v. Franklin Fire District No. 1 (Somerset), GRC Complaint No. 2013-196.
  - The knowing and willful and prevailing party analyses are deferred, pending the Court’s final ruling.
  
14. Lisa Tilton (d/b/a Galloway Township News) v. City of Cape May (Cape May) (2016-97)
  - The Custodian failed to bear her burden of proof that the \$1.80 charge represented the actual cost to produce the records electronically.
  - The Custodian must therefore disclose responsive records at no cost.
  - The knowing and willful and prevailing party analyses are deferred, pending the Custodian’s compliance.
  
15. Troy Holman v. NJ Department of Corrections (2016-103)
  - The Custodian did not unlawfully deny access because he certified that he disclosed all responsive records, and the Complainant did not advance evidence to refute the Custodian’s certification.
  
16. Luis F. Rodriguez v. Kean University (2016-129)
  - The Council must conduct an in camera review of the responsive records.

- The knowing and willful analysis is deferred, pending the Custodian's compliance.

**VII. Court Decisions of GRC Complaints on Appeal: None**

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

- Grieco v. Borough of Haddon Heights, 2015 N.J. Super. LEXIS 226, (October 19, 2015) (Approved for Publication April 24, 2017)

**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.