



DRAFT
Minutes of the Government Records Council
July 13, 2006 Public Meeting – Open Session

The meeting was called to order at 10:10 a.m. at the Department of Community Affairs, Room 129, Trenton, New Jersey. The Open Public Meetings Act statement was read. Ms. Hairston called the roll:

Present: Chairman Vincent Maltese, Secretary Robin Berg Tabakin, Michelle Richardson, and Charles Richmond

GRC Staff: Executive Director Catherine Starghill, Brigitte Hairston, Kimberly Gardner, Christopher Malloy, Colleen McGann, Marion Davies and Deputy Attorney General Debra Allen.

Absent: Kathryn Forsyth (Designee of Acting Commissioner Lucille Davy Department of Education).

Mr. Maltese read the Resolution for Closed Session, Resolution Number 2006-05-11 to discuss attorney-client privileged matters and anticipated and pending litigation in the following complaints:

1. Cathy Cardillo v. City of Hoboken, Zoning Office (2005-158) – *In Camera* Inspection by Staff
2. Denial of Access Complaint filed with the Government Records Council – Thomas Caggiano v. Government Records Council
3. Thomas Caggiano v. Borough of Stanhope (2006-27, et seq.) – Request for reconsideration
4. Janon Fisher v. NJ Dept. of Law & Public Safety, Division of Law (2004-55 and 2004-82) – Remanded for NJ Superior Court, Appellate Division for further GRC proceedings

A motion was made by Ms. Tabakin seconded by Ms. Richardson to go into closed session. The motion was adopted by a unanimous vote.

The Council met in closed session from 10:10 a.m. to 11:05 a.m.

Open Session reconvened at 11:15 a.m. and Ms. Hairston called the roll:

In attendance:

Mr. Maltese, Ms. Tabakin, Ms. Forsyth (arrived after closed session began), Ms. Richardson and Mr. Richman.

The pledge of allegiance was recited.

Mr. Maltese called for a motion to approve the open and closed session minutes of May 11, 2006. A motion was made by Ms. Richardson and seconded by Ms. Tabakin. The motion passed unanimously.

Mr. Maltese stated that he was recusing himself from the following complaints:

- Robert Gorman v. Gloucester City (2004-108)
- Amelia Spaulding v. Passaic County (2004-199)
- D.T. v. Rockaway Board of Education (2005-203)
- Leonard Lucente v. City of Union City (2005-213)
- Maryann Cottrell v. Rowan University (2005-255)
- John Paff v. City of Plainfield (2006-54)

Therefore, these complaints will be heard after all the complaints for which Mr. Maltese may participate in the vote are heard by the Council.

Ms. Starghill informed the Council that the following complaints would not be heard today:

- Janon Fisher v. NJ Department of Law & Public Safety (2004-55)
- Janon Fisher v. NJ Department of Law & Public Safety (2004-82)

The following complaints were presented to the Council for individual adjudication:

Michael D'Antonio v. Borough of Allendale (2005-20)

Ms. Starghill reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that:

1. The Custodian's response that the Complainant had already been provided with the records requested is not a lawful reason for a denial of access pursuant to Caggiano v. Borough of Stanhope, GRC Case No. 2005-211 et seq. (January, 2006) as well as N.J.S.A. 47:1A-6. As such, the Custodian has unlawfully denied access to the following records requested on January 21, 2005:
 - copies of former complaints filed by D'Antonio against Mr. Chorba
 - a copy of Attorney's report or letter to Borough as to outcome of lawsuit
 - a copy of Judge Starks' order barring Mr. Bole and Mrs. Favata as witnesses
 - a copy of Mr. Corrison's legal papers to attain above decision..
2. The Custodian should release the requested documents listed in (1) above to the Complainant within ten (10) business days of receipt of the Council's Interim

- Order and simultaneously provide certified confirmation of compliance to the Executive Director.
3. Pursuant to Russomano v. Township of Edison, GRC Case No. 2002-86 (July 2003), the Custodian properly responded to the Complainant's January 14, 2005 request for information by providing a written response within the statutorily mandated seven (7) business day pursuant to N.J.S.A. 47:1A-5.i. and denying the request on the basis that it is not a request for "identifiable government records" pursuant to Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super 534, 546 (March 2005).
 4. The Complainant's January 31, 2005 records request was not a valid OPRA request and as such the Custodian's refusal to fulfill the records request does not amount to an unlawful denial of access pursuant to the provisions of OPRA.
 5. As the Custodian asserts that she provided the Complainant with written responses to his January 14, 2005 and January 21, 2005 OPRA requests, and did not respond to the Complainant's January 31, 2005 request as it was not a valid OPRA request, it is concluded that the Custodian believed she was acting in good faith and therefore her actions were merely negligent, heedless, or unintentional. Therefore, the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.
 6. The Council does not have authority over the alleged record theft pursuant to N.J.S.A. 47:1A-7.b., therefore, this portion of the complaint should be dismissed with no further action.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Tabakin and seconded by Ms. Forsyth. The motion passed unanimously.

Peter Runfola v. Township of Scotch Plains (2005-64)

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council adopt the Initial Decision of the ALJ and find that the parties in this case voluntarily agreed to settle this matter. Therefore, no further action is required on the part of Council.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Tabakin. The motion passed unanimously.

John Paff v. Township of Old Bridge (2005-123)

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that:

1. Given that the Custodian did not provide a detailed and lawful basis for each individual redaction and did not provide confirmation that the agency's request form had been amended, within the time period ordered by the Council, it may be determined that the Custodian did not comply with the Council's Interim Order.
2. The December 1, 2003 executive session minutes relate to the status of labor negotiations which are exempt from access pursuant to N.J.S.A. 47:1A-1.1. Therefore, the Custodian's claimed exemption to this record is lawful.
3. The potential reasons for denying access to the March 1, 2004 executive session minutes regarding the Woodland Trails matter claimed by the Custodian are compelling but, it cannot be determined whether the facts of this complaint support the denial of access to the redacted portions of the requested record. Therefore, an *in camera* review of the unredacted record is necessary to determine what information, if any, is exempt from disclosure.
4. The Custodian has provided a sufficient explanation of the denial to the portion of the March 1, 2004 executive session minutes relating to the litigation settlement terms for the Somers v. Old Bridge matter to justify the applicability of the attorney-client privilege pursuant to N.J.S.A. 47:1A-1.1.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Tabakin and seconded by Ms. Forsyth. The motion passed unanimously.

Thomas Allegretta v. Borough of Fairview

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council find that:

1. With regard to 10/16/2001 R01-264, pursuant to N.J.S.A. 47:1A-5.i and N.J.S.A. 47:1A-5.g, the Custodian's failure to properly notify the Complainant of a lawful basis for denial of access and the delay in access to these records constitutes a deemed unlawful denial of access.
2. The potential reasons for denying access to 12/3/2002 R-02-318 and 12/3/2002 R-02-319 claimed by the Custodian are compelling but, it cannot be determined whether the facts of this complaint support the denial of access to the redacted portions of the requested records. Therefore, an *in camera* review of these unredacted requested records is necessary to determine what information, if any, is exempt from disclosure.
3. The document 05/17/2005 R-05131 was not made, maintained or kept on file at the time of the Complainant's May 17, 2005 OPRA request therefore, there is no denial of access to this document.

4. With regard to 12/17/2002 R-02-335, pursuant to N.J.S.A. 47:1A-5.i. and N.J.S.A. 47:1A-5.g. the Custodian's failure to properly notify the Complainant of a lawful basis for denial of access and the delay in access to these records constitutes a deemed unlawful denial of access.
5. With regard to the closed session minutes indicated in the Custodian's index as 12/30/97 pursuant to N.J.S.A. 47:1A-5.i. and N.J.S.A. 47:1A-5.g., the Custodian's failure to properly notify the Complainant of a lawful basis for denial of access or delay in access to these records constitutes a deemed unlawful denial of access.
6. The Custodian has acted improperly in not redacting the requested documents according to GRC guidelines.
7. Based on N.J.S.A. 47:1A-7.b., the GRC does not have authority adjudicate whether a Custodian has complied with OPMA or any statute other than OPRA.
8. In light of the legal standards set forth above and the fact that the Custodian has ultimately released those documents for which no specific exemption might exist, the Custodian's actions do not meet the legal standard for a knowing and willful violation pursuant to OPRA or unreasonable denial of access under the totality of the circumstances in this case. However, the Custodian's actions do appear to be at least negligent regarding his knowledge of OPRA.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Tabakin. The motion passed unanimously.

John Bart v. City of Paterson Housing Authority (2005-145)

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that:

1. Based on the Custodian counsel's June 1, 2006 submission to GRC staff, the Custodian has complied with the Council's Interim Order by providing the Complainant with an unredacted copy of the cover letter that requests individuals to please bring their own interpreter within ten (10) business days from receipt of the Council's order.
2. Due to the contested facts surrounding this case, the case shall be referred to the Office of Administrative Law for determination of a knowing and willful violation of the Act and unreasonable denial of access under the totality of the circumstances.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Tabakin. The motion passed unanimously.

John McCormack v. New Jersey Department of Treasury (2005-160)

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council find that:]

1. The resumes responsive to the request are disclosable pursuant to N.J.S.A. 47:1A-10 and Executive Order 26.
2. The letters expressing interest in provisional appointment are personnel records, exempt from access pursuant to N.J.S.A. 47:1A-10 and should not be disclosed.
3. Based on the Custodian's denial of access to government records, misstatements regarding the existence of requirements for the positions relating to this request and other contested facts in this case it is possible that the Custodian's actions were intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional. As such, the case should be referred to the Office of Administrative Law for determination of a knowing and willful violation of the Act under the totality of the circumstances.
4. The Custodian shall comply with "1." above within ten (10) business days from receipt of this Interim Order and simultaneously provide certified confirmation of compliance to the Executive Director.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Tabakin and seconded by Ms. Forsyth. The motion passed unanimously.

John McCormack v. New Jersey Department of Treasury (2005-164)

Ms. Colleen McGann reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. McGann presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that:

1. Given that the records requested by the Complainant fall squarely within the definition of a government record subject to disclosure pursuant to N.J.S.A. 47:1A-10 and that the Custodian does not have to do research to fulfill the request, the Custodian has unlawfully denied access to the requested personnel records. Therefore, the Custodian should disclose the requested records pursuant to OPRA.
2. Based on the explicit wording of the request, which mirrors the language found in N.J.S.A. 47:1A-10, the existence of databases that contain information responsive to the request and the Custodian's denial of access to the requested records, it is

possible that the Custodian's actions were intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional. As such, the case should be referred to the Office of Administrative Law for determination of a knowing and willful violation of the Act under the totality of the circumstances.

3. The Custodian shall comply with "1." above within ten (10) business days from receipt of this Interim Order and simultaneously provide certified confirmation of compliance to the Executive Director.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Tabakin and seconded by Ms. Richardson. The motion passed unanimously.

Bruce Mitzak v. Manalapan-Englishtown Regional Schools (2005-205)

Mr. Christopher Malloy reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Mr. Malloy presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council find that:

1. Based upon the fact that approvals for administrative vacation days are not clearly defined as being part of a payroll record, pursuant to the GRC's decision in Jackson, as well as not being defined as being a government record under N.J.S.A. 47:1A-10, there was no unlawful denial of access to said records in the immediate case.
2. The Custodian violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. by failing to provide the Complainant with a written response to his August 26, 2005 request within the statutorily mandated seven (7) business days therefore creating a "deemed" denial.
3. In view of the fact that the Custodian attempted to release at least part of the records to the Complainant, as well as the fact that the Custodian attempted to give a reason (although not lawful pursuant to OPRA), the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA under the totality of the circumstances.
4. In light of the fact that the form adopted by the Custodian in this case *is* in compliance with the standards required under OPRA, the Council should find that the Custodian is not in violation of N.J.S.A. 47:1A-5.f.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Richardson and seconded by Ms. Tabakin. The motion passed unanimously.

Renee Averbach v. Millburn School District (2005-220)

Mr. Christopher Malloy reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Mr. Malloy presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council find that due to the inconsistencies in the submissions of the parties, GRC staff is unable to make a recommendation as to whether the Custodian acknowledged the Complainant's records request as an OPRA request. If it is determined that the Custodian acknowledged the Complainant's request (whether it was on the form or not) as an OPRA request, then the Custodian was responsible (and still is) for responding properly pursuant to OPRA. As such, this complaint should be referred to the Office of Administrative Law (OAL) for fact finding and a legal conclusion as to whether the Custodian acknowledged the Complainant's records request as an OPRA request.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Tina Renna v. County of Union (2006-22)

Ms. Marion Davies reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. Davies presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council find that an *in camera* inspection is required to resolve this matter.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Richardson. The motion passed unanimously.

Thomas Caggiano v. Borough of Stanhope (2006-22, 2006-27 through 2006-43 and 2006-47)

Ms. Catherine Starghill reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council reconsider these complaints and refer them to the Office of Administrative Law to determine whether the custodian knowing and willful violated OPRA under the totality of the circumstances with consideration of the unlawful denial of access to inspect the records specifically requested for inspection only and the legality of the Borough's October 9, 2003 letter barring the Complainant entry to the municipal building "for any reason".

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Dina Parave-Fogg v. Lower Alloways Creek Township (2006-63)

Ms. Catherine Starghill reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that as the Custodian certifies that no records responsive to the Complainant's March 6, 2006 request exist, the Custodian would not have unlawfully denied access to the requested records pursuant to N.J.S.A. 47:1A-1.1, except that the Custodian's failure to provide the Complainant with a written response to her request within the statutorily mandated seven (7) business days resulted in a "deemed" denial, thus violating N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. Additionally, the Custodian should have obtained a written agreement from the Complainant extending the seven (7) business day time frame required under OPRA to respond to the records request as she was aware that she was awaiting a written response from the Chief of Police.

Mr. Maltese called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Tabkin and seconded by Ms. Forsyth. The motion passed unanimously.

Robert Gorman v. Gloucester City (2004-108)

Mr. Christopher Malloy reviewed the GRC's analysis and issues in the case as set forth in the Supplemental Findings and Recommendations of the Executive Director. Mr. Malloy presented the following recommendations to the Council:

The Executive Director respectfully recommends that the Council remand the ALJ's initial decision for additional fact finding, which shall include, but need not be limited to, an *in camera* review of the MVR tape.

Ms. Tabkin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Richardson. The motion passed unanimously.

Amelia Spaulding v. Passaic County (2004-199)

Ms. Catherine Starghill reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that:

1. The Custodian unlawfully denied access to the requested records.
2. There is no restriction against commercial use under OPRA and it is not the province of the GRC to rule on this public policy aspect.
3. Based on court precedent, the requested records are government records and are not exempt from disclosure under common law.
4. The fees prescribed under N.J.S.A. 22A:4-12 are provided for “a *search* of all records ...” Since the substance of this complaint refers to an OPRA records request and not a “search” of County recorded records, N.J.S.A. 22A:4-12 does not apply.
5. When the county clerk makes a copy, the fee in N.J.S.A. 22A:2-29 applies. However, in the instant complaint now before the GRC, the records have been requested in electronic or microfilm format instead of paper format and as such N.J.S.A. 22A:2-29 does not apply. For the same reason, N.J.S.A. 47:1A-5.b. (enumerating the OPRA rates for paper copies) does not apply.
6. The parties should meet and agree on cost or if they are unable to so agree, they should each submit a brief to the GRC on the cost issue only and the GRC will refer such matter to the Office of Administrative Law. The parties shall so comply within ten (10) business days from receipt of the Council’s Interim Order and simultaneously provide certified confirmation of compliance to the Executive Director.
7. The Custodian has not borne her burden of proving that redactions of the publicly recorded real estate records are necessary. Since redactions are not warranted, it is not likely the special service charge to which the Custodian attributed in large part to making redaction is warranted pursuant to N.J.S.A. 47:1A-5.c.
8. The Custodian should arrange to make the filing books available to the Complainant to make copies of the records requested using the public photocopy machine. The Custodian shall so comply within ten (10) business days from receipt of the Council’s Interim Order and simultaneously provide certified confirmation of compliance to the Executive Director.
9. The Complainant’s Counsel is required to submit to the GRC a written application for attorney’s fees supported by an attorney affidavit of service pursuant to New Jersey Court Rule 4:42-9(b). The Complainant shall so comply within ten (10) business days from receipt of the Council’s Interim Order and simultaneously provide certified confirmation of compliance to the Executive Director. The GRC reserves the right to make the determination on the issue of prevailing party attorney’s fees.

Ms. Tabkin called for a motion to accept the Executive Director’s findings and recommendations as amended (#6). A motion was made by Ms. Forsyth and seconded by Ms. Richardson. The motion passed unanimously.

Leonard Lucente v. City of Union City (2005-213)

Ms. Catherine Starghill reviewed the GRC’s analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that based on the Custodian counsel's April 24, 2006 submission to GRC staff, the Custodian has complied with the Council's Interim Order by attempting to provide the Complainant with a copy of the requested medical application within ten (10) business days from receipt of the Council's order. However, in a letter dated April 20, 2006, the Complainant agreed to dismiss the case as he was no longer seeking the medical application still at issue.

Ms. Tabkin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Maryann Cottrell v. Rowan University (2005-255)

Ms. Catherine Starghill reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find that the Custodian was not obligated to comply with the Complainant's November 4, 2005 request pursuant to OPRA as said request is not a valid OPRA request as it is a request for records per discovery. The Council should close this case with no further action.

Ms. Tabkin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Forsyth and seconded by Ms. Richardson. The motion passed unanimously.

John Paff v. City of Plainfield (2006-54)

Ms. Catherine Starghill reviewed the GRC's analysis and issues in the case as set forth in the Findings and Recommendations of the Executive Director. Ms. Starghill presented the following recommendations to the Council:

The Executive Director respectfully recommends the Council find:

1. As the Custodian is awaiting payment for the duplication cost of the requested records, she is not required to release said records until payment is received pursuant to N.J.S.A. 47:1A-5.b., Santos v. New Jersey State Parole Board, GRC Case No. 2004-74 (August, 2004), and Cuba v. Northern State Prison, GRC Case No. 2004-146 (February, 2005). Therefore, the Custodian has not unlawfully denied access to the records requested on February 6, 2005 (the Complainant's resubmission of his December 26, 2005 request.)
2. As the Custodian failed to respond to the Complainant's December 26, 2005 request (the Complainant's original OPRA request), she violated N.J.S.A. 47:1A-5.g. and N.J.S.A. 47:1A-5.i. which resulted in a "deemed" denial of the request.

Ms. Tabkin called for a motion to accept the Executive Director’s findings and recommendations as written. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Administrative Council Adjudication:

GRC Complaint Case and Number	Disposition
1. Anthony Russomanno v. Township of Edison (2004-197)	Complaint withdrawn
2. Dr. Kathleen Henderson v. Kean University (2005-44, 45, & 46)	Settlement in mediation.
3. John Kocubinski v. North Hanover Township (2005-163)	No records responsive to the request
4. Hassan A.Shakur v. Essex County Prosecutor’s Office (2005-212)	Complaint withdrawn
5. Thomas Kosinski v. Wall Township Police Department (2005-240)	No records responsive to the request
6. Virginia Jefferies v. East Orange Board of Education (2005-259)	Complaint withdrawn
7. Robert Comandini v. Township of Tewksbury (2006-12)	Settlement in mediation
8. Jason Belmont v. Township of Washington (2006-53)	No records responsive to the request
9. Arthur Marino v. Haledon Borough (2006-66)	Settlement in mediation
10. John Paff v. Borough of Ringwood (2006-67)	Complaint withdrawn
11. Anthony Amelio v. Town of Morristown (2006-77)	Complaint withdrawn
12. John Paff v. Township of Vernon (2006-86)	Settlement in mediation
13. Jackie Mosley v. Salem City Housing Authority (2006-90)	Complaint withdrawn
14. Lynn Spawn v. Middlesex County Planning Board (2006-92)	Complaint withdrawn
15. Lynne Mandel v. Bergen County Community College (2006-94)	Complaint withdrawn
16. Gabriel Iannacone v. NJ State Parole Board (2006-101)	Records requested provided

Ms. Tabkin called for a motion to accept the Executive Director’s recommendations as written in all of the above Administrative Case Dispositions. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Executive Directors Report:

Ms. Starghill informed the Council that a denial of access complaint had been filed against the Government Records Council. She asked that the Council consider referring the complaint to the Office of Administrative Law to avoid the appearance of a conflict of interest because while OPRA does not specifically address how such a situation, it would prudent to allow another agency to adjudicate such a complaint. Ms. Tabkin called for a motion to refer the denial of access complaint filed against the Government Records Council to the Office of Administrative Law for adjudication. A motion was made by Ms. Richardson and seconded by Ms. Forsyth. The motion passed unanimously.

Ms. Starghill also informed the Council that the GRC will conform with the certification requirements of the *N.J. Court Rules, 1969 R. 1:4-4* (2005).

Finally, Ms. Starghill announced the retirement of the GRC staff member, Gloria Luzzatto.

Public Comment:

No public comments were made.

Meeting adjourned at 12:55 p.m.

Respectfully submitted,

Robin Berg Tabakin, Secretary

Dated Approved: