



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

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

JACQUELYN A. SUÁREZ
Commissioner

NOTICE OF MEETING
Government Records Council
April 29, 2025

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 29, 2025 (postponed from April 22, 2025), 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: 126 639 081#

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:

March 25, 2025, 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):

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. Patrick Bender v. Morris County Sheriff's Office (2022-656) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**
4. Bianca Barber v. City of Newark (Essex) (2025-9) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**
5. Jennie Santiago v. City of Jersey City, Division of City Planning (Hudson) (2025-12) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Gloucester City Police Department (Camden) (2022-187)
 - All Records Responsive Provided in a Timely Manner.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Borough of Upper Saddle River Police Department (Bergen) (2022-189)
 - All Records Responsive Provided in a Timely Manner.
3. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Fieldsboro Police Department (Burlington) (2022-236)
 - All Records Responsive Provided in a Timely Manner.
4. Peter Gartner v. Borough of Middlesex (Middlesex) (2023-72)
 - Unripe Cause of Action.
5. Scott Madlinger v. Berkeley Township Police Department (Ocean) (2023-78)
 - All Records Responsive Provided in a Timely Manner.
6. Kenneth Guenther v. Atlantic County (2025-61)
 - Motion to File Within Time Denied in Part.
7. Pavel Borokhov v. NJ Judiciary (2025-63)
 - Not Within the Council's Jurisdiction.

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

1. Lisa Maddox Douglas v. County of Essex (2022-393)
 - Complaint Voluntarily Withdrawn.
2. Brian F. McBride v. City of Somers Point (Atlantic) (2023-64)
 - Complaint Voluntarily Withdrawn.
3. Michael Norbert Wolf v. City of Absecon (Atlantic) (2023-85)
 - Complaint Voluntarily Withdrawn.
4. Robert Shire v. Cherry Hill Board of Education (Camden) (2023-91)
 - Complaint Voluntarily Withdrawn.
5. Michele Downie v. NJ State Police (2023-118)
6. Michele Downie v. NJ Office of the Attorney General (2023-119) **CONSOLIDATED**
 - Complaint Voluntarily Withdrawn.

7. Mildred F. Waale v. Warren Township Planning Board (Somerset) (2023-157)
 - Complaint Voluntarily Withdrawn.
8. Kevin Kearns v. Borough of Red Bank (Monmouth) (2023-195)
 - Complaint Voluntarily Withdrawn.
9. Peter M. Heimlich v. Kittatinny Regional High School (Sussex) (2024-268)
 - Complaint Settled in Mediation.
10. Derrick B. Parreott, Sr. v. NJ State Police (2025-11)
 - Complaint Settled in Mediation.
11. Basmah Raja (o/b/o Juana Caminero) v. City of Paterson (Passaic) (2025-23)
 - Complaint Settled in Mediation.
12. Kevin Kearns v. City of Hoboken (Hudson) (2025-68)
 - Complaint Settled in Mediation.

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):

1. Dan Halper v. Rutgers University (2023-141) **(RC & SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**

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

1. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. City of Rahway Police Department (Union) (2022-220)
 - *In Camera* Review.
2. Priscilla J. Triolo, Esq. (o/b/o Ashley Mojka-Kazanchy) v. Township of Randolph (Morris) (2023-232)
 - *In Camera* Review.

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. Perrault Jean Paul v. City of Jersey City (Hudson) (2022-317) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**
2. Kevin Lawrence Conley v. County of Hudson (2022-438) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**
3. Scott Madlinger v. City of Jersey City (Hudson) (2022-525) **(SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**

4. Andre Graves-Byrd v. NJ Department of Corrections (2022-608) (SR Recusal)
 - **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. Aakash Dalal v. Bergen County Prosecutor's Office (2018-72)
 - The Council should accept the Administrative Law Judge's Initial Decision "GRANT[ING]" the Custodian's motion for summary decision and "DISMISS[ING]" the complaint.
2. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Mullica Township Police Department (Atlantic) (2022-124)
 - The Custodian unlawfully denied access to the requested CDR-1s. Simmons v. Mercado, 247 N.J. 24 (2022). The Custodian shall either locate and disclose those responsive records or certify if none exist.
 - 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.
3. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Hillside Township Police Department (Union) (2022-125)
 - 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 shall conduct a search for and disclose any responsive "agreements" or certify if none exist.
 - The Custodian may have 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 prevailing party fee analysis is deferred.
4. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Englishtown Borough Police Department (Monmouth) (2022-139)
 - 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 current Custodian shall conduct a search for and disclose any responsive separation agreements or certify if none exist.

- The Custodian may have 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 current 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.

5. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Westfield Police Department (Union) (2022-166)

- 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 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 did not unlawfully deny access to the portion of the Complainant's OPRA request seeking disclosable personnel information because all records were disclosed. Owoh, Esq. (O.B.O. AADARI) v. Voorhees Twp. Police Dep't (Camden), GRC Complaint No. 2022-12 (March 2024).
- The Complainant is not a prevailing party.

6. Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Kinnelon Borough Police Department (2022-177)

- 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 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 did not unlawfully deny access to the portion of the Complainant's OPRA request seeking disclosable personnel information because all records were disclosed. Voorhees, GRC 2022-12.
- The Complainant is not a prevailing party.

7. Danyale Robinson v. Township of Franklin (Somerset) (2022-238)

- The Custodian's failure to timely respond 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 Complainant's May 3, 2022 OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian did not unlawfully deny access to the Complainant's May 25, 2022 OPRA request 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).

8. Nirav Shah v. Franklin Township Police Department (Somerset) (2022-254)
 - The Custodian's failure to timely respond 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 disclosure because the Custodian did so as part of the Statement of Information.
9. John Jones v. Township of Jefferson (Morris) (2022-371)
 - The Custodian lawfully denied access to the responsive police reports under the criminal investigatory exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541 (2017); Janeczko v. N.J. Dep't of Law and Pub. Safety, Div. of Criminal Justice, GRC Complaint No. 2002-79, *et seq.* (June 2004).
10. Heidi Glancey v. NJ Division of Consumer Affairs (2022-392)
 - The Custodian did not unlawfully deny access to the portion of the Complainant's OPRA request seeking certificates of insurance because all records were disclosed. Danis, GRC 2009-156, *et seq.*
 - The Custodian may have unlawfully denied access to the portion of the Complainant's OPRA request seeking subsequent licenses issued by the Division of Consumer Affairs to Sergio's. N.J.S.A. 47:1A-6; Macek v. Bergen Cnty. Sheriff's Office, GRC Complaint No. 2017-156, *et seq.* (Interim Order dated June 25, 2019). The Custodian shall conduct a search for and disclose any responsive licenses, with redactions where applicable, or certify if none exist.
11. Anonymous v. Englishtown Police Department (Monmouth) (2022-439)
 - The Council should dismiss this complaint because Complainant's Counsel withdrew it via letter to the Office of Administrative Law ("OAL") on March 17, 2025.
12. Drew Bradford v. Union County Prosecutor's Office (2022-475)
 - The Custodian lawfully denied access to the requested unlisted telephone number. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; Livecchia v. Borough of Mt. Arlington, 421 N.J. Super. 24 (App. Div. 2011).
13. Edward Farley Aizen v. Willingboro Board of Education (Burlington) (2022-558)
 - The original Custodian's failure to timely respond 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 Complainant's OPRA request because he certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
14. Michael K. Duberson v. Cumberland County Prosecutor's Office (2022-646)
 - The Complainant's two (2) OPRA requests seeking "all the reasons" and "all the documents" were invalid as a blanket request for a class of various documents. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); Morgano v. Essex Cnty. Prosecutor's Office, GRC Complaint No. 2007-156 (February 2008); Feiler-Jampel v. Somerset Cnty. Prosecutor's Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008).

15. Chandra S. Jatamoni v. East Brunswick Police Department (Middlesex) (2022-665)
- The Custodian lawfully denied access to the responsive incident report under the criminal investigatory exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; N. Jersey Media Grp., Inc., 229 N.J. 541; Janeczko, GRC 2002-79, *et seq.*
16. Scott Madlinger v. Barnegat Township Police Department (Ocean) (2022-678)
- The Custodian’s failure to timely respond 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 responsive incident report, supplemental report, computer-aided dispatch report, and body-worn camera recordings under the “investigation in progress” exemption. N.J.S.A. 47:1A-3(a); N.J.S.A. 47:1A-6; Henderson v. N.J. Dep’t of Law and Pub. Safety, Div. of ABC, GRC Complaint No. 2010-139 (April 2011).
 - The Custodian unlawfully denied access to the requested arrest report and arrest warrant. N.J.S.A. 47:1A-6; Morgano, GRC 2007-156. The Custodian shall disclose these records with redactions.
 - The knowing and willful analysis is deferred.
17. Carly Ruiz v. NJ Motor Vehicle Commission (2023-32)
- The Custodian lawfully denied access to the Complainant’s OPRA request item Nos. 1, 2, and 7 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
 - The Custodian lawfully denied access to the remainder of the Complainant’s OPRA request items under the personnel records exemption. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-10; Kovalcik v. Somerset Cnty. Prosecutor’s Office, 206 N.J. 581, 592 (2011); N. Jersey Media Grp., Inc. v. Bergen Cnty. Prosecutor’s Office, 405 N.J. Super. 386, 390 (App. Div. 2009).
18. Christopher Marchesano v. Monmouth County Prosecutor’s Office (2023-71)
- 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 Custodian lawfully denied access to the Complainant’s OPRA request item Nos. 1 through 4 under the criminal investigatory exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; N. Jersey Media Grp., Inc., 229 N.J. 541; Janeczko, GRC 2002-79, *et seq.*; Snowflack v. N.J. Transit, GRC Complaint No. 2018-308 (June 2020).
 - The Complainant’s OPRA request item No. 5 is invalid because it required the Custodian to perform an action. MAG, 375 N.J. Super. 534; Morgano v. N.J. Civil Serv. Comm’n, GRC Complaint No. 2011-69 (April 2012).
19. David Weiner v. County of Essex (2023-74)
- 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.
20. Elizabeth Mattfield v. City of Union City (Union) (2023-94)
- The Custodian may have unlawfully denied access to contracts responsive to the Complainant’s OPRA request item No. 1. N.J.S.A. 47:1A-6; Macek, GRC 2017-156, *et seq.* The Custodian shall conduct a search for and disclose any

responsive contracts for 2020, 2021, and 2023, including extensions, or certify if none exist.

- The Custodian lawfully denied access to the Complainant's OPRA request item No. 2 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.

21. James Poliero v. Borough of Haddonfield Police Department (Camden) (2023-108)

- The Custodian lawfully denied access to the responsive incident reports, under the "investigation in progress" exemption. N.J.S.A. 47:1A-3(a); N.J.S.A. 47:1A-6; N. Jersey Media Grp., Inc., 229 N.J. 541.

22. Ryan Lawrence Johnson v. Borough of Sussex (Sussex) (2023-251)

- The Custodian's failure to timely respond 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 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. However, the GRC declines to order disclosure because the Custodian disclosed the only responsive record when she initially responded on October 12, 2023.

23. John Paff v. Township of Hillside (Union) (2024-234)

- The Custodian failed to comply with the Council's January 28, 2025 Interim Order.
- The Council's Order is enforceable in Superior Court. N.J. Court Rules, R. 4:67-6; N.J.A.C. 5:105-2.9(c).
- The Custodian's actions may have been knowing and willful. Thus, this complaint should be referred to the OAL for a knowing and willful hearing.
- The Complainant is currently not a prevailing party because he is not represented by an attorney. Pitts v. N.J. Dep't of Corr., GRC Complaint No. 2005-71 (April 2006). However, should the Complainant retain an attorney, the OAL should review the prevailing party fee issue.

VIII. Court Decisions of GRC Complaints on Appeal: None.

IX. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None.

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

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 shall be limited to **five (5) minutes** per the GRC's By-Laws. 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.