

**Minutes of the Government Records Council
Closed Session of February 10, 2005**

The Council convened at 9:15 a.m. in Room 816 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Chairman Vincent Maltese, DeAnna Minus-Vincent (designee of Commissioner Susan Bass Levin, Department of Community of Affairs), Ms. Virginia Hook, Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, Independent Council, Elnardo Webster; Staff Advisory, David Zipin; Deputy Attorney General, Debra Allen, Case Managers: Chris Malloy, Kimberly Gardner, Erin Knoedler, and Colleen McGann.

Absent: Diane Schonyers (designee of Commissioner Librera, Department of Education)

Mr. Maltese expressed concerned that the GRC does not have regulations in place and indicated this should be a priority to complete.

Mr. Dice reviewed the meeting agenda with the Council. The Council sought legal advice with respect to the following cases:

- 1) *Dale Baranoski vs. Div. of Criminal Justice (2003-5) – Discussed whether the index provided was sufficient; Webster stated that he reviewed and finds that it meets legal scrutiny and the privileges asserted.
- 2) Martin O’Shea vs. Township of West Milford (2004-17) – Council had no questions on the legal issues presented in the case
- 3) *Daniel Meaders vs. William Paterson University (2004-49) – Council had no questions on the legal issues presented in the case
- 4) *Janon Fisher vs. Dept. of Law & Public Safety-Div. Of Law (2004-55) – Executive Director Paul Dice reviewed the legal issues in case and explained that Elnardo Webster was in agreement with the recommendations and that they were legally sound
- 5) Michael Shasho vs. Borough of Ramsey (2004-57) – Council had no questions on the legal issues presented in the case
- 6) *Barbara Schwarz vs. NJ Dept. of Human Services (2004-60) – Advice from Elnardo Webster that the Custodian was still too broad in applying HIPAA to the DHS and should explain whether this law applies to all areas of their department.
- 7) *Janon Fisher vs. Division of Law (2004-82) - Ms. Luzzatto explained that a second index provided insufficient basis for the asserted privileges. Elnardo Webster confirmed that the recommendation to order disclosure was legally sound.
- 8) Jeannie Smith vs. NJ Sports & Exposition Authority (2004-142) – Discussed the legal options when the Custodian is not responsive to the GRC and requestor
- 9) Jose Falto vs. Union City Parking Authority (2004-144)
- 10) *Prince Cuba vs. Department of Corrections (2004-146)
- 11) Frank Culmone vs. Longport Police Dept. (2004-147)
- 12) William Hewitt vs. Longport Police Dept. (2004-148)
- 13) Luis Perez vs. Borough of Glassboro (2004-149)

- 14) Thomas Seibert vs. Readington Twp Hunterdon County (2004-150) – Mr. Dice explained that the staff was diligent in getting a Vaughn Index from the Custodian’s counsel and We have been unsuccessful in
- 15) Kathleen Fallstick vs. Haddon Township (2004-158)
- 16) *Prince Cuba vs. Northern State Prison (2004-161)
- 17) Tina Renna vs. County of Union (2004-162)
- 18) Larry Loigman vs. Township of Middletown (2004-165) – Discussed legal options when the parties are unable to clarify factual information concerning the OPRA request.
- 19) Al-Ghaneer Kamau vs. Department of Corrections/CMS (2004-175)
- 20) *Barbara Schwarz vs. NJ Senate Democratic Office (2004-184)
- 21) *Barbara Schwarz vs. NJ Office of Legislative Services (2004-185)
- 22) *Barbara Schwarz vs. NJ Assembly Republican Office (2004-186)

Debra Allen recused herself during discussions of cases noted with an asterisk (*). Mr. Maltese recused himself during discussions of Jose Falto vs. Union City Parking Authority (2004-144) and Brunett v. County of Bergen (2004-6).

Mr. Maltese asked for a motion to adjourn the closed session at 11:15 a.m. Ms. Hook offered the motion, which was seconded by Ms. Minus-Vincent. All members present approved the motion.

The Executive Session concluded at 11:15 a.m.

Respectfully Submitted:



DeAnna Minus-Vincent, Secretary

Date: