



Minutes of the Government Records Council June 30, 2026 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:32 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 25, 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), Steven Ritardi, Esq. (Secretary), and Ronald Chen, Esq., Public Member, Judge Alexander Carver III (Ret.), Public Member, Laura Scutari, Esq., Public Member, and James Durek, Esq., Public Member.

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Karyn G. Gordon (Special Staff Attorney), Maria M. Rossi (Staff Attorney), Rose-Valda Julceus (Staff Attorney), Philip Voicu (Assistant Mediator/Staff Attorney), and Deputy Attorney General Mark Gulbranson.

II. Executive Director’s Report:

Official Welcome to New Councilmembers

The GRC welcomes the Council’s newest appointees, Laura Scutari and James Durek, Esq.

Ms. Scutari is currently the Director of the Department of Administrative Services & Purchasing within the County of Union, where she has been an integral part of the leadership group for nearly 20 years. Ms. Scutari is well versed in governmental procurement and maintains several profession memberships with organizations at the State level.

Mr. Durek boasts over 35 years of legal experience in the State as a partner and sole practitioner. Mr. Durek is admitted to the both the State and U.S. District Court for the District of New Jersey Bars. Mr. Durek has experience in all phases of litigation, including extensive courtroom experience.

The GRC welcomes you both and looks forward to working with you both.

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 8,053 Denial of Access Complaints. That averages about 337 annual complaints per more than 23 ³/₄ tracked program years. So far in the current program year (FY2026), the GRC has received 669 Denial of Access Complaints (more than double the 270 complaints filed in all of FY2025).
- 848 of the 8,053 complaints remain open and active (10.5%). Of those open cases:
 - o 7 complaints are on appeal with the Appellate Division (0.8%);
 - o 26 complaints are currently in mediation (3.1%);
 - o 2 complaints are proposed for the Office of Administrative Law (0.2%);
 - o 6 complaints await adjudication by the Office of Administrative Law (0.7%);
 - o 56 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (6.6%);
 - o 751 complaints are work in progress (88.6%); and
 - o 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 42,866 total inquiries, averaging about 1,872 annual inquiries per more than 22 ³/₄ 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 1,840 inquiries (7.5 inquiries per workday).

III. Closed Session

IV. Approval of Minutes of Previous Meetings:

May 28, 2026, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the May 28, 2026, meeting. Ms. Berg Tabakin made a motion, which was seconded by Mr. Chen. The motion passed by a unanimous vote; Ms. Scutari and Mr. Durek abstained.

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.

Mr. Alexy stated that Mr. Ritardi would be muted for this portion of the agenda to ensure his non-participation in the items from which he was recused. Mr. Caruso confirmed to the public that Mr. Ritardi was muted prior to addressing the agenda items below.

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

1. **Chester Ray Ma’at El Bey v. Jersey City Municipal Utilities Authority (Hudson) (2026-87) (SR Recusal)**
 - All Records Responsive Provided in a Timely Manner.
2. **William Santiago v. Jersey City Municipal Utilities Authority (Hudson) (2026-291) (SR Recusal)**
 - Motion to File Within Time Denied.
3. **Brian Camelio v. City of Jersey City (Hudson) (2026-321) (SR Recusal)**
 - Motion to File Within Time Denied.

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 Ms. Scutari. The motion passed by a unanimous vote; Mr. Ritardi recused.

Mr. Alexy notified the public that Mr. Ritardi would rejoin the meeting by unmuting himself. Mr. Ritardi rejoined the meeting at that time.

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

1. **Jeff Siipola v. NJ Office of Insurance Fraud Prosecutor (2024-12)**
 - No Correspondence Received by the Custodian.
2. **Amelia Nittolo v. Wharton Borough Public Schools (Morris) (2026-90)**
 - All Records Responsive Provided in a Timely Manner.
3. **Brian Greene v. Monroe Township Police Department (Middlesex) (2026-268)**
 - Motion to File Within Time Denied.
4. **Brian Greene v. Monroe Township Police Department (Middlesex) (2026-269)**
 - Motion to File Within Time Denied.
5. **TRIDEV, LLC v. Township of East Hanover (Morris) (2026-316)**
 - Motion to File Within Time Denied.
6. **Kevin Alexander v. Old Navy (Somerset) (2026-336)**
 - Request Made to a Non-Public Agency.

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 Ms. Scutari. The motion passed by a unanimous vote.

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

1. **Dina M. Grilo v. East Newark Board of Education (Hudson)** (2024-94)
 - Complaint Voluntarily Withdrawn.
2. **Frederick G. Confessore v. East Newark Board of Education (Hudson)** (2024-102)
3. **Frederick G. Confessore v. East Newark Board of Education (Hudson)** (2024-103)
4. **Frederick G. Confessore v. East Newark Board of Education (Hudson)** (2024-104) CONSOLIDATED
 - Complaint Voluntarily Withdrawn.
5. **Dorotea Malley v. Middletown Township School District (Monmouth)** (2026-138)
 - Complaint Settled in Mediation.
6. **Craig Hill v. City of Jersey City (Hudson)** (2026-206)
 - Complaint Voluntarily Withdrawn.
7. **Sabrina Sykes-Gelder (o/b/o Cobalt Intelligence) v. NJ Department of Treasury, Division of Revenue and Enterprise Services** (2026-264)
 - Complaint Settled in Mediation.
8. **Mark Kelly v. Piscataway Board of Education (Middlesex)** (2026-301)
 - Complaint Voluntarily Withdrawn.
9. **Maria Loble v. Township of Lakewood (Ocean)** (2026-304)
 - Complaint Voluntarily Withdrawn.
10. **Miguel Antonio Lugones v. Monmouth County Sheriff's Office** (2026-343)
 - Complaint Voluntarily Withdrawn.

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): None

B. Administrative Orders with No Recusals (Consent Agenda):

1. **Mark-Brian Kline v. Township of Hazlet (Monmouth)** (2025-311)
 - Referral to the Office of Administrative Law (“OAL”).

2. **Roberto Feliz Betancourt v. Bayonne Housing Authority (Hudson) (2025-321)**

- Motion to File Within Time Granted.
- Mr. Alexy called for any discussion on all the Administrative Orders as written. Hearing none, Mr. Alexy called for a motion to accept the recommendations as written in the above Administrative Orders. Ms. Berg Tabakin made a motion, which was seconded by Ms. Scutari. 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:

Mr. Alexy stated that Mr. Ritardi would be muted for this portion of the agenda to ensure his non-participation in the items from which they were recused. Mr. Caruso confirmed to the public that Mr. Ritardi was muted prior to addressing the agenda item below.

A. Individual Complaint Adjudications with Recusals:

1. **Thomas Paciorkowski, Esq. (o/b/o Din Narain) v. County of Hudson (2023-221) (SR Recusal)**

- The Custodian unlawfully denied access to the responsive traffic tickets. N.J.S.A. 47:1A-6. However, the GRC declines to order disclosure because the Custodian did so on October 17, 2023, and January 31, 2024.
- 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

Mr. Alexy notified the public that Mr. Ritardi would rejoin the meeting by unmuting himself.

B. Individual Complaint Adjudications with no Recusals:

1. **Brian F. McBride v. Borough of Collingswood (Camden) (2023-245)**
2. **Brian F. McBride v. Borough of Collingswood (Camden) (2023-246)**
3. **Brian F. McBride v. Borough of Collingswood (Camden) (2023-247)**
4. **Brian F. McBride v. Borough of Collingswood (Camden) (2023-248)**
5. **Brian F. McBride v. Borough of Collingswood (Camden) (2023-249)**

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- The Custodian lawfully denied access to the Complainant's OPRA request item Nos. 1 and 2 under the Internal Affairs Policy and Procedures. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-9(b); N.J.S.A. 47:1A-10; Rivera v. Union Cnty. Prosecutor's Office, 250 N.J. 124, 142-143 (2022).

- The Custodian lawfully denied access to OPRA request item Nos. 3, 4, and 5 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).
- 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

6. **David Weiner v. County of Essex (2024-18)**

- 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 Complainant's request is invalid because it sought generic "documents". MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); 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, and Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

7. **Andrea Ryan Vaccariello v. Town of Newton (Sussex) (2024-89)**

- The Custodian failed to conduct a reasonable search for records responsive to the Complainant's OPRA request. 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 all responsive records as part of the Statement of Information ("SOI").
- 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

8. **Shaun Clifton-Short v. Essex County Prosecutor's Office (2024-98)**

- The Custodian lawfully denied access to the requested surveillance footage under 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).
- 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

9. **Brian Roman v. Hunterdon Central Regional High School (Hunterdon) (2024-175)**
- 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 requested security camera footage, which is exempt under the security and surveillance exemption. N.J.S.A. 47:1A-1.1; Gillera v. Twp. of Bloomfield, 227 N.J. 159 (2016).
 - 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.
10. **Alfred Tard-El v. City of Trenton (Mercer) (2025-429)**
- The Custodian failed to comply with the Council's March 31, 2026 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. Ms. Berg Tabakin made a motion, and Ms. Scutari seconded the motion. The motion passed by a unanimous vote.
11. **Keith McHugh v. Borough of Spring Lake (Monmouth) (2026-42)**
- 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 disclosed all responsive records on January 15, 2026.
 - 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.
12. **Henry Alberto v. Bergenfield Board of Education (Bergen) (2026-43)**
- The Custodian lawfully denied access to the OPRA request 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, and Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

13. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-86)**
14. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-112)**
15. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-133)**
16. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-161)**
17. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-162)**
18. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-194)**
19. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-233)**
20. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-283)**
21. **Councilman Andrew Seise v. Borough of Lincoln Park (Morris) (2026-320)**

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- The Custodian did not unlawfully deny access to the Complainant's written equivalent requests because they were incomplete. N.J.S.A. 47:1A-5(f); 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. Ms. Berg Tabakin made a motion, and Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

22. Amelia Nittolo v. Wharton Borough Public Schools (Morris) (2026-91)

- 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 disclosed all responsive records on March 2, 2026.
- 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 Ms. Scutari seconded the motion. The motion passed by a unanimous vote.

23. Jennifer Lopez v. Borough of Penns Grove (Salem) (2026-198)

- 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. 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 Ms. Scutari 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:

- Morris View Healthcare Ctr. v. State Dep't of Human Servs., 2026 N.J. Super. Unpub. LEXIS 1045 (App. Div. May 20, 2026): Plaintiff Morris View appeals the lower court's decision dismissing its complaint against NJ Dep't of Human Services, Division of Aging Services (DoAS) and the Custodian of Records together. The lower court denied the Plaintiff's application to declare Defendants violated OPRA and the Common Law right of access. The App. Div. affirms the lower court decision, concluding that an overbroad request, unlike a request disruptive to an agency, does not require an agency to attempt to accommodate the requestor. See Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230 (App. Div. 2015).

Affirmed.

- Saadeh v. Borough of Watchung, 2026 N.J. Super. Unpub. LEXIS 1243 (App. Div. June 8, 2026): Plaintiff appeals the trial court's order denying his order to show cause (OTSC) and dismissing complaint from defendant Borough of Watchung (Borough). The Plaintiff filed an OPRA request for certain police records following a vehicle-pedestrian accident. The Borough's police department denied the OPRA request stating the prosecutor's possessed the requested records due to an active bias claim investigation. The trial court determined that the Plaintiff had no viable cause of action because the police department did not possess the requested records, and denied the subsequent OTSC, and dismissed the complaint.

The issue on appeal is whether Watchung was obligated to produce the records under OPRA and the common law right of public access. The Court determined that because the defendant Borough created the records, it was obligated to produce them under Simmons v. Mercado, 247 N.J. 24, 40-41 (2021). The Court reasoned that Simmons eliminates this justification for non-disclosure. Therefore, the Court reversed the trial court's ruling and ordered that, on remand, the Borough produce the requested police report. The Court additionally ordered the trial court to review the additional requested documents and determine whether they should be disclosed following review for confidentiality concerns.

Reversed and Remanded.

- Rosetti v. Ramapo-Indian Hills Reg'l High Sch. Bd. of Educ., 2026 N.J. LEXIS 560 (June 11, 2026): The NJ Supreme Court reviews the issue of whether a requestor is entitled to logs of government-related e-mails stored in government employees' personal e-mail accounts. Rosetti's OPRA request sought an e-mail log of Ramapo-Indian Hills Regional High School Board of Education (Board) members from their own personal e-mail addresses discussing Board business. Rosetti argued that the government-related e-mails housed on Board members' personal e-mail accounts constitute government records pursuant to this court's decision in Paff v. Galloway Township, 229 N.J. 340 (2017),

where the court determined that extraction and creation of an e-mail log of government related e-mails was not the creation of a new record, but rather reconfiguration of existing government records in the form of a log. Id at 353.

The Court agreed with Rosetti that an e-mail log of Board members' private e-mail accounts generated electronically using metadata from an e-mail server consisting only of government-related, Board-related e-mails would be acceptable. The Court scaled the scope of the search to include inboxes, trash, sent and any other relevant folders for messages to or from other Board members. Thus, the Court held that the Board and its members must search their personal e-mail accounts in this manner, or by any other acceptable method that will yield Board-related e-mails, in order to create logs of government-related e-mails housed in those personal e-mail accounts. The Court ordered the Board to submit a certification detailing the searches they conducted so that, on review, the trial or appellate court can assess whether searches were proper, which would satisfy the Board's obligations under OPRA.

The Court noted that the OPRA request for private e-mail account logs was overbroad, but belated thus the Court only briefly addressed the issue. Of note, the Court did not find that logs of entire private e-mail accounts are government records by virtue of the fact that government e-mails might be present in those accounts. It is only the log of *government-related* e-mails that is a government record. Thus, using a private e-mail account will not shield those government records from production under OPRA.

Affirmed as modified.

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

XI. Public Comment:

- William Santiago (GRC Complaint No. 2026-291): Mr. Santiago read a prepared statement regarding the intent of his complaint. Mr. Caruso stated that the Council rendered a decision earlier in the meeting. Mr. Caruso stated that his decision will be disseminated to the parties via e-mail and U.S. mail within 10 business days. Mr. Caruso stated that Mr. Santiago could contact his complaint manager with any questions.

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Ms. Berg Tabakin made a motion, which was seconded by Ms. Scutari. The motion passed by a unanimous vote. The meeting adjourned at 2:08 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: July 28, 2026