



Minutes of the Government Records Council January 25, 2022 Public Meeting – Open Session

I. Public Session:

- **Call to Order**

The meeting was called to order at 1:32 p.m. by Ms. Robin Berg Tabakin via Microsoft Teams.

- **Pledge of Allegiance**

All stood and recited the pledge of allegiance in salute to the American flag.

- **Meeting Notice**

Ms. Berg Tabakin read the following Open Public Meetings Act statement:

“This meeting was called pursuant to the provisions of the Open Public Meeting Act. Notices of this meeting were faxed to the Newark Star Ledger, Trenton Times, Courier-Post (Cherry Hill), and the Secretary of State on January 20, 2022.

- **Roll Call**

Ms. Bordzoe called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Jennifer Simons, Esq. (designee of Department of Education Acting Commissioner Dr. Angelica Allen-McMillan), Gina Trish (designee of Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver), and Steven Ritardi, Esq., Public Member.

GRC Staff in Attendance: Frank F. Caruso (Executive Director), Rosemond Bordzoe (Secretary), John Stewart (Mediator), Samuel Rosado (Staff Attorney), and Deputy Attorney General Debra Allen

II. Executive Director’s Report:

2021 Year-End Summary

This past calendar year has continued to present many challenges to the day-to-day operations of the GRC due to the ever-changing work landscape because of the public health emergency. Notwithstanding, the Council was able to complete every meeting in this calendar year and GRC

staff were able to put forth 407 agenda items over all eleven (11) meetings. That's amounts to an average of 37 adjudications per meeting in 2021, which is a decrease from 2020. Those agenda items produced 299 administrative dispositions and final decisions.

Unfortunately, the open case backlog has increased significantly in 2021 due to a couple of factors. First, the GRC received 360 total complaints in 2021, which is 110 more complaints filed than in 2020 and the highest complaint filing total since 2015. Additionally, the GRC received 97 of those complaints in November and December alone. This has led directly to a significant increase of open weekly cases from 342 at the beginning of the year (with a year low of 320) to 414 at the end. Notwithstanding, the GRC was able to decrease its calendar year open cases median for a third straight year.

GRC staff remains committed to its statutory mission and remains encouraged that it can make significant headway in 2022. We continue to observe the principles of hard work, flexibility, and cooperation to address our current situation. Thus, I again express my appreciation for your continued perseverance in the face of extreme adversity.

Current Statistics

- Since OPRA's inception in July 2002, the GRC has received 5,971 Denial of Access Complaints. That averages about 306 annual complaints per 19 1/2 program years. So far in the current program year (FY2022), the GRC has received 236 Denial of Access Complaints.
- 436 of the 5,971 complaints remain open and active (7.3%). Of those open cases:
 - 7 complaints are on appeal with the Appellate Division (1.6%);
 - 36 complaints are currently in mediation (8.3%);
 - 4 complaints are proposed for the Office of Administrative Law (0.9%);
 - 30 complaints await adjudication by the Office of Administrative Law (6.9%);
 - 68 complaints are tentatively scheduled for adjudication at an upcoming GRC meeting, which includes the current meeting (15.6%);
 - 291 complaints are work in progress (66.7%); and
 - 0 complaints are being held in abeyance (0.0%).
- Since Program Year 2004, the GRC has received and responded to 35,086 total inquiries, averaging about 1,897 annual inquiries per 18 1/2 tracked program years (the GRC did not track inquiries in the agency's first year). So far in the current program year (FY2022), the GRC has received 896 inquiries (6.4 inquiries per workday).

GRC Regulations

- The GRC is in conversation with the Commissioner's Office on how to proceed with the promulgation/readoption process.

III. Closed Session:

- Lisa D. Taylor, Esq. v. NJ Department of Treasury, Division of Purchase & Property (2015-395) *In Camera* Review (N.J.A.C. 5:105-2.8(g)).

Ms. Berg Tabakin called for a motion to go into closed session. Mr. Ritardi made a motion, and Ms. Simons seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 1:40 p.m. until 1:48 p.m.

Ms. Berg Tabakin called for a motion to end the closed session. Ms. Simons made a motion, which was seconded by Mr. Ritardi. The Council adopted the motion by a unanimous vote. Open Session reconvened at 1:49 p.m., and Ms. Bordzoe called roll.

- Present: Ms. Berg Tabakin, Ms. Simons, Ms. Trish, and Mr. Ritardi.

IV. Approval of Minutes of Previous Meetings:

December 14, 2021 Open Session Meeting Minutes

Ms. Berg Tabakin called for a motion to approve the draft open session minutes of the December 14, 2021 meeting. Ms. Simons made a motion, which was seconded by Ms. Trish. The motion passed by a unanimous vote.

V. New Business – Cases Scheduled for Adjudication

Ms. Berg Tabakin stated that an “Administrative Complaint Disposition” means a decision by the Council as to whether to accept or reject the Executive Director’s recommendation of dismissal based on jurisdictional, procedural, or other defects of the complaint. The reason for the Administrative Disposition is under each complaint below:

A. Administrative Disposition Adjudications with Recusals (Consent Agenda): None

B. Administrative Disposition Adjudications with no Recusals (Consent Agenda): None

C. Administrative Disposition of Uncontested, Voluntary Withdrawals by Complainant (No Adjudication of the Council is Required):

1. Michael Jurista, Esq. (o/b/o Brian Trovato) v. City of Orange Township (Essex) (2021-38)
 - Complaint Voluntarily Withdrawn.
2. Katherine G. Houghton, Esq. (o/b/o Joseph Harris) v. Township of Irvington, Department of Public Safety (Essex) (2021-50)
 - Complaint Voluntarily Withdrawn.
3. Simon Galperin v. Bloomfield Police Department (Essex) (2021-116)
 - Complaint Settled in Mediation.

4. **Steven J. Kossup, Esq. v. Montclair Police Department (Essex) (2021-129)**
 - Complaint Voluntarily Withdrawn.
5. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Lindenwold Police Department (Camden) (2021-143)**
 - Complaint Voluntarily Withdrawn.
6. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Northvale Police Department (Bergen) (2021-152)**
 - Complaint Voluntarily Withdrawn.
7. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Borough of Swedesboro (Gloucester) (2021-153)**
 - Complaint Settled in Mediation.
8. **Rotimi Owoh, Esq. (o/b/o Delores Simmons, Obafemi Simmons, & Grace Woko) v. Berkeley Heights Police Department (Union) (2021-157)**
 - Complaint Voluntarily Withdrawn.
9. **Old Bridge PBA Local 127 v. Sayreville School District (Middlesex) (2021-222)**
 - Complaint Voluntarily Withdrawn.
10. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute, Baffi Simmons, & Delores Simmons) v. Midland Park Police Department (Bergen) (2021-247)**
 - Complaint Voluntarily Withdrawn.
11. **James P. Nolan, Jr., Esq. (o/b/o Laura Czarneski) v. Borough of Jamesburg (Middlesex) (2021-259)**
 - Complaint Voluntarily Withdrawn.
12. **Jerome D. Greco v. Jersey City Police Department (Hudson) (2021-313)**
 - Complaint Voluntarily Withdrawn.
13. **Joseph R. Kardos v. Manchester Township Police Department (Ocean) (2021-320)**
 - Complaint Voluntarily Withdrawn.
14. **Diane C. Nickoloff v. Palisades Park Board of Education (Bergen) (2021-321)**
 - Complaint Voluntarily Withdrawn.

VI. New Business – Cases Scheduled for Individual Complaint Adjudication

A. Individual Complaint Adjudications with Recusals:

A brief summary of the Executive Director's recommended action is under each complaint:

Ms. Berg Tabakin noted that Ms. Trish would be muted for Agenda item No. 1 to ensure her non-participation in the item from which she was recused. Ms. Berg Tabakin confirmed to the public that Ms. Trish was muted prior to addressing the below agenda item.

1. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. City of Atlantic City (Atlantic) (2018-247) (GT Recusal)**
 - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the prescribed deadline. N.J.A.C.

5:105-2.13(b). Thus, no further adjudication is required.

- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote; Ms. Trish recused.

Ms. Berg Tabakin notified the public that Ms. Trish would rejoin the meeting by unmuting herself. Ms. Trish rejoined the meeting at that time.

Ms. Berg Tabakin noted that Mr. Ritardi would be muted for Agenda item Nos. 2 through 6 to ensure his non-participation in those items from which he was recused. Ms. Berg Tabakin confirmed to the public that Mr. Ritardi was muted prior to addressing the below agenda items.

2. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Edison Police Department (Middlesex) (2020-55) (SR Recusal)**

- The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

3. **David Weiner v. County of Essex (2020-196) (SR Recusal)**

- The Custodian lawfully denied access to the Complainant's OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer v. N.J. Dep't of Educ., GRC Complaint No. 2005-49 (July 2005).
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as edited. Mr. Caruso noted that he moved the first sentence in Footnote No. 5 to the Statement of Information ("SOI") entry. Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as edited. Ms. Trish made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

4. **David Weiner v. County of Essex (2020-197) (SR Recusal)**

- The Custodian lawfully denied access to the Complainant's OPRA request because she certified, and the record reflects, that no records exist. Pusterhofer, GRC 2005-49.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as edited. Mr. Caruso noted that he moved the first sentence in Footnote No. 5 to the SOI entry. Ms. Berg Tabakin called for

a motion to accept the Executive Director's findings and recommendations as edited. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

5. **David Weiner v. County of Essex (2021-5) (SR Recusal)**

- Chief Information Officer Carl Hunte's failure to locate additional responsive records until after the filing of the instant complaint resulted in an insufficient search. Weiner v. Cnty. of Essex, GRC Complaint No. 2013-52 (September 2013). However, the GRC declines to order disclosure of the additional records because the Custodian did so as part of the Statement of Information ("SOI").
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

6. **Chaya-Bracha Karen Walkenfeld v. Rutgers University (2021-26) (SR Recusal)**

- The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian's assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff v. N.J. Dep't of Labor, Bd. of Review, 379 N.J. Super. 346 (App. Div. 2005).
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote; Mr. Ritardi recused.

Ms. Berg Tabakin notified the public that Mr. Ritardi would rejoin the meeting by unmuting himself. Mr. Ritardi rejoined the meeting at that time.

B. Individual Complaint Adjudications with no Recusals:

1. **Lisa D. Taylor, Esq. v. NJ Department of Treasury, Division of Purchase and Property (2015-395)**

- The Custodian complied with the Council's September 24, 2019 Interim Order.
- The *In Camera* Examination reveals that the Custodian lawfully denied access to the withheld or redacted portions of the responsive bids. N.J.S.A. 47:1A-6.
- The Council declines to address the knowing and willful issue because no violation of OPRA occurred.
- The Complainant is not a prevailing party.

- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as edited. Mr. Caruso noted that additional citations were added to portions of the *in camera* table and that these changes did not impact on the analysis or proposed conclusions. Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as edited. Mr. Ritardi made a motion and Mr. Trish seconded the motion. The motion passed by a unanimous vote.
2. **Mark Demitroff v. Buena Vista Township (Atlantic) (2017-169)**
- The Council should determine the reasonable fee amount to which the Complainant's Counsel is entitled.
 - The Council should find that Complainant's Counsel is entitled to an adjusted fee award of \$6,500.00 representing 16.25 hours of service at \$400.00 per hour.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote.
3. **Edwin Sheppard v. NJ Department of Law and Public Safety, Division of Law (2017-180)**
- The Custodian timely responded based on a warranted and substantiated extension. Ciccarone v. N.J. Dep't of Treasury, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014); Libertarians for Transparent Gov't v. Summit Pub. Sch. (Union), GRC Complaint No. 2016-193 (March 2018).
 - The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian's assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff, 379 N.J. Super. 346.
 - The knowing and willful analysis is deferred.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.
4. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Ocean Gate Police Department (Ocean) (2018-194)**
- This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and

recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

5. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute & Baffi Simons) v. Audubon Park Borough (Camden) (2018-290)**
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Trish made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote.
6. **Adam C. Miller v. Township of Lawrence (Mercer) (2018-313)**
 - This complaint should be dismissed because the Complainant failed to appear at the Office of Administrative Law hearing and did not submit an explanation for such failure. N.J.A.C. 1:1-18.4(a). Thus, no further adjudication is required.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.
7. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Clinton Township Police Department (Hunterdon) (2019-32)**
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.
8. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Stockton Borough (Hunterdon) (2019-35)**
 - The Custodian complied with the Council's February 23, 2021 Interim Order.
 - There is no knowing and willful violation.
 - The Complainant is a prevailing party. The parties shall confer on fees and advise the GRC within twenty (20) business days if an agreement is reached. If not, Complainant's Counsel shall submit a fee application in accordance with N.J.A.C. 5:105-2.13.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin

called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

9. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Audubon Park Borough (Camden) (2019-239)**
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.
10. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Town of Westfield (Union) (2020-11)**
 - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote.
11. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. Township of Union (Union) (2020-15)**
 - The Council should dismiss the complaint because the parties have agreed to a prevailing party fee amount, thereby negating the need for any further adjudication.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.
12. **Rotimi Owoh, Esq. (o/b/o African American Data & Research Institute) v. East Newark Police Department (Hudson) (2020-38)**
 - This matter shall be closed because Complainant's Counsel failed to submit an application for attorney's fees within the extended deadline. N.J.A.C. 5:105-2.13(b). Thus, no further adjudication is required.
 - Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and

recommendations as written. Ms. Simons made a motion and Mr. Trish seconded the motion. The motion passed by a unanimous vote.

13. **Scott Madlinger v. Berkeley Township Police Department (Ocean) (2020-90)**

- This complaint should be tabled for additional review.
- Ms. Berg Tabakin called for a motion to table the above matter. Ms. Simons made a motion, and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

14. **Anonymous v. Borough of Haledon (Passaic) (2020-125)**

- The Custodian and Mohammad Ramadan's failure to locate responsive records until after the filing of this complaint resulted in an insufficient response. Schneble v. N.J. Dep't of Env'tl. Protection, GRC Complaint No. 2007-220 (April 2008).
- The Complainant's request item Nos. 3 and 4 seeking correspondence and e-mails were invalid because they did not include senders and/or recipients and a date or range of dates. Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010).
- The Custodian may have unlawfully denied access to the Complainant's OPRA request item Nos. 5, 6, 7, and 8. N.J.S.A. 47:1A-6. The Custodian shall search for potentially responsive records and either disclose those located or certify if none exist, inclusive of certifications detailing the search conducted.
- The knowing and willful analysis is deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Ritardi made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

15. **Marcia A. Kleinz v. Atlantic Cape Community College (2020-161)**

- The current Custodian failed to fully comply with the Council's November 9, 2021 Interim Order.
- The Custodian shall have a final opportunity to locate and disclose the remaining outstanding personnel information or certify if same ultimately did not exist. Carter v. Franklin Fire Dist. No. 1 (Somerset), GRC Complaint No. 2014-218, *et seq.* (Interim Order dated April 26, 2016).
- The knowing and willful and prevailing party analyses are deferred.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

16. **Anonymous v. Borough of Haledon (Passaic) (2020-205)**

- The Custodian's failure to timely respond to the Complainant's OPRA request item No. 1 seeking "immediate" access records resulted in a violation of OPRA. N.J.S.A. 47:1A-5(e).
- The Custodian's failure to locate the spreadsheet responsive to the Complainant's OPRA request item No. 5 until after the filing of this complaint resulted in an insufficient search. Schneble, GRC 2007-220. However, the GRC declines to order disclosure of this record because the Custodian did so as part of the SOI.
- The Complainant's request item Nos. 1, 4, and 6 are invalid because they require research. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); Lagerkvist v. Office of the Governor, 443 N.J. Super. 230, 236-237 (App. Div. 2015). Further, the Complainant's request item No. 2 is invalid because it did not include a sender and/or recipient. Elcavage, GRC 2009-07. Finally, the Complainant's request item No. 3 was invalid because it required research of the Borough's minutes. Valdes v. Union City Bd. of Educ. (Hudson), GRC Complaint No. 2011-147, *et seq.* (July 2012).
- There is no knowing and willful violation.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Simons made a motion and Mr. Trish seconded the motion. The motion passed by a unanimous vote.

17. **Michael I. Inzelbuch, Esq. (o/b/o C.J.) v. Teaneck Board of Education (Bergen) (2020-247)**

18. **Michael I. Inzelbuch, Esq. (o/b/o C.J.) v. Teaneck Board of Education (Bergen) (2020-248) Consolidated**

- The Custodian never received the Complainant's two (2) OPRA requests prior to the filing of this complaint and did not unlawfully deny them. N.J.S.A. 47:1A-6. See Martinez v. Morris Cnty. Prosecutor's Office, GRC Complaint No. 2014-2 (September 2014), and Valdes v. N.J. Dep't of Educ., GRC Complaint No. 2012-19 (April 2013).
- The Complainant is not a prevailing party.
- Ms. Berg Tabakin called for any discussion on the Executive Director's findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Ms. Trish made a motion and Mr. Ritardi seconded the motion. The motion passed by a unanimous vote.

19. **Dan Riordan v. Borough of Red Bank (Monmouth) (2021-3)**

- The GRC must conduct an *in camera* review of the responsive records to determine the validity of the Custodian's assertion that same were lawfully denied on the exemptions cited by the Custodian. N.J.S.A. 47:1A-1.1; Paff, 379 N.J. Super. 346.
- The knowing and willful analysis is deferred.

- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote.

20. **Marc Liebeskind v. Borough of Highland Park (Middlesex) (2021-8)**

- The Custodian lawfully denied access to the responsive spreadsheet containing redevelopment scenarios under the “inter-agency, or intra-agency advisory, consultative, or deliberative material” exemption. N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-6; Educ. Law Ctr. v. Dep’t of Educ., 198 N.J. 274 (2009); Giambri v. Sterling High Sch. Dist. (Camden), GRC Complaint No. 2014-393, et seq. (September 2015).
- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Ms. Simons made a motion and Ms. Trish seconded the motion. The motion passed by a unanimous vote.

21. **Raymond C. Mitchell v. Town of Secaucus (Hudson) (2021-40)**

- This complaint should be dismissed because the Complainant failed to state a claim. Loigman v. Monmouth Cnty. Prosecutor’s Office, GRC Complaint No. 2013-342 (July 2014).
- Ms. Berg Tabakin called for any discussion on the Executive Director’s findings and recommendations as written. Hearing none, Ms. Berg Tabakin called for a motion to accept the Executive Director’s findings and recommendations as written. Mr. Ritardi made a motion and Ms. Simons seconded the motion. The motion passed by a unanimous vote.

VII. Court Decisions of GRC Complaints on Appeal: None

VIII. Complaints Adjudicated in NJ Superior Court & NJ Supreme Court: None

X. Public Comment: None

XI. Adjournment:

Ms. Berg Tabakin called for a motion to end the Council meeting. Ms. Trish made a motion, which was seconded by Ms. Simons. The motion passed by a unanimous vote. The meeting adjourned at 2:20 p.m.

Respectfully submitted,

Robin Berg Tabakin, Esq., Chair

Date Approved: February 22, 2022