State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

NOTICE OF MEETING
Government Records Council
June 27, 2023

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, June 27, 2023 via Office Teams. Members of the public may attend the meeting by utilizing the following call-in information:

Telephone Number: 1-856-338-7074
Conference ID: 815 013 075

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. remotely.

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:

May 30, 2023 Open 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. 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. John Doe v. Township of Irvington (Essex) (2022-464)
    - Complaint Voluntarily Withdrawn.
2. John Doe v. Township of Irvington (Essex) (2022-550)
    - Complaint Voluntarily Withdrawn.
3. John Doe v. Township of Irvington (Essex) (2022-551)
    - Complaint Voluntarily Withdrawn.
4. John Doe v. Township of Irvington (Essex) (2022-552)
    - Complaint Voluntarily Withdrawn.
5. John Doe v. Township of Irvington (Essex) (2022-562)
    - Complaint Voluntarily Withdrawn.
6. John Doe v. Township of Irvington (Essex) (2022-563)
    - Complaint Voluntarily Withdrawn.
7. John Doe v. Township of Irvington (Essex) (2022-564)
    - Complaint Voluntarily Withdrawn.
8. John Doe v. Township of Irvington (Essex) (2022-568)
    - Complaint Voluntarily Withdrawn.
9. John Doe v. Township of Irvington (Essex) (2022-570)
    - Complaint Voluntarily Withdrawn.
10. John Doe v. Township of Irvington (Essex) (2022-571)
    - Complaint Voluntarily Withdrawn.
11. John Doe v. Township of Irvington (Essex) (2022-573)
    - Complaint Voluntarily Withdrawn.
12. John Doe v. Township of Irvington (Essex) (2022-574)
    - Complaint Voluntarily Withdrawn.
13. John Doe v. Township of Irvington (Essex) (2022-575)
    - Complaint Voluntarily Withdrawn.
14. John Doe v. Township of Irvington (Essex) (2022-576)
    - Complaint Voluntarily Withdrawn.
15. John Doe v. Township of Irvington (Essex) (2022-578)
    - Complaint Voluntarily Withdrawn.
16. Nicole Neily v. Cumberland Regional High School (Cumberland) (2022-606)
    - Complaint Settled in Mediation.
17. Yehuda Miller v. Bergen County Board of Elections (2022-653)
    - Complaint Settled in Mediation.
18. Patrick Bender v. Camden County (2022-658)
    - Complaint Voluntarily Withdrawn.
19. Patrick Bender v. Burlington County (2022-659)
    - Complaint Voluntarily Withdrawn.
20. Emily Paulus (o/b/o Big Smoke, LLC) v. Township of West Milford (Passaic) (2023-11)
    - Complaint Settled in Mediation.

21. Ryan O'Connor v. Township of Irvington (Essex) (2023-23)
    - Complaint Voluntarily Withdrawn.
22. Ryan O'Connor v. Township of Irvington (Essex) (2023-65)
    - Complaint Voluntarily Withdrawn.
23. Ryan O'Connor v. Irvington Board of Education (Essex) (2023-68)
    - Complaint Voluntarily Withdrawn.
24. Ryan O'Connor v. Township of Irvington (Essex) (2023-82)
    - Complaint Voluntarily Withdrawn.
25. Ryan O'Connor v. Township of Irvington (Essex) (2023-84)
    - Complaint Voluntarily Withdrawn.
26. Bruce H. Zamost, Esq. (o/b/o Robert J. Zieniuk) v. Moorestown Police Department (Burlington) (2023-99)
    - Complaint Voluntarily Withdrawn.
27. Ryan O'Connor v. Township of Irvington (Essex) (2023-112)
    - Complaint Voluntarily Withdrawn.
28. Scott Madlinger v. Township of Saddle Brook (Bergen) (2023-116)
    - Complaint Voluntarily Withdrawn.

VI. New Business – Cases Scheduled for Consent Agenda Administrative Order

An "Administrative order" means an order issued by the Council requiring the records custodian or the complainant to perform a specific action in furtherance of the adjudication of a pending denial of access complaint or taking other actions deemed appropriate to adjudicate a complaint in an expedited manner. The Executive Director's recommended reason for the Administrative Order is under each complaint below.

A. Administrative Orders with Recusals (Consent Agenda): None

B. Administrative Orders with No Recusals (Consent Agenda): None

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

The Executive Director's recommended action is under each complaint below.

A. Individual Complaint Adjudications with Recusals:

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. City of Bayonne (Hudson) (2021-213) **(SR Recusal)**
    - The Custodian did not fully comply with the Council's April 25, 2023 Interim Order.
    - The Complainant's request for reconsideration should be denied. Conclusion No. 3 of the Council's Interim Order remains in effect.

B. Individual Complaint Adjudications with no Recusals:

1. Alec Ferretti v. NJ Department of Health (2021-127)
    - The Custodian lawfully denied access to Mr. Arrisi's calendar, which comprised of internal information. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(b); Gannett N.J. Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205 (2005);

McDonald v. City of Jersey City (Hudson), GRC Complaint No. 2015-274 (January 2017).

2. The Edison Reporter v. Edison Public School District (Middlesex) (2021-177)
    - This complaint should be dismissed because the Complainant withdrew it in writing via e-mail on June 12, 2023. No further adjudication is required.

3. Scott Madlinger v. Berkeley Township Police Department (Ocean) (2021-207)
    - The Custodian's failure to disclose one of the five (5) responsive records resulted in a violation of OPRA. N.J.S.A. 47:1A-6. However, the Council should decline to order disclosure of records because same were provided on September 9, 2021.

4. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, and Delores Simmons) v. Borough of Elmwood Park Police Department (Bergen) (2021-251)
    - The Custodian's September 17, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians for Transparent Gov't v. Cumberland Cnty., 465 N.J. Super. 11 (App. Div. 2020), rev'd 250 N.J. 46 (2022). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore v. N.J. Dep't of Corr., GRC Complaint No. 2009-144 (Interim Order dated October 26, 2010).
    - The Complainant is not a prevailing party.

5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, and Delores Simmons) v. Oakland Police Department (Bergen) (2021-252)
    - The Custodian's October 13, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians, 465 N.J. Super. 11, rev'd 250 N.J. 46 (2022). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
    - The Complainant is not a prevailing party.

6. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, and Delores Simmons) v. Old Tappan Police Department (Bergen) (2021-253)
    - The Custodian's September 27, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians, 465 N.J. Super. 11, rev'd 250 N.J. 46 (2022). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
    - The Complainant is not a prevailing party.

7. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, and Delores Simmons) v. Beach Haven Police Department (Ocean) (2021-255)
    - The Custodian's October 14, 2021 response was insufficient. DeAppolonio v. Borough of Deal (Monmouth), GRC Complaint No. 2008-62 (September 2009) and Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008).

- The Custodian's October 14, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians, 465 N.J. Super. 11, rev'd 250 N.J. 46 (2022). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
- The Complainant is not a prevailing party.

8. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. City of Garfield Police Department (Bergen) (2021-263)
    - The Custodian's September 27, 2021 response was consistent with prevailing case law and the Council's prior decisions. Libertarians, 465 N.J. Super. 11, rev'd 250 N.J. 46 (2022). Thus, the Council should decline to find that an unlawful denial of access occurred. Moore, GRC 2009-144.
    - The Complainant is not a prevailing party.

9. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Audubon Police Department (Camden) (2021-266)
    - The Custodian did not unlawfully deny access to records responsive to the Complainant's OPRA request because all records were previously provided. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
    - The Complainant is not a prevailing party.

10. Anonymous v. Borough of Haledon (Passaic) (2022-192)
11. Anonymous v. Borough of Haledon (Passaic) (2022-193) **Consolidated**
    - The Custodian's failure to timely respond resulted in a "deemed" denial of both OPRA requests. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the Council should decline to order disclosure of records because same were provided on May 24, 2022.

VIII. Court Decisions of GRC Complaints on Appeal:

IX. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:

X. Complaints Adjudicated in U.S. District Court:

XI. 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.*

XII. 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.