



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
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MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

NOTICE OF MEETING Government Records Council April 28, 2026

Pursuant to the Open Public Meetings Act, notice is hereby given that the Government Records Council will hold a regular meeting, at which formal action may be taken, commencing at 1:30 p.m., Tuesday, April 28, 2026, via Office Teams. Members of the public may attend the meeting by utilizing the following call-in information:

Telephone Number: 1-856-338-7074

Conference ID: 126 639 081#

The agenda, to the extent presently known, is listed below. The public session and consideration of cases is expected to commence at 1:30 p.m. remotely.

I. Public Session:

Call to Order
Pledge of Allegiance
Meeting Notice
Roll Call

II. Executive Director's Report

III. Closed Session

IV. Approval of Minutes of Previous Meetings:

March 31, 2026 Open Session Meeting Minutes

V. New Business – Cases Scheduled for Consent Agenda Administrative Complaint Disposition Adjudication *

An “Administrative Complaint Disposition” means a decision by the Council as to whether to accept or reject the Executive Director’s recommendation of dismissal based on jurisdictional, procedural or other defects of the complaint. The Executive Director’s recommended reason for the Administrative Disposition is under each complaint below.

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

1. Abdelhamid Arbab v. NJ Department of Corrections (2023-39) (**RBT and SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**

2. Newell Knight v. NJ Department of Corrections (2026-155) **(RBT and SR Recusal)**
 - **Cannot be adjudicated due to lack of quorum.**

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

1. Everett Falt v. Borough of Roselle (Union) (2026-14)
 - Unripe Cause of Action.
2. Christopher Capodice, Sr. v. Springfield Public Schools (Union) (2026-65)
 - Duplicate Complaint Filed With the GRC (Re-Issue).
3. Gawargyous Shind v. Essex County Correctional Facility (2026-107)
 - Motion to File Within Time Denied.
4. Thomas M. Riche v. Long Branch Housing Authority (Monmouth) (2026-118)
 - Complaint Dismissed Without Prejudice.
5. Ricotson R. Dolisca v. Essex County Prosecutor's Office (2026-142)
 - Motion to File Within Time Denied.

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

1. Everett Falt v. Borough of Carteret (Middlesex) (2025-143)
 - Complaint Voluntarily Withdrawn.
2. Everett Falt v. Borough of Carteret (Middlesex) (2025-148)
 - Complaint Voluntarily Withdrawn.
3. Everett Falt v. Borough of Carteret (Middlesex) (2025-162)
 - Complaint Voluntarily Withdrawn.
4. Everett Falt v. Borough of Carteret (Middlesex) (2025-166)
 - Complaint Voluntarily Withdrawn.
5. Everett Falt v. Borough of Carteret (Middlesex) (2025-169)
 - Complaint Voluntarily Withdrawn.
6. Everett Falt v. Borough of Carteret (Middlesex) (2025-171)
 - Complaint Voluntarily Withdrawn.
7. Everett Falt v. Borough of Carteret (Middlesex) (2025-201)
 - Complaint Voluntarily Withdrawn.
8. Everett Falt v. Borough of Carteret (Middlesex) (2025-246)
 - Complaint Voluntarily Withdrawn.
9. Avinash Melkote v. Township of Union (Union) (2025-331)
 - Complaint Settled in Mediation.
10. Timothy Greene v. City of East Orange (Essex) (2025-357)
 - Complainant Settled in Mediation.
11. Nick Sodano v. Mount Holly Fire District No. 1 (Burlington) (2025-366)
 - Complaint Voluntarily Withdrawn.
12. John T. Murphy v. Rutgers University (2025-431)
 - Complaint Settled in Mediation.
13. Erik Ertle v. Borough of Manasquan (Monmouth) (2025-438)
 - Complaint Settled in Mediation.
14. Randolph Hauser v. NJ Department of Labor & Workforce Development, Division of Public Safety & Occupational Safety & Health (2026-76)
 - Complaint Voluntarily Withdrawn.

15. Fran Brooks v. Shamong Township (Burlington) (2026-125)
 - Complaint Voluntarily Withdrawn.
16. Ashley Meyer v. NJ Department of Education (2026-129)
 - Complaint Voluntarily Withdrawn.
17. John Paff v. City of Elizabeth (Union) (2026-131)
 - Complaint Voluntarily Withdrawn.
18. Jason Guzik v. Middletown Township Board of Education (Monmouth) (2026-151)
 - Complaint Voluntarily Withdrawn.
19. Patricia L. Bussow v. Sandyston-Walpack Consolidated School District (Sussex) (2026-153)
 - Complaint Voluntarily Withdrawn.
20. Junior Nunez Fernandez v. Asbury Park Police Department (Monmouth) (2026-167)
 - Complaint Voluntarily Withdrawn.

VI. New Business – Cases Scheduled for Consent Agenda Administrative Order

An “Administrative order” means an order issued by the Council requiring the records custodian or the complainant to perform a specific action in furtherance of the adjudication of a pending denial of access complaint or taking other actions deemed appropriate to adjudicate a complaint in an expedited manner. The Executive Director’s recommended reason for the Administrative Order is under each complaint below.

A. Administrative Orders with Recusals (Consent Agenda): None

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

VII. New Business – Cases Scheduled for Individual Complaint Adjudication

The Executive Director’s recommended action is under each complaint below.

A. Individual Complaint Adjudications with Recusals:

1. Thomas Dudley, Jr. v. NJ Department of Corrections (2024-46) (**RBT and SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**
2. Terence Holmes v. NJ Department of Corrections (2024-167) (2024-167) (**RBT and SR Recusal**)
 - **Cannot be adjudicated due to lack of quorum.**

B. Individual Complaint Adjudications with no Recusals:

1. Kathleen Fraidstern v. Township of Maplewood (Essex) (2022-280)
 - 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 proposed special service charge is warranted but not reasonable. N.J.S.A. 47:1A-5(c); Courier Post v. Lenape Reg’l High Sch., 360 N.J. Super. 191, 204 (Law Div. 2002); Rivera v. Rutgers, The State Univ. of N.J., GRC Complaint No. 2009-311 (Interim Order dated May 29, 2012). Thus, the Custodian shall recalculate the charge based on the lowest paid Township

employee capable of performing the work and provide same to the Complainant for remittance.

- The Custodian lawfully denied access to the OPRA request item No. 8 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).
- There is no knowing and willful violation.

2. Kevin Kearns v. Township of Pemberton (Burlington) (2023-197)

- The Custodian's proposed special service charge of \$182.88 for six (6) hours at an hourly rate of \$30.48 is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J. Super. at 204; Rivera, GRC 2009-311; see also Kearns v. Glassboro Police Dep't (Gloucester), GRC Complaint No. 2023-197 (February 2025). Thus, the Custodian shall disclose the responsive records upon remittance of the appropriate fee. Paff v. City of Plainfield, GRC Complaint No. 2006-54 (July 2006).

3. Tesia Miller v. County of Mercer (2023-216)

- The Council should dismiss the portion of the complaint regarding the June 7, 2023 OPRA request and two (2) June 9, 2023 OPRA requests as out of time. N.J.A.C. 5:105-2.1(a). Further, the Complainant did not provide evidence showing good cause existed to accept these portions of the complaint as within time.
- The Complainant's August 12, 2023 request is invalid because it asked questions and did not seek specific government records. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Watt v. Borough of North Plainfield (Somerset), GRC Complaint No. 2007-246 (September 2009).

4. Kevin Kearns v. Borough of New Providence (Union) (2023-222)

- The Custodian's proposed special service charge of \$563.78 for 6.76 hours at an hourly rate of \$83.40 is warranted and reasonable. N.J.S.A. 47:1A-5(c); Courier Post, 360 N.J. Super. at 204; Rivera, GRC 2009-311. Thus, the Custodian shall disclose the responsive records upon remittance of the appropriate fee. Paff, GRC 2006-54.

5. Brian R. Wittig v. Rockaway Township (Morris) (2025-55)

6. Brian R. Wittig v. Rockaway Township (Morris) (2026-126) **Consolidated**

- The Custodian lawfully denied access to the subject OPRA requests seeking draft documents under the "inter-agency or intra-agency advisory, consultative, or deliberative material" exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; Libertarians for Transparent Gov't v. Gov't Records Council, 453 N.J. Super. 83 (App. Div. 2018).

VIII. Court Decisions of GRC Complaints on Appeal:

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

- Ass'n for Gov't Responsibility v. State Office of the AG, 2026 N.J. Super. Unpub. LEXIS 618 (App. Div. 2026)

X. Complaints Adjudicated in U.S. District Court:

XI. Public Comment:

The public comment period is limited to providing an opportunity for speakers to present suggestions, views and comments relevant to the Council's functions and responsibilities. In the interest of time, speakers shall be limited to **five (5) minutes** per the GRC's By-Laws. Speakers shall not be permitted to make oral or written testimony regarding pending or scheduled adjudications.*

XII. Adjournment

*Neither attorneys nor other representatives of the parties are required to attend this meeting nor will they be permitted to make oral or written comment during the adjudication.