



## **Minutes of the Government Records Council June 24, 2025 Public Meeting – Open Session**

### **I. Public Session:**

- **Call to Order**

The meeting was called to order at 1:33 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 June 19, 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 7,364 Denial of Access Complaints. That averages about 322 annual complaints per a little less than 23 tracked

program years. So far in the current program year (FY2025), the GRC has received 250 Denial of Access Complaints.

- 491 of the 7,364 complaints remain open and active (6.7%). Of those open cases:
  - 7 complaints are on appeal with the Appellate Division (1.4%);
  - 32 complaints are currently in mediation (6.5%);
  - 2 complaints are proposed for the Office of Administrative Law (0.4%);
  - 3 complaints await adjudication by the Office of Administrative Law (0.6%);
  - 55 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (11.2%);
  - 392 complaints are work in progress (79.8%); and
  - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 40,998 total inquiries, averaging about 1,872 annual inquiries per a little less than 22 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 1,734 inquiries (7.2 inquiries per workday).

### **GRC Departure**

After nearly 12 years with the GRC, Senior Staff Attorney Samuel Rosado is resigning his position effective July 8, 2025. Mr. Rosado has been the 4<sup>th</sup> longest tenured employee of the GRC since its inception in 2002. Over the years, Mr. Rosado has been responsible for over 1,650 adjudications and over 1,000 inquiries. Mr. Rosado has also assisted the Executive Director and staff in several areas including researching procedural questions, providing legal writing guidance, drafting regulatory language, and planning the GRC's annual seminar. While this departure will leave a significant gap in the GRC's current operations, we hope Mr. Rosado's time here will be of great benefit to his future and wish him all the best in his next endeavor.

### **III. Closed Session: None**

### **IV. Approval of Minutes of Previous Meetings:**

#### **May 20, 2025, Open Session Meeting Minutes**

Mr. Alexy called for a motion to approve the draft open session minutes of the May 20, 2025, meeting. Mr. Brown made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote.

#### **May 20, 2025, Closed Session Meeting Minutes**

Mr. Alexy called for a motion to approve the draft closed session minutes of the May 20, 2025,

meeting. Mr. Brown made a motion, which was seconded by Mr. Ritardi. 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 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. **Kristine M. Thomas v. Township of Washington (Gloucester) (2025-118)**
  - Motion to File Within Time Denied.
2. **Lisa Ryan v. Delaware River Port Authority (Camden) (2025-123)**
  - Request Made to a Non-Public Agency.

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

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

1. **Steven Van Oyen v. NJ Department of Labor & Workforce Development (2023-101)**
  - Complaint Voluntarily Withdrawn.
2. **Jason Szep v. NJ State Police (2023-130)**
  - Complaint Voluntarily Withdrawn.

3. **E. Peter Tiboris v. Township of Montclair (Essex) (2023-156)**
  - Complaint Voluntarily Withdrawn.
4. **Alfred Wilson v. Neptune Township Police Department (Monmouth) (2024-95)**
  - Complaint Voluntarily Withdrawn.
5. **Robert C. Scutro v. City of Linden (Union) (2024-233)**
  - Complaint Voluntarily Withdrawn.
6. **Yasha Kahn v. Cannabis Regulatory Commission (2024-266)**
  - Complaint Voluntarily Withdrawn.
7. **Robert McDonnell v. Franklin Fire District No. 1 (Somerset) (2024-270)**  
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. **Victorina Salvador v. City of Union City (Hudson) (2022-637)**
  - *In Camera* Review.
2. **Giancarlo R. D’Orazio v. Township of Washington (Gloucester) (2024-34)**
  - *In Camera* Review.
3. **Giancarlo R. D’Orazio v. Township of Washington (Gloucester) (2024-44)**
  - *In Camera* Review.
4. **Scott Madlinger v. Berkeley Township (Ocean) (2024-117)**
  - *In Camera* Review.
5. **Wassim Elhouar v. South Orange & Maplewood School District (Essex) (2025-64)**
  - *In Camera* Review.

Mr. Alexy called for any discussion on the Administrative Orders as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in all the above Administrative Orders. Mr. Brown made a motion, which was seconded by Mr. Ritardi. 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. **Charles D. Whelan, III, Esq. v. City of Newark (Essex) (2025-95) (SR Recusal)**
  - Cannot be adjudicated due to lack of quorum.
8. **Maria Diamonte v. Rutgers University (2022-355) (RC & SR Recusals)**
  - Cannot be adjudicated due to lack of quorum.
9. **Maria Diamonte v. Rutgers University (2022-388) (RC & SR Recusals)**
  - Cannot be adjudicated due to lack of quorum.
10. **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. **Lisa Andreula-Porto v. Cape May County (2020-62)**
  - The Custodian did not fully comply with the Council's June 25, 2024 Interim Order.
  - This complaint should be referred to the Office of Administrative Law ("OAL") for a hearing to resolve contested facts, and if necessary an *in camera* review and knowing and willful determination.
  - 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.
2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Hillside Township Police Department (Union) (2022-125)**
  - The current Custodian did not fully comply with the Council's April 29, 2025 Interim Order.
  - Notwithstanding the insufficient response, 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 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

3. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Borough of Wildwood Crest Police Department (Cape May) (2022-197)**

- The Custodian failed to conduct a reasonable search for records responsive to the portion of the Complainant's OPRA request seeking "agreements." Schneble v. N.J. Dep't of Env'tl. Protection, GRC Complaint No. 2007-220 (April 2008). However, the GRC declines to order disclosure because the Custodian disclosed the located agreement as part of the Statement of Information ("SOI").
- 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 responsive personnel records containing the information sought.
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

4. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Borough of Garwood Police Department (Union) (2022-219)**

- 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, GRC

2011-64. The Custodian shall thus locate and provide responsive personnel records containing the information sought.

- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

5. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Obafemi) v. Delran Township Police Department (Burlington) (2022-223)**

- 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 spreadsheets were derived from individual physical records. Valdes, GRC 2011-64. The Custodian shall thus locate and provide responsive personnel records containing the information sought.
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

6. **Naeem Akhtar v. City of Trenton (Mercer) (2022-227)**

- The Custodian failed to comply with the Council's May 20, 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 original and current Custodians' actions may have been knowing and willful. Thus, this complaint should be referred to the OAL for a knowing and willful hearing.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Chen asked whether the Custodian ever responded to the complaint and expressed concern that maybe the City of

Trenton did not receive the GRC's communications. Mr. Caruso explained that there had been some contact with the City regarding several complaints, but that the Custodian had inconsistently filed SOIs or responded to Council Orders. Mr. Caruso deferred to Ms. Howell for additional discussion. Ms. Howell stated that the City did attempt to respond to the Council's Order in GRC 2022-297, but it was insufficient. Mr. Chen sought confirmation that there was no basis to assume the City had not received the GRC's correspondence; Mr. Caruso and Ms. Howell confirmed that this was correct. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

7. **Mark Lindros v. NJ Division of Law (2022-255)**

- The Custodian's extensions were warranted and substantiated; thus, no "deemed" denial of access occurred. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Rodriguez v. Kean Univ., GRC Complaint No. 2016-87 (April 2018).
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

8. **Judith V. Burton v. City of Trenton (Mercer) (2022-297)**

- The Custodian failed to comply with the Council's February 18, 2025 Interim Order.
- The Council's Order is enforceable in Superior Court. 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.
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

9. **Drew Bradford v. New Providence Police Department (Union) (2022-395)**

- 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).
- The Complainant's July 25, 2022 request No. 1, item No. 2; July 25, 2022 request No. 2, and July 27, 2022 request are invalid because they required research. 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); Carter v. N.J. Dep't of Cmty. Affairs, Div. of Local Gov't Serv., 2019 N.J. Super. Unpub. LEXIS 2510 (App. Div. 2019). Thus, the Custodian lawfully denied access to the request. N.J.S.A. 47:1A-6.



- The Custodian lawfully denied access to the Complainant's July 25, 2022 OPRA request No. 1, item No. 1, because he already received the requested record on June 30, 2022 in response to a prior OPRA request. 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**10. Sean Mussenden v. Bayonne Police Department (Hudson) (2022-633)**

- The portions of the Complainant's request seeking "all personnel records" or "records" are invalid because they failed to identify the specific records sought. MAG, 375 N.J. Super. 534, 546; Bent, 381 N.J. Super. 30, 37; Feiler-Jampel v. Somerset Cnty. Prosecutor's Office, GRC Complaint No. 2007-190 (Interim Order dated March 26, 2008). Thus, the Custodian lawfully denied access to these portions of the request. N.J.S.A. 47:1A-6.
- The Custodian lawfully denied access to the remainder of the Complainant's OPRA request because the records sought were exempt from disclosure under N.J.S.A. 47:1A-10 and the Internal Affairs Policy & Procedures. Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124, 142 (2022); Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**11. Scott Madlinger v. Berkeley Township Police Department (Ocean) (2023-48)**

- The Custodian lawfully denied access to the Complainant's OPRA request item No. 1 because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- The Custodian failed to conduct a reasonable search for records responsive to the Complainant's OPRA request item No. 2. Schneble, GRC 2007-220. However, the GRC declines to order disclosure because the Custodian disclosed responsive records on March 17, 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**12. Janet Pizar v. NJ Department of Environmental Protection, Division of Game & Wildlife (2023-111)**

- The Complainant's request is invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. 534, 546; Bent, 381 N.J. Super. 30, 37; Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Thus, the Custodian lawfully denied access to 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**13. John Paff v. City of Trenton (Mercer) (2023-155)**

- The Council should adopt the Administrative Law Judge's Initial Decision approving a settlement agreement between the parties and ordering the case be "CONCLUDED."
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**14. David Weiner v. County of Essex (2023-220)**

- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**15. Troy White v. Somerset County Jail (2023-261)**

- This complaint should be dismissed as unripe because the Complainant filed it before the statutory time frame expired. Sallie v. N.J. Dep't of Banking & Ins., GRC Complaint No. 2007-226 (April 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**16. Hector Geronimo v. NJ State Police (2023-264)**

- The Custodian lawfully denied access to the requested body-worn camera footage under N.J.S.A. 40A:14-118.5(l)(1) because it was subject to the 180-

day minimum retention period and the Complainant failed to provide evidence that he was an accepted party capable of reviewing same. N.J.S.A. 47:1A-6.

- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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

- This complaint should be dismissed because the Complainant withdrew it via e-mail on May 19, 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

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

- The Custodian failed to comply with the Council's March 25, 2025 Interim Order.
- The Council's Order is enforceable in Superior Court. 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.
- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**19. Daniel Opdyke v. City of Trenton Department of Health & Human Services (Mercer) (2025-76)**

- The Custodian's failure to submit an SOI 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 may have unlawfully denied access to the Complainant's OPRA request item No. 1. N.J.S.A. 47:1A-6. The Custodian shall either locate and disclose to the Complainant the responsive record, provide a specific lawful basis for denial, or certify if no records exist.
- The Complainant's request item No. 2 is invalid because it failed to identify specific records and required research. MAG, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent, 381 N.J. Super. 30, 37; Lagerkvist, 443 N.J. Super. 230, 236-237. Thus, the Custodian lawfully denied access to this request item. N.J.S.A. 47:1A-6.

- 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. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

**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: None**

**XII. Adjournment:**

Mr. Alexy called for a motion to end the Council meeting. Mr. Brown made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote. The meeting adjourned at 2:13 p.m.

Respectfully submitted,

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John Alexy, Chair

Date Approved: July 29, 2025