



**DRAFT**  
**Minutes of the Government Records Council**  
**Closed Session of May 11, 2006**

The Council convened in closed session at 9:55 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Chairman Vincent Maltese, Secretary Robin Berg Tabakin, Kathryn Forsyth (Designee of Acting Commissioner Lucille Davy, Department of Education), GRC Staff: Executive Director Catherine Starghill, Operations Manager Gloria Luzzatto, Kimberly Gardner, Christopher Malloy, Jennifer Arozamena, Colleen McGann, Dara Lownie, Marion Davies and Deputy Attorney General Debra Allen.

Absent: Michelle Richardson (Designee of Commissioner Susan Bass Levin, Department of Community of Affairs).

The Council discussed attorney-client privileged matters and anticipated and pending litigation regarding the following items, and conducted an *in camera* inspection in John Brennan v. Monmouth County Prosecutor's Office, GRC Case No. 2005-119 listed in the Resolution for Closed Session 2006-05-11:

**Robert Gorman v. Gloucester City (2004-108)**

Legal advice was to be provided by Deputy Attorney General Debra Allen; however, Mr. Maltese recused himself from this case. Therefore, no Closed Session discussion on this item occurred.

**John McCormack v. New Jersey Department of Treasury (2005-58)**

It was noted that the GRC staff reviewed the requested documents *in camera*. There was discussion concerning one of the *in camera* documents. The Council received legal advice regarding the advisory, consultative and deliberative privilege and personnel exemptions as it applied to this document.

**David Herron v. Montclair community Pre-K Center (2005-130)**

Legal concerns were reviewed with the Council regarding the definition of a public agency relevant in this case. The Council determined that further legal advice was required in this matter before a Council decision could be rendered.

**John Windish v. Mount Arlington Public Schools (2005-216)**

Legal advice was to be provided by Deputy Attorney General Debra Allen; however, Mr. Maltese recused himself from this case. Therefore, no Closed Session discussion on this item occurred.

**In Camera Proceedings**

**John Brennan v. Monmouth County Prosecutor's Office (2005-119)**

**In Attendance:** Chairman Vincent Maltese, Secretary Robin Berg Tabakin, Kathryn Forsyth, GRC Staff: Executive Director Catherine Starghill, Operations Manager Gloria Luzzatto, Case Manager Christopher Malloy, and Deputy Attorney Debra Allen.

Distributed case summary to Council Members and GRC Staff and reviewed the events bringing the case before the Council for an *in camera* review of the requested document. Read the applicable law N.J.S.A. 47:1A-1.1 regarding a "criminal investigatory record" and received legal advice regarding the law's application. The Council reviewed the unredacted copy of "Robert Linton's June 27, 2003 letter to the Monmouth County Prosecutor's Office" relevant to the complaint. The Council concluded that the requested record relevant to the complaint was exempt from disclosure in its entirety pursuant to N.J.S.A. 47:1A-1.1.

The closed session meeting concluded at 10:50 a.m.

Respectfully Submitted:

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Robin Berg Tabakin, Secretary

Dated Approved: