



**Minutes of the Government Records Council
August 28, 2018 – Closed Session**

The Council convened in closed session at 1:37 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Jennifer Simons, Esq. (designee of Department of Education Commissioner, Dr. Lamont Repollet), Jason Martucci, Esq. (designee of Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver), and Steven Ritardi, Esq. (Public Member), who participated telephonically.

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

Ms. Berg Tabakin called for a motion to go into closed session. Mr. Martucci made a motion, which was seconded by Ms. Simons. 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:

- Jason Marshall Litowitz v. New Jersey Department of Transportation (2015-301)
- Sean Patrick Vandy v. Newfield Police Department (Gloucester) (2016-166)

Mr. Caruso introduced GRC Complaint No. 2015-301 to the Council. The Council discussed the language contained in its orders that requires parties to submit a response to the GRC. The Council also discussed whether a compliance violation could result in a violation of OPRA. The Council received legal advice from DAG Allen on these issues and agreed to said advice. The Council thus agreed to table this matter for further review.

Mr. Caruso introduced GRC Complaint No. 2016-166 to the Council. The Council discussed different options for this complaint, which involved the novel issue of body camera footage. The Council received legal advice from DAG Allen on which option would be most appropriate. The Council agreed to table this matter for further review.

Ms. Berg Tabakin called for a motion to end the closed session. Mr. Martucci made a motion, which was seconded by Ms. Simons. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:12 p.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: September 25, 2018