

**Minutes of the Government Records Council
Closed Session of March 9, 2006**

First Closed Session

The Council convened in closed session at 9:45 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Chairman Vincent Maltese, Michelle Richardson (designee of Commissioner Susan Bass Levin, Department of Community of Affairs), Robin Berg Tabakin, Kathryn Forsyth (designee of Acting Commissioner Lucille Davy, Department of Education), GRC Staff: Executive Director Catherine Starghill, Operations Manager Gloria Luzzatto, Deputy Attorney General Debra Allen, Chris Malloy, Kimberly Gardner, Jennifer Arozamena, Colleen McGann, Dara Lownie and Marion Davies

The Council sought legal advice and discussed strategy for pending and anticipated litigation regarding the following items listed in the Resolution for Closed Session:

Paff v. Township of Plainsboro (2005-29)

It was noted that the case is on appeal. Legal advice provided to Council on the Complainant counsel's Motion to Settle the Record as it pertained to this case.

Mevers v. Borough of Fair Lawn (2005-127)

It was noted that the case is on appeal and the Custodian is requesting a stay of the Council's order for disclosure of records responsive to the request pursuant to OPRA. Discussion of legal strategy regarding the anticipated litigation. The Council received legal advice on the request for a stay of the Council's order and the legal standards required in a request for a stay.

Paff v. Bergen County (2005-115)

Vincent Maltese recused himself from discussion in this case. Legal advice provided to Council regarding the application of current laws and Council policy changes regarding use of the OPRA records request form as it pertains to this case.

Sauter v. Township of Colts Neck (2005-7)

Vincent Maltese recused himself from discussion in this case. Legal advice provided to the Council on Findings and Recommendations of the Executive Director regarding the issue of knowing and willful violation in this case.

Buttimore v Department of Law and Public Safety, Division of Criminal Justice (2005-90 and 2005-92)

Debra Allen recused herself from discussion in this case. Legal advice provided to the Council on proposed rules as it pertains to these cases.

McCormack v. NJ Department of Treasury (2005-103)

There was no discussion.

In Camera Proceedings

Allen v. NJ Department of Corrections (2005-126) – in camera inspection by Council

In Attendance: Chairman Vincent Maltese, Michelle Richardson, Secretary Robin Berg Tabakin, Kathryn Forsyth, GRC Staff: Executive Director Catherine Starghill, Operations Manager Gloria Luzzatto, and Case Manager Colleen McGann

Distributed case summary to Council Members and GRC Staff; reviewed events bringing case before the Council for *in camera* review of the requested documents. Read the applicable law N.J.S.A. 47:1A-1.1 and reasons cited by the Custodian for denial of access to the requested documents. The Council reviewed the unredacted December 17, 2004 Special Investigations Division (“SID”) investigation and the November 8, 2004 letter and envelope relevant to the complaint. The Council concluded that the requested records relevant to the complaint were exempt from disclosure in their entirety pursuant to N.J.S.A. 47:1A-1.1 and also N.J.S.A. 47:1A-3.a.

The Council concluded closed session at 11:10 a.m.

Second Closed Session

The Council convened in a second closed session at 12:15 p.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Chairman Vincent Maltese, Michelle Richardson (designee of Commissioner Susan Bass Levin, Department of Community of Affairs), Robin Berg Tabakin, Kathryn Forsyth (designee of Acting Commissioner Lucille Davy, Department of Education), Executive Director GRC Staff: Catherine Starghill, Operations Manager Gloria Luzzatto, Deputy Attorney General Debra Allen, Chris Malloy, Kimberly Gardner, Jennifer Arozamena, Colleen McGann, Dara Lownie and Marion Davies

The Council sought legal advice and litigation strategy on the following item listed in the Resolution for Closed Session:

Donal Meyers v. Borough of Fair Lawn (2005-127)

Legal advice provided to the Council regarding the court’s standards in granting a stay and its application in this case. The Council also discussed litigation strategy and received legal advice on same as it concerned the requested stay in this case. The Council concluded that the matter required further discussion and the Council’s decision would be tabled for the next meeting.

The closed session meeting concluded at 12:45 p.m.

Respectfully Submitted:



Robin Berg Tabakin, Secretary

Dated Approved: April 11, 2006