



Minutes of the Government Records Council July 28, 2026 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:31 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 July 23, 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), Brenda Alves (Staff Attorney), Philip Voicu (Assistant Mediator/Staff Attorney), and Deputy Attorney General Mark Gulbranson.

Mr. Caruso stated that the Council must amend the agenda to move GRC Complaint No. 2025-417 from Section VII(B)(9) to Section V(C)(4) based on a withdrawal. Mr. Alexy called for a motion to amend the agenda. Mr. Durek made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote.

II. Executive Director's Report:

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 8,098 Denial of Access Complaints. That averages about 337 annual complaints per 24 tracked program years. So far in the current program year (FY2027), the GRC has received 45 Denial of Access Complaints (the GRC finished FY2026 with 669 complaints, a program high).
- 850 of the 8,098 complaints remain open and active (11.8%). Of those open cases:
 - 7 complaints are on appeal with the Appellate Division (0.8%);
 - 27 complaints are currently in mediation (3.2%);
 - 4 complaints are proposed for the Office of Administrative Law (0.5%);
 - 6 complaints await adjudication by the Office of Administrative Law (0.7%);
 - 33 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (3.9%);
 - 773 complaints are work in progress (90.9%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 43,032 total inquiries, averaging about 1,871 annual inquiries per 23 tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2027), the GRC has received 166 inquiries (9.2 inquiries per workday).

III. Closed Session: None.

IV. Approval of Minutes of Previous Meetings:

June 30, 2026, Open Session Meeting Minutes

Mr. Alexy called for a motion to approve the draft open session minutes of the June 30, 2026, meeting. Mr. Durek 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): None

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

1. **Gerlando Termini v. Randolph Township School District (Morris) (2023-239)**
 - Unripe Cause of Action.
2. **Michael S. Barth v. Bernards Township (Somerset) (2026-106)**
 - Motion to File Within Time Denied.
3. **Kevin Alexander v. Somerville Police Department (Somerset) (2026-308)**
 - No Records Responsive to the Request Exist.
4. **Ricotson R. Dolisca v. Essex County Prosecutor's Office (2026-328)**
 - 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. Mr. Durek 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. **Terrance Huettl v. County of Burlington (2023-301)**
 - Complaint Voluntarily Withdrawn.
2. **Barbara Lesinski v. Asbury Park School District (Monmouth) (2025-4)**
 - Complaint Voluntarily Withdrawn.
3. **Edward Ajaeb v. Port Authority of NY & NJ (2025-89)**
 - Complaint Voluntarily Withdrawn.
4. **Ginevra Wilson v. Office of the Attorney General, Victims of Crime Compensation Office (2025-417)**
 - Complaint Voluntarily Withdrawn.
5. **Nick Sodano v. Burlington County Prosecutor's Office (2026-16)**
 - Complaint Settled in Mediation.
6. **Todd D. Ommen (o/b/o Neighbors Opposing Noise, Inc.) v. NJ Transit (2026-100)**
 - Complaint Settled in Mediation.
7. **Henry A. Washington v. City of Englewood (Bergen) (2026-114)**
 - Complaint Settled in Mediation.
8. **Julie Armstrong v. Middletown Township Board of Education (Monmouth) (2026-144)**
 - Complaint Settled in Mediation.
9. **Klarida Papajani v. NJ Office of Administrative Law (2026-165)**
 - Complaint Settled in Mediation.
10. **John Hastings v. Norwood Public School (Bergen) (2026-181)**
 - Complaint Settled in Mediation.
11. **Patrick Anthony v. NJ Department of Treasury (2026-203)**
 - Complaint Settled in Mediation.
12. **Yunjin Choi v. Borough of Wood-Ridge (Bergen) (2026-255)**

- Complaint Settled in Mediation.
- 13. **Della Scott v. City of Newark (Essex) (2026-265)**
 - Complaint Settled in Mediation.
- 14. **Dana Coppola v. Cranbury School District (Middlesex) (2026-372)**
 - Complaint Voluntarily Withdrawn.
- 15. **Erik Ramirez v. City of Union City (Hudson) (2026-398)**
 - 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): None

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 Ms. Berg Tabakin and Mr. Ritardi 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. Ritardi were muted prior to addressing the agenda item below.

A. Individual Complaint Adjudications with Recusals:

1. **Joshua McGhee v. NJ Department of Corrections (2023-227) (RBT & SR Recusal)**
 - The Custodian lawfully denied access to the requested video recording. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-9(a); N.J.A.C. 10A:22-2.3(a)(14).
 - 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. Durek made a motion, and Mr. Chen seconded the motion. The motion passed by a unanimous vote; Ms. Berg Tabakin and Mr. Ritardi recused.

Mr. Alexy notified the public that Ms. Berg Tabakin would rejoin the meeting by unmuting herself. Mr. Caruso confirmed that Ms. Berg Tabakin rejoined the meeting and Mr. Ritardi remained muted.

2. **Diana Cassidy v. City of Hackensack (Bergen) (2026-46) (SR Recusal)**

- The Custodian lawfully denied access to the requested civilian and police officer disciplinary records. N.J.S.A. 47:1A-10; Rodriguez v. Kean Univ., GRC Complaint No. 2013-296 (June 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. Mr. Durek made a motion, and Mr. Chen 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. Mr. Ritardi rejoined the meeting.

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

3. **Jorge Fernando Diaz Rivas v. Port Authority of NY & NJ (2026-69) (AC Recusal)**

- 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); (i); Kohn v. Twp. of Livingston Lib. (Essex), GRC Complaint No. 2007-124 (March 2008).
- The Custodian did not unlawfully deny access to the Complainant's OPRA request because he certified, and the record reflects, that he disclosed all responsive records. Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).
- 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote; Judge Carver recused.

Mr. Alexy notified the public that Judge Carver would rejoin the meeting by unmuting himself. Judge Carver rejoined the meeting.

B. Individual Complaint Adjudications with no Recusals:

1. **Robert A. Verry v. Franklin Fire District # 1 (Somerset) (2013-196)**

- The Council should grant reconsideration of the prevailing party fee attorney issue of its own volition. N.J.A.C. 5:105-2.10(a).
- The Council should deny reconsideration of the redaction and knowing and willful issues.
- The Council should award prevailing party attorney's fees in the amount of \$31,826.50 and additional cost fees in the amount of \$207.55.
- 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.

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

2. **Kevin Alexander v. Somerset County Board of Chosen Freeholders (2023-36)**

- The Custodian lawfully denied access to the requested inmate grievance records. N.J.S.A. 47:1A-1.1; Yannone v. N.J. Dep't of Corr., GRC Complaint No. 2016-73 (October 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. Mr. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

3. **Janice Roots v. City of Salem (Salem) (2023-194)**

- The Custodian's failure to timely respond resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); (i). However, the GRC declines to order any further action because all responsive records were disclosed on September 1, 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

4. **Bernard J. Meenan, Jr. v. Township of Edgewater Park (Burlington) (2023-286)**

- This complaint is unripe for adjudication. Sallie v. N.J. Dep't of Banking and 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

5. **Pamela D'Andrea v. Wall Township (Monmouth) (2024-10)**

- The Custodian lawfully denied access to the requested surveillance footage. N.J.S.A. 47:1A-1.1; Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016).
- The Custodian lawfully denied access to the remainder of the OPRA request 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. Mr. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

6. **James Butler v. Borough of Caldwell (Essex) (2025-85)**

- The Custodian complied with the Council's January 27, 2026 Interim Order.
- 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

7. **Andrew Cary Baldwin v. Township of Clinton (Hunterdon) (2025-293)**

- The current Custodian complied with the Council's May 28, 2026 Interim Order.
- 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

8. **Judson Moore v. Commercial Township (Cumberland) (2025-401)**

- The Custodian timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-5(e); Herron v. Twp. of Montclair, GRC Complaint No. 2006-178 (February 2007).
- The Custodian did not unlawfully deny access to the Complainant's OPRA request because she certified, and the record reflects, that she disclosed all responsive records. Danis, GRC 2009-156, *et seq.*
- 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. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

9. **Walter M. Marsico, Jr. v. Township of Vernon (Sussex) (2026-3)**

- The Custodian's failure to timely respond to the Complainant's request for "immediate" access records results in a "deemed" denial of access. N.J.S.A. 47:1A-5(e); Herron, GRC 2006-178.
- The Custodian unlawfully denied access to the responsive records. Burnett v. Cnty. of Gloucester, 415 N.J. Super. 506, 517 (App. Div. 2010); Libertarians for Transparent Gov't v. Borough of Westwood (Bergen), GRC Complaint No. 2016-214 (Interim Order dated October 30, 2018). The Custodian shall either locate and disclose responsive records (with redactions where appropriate) or 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. Hearing none, Mr. Alexy called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

10. Prakash Santhana v. Township of Holmdel (Monmouth) (2025-52)

- The Custodian lawfully denied access to the Complainant's OPRA request item Nos. 2 and 3 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. Mr. Durek made a motion, and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

11. Phillip I. Brilliant v. Irvington Board of Education (Essex) (2026-53)

- The Council should dismiss the portion of the complaint regarding the Complainant's October 13, 2025 and November 7, 2025 OPRA requests because it was filed out of time. N.J.S.A. 47:1A-6.
- The original Custodian's failure to timely respond to the December 18, 2025 OPRA request resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); (i). However, the GRC declines to order any further action because all responsive records were disclosed as part of the Statement of Information.
- 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. Durek 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:

- D.T. v. N.J. Dep't of Educ., 2026 N.J. Super. Unpub. LEXIS 1599 (App. Div. July 13, 2026): Plaintiff parent appeals the trial court's order dismissing the complaint with prejudice. Plaintiff filed an OPRA request for unredacted student records related to an earlier administrative claim for her child under the Individuals with Disabilities Act (IDEA). The trial court initially found that defendants violated OPRA and awarded plaintiff attorneys' fees as the prevailing party. On reconsideration, the trial court found that it misapplied the prevailing law including, FERPA and the NJ Pupil Records Act (NJPRA) and dismissed the complaint with prejudice. The lower court found that the Defendants produced records pursuant to NJPRA, not OPRA, because Plaintiff requested the records through her position as a parent via NJPRA and FERPA necessitating a parental consent release under N.J.A.C. 6A:32-7.5(g), not as a general requestor under OPRA. The trial court vacated its award of attorneys' fees under OPRA because NJPRA applies and there is no pathway to an attorneys' fee award. The Court affirmed the underlying decision, concluding that OPRA does not control here since NJPRA explicitly exempts student records from the public right of access, thus, the trial court did not err in finding that NJPRA governs rather than OPRA.

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

XI. Public Comment:

XII. Adjournment:

Mr. Alexy called for a motion to end the Council meeting. Mr. Durek made a motion, which was seconded by Mr. Ritardi. The motion passed by a unanimous vote. The meeting adjourned at 2:02 p.m.

Respectfully submitted,

John Alexy, Chair

Date Approved: August 25, 2026