

**Minutes of the Government Records Council
Closed Session of October 28, 2005**

First Session

The Council convened in closed session at 10:10 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Vice Chair Diane Schonyers (designee of Acting Commissioner Davy, Department of Education) DeAnna Minus-Vincent (designee of Acting Commissioner Charles Richman, Department of Community of Affairs), Robin Berg Tabakin, Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, In-House Counsel Catherine Starghill, Deputy Attorney General Debra Allen, GRC Case Managers: Chris Malloy, Kimberly Gardner, Jennifer Arozamena, Colleen McGann, Dara Lownie and Marion Davies.

Absent: Vincent Maltese and Mitchell Fishman

The Council sought legal advice on the following items listed in the Closed Session Resolution:

1. Division of Law's Opinion 03-0095 – "Government Records Council Award of Attorney's Fees to a Requestor Who Prevails in a Proceeding Under OPRA": Discussion of opinion and possible release of opinion to the public

The Council received legal advice on the possible public release of the Division of Law's Opinion 03-0095. The Council decided not to waive its attorney-client privilege by releasing the legal advice to the public.

2. Executive Director's response on Martin O'Shea v. Township of West Milford (2004-87, 2004-207/2005-31) and Ross Kushner v. West Milford (2004-111)

Legal advice provided to the Council on the Council's discretion to authorize the Executive Director and the GRC staff to act on its behalf as was done in responding to the aforementioned cases.

3. Joseph Haelig v. Seaside Heights Business Improvement District (2005-50)

Legal advice provided to the Council on the Business Improvement District as a public agency pursuant to OPRA.

Ms. Schonyers asked for a motion to adjourn the closed session. Ms. Tabakin offered the motion, which was seconded by Ms. Minus-Vincent. All members present approved the motion.

The closed session concluded at 10:35 a.m.

Respectfully Submitted:



DeAnna Minus-Vincent, Secretary

Date Approved: April 11, 2006