



**Minutes of the Government Records Council
January 27, 2026 Public Meeting – Open Session**

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:35 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 January 22, 2026.

- **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, and Steven Ritardi, Esq., (Secretary).

Excuses Late Arrival: Ronald Chen, Esq., Public Member, joined at 1:45 p.m.

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Maria Rossi (Staff Attorney), Rose-Valda Julceus (Staff Attorney), Brenda Alves, and Deputy Attorney General Mark Gulbranson.

II. 2026 Officer Elections

- Mr. John Alexy called for a nomination to serve as Vice Chairperson for 2026. Mr. Ritardi nominated Ms. Berg Tabakin to continue serving as Vice Chairperson. Mr. Alexy

called for a motion to re-elect Ms. Berg Tabakin as Vice Chairperson. Mr. Brown made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

- Mr. John Alexy called for a nomination to serve as Secretary for 2026. Ms. Berg Tabakin nominated Mr. Ritardi to continue serving as Secretary. Mr. Alexy called for a motion to re-elect Mr. Ritardi as Secretary. Ms. Berg Tabakin made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote.

III. Executive Director's Report:

Quorum Update

As the current Council is aware, several vacancies have persisted since the enactment of P.L. 2024, c.16 which has led to rolling recusals. Early on, the GRC determined that the statutory language present in N.J.S.A. 47:1A-7 set a minimum quorum of five (5) members regardless of vacancies. Based on this interpretation, and as of the December 2025 meeting, twenty-four (24) proposed decisions were tabled due to lack of quorum.

Recently, the GRC has been exploring options for the quorum issue and located some new information that indicated that it may have been interpreting N.J.S.A. 47:1A-7 incorrectly. Based on this, the GRC was able to determine that when setting a quorum for the Council, it could take into account vacancies. Based on this new interpretation, the quorum can be determined based on the number of filled positions, which at present would be three (3) total voting members. Thus, the GRC will be moving forward calculating its quorum based on this new interpretation and beginning with today's meeting.

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 7,695 Denial of Access Complaints. That averages about 327 annual complaints per 23 ½ tracked program years. So far in the current program year (FY2026), the GRC has received 311 Denial of Access Complaints (noting the GRC received only 270 complaints in all of FY2025).
- 658 of the 7,695 complaints remain open and active (7.6%). Of those open cases:
 - 8 complaints are on appeal with the Appellate Division (1.2%);
 - 29 complaints are currently in mediation (4.4%);
 - 1 complaint is proposed for the Office of Administrative Law (0.2%);
 - 10 complaints await adjudication by the Office of Administrative Law (1.5%);
 - 51 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (7.8%);
 - 559 complaints are work in progress (85.0%); and
 - 0 complaints are being held in abeyance (0.0%).

- Since Program Year 2004, the GRC has received and responded to 42,004 total inquiries, averaging about 1,867 annual inquiries per 22 ½ 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 978 inquiries (7.0 inquiries per workday).

IV. Closed Session: None

V. Approval of Minutes of Previous Meetings:

December 9, 2026 Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the December 9, 2026, meeting. Mr. Ritardi made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote.

VI. New Business – Cases Scheduled for Adjudication

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

Ms. Berg Tabakin stated that she would be recused from complaints involving the New Jersey Department of Corrections and Rutgers University until further notice.

Mr. Alexy stated that Ms. Berg Tabakin, Mr. Ritardi, and Mr. Chen would be muted for those relevant portions of the below to ensure their non-participation in the items from which they were recused. Mr. Caruso confirmed to the public each of the instances where one or more of the Councilmembers were muted prior to addressing the agenda items below and when they returned.

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. **John S. Hilkevich v. NJ Department of Corrections (2022-300) (RBT and SR Recusals)**
 - Unable to Locate Complainant.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.
2. **Miguel Ramos v. NJ Department of Corrections (2022-531) (RBT and SR Recusals)**
 - Unable to Locate Complainant.

- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.
3. **Patrick Bender v. Morris County Sheriff's Office, Bureau of Corrections (2022-656) (SR Recusal)**
 - Unripe Cause of Action.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.
 4. **Mark L. Tompkins v. Newark Police Division (Essex) (2023-5) (SR Recusal)**
 - No Correspondence Received by the Custodian.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.
 5. **Bianca Barber v. City of Newark (Essex) (2025-9) (SR Recusal)**
 - Complaint Untimely Filed.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.
 6. **Jennie Santiago v. City of Jersey City, Division of City Planning (Hudson) (2025-12) (SR Recusal)**
 - Not a Valid OPRA Request.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.
 7. **David J. Durling v. NJ Department of Corrections (2025-135) (RBT and SR Recusals)**
 - No Records Responsive to the Request Exist.
 - Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the

recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

8. **Rafael Miranda v. NJ Department of Corrections (2025-141) (RBT and SR Recusals)**

- Unable to Locate Complainant.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

9. **David J. Durling v. NJ Department of Corrections (2025-199) (RBT and SR Recusals)**

- Duplicate Complaint Filed With the GRC.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

10. **Michael Stevens v. County of Hudson (2025-260) (SR Recusal)**

- Motion to File Within Time Denied.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.

11. **Michael Stevens v. County of Hudson (2025-267) (SR Recusal)**

- Motion to File Within Time Denied.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Ms. Berg Tabakin made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Mr. Ritardi recused.

12. **Dawshon Fitzgerald v. NJ Department of Corrections (2025-318) (RBT and SR Recusals)**

- All Records Responsive Provided in a Timely Manner.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the

recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

13. **Dawmeen Fitzgerald v. NJ Department of Corrections (2025-323) (RBT and SR Recusals)**

- All Records Responsive Provided in a Timely Manner.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Mr. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

14. **Chris Krol v. Rutgers University (2025-194) (RBT and RC Recusals)**

- Motion to File Within Time Denied.
- Mr. Alexy called for any discussion on the Administrative Disposition as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Complaint Disposition. Mr. Ritardi made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Chen recused.

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

1. **Everett Falt v. Borough of Carteret (Middlesex) (2025-149)**
 - Duplicate Complaint Filed With the GRC.
2. **Derrick Wilson v. Borough of Cresskill (Bergen) (2025-249)**
 - Unripe Cause of Action.
3. **Roberto Feliz Betancourt v. Bayonne Housing Authority (Hudson) (2025-309)**
 - Duplicate Complaint Filed With the GRC.
4. **Kristine Tamondong v. Northern Burlington County Regional High School (2025-336)**
 - Unripe Cause of Action.
5. **Isabela Perdomo v. Little Ferry Police Department (Bergen) (2025-354)**
 - All Records Responsive Provided in a Timely Manner.
6. **Carl Feren v. Jackson School District (Ocean) (2025-373)**
 - Motion to File Within Time Denied.
7. **Alfred Tard-El v. Township of East Windsor (Mercer) (2025-383)**
 - Duplicate Complaint Filed With the GRC.
8. **Judson Moore v. Commercial Township (Cumberland) (2025-402)**
 - All Records Responsive Provided in a Timely Manner.
9. **Judson Moore v. Commercial Township (Cumberland) (2025-440)**
 - All Records Responsive Provided in a Timely Manner.

Mr. Alexy called for any discussion on the Administrative 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. Chen made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote.

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

1. **Kevin Kearns v. City of Long Branch (Monmouth) (2025-145)**
 - Complaint Settled in Mediation.
2. **Brady Connaughton, Esq. (o/b/o Local 16-248) v. City of Ocean City (Cape May) (2025-195)**
 - Complaint Voluntarily Withdrawn.
3. **Marvin Chambers v. Passaic Board of Education (Passaic) (2025-197)**
 - Complaint Settled in Mediation.
4. **Jose L. Gonzalez, Jr. v. Trenton Housing Authority (Mercer) (2025-256)**
 - Complaint Voluntarily Withdrawn.
5. **Jeffrey Craig Hervey v. Bergen County Prosecutor's Office (2025-271)**
 - Complaint Settled in Mediation.
6. **Alix Hayes v. Township of Ocean School District (Monmouth) (2025-284)**
 - Complaint Settled in Mediation.
7. **Lonny DiTella v. NJ State Police (2025-288)**
 - Complaint Voluntarily Withdrawn.
8. **Patrick Terpstra v. City of Newark (Essex) (2025-315)**
 - Complaint Voluntarily Withdrawn.
9. **Adamo Ferreira (o/b/o Michael Kaplon) v. Long Beach Township (Ocean) (2025-348)**
 - Complaint Voluntarily Withdrawn.
10. **Michael Del Greco v. City of Jersey City (Hudson) (2025-358)**
 - Complaint Voluntarily Withdrawn.

VII. 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.

Mr. Alexy stated that Ms. Berg Tabakin and Mr. Chen would be muted for this portion of the agenda to ensure their non-participation in the item from which they were recused. Mr. Caruso confirmed to the public that Ms. Berg Tabakin and Mr. Chen were muted prior to addressing the agenda items below.

A. Administrative Orders with Recusals (Consent Agenda):

1. Dan Halper v. Rutgers University (2023-141) (RBT and RC Recusals)

- *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. Mr. Ritardi made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Chen recused.

Mr. Alexy notified the public that Ms. Berg Tabakin and Mr. Chen would rejoin the meeting by unmuting themselves. Ms. Berg Tabakin and Mr. Chen rejoined the meeting at that time.

B. Administrative Orders with No Recusals (Consent Agenda): None

IX. New Business – Cases Scheduled for Individual Complaint Adjudication

Mr. Alexy stated that Ms. Berg Tabakin, Mr. Ritardi, and Mr. Chen would be muted for those relevant portions of the below to ensure their non-participation in the items from which they were recused. Mr. Caruso confirmed to the public each of the instances where one or more of the Councilmembers were muted prior to addressing the agenda items below and when they returned.

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)

- The Custodian failed to respond to the Complainant's OPRA request immediately, thereby violating N.J.S.A. 47:1A-5(e).
- 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 v. Willingboro Bd. of Educ. (Burlington), GRC Complaint No. 2007-272 (May 2008).
- The Custodian lawfully denied access to the Complainant's OPRA request seeking a contract 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

2. Kevin Lawrence Conley v. County of Hudson (2022-438) (SR Recusal)

- 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 GRC declines to order disclosure because the Custodian did so on September 7, 2022 and as part of the Statement of Information (“SOF”).

- There is no knowing and willful violation.
- 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

3. **Scott Madlinger v. City of Jersey City (Hudson) (2022-525) (SR Recusal)**

- The Custodian unlawfully denied access to the Complainant’s OPRA request and shall disclose responsive records to him. N.J.S.A. 47:1A-6.
- 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

4. **Andre Graves-Byrd v. NJ Department of Corrections (2022-608) (RBT and SR Recusals)**

- The Custodian lawfully denied access to the responsive Special Investigative Division special report under OPRA and the N.J. Department of Corrections’ regulations. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; N.J.A.C. 10A:22-2.3; Cordero v. N.J. Dep’t of Corr., GRC Complaint No. 2012-209 (June 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. Chen made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

5. **Brian Scott Morton v. NJ Civil Service Commission (2023-138) (SR Recusal)**

- Notwithstanding the Custodian’s initial reliance on N.J.A.C. 4A:4-2.16, the requested records are exempt from disclosure under Executive Order No. 26 (Gov. McGreevey, 2002) and no unlawful denial occurred.
- 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

6. **John Paff v. Township of Edison (Middlesex) (2023-168) (SR Recusal)**

- The Custodian’s response was insufficient. DeAppolonio v. Borough of Deal (Monmouth), GRC Complaint No. 2008-62 (September 2009).

- The Custodian lawfully denied access to the requested draft meeting minutes under the “inter-agency or intra-agency advisory, consultative, or deliberative material” exemption. N.J.S.A. 47:1A-6; Libertarians for Transparent Gov’t v. Gov’t Records Council, 453 N.J. Super. 83 (App. Div.)(certif. denied 233 N.J. 484 (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. Ms. Berg Tabakin made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

7. **John Paff v. City of Jersey City (Hudson) (2023-252) (SR Recusal)**

- The Custodian’s failure to timely respond, both within the seven (7) business days and immediately to the portions of the request seeking a settlement agreement and salary information, resulted in a “deemed” denial of access and violation of OPRA. N.J.S.A. 47:1A-5(e); N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Kohn v. Twp. of Livingston (Essex), GRC Complaint No. 2011-330 (Interim Order dated February 26, 2013).
- There is no knowing and willful violation.
- 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

8. **Vincent Dixon v. City of Hoboken (Hudson) (2023-296) (SR Recusal)**

- No unlawful denial of access occurred to OPRA request item No. 1. O’Dea (O.B.O. N.J. Spotlight) v. N.J. Dep’t of Treasury, GRC Complaint No. 2012-109 (April 2013); Pusterhofer, GRC 2005-49.
- The Complainant’s request item No. 2 seeking “complaint documents” for a specific keyword over an eight-year period is invalid. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (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).
- 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

9. **James Butler v. Borough of Caldwell (Essex) (2025-85) (SR Recusal)**

- 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 Complainant’s request item Nos. 4 and 5 seeking communications are invalid because they fail to include a date range. MAG, 375 N.J. Super. at 546; Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010).
- The Custodian may have unlawfully denied access to the remaining OPRA request items. Thus, the Custodian shall: 1) locate and disclose responsive records; 2) identify any records exempt from disclosure in part or whole; or 3) certify if no records 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, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

10. Maria Diamonte v. Rutgers University (2022-355) (RBT and RC Recusals)

- The requested syllabi are exempt from disclosure under N.J.S.A. 47:1A-1.1. Thus, the Custodian lawfully denied access to the requested records. N.J.S.A. 47:1A-6.
- There is no knowing and willful violation.
- Mr. Alexy called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Mr. Alexy called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Chen recused.

11. Maria Diamonte v. Rutgers University (2022-388) (RBT and RC Recusals)

- The Custodian’s failure to timely respond within the extended time frame resulted in a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Kohn v. Twp. of Livingston Lib. (Essex), GRC Complaint No. 2007-124 (March 2008).
- The Custodian lawfully denied access to the OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- There is no knowing and willful violation.
- 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. Ritardi made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Chen recused.

12. Maria Diamonte v. Rutgers University (2022-398) (RBT and RC Recusal)

- The Custodian performed an insufficient search to locate records responsive to the Complainant’s OPRA request. N.J.S.A. 47:1A-6; Schneble v. N.J. Dep’t

of Envtl. Prot., GRC Complaint No. 2007-220 (April 2008). However, the GRC declines to order disclosure because the Custodian did so on March 13, 2022.

- There is no knowing and willful violation.
- 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. Ritardi made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Chen recused.

B. Individual Complaint Adjudications with no Recusals:

1. Steve Clegg v. City of Trenton (Mercer) (2025-38)

- 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. N.J.S.A. 47:1A-6. Thus, the Custodian shall: 1) locate and disclose responsive records; 2) identify any records exempt from disclosure in part or whole; or 3) certify if no records exist.
- The knowing and willful analysis is deferred.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Berg Tabakin made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote

2. Steve Clegg v. City of Trenton (Mercer) (2025-57)

- This complaint should be dismissed as out of time because it was filed after the expiration of the forty-five (45) calendar day statute of limitations. N.J.S.A. 47:1A-6. Further, the Complainant did not provide evidence showing good cause existed to accept the complaint as within time.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote

3. Steve Clegg v. City of Trenton (Mercer) (2025-82)

- The Custodian's failure to submit an SOI resulted in a violation of N.J.A.C. 5:105-2.4.
- The Custodian's extensions were unwarranted and unreasonable; thus, a "deemed" denial of access occurred. N.J.S.A. 47:1A-5(g); Ciccarone v. N.J.

Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014).

- The Custodian may have unlawfully denied access to the requested records. Thus, the Custodian shall: 1) locate and disclose responsive records; 2) identify any records exempt from disclosure in part or whole; or 3) certify if no records exist.
- The knowing and willful analysis is deferred.
- Mr. Alexy called for any discussion on the Executive Director's findings and recommendations as written. Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion, and Mr. Brown seconded the motion. The motion passed by a unanimous vote

X. Court Decisions of GRC Complaints on Appeal: None

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

- Int'l Longshoremen's Ass'n v. Port Auth. of N.Y. & N.J., 2025 N.J. Super. Unpub. LEXIS 2522 (App. Div. 2026): Here, Plaintiff submitted an OPRA request seeking all current lease agreements between Defendant and CMA CGM and was denied. Following Plaintiff's lawsuit, Defendant disclosed redacted versions of agreements for personal identifying information and proprietary/trade secret information. The trial court conducted an *in camera* review and issued an order overturning a significant number of the redactions and allowing limited redaction of bank information and other information determined to be a security risk. The court also denied an award of counsel fees based on "good faith" discussions and reasoning for redacting the agreements.

Defendants appealed and the Appellate Division conducted a second *in camera* review. The court agreed with the limited redactions but found that the trial court did not adequately explain its basis for overturning the redactions based on the proprietary/trade secret exemption. The court noted that there was no discussion in the trial court's decision applying the proper test used in Hammock by Hammock v. Hoffmann-Laroche, 142 N.J. 356 (1995) and Ingersoll-Rand Co. v. Ciavatta, 110 N.J. 609 (1988). Affirmed in part, remanded in part for additional review.

- Wronko v. Monmouth Cnty. SPCA, 2026 N.J. Super. LEXIS 4 (App. Div. 2026)(Approved for Publication): Here, Plaintiff submitted an OPRA request to MCSPCA, which responded that it was no longer considered a "public agency" for purposes of OPRA based on legislation passed in 2018 that modified the relationship between county societies and county governments. Plaintiff filed suit, and the trial court initially held that MCSPCA subject to OPRA. However, following reconsideration, the trial court reversed course based on ACLU of N.J. v. Cnty. Prosecutors Ass'n of N.J., 257 N.J. 87 (2024) and held that MCSPCA was not a "public agency" for purposes of OPRA. Plaintiff appealed that decision and the

Appellate Division agreed with the trial court with heavy reliance on Verry v. Franklin Fire Dist. No. 1, 230 N.J. 285 (2017). Affirmed.

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

XIII. Public Comment:

- Ashley: Ms. Ashley suggested that the GRC consider discontinuing courtesy extensions on GRC complaint submissions and instead move towards basing extensions on a showing of good cause.

XIV. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Ritardi made a motion, which was seconded by Mr. Brown. The motion passed by a unanimous vote. The meeting adjourned at 2:22 p.m.

Respectfully submitted,

John Alexy, Esq., Chair

Date Approved: February 24, 2027