



Minutes of the Government Records Council October 6, 2025 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:37 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 October 1, 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), Maria Rossi (Staff Attorney), and Deputy Attorney General Mark Gulbranson.

II. Executive Director’s Report:

GRC Departure

Ms. Jennifer Howell resigned her position effective September 19, 2025. While Ms. Howell was with the GRC, she was well engaged in her role as a staff attorney and pleasant to work with. The GRC appreciates Ms. Howell’s efforts over the last ten (10) months and looks forward to seeing her continue to succeed in her new role with the Judiciary.

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 7,514 Denial of Access Complaints. That averages about 323 annual complaints per 23 ¼ tracked program years. So far in the current program year (FY2026), the GRC has received 130 Denial of Access Complaints (more than one (1) complaint per calendar day).
- 535 of the 7,514 complaints remain open and active (7.1%). Of those open cases:
 - 7 complaints are on appeal with the Appellate Division (1.3%);
 - 35 complaints are currently in mediation (6.5%);
 - 8 complaints are proposed for the Office of Administrative Law (1.5%);
 - 3 complaints await adjudication by the Office of Administrative Law (0.6%);
 - 49 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (9.2%);
 - 433 complaints are work in progress (80.9%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 41,503 total inquiries, averaging about 1,865 annual inquiries per 22 ¼ tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2026), the GRC has received 477 inquiries (7.1 inquiries per workday).

GRC Outreaches

- The GRC has three (3) training sessions between today and the next meeting:
 - On October 8, 2025, the GRC will be presenting at the ACCSES NJ Annual Conference in Atlantic City, NJ.
 - On October 9, 2025, the GRC will be presenting at the Essex County Municipal Clerk's Association's Mini-Conference in Verona, NJ.
 - On November 5, 2025, the GRC will be presenting virtually for the Institute for Professional Development.

III. Closed Session: None

IV. Approval of Minutes of Previous Meetings:

August 26, 2025, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the August 26, 2025, meeting. Mr. Chen 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, Bureau of Corrections (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.
6. **David J. Durling v. NJ Department of Corrections (2025-135) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
7. **David J. Durling v. NJ Department of Corrections (2025-199) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
8. **Michael Stevens v. County of Hudson (2025-260) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.

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

1. **Anne Vukicevich v. County of Burlington (2023-167)**
 - All Records Responsive Provided in a Timely Manner.
2. **Anne Vukicevich v. County of Burlington (2023-293)**
 - No Correspondence Received by the Custodian.
3. **Frank James v. Borough of Carteret (Middlesex) (2025-174)**
4. **Frank James v. Borough of Carteret (Middlesex) (2025 183) CONSOLIDATED**
 - Anonymous Complaints Not Permitted.
5. **Regina Foran v. Borough of Carteret (Middlesex) (2025-200)**
6. **Regina Foran v. Borough of Carteret (Middlesex) (2025-219)**
7. **Regina Foran v. Borough of Carteret (Middlesex) (2025-248) CONSOLIDATED**
 - Anonymous Complaints Not Permitted.
8. **Chris Krol v. City of Camden (Camden) (2025-226)**
 - Motion to File Within Time Denied.
9. **Robert Feliz Betancourt v. Bayonne Housing Authority (Hudson) (2025-229)**
 - Unripe Cause of Action.

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. Ms. Berg Tabakin 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. **Jacques Guire III v. Borough of West Long Branch (Monmouth) (2025-73)**
 - Complaint Settled in Mediation.
2. **Jascie Mendez v. City of Newark (Essex) (2025-161)**
 - Complaint Voluntarily Withdrawn.
3. **Ramon Irurita v. Vineland Police Department (Cumberland) (2025-168)**
 - Complaint Voluntarily Withdrawn.
4. **Peter Greenfield v. NJ Department of Corrections (2025-184)**
 - Complaint Settled in Mediation.
5. **Brian F. McBride v. Linwood Public Schools (Atlantic) (2025-204)**
 - Complaint Voluntarily Withdrawn.
6. **Christopher T. Howell, Esq. (o/b/o Luvoyda Stevens) v. City of Newark (Essex) (2025-216)**
 - Complaint Voluntarily Withdrawn.
7. **Jacqueline Dilks-Brotman v. Township of Haddon (Camden) (2025-223)**
 - Complaint Voluntarily Withdrawn.
8. **Kevin Kearns v. Borough of New Milford (Bergen) (2025-236)**
 - Complaint Voluntarily Withdrawn.
9. **John M. Codd v. Town of Kearny (Hudson) (2025-239)**
 - Complaint Voluntarily Withdrawn.
10. **Jon Lazar v. Montclair State University Police Department (Essex) (2025-240)**
 - Complaint Voluntarily Withdrawn.
11. **Cooper Roberts v. Township of Union (Union) (2025-253)**
 - 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. **Scott Madlinger v. Berkeley Township Police Department (Ocean) (2024-99)**
 - *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. 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. **John Paff v. City of Jersey City (Hudson) (2023-252) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
8. **Vincent Dixon v. City of Hoboken (Hudson) (2023-296) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
9. **James Butler v. Borough of Caldwell (Essex) (2025-85) (SR Recusal)**
 - Cannot be adjudicated due to lack of quorum.
10. **Maria Diamonte v. Rutgers University (2022-355) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.
11. **Maria Diamonte v. Rutgers University (2022-388) (RC & SR Recusals)**
 - Cannot be adjudicated due to lack of quorum.
12. **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. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Mendham Police Department (Morris) (2022-290)**
 - 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 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 Custodian unlawfully denied access to the requested settlement agreements and must disclose them to the Complainant. N.J.S.A. 47:1A-6; Libertarians for Transparent Gov't v. Cumberland Cnty., 250 N.J. 46 (2022).
- The Complainant is 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. Ritardi. The motion passed by a unanimous vote.

2. **Lavenia Banas v. Cinnaminson Township (Burlington) (2023-61)**

- The Custodian did not deny access to the records that Complainant asserted were at issue because she did not request them. Burns v. N.J. Dep't of State, Div. of Elec., GRC Complaint No. 2013-64 (September 2013). Thus, this complaint should be dismissed.
- 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. Ritardi. The motion passed by a unanimous vote.

3. **Katia De Jesus Sanci v. Secaucus Police Department (Hudson) (2023-70)**

- The Custodian lawfully denied access to OPRA request item No. 1 seeking investigation reports during her employment under OPRA and the Internal Affairs Policy and Procedures. O'Shea v. Twp. of West Milford, 410 N.J. Super. 371, 382 (App. Div. 2009); Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124, 142 (2022).
- The Custodian lawfully denied access to OPRA request item No. 2 seeking a transcript because he certified, and the record reflects, that no records exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).
- 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. Ritardi. The motion passed by a unanimous vote.

4. **Rebekah Harms v. Borough of Manville (Somerset) (2023-73)**

- 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). However, the Council should decline to order disclosure because same occurred on April 11, 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. Ritardi. The motion passed by a unanimous vote.

5. **Richard Bacquie v. Bayonne Police Department (Hudson) (2023-90)**

- The Custodian lawfully denied access to the requested records under N.J.S.A. 47:1A-9(a), N.J.S.A. 2C:25-33, and VanBree v. Bridgewater Twp. Police Dep't (Somerset), GRC Complaint No. 2014-122 (October 2014).
- 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. Ritardi. The motion passed by a unanimous vote.

6. **Kellan Ilse v. South Orange & Maplewood School District (Essex) (2023-143)**

- The Custodian lawfully denied access to the Complainant's two (2) OPRA requests, which sought individual student transfer records, under N.J.S.A. 47:1A-9(a) and N.J.A.C. 6A:32-7.5(g)1.
- 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. Ritardi. The motion passed by a unanimous vote.

7. **Robert C. Scutro v. City of Linden (Union) (2023-175)**

- The Complainant withdrew his request for reconsideration of the Council's August 26, 2025, Final Decision. Thus, no further action is required.
- 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. Ritardi. The motion passed by a unanimous vote.

8. **Christopher Reier v. Franklin Fire District No. 1 (Somerset) (2023-279)**

- 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 responsive report because it related to employee grievances and has the indicia of a personnel record. N.J.S.A. 47:1A-10; N. Jersey Media Grp. v. Bergen Cnty. Prosecutor's Office,

405 N.J. Super. 386, 390 (App. Div. 2009); Sciara v. Borough of Woodcliff Lake (Bergen), GRC Complaint No. 2011-32 (August 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. Ritardi. The motion passed by a unanimous vote.

9. **Sandra Reier v. Franklin Fire District No. 1 (Somerset) (2023-282)**

- The Custodian's 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 lawfully denied access to the report responsive to OPRA request item No. 1 because it related to employee grievances and has the indicia of a personnel record. N.J.S.A. 47:1A-10; N. Jersey Media Grp., 405 N.J. Super. at 390; Sciara, GRC 2011-32.
- The Custodian lawfully denied access to OPRA request item No. 2 as clarified 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. Ritardi. The motion passed by a unanimous vote.

10. **Jonathan Stevens v. NJ State Police (2023-303)**

- The Custodian's extensions were unwarranted and unsubstantiated; thus, a "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. 2015-312 (March 2017).
- The Custodian lawfully denied access to the 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. Ritardi. 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:

- Mr. Keith Bendel: Mr. Bendel thanked Executive Director Caruso and the GRC for all their hard work. Mr. Bendel asked Mr. Caruso to repeat the dates for the upcoming trainings and whether the GRC will hold its annual seminar again. Mr. Caruso repeated the upcoming trainings and confirmed that the annual seminar would be held either the first or second week of December. Mr. Caruso directed Mr. Bendel to the training schedule on the GRC's website for updates. Mr. Caruso also directed Mr. Bendel to contact the Institute for Professional Development directly should he need information on the early November training.

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Ms. Berg Tabakin made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote. The meeting adjourned at 2:06 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: December 9, 2025