



**Minutes of the Government Records Council
March 25, 2025 Public Meeting – Open Session**

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:36 p.m. by Mr. John Alexy via Microsoft Teams.

- **Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

- **Meeting Notice**

Mr. Alexy read the following Open Public Meetings Act statement:

“This meeting was called pursuant to the provisions of the Open Public Meeting Act. Notices of this meeting were faxed to the Newark Star Ledger, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on March 20, 2025.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: John Alexy (Chairman) (designee of Department of Community Affairs Commissioner, Jacquelyn A. Suárez), Robin Berg Tabakin, Esq. (Vice Chair), Christopher Brown, Public Member, Ronald Chen, Esq., Public Member and Steven Ritardi, Esq., (Secretary).

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Samuel Rosado (Staff Attorney), Jennifer Howell (Staff Attorney), Maria Rossi (Staff Attorney), and Deputy Attorney General Mark Gulbranson.

II. Executive Director’s Report:

Current Statistics

- Since OPRA’s inception in July 2002, the GRC has received 7,288 Denial of Access Complaints. That averages about 320 annual complaints per 22 ³/₄ tracked program years.

So far in the current program year (FY2025), the GRC has received 174 Denial of Access Complaints.

- 529 of the 7,288 complaints remain open and active (7.3%). Of those open cases:
 - 6 complaints are on appeal with the Appellate Division (1.1%);
 - 30 complaints are currently in mediation (5.7%);
 - 1 complaint is proposed for the Office of Administrative Law (0.2%);
 - 5 complaints await adjudication by the Office of Administrative Law (0.9%);
 - 71 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (13.4%);
 - 416 complaints are work in progress (78.6%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 40,576 total inquiries, averaging about 1,866 annual inquiries per 21 ³/₄ tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2025), the GRC has received 1,312 inquiries (7.4 inquiries per workday).
- Regarding the GRC's mediation program, 1,557 complaints were referred to mediation as of March 24, 2025. Of those, 791 were settled in mediation, 740 were referred to the GRC for adjudication, and 26 remained active in mediation.

GRC Outreaches

- The GRC's next training entails a brief appearance at a Daniel's Law Update session hosted by the Institute for Profession Development on April 9, 2025.

III. Closed Session: None

IV. Approval of Minutes of Previous Meetings:

February 18, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the February 18, 2025, meeting. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

February 18, 2025, Closed Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft closed session minutes of the February 18, 2025, meeting. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Mr. Alexy stated that 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 reason for the Administrative Disposition is under each complaint below.

A. Administrative Disposition Adjudications – New Category

- Complaint Untimely Filed – This category can be used when a Denial of Access Complaint is untimely filed outside the forty-five (45) calendar day statute of limitations. While the GRC makes every effort to screen its complaints and return those that do not include a motion to file within time (per N.J.A.C. 5:105-2.1(a)), there may be instances where a complaint is opened and must be procedurally disposed of. This category is consistent with the recently amended N.J.S.A. 47:1A-6.
- Mr. Alexy called for a motion to approve the new category. Mr. Chen made a motion, and Ms. Berg Tabakin seconded the motion. The motion passed by a unanimous vote.

B. Administrative Disposition Adjudications with Recusals (Consent Agenda):

1. John S. Hilkevich v. NJ Department of Corrections (2022-300) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
2. Miguel Ramos v. NJ Department of Corrections (2022-531) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
3. Bianca Barber v. City of Newark (Essex) (2025-9) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.
4. Jennie Santiago v. City of Jersey City, Division of City Planning (Hudson) (2025-12) (SR Recusal)
 - Cannot be adjudicated due to lack of quorum.

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Stone Harbor Police Department (Cape May) (2022-108)
 - All Records Responsive Provided in a Timely Manner.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Wayne Township Police Department (Passaic) (2022-152)
 - All Records Responsive Provided in a Timely Manner.
3. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Runnemede Police Department (Camden) (2022-167)
 - All Records Responsive Provided in a Timely Manner.
4. Kevin Lawrence Conley v. County of Essex (2022-437)
 - No Correspondence Received by the Custodian.
5. Drew Bradford v. Borough of New Providence (Union) (2022-538)
 - No Correspondence Received by the Custodian.
6. Emilio Giron v. Union County Prosecutor’s Office (2022-650)

- No Correspondence Received by the Custodian.
- 7. **Darlene Esposito v. NJ Department of Military and Veterans Affairs (2023-18)**
 - No Correspondence Received by the Custodian.
- 8. **Bernard J. Meenan, Jr. v. Township of Edgewater Park (Burlington) (2024-30)**
 - No Records Responsive to the Request Exist.
- 9. **Bernard J. Meenan, Jr. v. Township of Edgewater Park (Burlington) (2024-31)**
 - No Records Responsive to the Request Exist.
- 10. **Alexander Ricciardi v. Morris Township Police Department (Morris) (2024-267)**
 - Motion to File Within Time Denied.
- 11. **Jacqueline Peoples v. Essex County Sheriff's Office (2025-34)**
 - Complaint Untimely Filed.
- 12. **Yesmean Nicole Damon v. Fairleigh Dickinson University (2025-46)**
 - Request Made to a Non-public Agency.

Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Complaint Dispositions. Mr. Chen made a motion, which was seconded by Berg Tabakin. The motion passed by a unanimous vote.

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

1. **Sasha Wolf & NJ Education Association v. NJ Department of Health, Epidemiology, Environmental & Occupational Health (EEOH) (2023-161)**
 - Complaint Voluntarily Withdrawn.
2. **Yosef Leser v. City of East Orange (Essex) (2025-3)**
 - Complaint Settled in Mediation.
3. **Onyinyechi Awobue v. Newark Police Department (Essex) (2025-6)**
 - Complaint Voluntarily Withdrawn.
4. **Marco D. Navarro v. City of Union City (Hudson) (2025-18)**
 - Complaint Voluntarily Withdrawn.
5. **Kevin Kearns v. City of Jersey City (Hudson) (2025-25)**
 - Complaint Voluntarily Withdrawn.
6. **Avinash Melkote v. Township of West Windsor (Mercer) (2025-47)**
 - Complaint Voluntarily Withdrawn.
7. **Robert C. Scutro v. City of Linden (Union) (2025-50)**
 - Complaint Voluntarily Withdrawn.
8. **Robert C. Scutro v. City of Linden (Union) (2025-51)**
 - Complaint Voluntarily Withdrawn.
9. **Eduardo Castillo v. Pennsauken Township (Camden) (2025-53)**
 - Complaint Voluntarily Withdrawn.

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

Mr. Alexy stated that 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):

1. **Dan Halper v. Rutgers University (2023-141) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.
 - Mr. Chen acknowledged that he should be identified as a recusal, which was not on the original agenda. Mr. Caruso confirmed this item would be updated accordingly.

B. Administrative Orders with No Recusals (Consent Agenda):

1. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Pennsauken Police Department (Camden) (2022-95)**
 - *In Camera* Review.
 - Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.
2. **Jason Walker Tyler v. NJ Division of Consumer Affairs (2025-52)**
 - Motion to File Within Time Granted.
 - Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote.

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

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

A. Individual Complaint Adjudications with Recusals:

1. **Perrault Jean Paul v. City of Jersey City (Hudson) (2022-317) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
2. **Scott Madlinger v. City of Jersey City (Hudson) (2022-525) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
3. **Michele Downie v. NJ State Police (2023-118) (SR Recusal)**
4. **Michele Downie v. NJ Office of the Attorney General (2023-119) (SR Recusal)**
CONSOLIDATED
 - Cannot be adjudicated due to lack of quorum.
5. **Brian Scott Morton v. NJ Civil Service Commission (2023-138) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
6. **John Paff v. Township of Edison (Middlesex) (2023-168) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
7. **Maria Diamonte v. Rutgers University (2022-355) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.

8. **Maria Diamonte v. Rutgers University (2022-388) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.
9. **Maria Diamonte v. Rutgers University (2022-398) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.

B. Individual Complaint Adjudications with no Recusals:

1. **Marybeth Maida v. Borough of Red Bank (Monmouth) (2021-229)**
 - This complaint should be dismissed because the Complainant withdrew it from the Office of Administrative Law.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.
2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Pine Beach Police Department (Ocean) (2021-334)**
 - The Custodian complied with the Council's January 28, 2025 Interim Order.
 - The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.
3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Califon Borough Police Department (Hunterdon) (2021-351)**
 - The Custodian bore her burden of proof that the proposed special service charge of \$180.00 was warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg'l High Sch. Dist., 360 N.J. Super. 191, 199 (Law Div. 2002). The Custodian shall disclose the responsive records upon payment of the special service charge. Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).
 - The Complainant is not a prevailing party.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

4. **Debra Hannibal v. City of Paterson (Passaic) (2022-112)**

- The Custodian's failure to timely respond to the Complainant's OPRA request resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). The Custodian also violated N.J.S.A. 47:1A-5(e) by failing to respond to the portion of the OPRA request seeking employee compensation and overtime information.
- The Custodian unlawfully denied access to the requested time sheets, "375" forms, and compensation and overtime information. N.J.S.A. 47:1A-10, Jackson v. Kean Univ., GRC Complaint No. 2002-98 (February 2004). However, the GRC declines to order disclosure because the Custodian did so on May 19, 2022.
- There is no knowing and willful violation.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

5. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Sparta Township Police Department (Sussex) (2022-151)**

- The Custodian lawfully denied access to the portion of the Complainant's OPRA request seeking "agreements" because she certified, and the record reflects, that no records exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).
- The Custodian unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the disclosed spreadsheets were derived from individual physical records. Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-64 (Interim Order dated August 28, 2012). The Custodian shall thus locate and provide such records.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

6. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Bloomingdale Police Department (Passaic) (2022-155)**

- The Custodian did not unlawfully deny access to the portion of the Complainant's OPRA request seeking agreements because all records were disclosed. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).

- The Custodian unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the disclosed spreadsheets were derived from individual physical records. Valdes, GRC 2011-64. The Custodian shall thus locate and provide such records.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

7. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Borough of Morris Plains Police Department (Morris) (2022-176)**

- The Custodian's response was insufficient because she failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008).
- The Custodian lawfully denied access to the portion of the Complainant's OPRA request seeking "agreements" because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian unlawfully denied access to the portion of the Complainant's OPRA request seeking personnel information because the disclosed spreadsheet was derived from individual physical records. Valdes, GRC 2011-64. The Custodian shall thus locate and provide such records.
- The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

8. **Daniel Melfi v. Borough of Leonia (Bergen) (2022-342)**

- The Complainant's request item Nos. 1 and 2 were invalid because they did not contain the required correspondence criteria. MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 (April 2010); Verry v. Borough of South Bound Brook (Somerset), GRC Complaint No. 2009-124 (April 2010). Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.

- The Custodian lawfully denied access to the Complainant's OPRA request item Nos. 3 and 4 because she already provided the responsive records to the Complainant days before in response to a prior OPRA request. N.J.S.A. 47:1A-6; Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609, 618 (App. Div. 2008); Owoh (on behalf of O.R.) v. West Windsor-Plainsboro Reg'l Sch. Dist. (Mercer), GRC Complaint No. 2012-330 (Interim Order dated February 26, 2013).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

9. **Daniel Melfi v. Borough of Leonia (Bergen) (2022-343)**

10. **Daniel Melfi v. Borough of Leonia (Bergen) (2022-344)**

11. **Daniel Melfi v. Borough of Leonia (Bergen) (2022-345) CONSOLIDATED**

- The Complainant's three (3) requests were invalid because they did not contain the required correspondence criteria and specifically the subject or content. MAG, 375 N.J. Super. at 546; Elcavage, GRC 2009-07; Verry, GRC 2009-124. Thus, the Custodian lawfully denied access to these requests. N.J.S.A. 47:1A-6.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

12. **Qumere McClendon v. NJ Office of the Public Defender (2022-477)**

- The Custodian lawfully denied access to the Complainant's OPRA request under N.J.S.A. 47:1A-5(k). Lemon v. N.J. Office of the Pub. Defender, GRC Complaint No. 2015-297 (November 2015).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

13. **George Paschalis v. Borough of Closter (Bergen) (2022-582)**

- The Custodian's response was insufficient because she failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272.
- The portion of the Complainant's request seeking "any records" was invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super. at 37; Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to this portion of the request. N.J.S.A. 47:1A-6.

- The portion of the Complainant's request seeking communications, e-mails, and memoranda was invalid because it did not contain the required correspondence criteria and specifically a date or range of dates. MAG, 375 N.J. Super. at 546; Elcavage, GRC 2009-07; Verry, GRC 2009-124. Thus, the Custodian lawfully denied access to this portion of the request. N.J.S.A. 47:1A-6.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

14. Ronald Long v. NJ Department of Law and Public Safety, Division of Criminal Justice (2022-643)

- The Custodian's failure to timely respond to the Complainant's OPRA request resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- The Custodian lawfully denied access to the report responsive to OPRA request item No. 1 under the "inter-agency or intra-agency advisory, consultative, or deliberative material" exemption. N.J.S.A. 47:1A-1.1; Educ. Law Ctr. v. N.J. Dep't of Educ., 198 N.J. 274, 284 (2009).
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 2 because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

15. Danielle Ryan v. Mahwah Board of Education (Bergen) (2023-17)

- The Custodian may have unlawfully denied access to the Complainant's OPRA request because the evidence of record indicates that some records likely exist. N.J.S.A. 47:1A-6; Rodriguez v. Kean Univ., GRC Complaint No. 2018-112 (Interim Order dated February 26, 2020). The Custodian must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist; noting that she is not required to disclose the e-mail chain already in the Complainant's possession. Bart, 403 N.J. Super. at 618.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

16. Jason Ritchwood v. Village of South Orange (Essex) (2023-21)

- No “deemed” denial of access occurred because the Custodian’s timely attempt to respond was obstructed by an uncontrollable technological error. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Anonymous v. Borough of Haledon (Passaic), GRC Complaint No. 2022-222 (October 2023).
- Mr. Alexy called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

17. David Weiner v. County of Essex (2023-56)

- The Custodian did not unlawfully deny access to the Complainant’s OPRA request because all records were disclosed. Danis, GRC 2009-156, *et seq.*
- Mr. Alexy called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

18. Katalin Gordon v. Township of Montclair (Essex) (2023-89)

- The Custodian lawfully denied access to the portion of the Complainant’s OPRA request seeking an incident report because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian unlawfully denied access to the body-worn camera footage responsive to the Complainant’s OPRA request and must disclose same. N.J.S.A. 47:1A-6.
- There is no knowing and willful violation.
- Mr. Alexy called for any discussion on the Executive Director’s findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

19. Victorina Salvador v. City of Union City (Union) (2023-98)

- The Custodian’s failure to timely respond to the Complainant’s three (3) OPRA requests resulted in a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the GRC declines to order any further action regarding OPRA request No. 1 because the Custodian disclosed the responsive record on May 17, 2023.
- The Complainant’s request No. 2 was invalid because it sought information and not a specific “government record.” MAG, 375 N.J. Super. 534; Lagerkvist, 443 N.J. Super. 230. Thus, the Custodian lawfully denied access to this request. N.J.S.A. 47:1A-6.
- The records sought in the Complainant’s request No. 3 were not considered “government records” for purposes of OPRA because they were connected to

a political fundraiser. N.J.S.A. 47:1A-1.1; Carter v. Franklin Fire Dist. No. 1, 2018 N.J. Super. Unpub. LEXIS 2189 (App. Div. 2018). Thus, the Custodian lawfully denied access to this request. N.J.S.A. 47:1A-6.

- There is no knowing and willful violation.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

20. Anthony Cesareo, Jr. v. Port Authority of NY & NJ (2023-104)

- This complaint should be dismissed because it was filed out of time. N.J.A.C. 5:105-2.1(a); Dalnoky v. Pinelands Reg'l Sch. Dist., 2023 N.J. Super. Unpub. LEXIS 2241 (App. Div. 2023).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

21. John Paff v. Borough of East Newark (Hudson) (2023-193)

- The Custodian's failure to timely respond to the Complainant's OPRA request resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- The Custodian's August 8, 2023 response was insufficient because he failed to address each OPRA request item individually. N.J.S.A. 47:1A-5(g); Paff, GRC 2007-272.
- The Custodian failed to conduct a reasonable search for records responsive to OPRA request item Nos. 4, 5, and 6. Schneble v. N.J. Dep't of Env'tl. Protection, GRC Complaint No. 2007-220 (April 2008); Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013); DiFelice v. Monroe Twp. Pub. Sch. (Gloucester), GRC Complaint No. 2017-233 (Interim Order dated August 27, 2019). Regarding OPRA request item No. 4, the GRC declines to order disclosure of an outstanding record because it was later disclosed. Regarding OPRA request item Nos. 5 and 6, the current Custodian must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist.
- The Custodian lawfully denied access to the Complainant's OPRA request item No. 1 because the current Custodian certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

22. **Amir Madison v. Somerset County Prosecutor's Office (2023-208)**

23. **Amir Madison v. Somerset County Prosecutor's Office (2023-228)**

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- The Complainant's August 16, 2023 request is invalid because it was a blanket request that failed to identify any specific records. MAG, 375 N.J. Super. 534; Morgano v. Essex Cnty. Prosecutor's Office, GRC Complaint No. 2007-156 (February 2008). Thus, no unlawful denial of access occurred. N.J.S.A. 47:1A-6.
- The Custodian lawfully denied access to the Complainant's September 1, 2023 OPRA request under N.J. Court Rules, R. 1:38-3(c)(10), R. 3:5-4, and R. 3:5-6(c). N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

24. **David Weiner v. County of Essex (2023-219)**

- The Custodian lawfully denied access to the Complainant's OPRA request because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

25. **Richard Rivera v. City of Trenton (Mercer) (2025-26)**

- The Custodian's failure to submit a Statement of Information resulted in a violation of N.J.A.C. 5:105-2.4.
- The Custodian's failure to timely respond to the Complainant's OPRA request resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
- The Custodian unlawfully denied access to the Complainant's OPRA request seeking "Use of Force" reports and must either locate and disclose those records that exist, provide a specific lawful basis for any denial, or certify if no records exist. N.J.S.A. 47:1A-6; O'Shea v. Twp. of West Milford, 410 N.J. Super. 371, 382 (App. Div. 2009).
- The knowing and willful analysis is deferred.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Chen made a motion, and Ms. Beg Tabakin seconded the motion. The motion passed by a unanimous vote.

X. Court Decisions of GRC Complaints on Appeal: None

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

- C.E. v. Elizabeth Pub. Sch. Dist., 2025 N.J. Super. LEXIS 18 (App. Div. 2025): Plaintiff was awarded attorney's fees in an action seeking records under OPRA. The judgment granting attorney's fees was entered on August 28, 2020. In a subsequent hearing, the trial judge modified the start date for interest accrual to July 20, 2022, which was the date the Plaintiff entered the judgement with the Superior Court Clerk's "Civil Judgement and Order Docket". The Appellate Division found under that the court rules, the starting date for post-judgment interest is when the judgement is entered by the trial court, or August 28, 2020. The Court thus held the trial court's modification was in error since it was without any factual finding or justification. Reversed.
- Asian Hate Crimes Task Force v. Voorhees Twp., 2025 N.J. Super. Unpub. LEXIS 335 (App. Div. 2025): Plaintiffs were denied access to e-mail addresses of private citizens who signed up for the City of Hoboken's e-mail distribution list, which was maintained and managed by a third-party vendor. When signing up, citizens are informed that "[y]our information is *not shared* with the City of Hoboken." The trial court held the list was a government record and ordered disclosure. While on appeal, OPRA was amended on June 5, 2024, which restricted access to "personal e-mail addresses required by a public agency for government applications, services, or programs" and "the personal identifying information of any person provided to a public agency for the sole purpose of receiving official notifications." The Appellate Division initially held that the amendments did not apply retroactively. The Court next held the list was not a government records as it was made, maintained, and kept on file by the vendor and not the City. Lastly, the Court held that even if the list was a government record, the privacy interests of the citizens outweighed disclosure under OPRA.
- Ciolek v. Twp. of Roxbury, 2025 N.J. Super. Unpub. LEXIS 341 (App. Div. 2025): After conducting an *in camera* review, the trial court ordered the Defendant to provide information subject to disclosure under N.J.S.A. 47:1A-3(b) contained within the requested police reports. The Defendant appealed, arguing they should not be obligated to provide 3(b) information since the Plaintiff did not explicitly request it at the time of the request. The Appellate Division disagreed, finding the Plaintiff made clear in the verified complaint and subsequent hearings that he desired the 3(b) information contained within the police reports. The Court also maintained that the Plaintiff was a prevailing party.
- Allen v. Atl. City Bd. of Educ., 2025 N.J. Super. Unpub. LEXIS 384 (App. Div. 2025): Plaintiff, a prevailing party, argued the trial court erred when he was awarded only a portion of attorney's fees, limited to work performed in furtherance of his OPRA claim. Instead, Plaintiff asserted he should have been awarded attorney's fees covering the entirety of his litigation. The Appellate Division disagreed, finding the trial court adequately demonstrated that much of the work performed by the Plaintiff's attorneys were unrelated to or unnecessary in furtherance of his OPRA claim. The Court held the trial court therefore did not abuse its discretion awarding attorney's fees only towards work related to the OPRA violation.

XII. Complaints Adjudicated in U.S. District Court: None

XIII. Public Comment:

- Mr. Ronald Long (GRC Complaint No. 2022-643): Mr. Long stated that the Office of the Attorney General houses the Conviction Review Unit (“CRU”) and that it would review his case. Mr. Long contended that the CRU reached the incorrect conclusion, and the former Director was removed. Mr. Long contended that the CRU was supposed to be transparent but was hiding records associated with his case.

Mr. Long asked for a copy of the Council’s decision. Mr. Caruso stated that all decisions are sent out between 5 and 10 business days after the meeting. Mr. Long again asked for the names of each Councilmember voting on the cases. Mr. Caruso stated that this meeting is not for the identification of the Council members and that their names will be included in the minutes of the meeting. Mr. Logn asked if any Councilmember was “associated with the [Attorney General’s] Office.” Mr. Caruso stated that no members of the Council were associated therewith.

- Ms. Jacqueline Peoples (GRC Complaint No. 2025-34): Ms. Peoples wanted to know why the GRC stated her complaint was untimely filed. Ms. Peoples recounted several extent issues previously described to the GRC in her complaint filing. Ms. Peoples alleged that she was not treated fairly and that the GRC failed to assist her; asking what exactly is the GRC’s function. Mr. Caruso advised Ms. Peoples that the GRC is tasked with adjudicating Denial of Access Complaints under OPRA.
- Ms. Darlene Esposito (GRC Complaint No. 2023-18): Ms. Esposito sought the status update for GRC Complaint No. 2024-188. Mr. Caruso asked Mr. Rosado to check on the status of GRC 2024-188. Mr. Rosado stated that Ms. Esposito should reach out to him after the meeting because he is the assigned complaint manager on that complaint.

XIV. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Chen made a motion, which was seconded by Ms. Berg Tabakin. The motion passed by a unanimous vote. The meeting adjourned at 2:39 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: April 29, 2025