



Minutes of the Government Records Council April 29, 2025 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:42 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 April 17, 2025.

- **Roll Call**

Mr. Caruso 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), John Stewart (Mediator), Samuel Rosado (Staff Attorney), Jennifer Howell (Staff Attorney), Maria Rossi (Staff Attorney), and Deputy Attorney General Mark Gulbranson.

Mr. Caruso announced that GRC Complaint No. 2022-393 needed to be moved on the agenda from Section VII(B)(11) to V(C)(1) based on a withdrawal received earlier in the day. Mr. Alexy called for a motion to amend the agenda as stated by Mr. Caruso. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

II. Executive Director's Report:

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 7,314 Denial of Access Complaints. That averages about 320 annual complaints per 22 ¾ tracked program years. So far in the current program year (FY2025), the GRC has received 200 Denial of Access Complaints.
- 504 of the 7,314 complaints remain open and active (7.1%). Of those open cases:
 - 6 complaints are on appeal with the Appellate Division (1.2%);
 - 27 complaints are currently in mediation (5.4%);
 - 1 complaint is proposed for the Office of Administrative Law (0.2%);
 - 4 complaints await adjudication by the Office of Administrative Law (0.8%);
 - 76 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (15.1%);
 - 390 complaints¹ are work in progress (77.4%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 40,776 total inquiries, averaging about 1,875 annual inquiries per 21 ¾ 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 1,512 inquiries (7.4 inquiries per workday).

III. Closed Session: None

IV. Approval of Minutes of Previous Meetings:

March 25, 2025, Open Session Meeting Minutes

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

¹ WIP cases are down from 416 last month.

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. **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.

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.

Mr. Alexy called for any discussion on the Administrative Complaint Dispositions as written. Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Complaint Dispositions. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

C. Administrative Disposition of 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

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.

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.
 - Mr. Alexy called for any discussion on the Administrative Order as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

2. **Priscilla J. Triolo, Esq. (o/b/o Ashley Mojka-Kazanchy) v. Township of Randolph (Morris) (2023-232)**

- *In Camera* Review.
- Mr. Alexy called for any discussion on the Administrative Order as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Order. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. 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. **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.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.
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.
 - Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.
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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

6. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Kinnelon Borough Police Department (Morris) (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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms.

Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms.

Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.*
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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).
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote.

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.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. 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: None

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

XIII. Public Comment:

- Ms. Heidi Glancy (GRC Complaint No. 2022-392): Ms. Glancey stated that she was unable to hear, or may have missed, the Council's findings on her complaint. Mr. Caruso briefly summarized the Council's findings and noted that all decisions would be sent to the parties within five (5) to ten (10) days after the meeting.
- Mr. Nirav Shah (GRC Complaint No. 2022-254): Mr. Shah asked whether the Council considers patterns or practices of a single agency or custodian when determining whether they should be subject to adverse findings. Mr. Caruso noted that at the beginning of the GRC's existence, staff created a matrix that was meant to track compounding violations by agency/custodian. Mr. Caruso stated that said practice was ended because it was determined that OPRA did not allow the Council to consider as part of a knowing and willful analysis facts and circumstances not relevant to an individual complaint under their review.
- Mr. Kenneth Guenther (GRC Complaint No. 2025-61): Mr. Guenther asked for clarification of the Council's decision that his complaint was denied in part. Mr. Caruso explained that the administrative disposition addressed a statute of limitations issue with part of his complaint and that the remaining portion of the complaint would move forward through the adjudication process.

Mr. Guenther next stated that when he attempted to file his complaint, both the GRC's website and the Denial of Access Complaint form contained an incorrect e-mail address which complicated his filing. Mr. Guenther suggested that the GRC update its website. Mr. Guenther also asked whether the statute of limitations was 45 calendar days or 60 calendar days. Mr. Caruso noted that the website and Denial of Access Complaint form were updated multiple years ago to include the correct address and that parties interested in filing a Denial of Access Complaint should always go directly to the GRC's website, and not a third-party site. Mr. Caruso also stated that the GRC's regulations promulgated

in November 2022 included a 60 calendar day statute of limitations but that OPRA amendments effective September 3, 2024 changed the time frame to 45 calendar days.

Mr. Guenther asked about the GRC's next steps for his complaint. Mr. Caruso stated that the adjudication would proceed with the remaining portion of the complaint timely filed. Mr. Guenther asked whether he would be copied on future correspondence. Mr. Caruso confirmed that he would as the GRC's regulations contain a prohibition on *ex parte* communications.

Mr. Guenther noted that he is new to the Denial of Access Complaint process and thanked the GRC for taking the time to provide him with responses to his questions.

XIV. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote. The meeting adjourned at 2:42 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: May 20, 2025