

**MINUTES OF THE GOVERNMENT RECORDS COUNCIL**  
**Closed Session Meeting of June 12, 2003**

The Council convened the meeting at 9:45 in room 235 of the Department of Community Affairs. In attendance were: Chair Vincent Maltese, Matthew U. Watkins (designee of Commissioner Susan Bass Levin, Department of Community Affairs), Vice Chair Bernard Spigner and Secretary Virginia Hook. Also in attendance were Deputy Attorneys General Barbara Conklin and Juliet Wyne, Acting Executive Director Marc Pfeiffer and Assistant Executive Director Paul Dice. Absent was Dr. Dwight Pfennig, Deputy Commissioner, designee of Commissioner William Librera, Department of Education.

Mr. Pfeiffer explained that advice had been received from the Division of Law regarding the award of attorneys' fees to a requester who prevails in a proceeding under OPRA. Ms. Conklin explained the legal basis for the conclusion that a requestor would not be considered a "prevailing party" entitled to recoup reasonable attorneys fees under OPRA unless the Council had first adjudicated the requestor's Complaint and awarded the requestor access to at least some portion of the records sought in the Complaint.

Mr. Pfeiffer then detailed the "Unfinished Business" cases on the agenda. Council discussed issues regarding case scheduling.

Chairman Maltese stated that if the Teeters' cases (2002-6 and 2002-15) are not adjudicated in July, then they should be sent to the Office of Administrative Law.

Ms. Conklin and Ms. Wyne reviewed the cases listed as "New Business" on the agenda and commented on the legal issues presented by the cases.

Bernard Spigner moved to adjourn the Executive Session, with a second by Virginia Hook. The motion was adopted by roll call:

Aye: Virginia Hook, Bernard Spigner, Matthew Watkins, Vincent Maltese

The Executive Session concluded at 10:45 a.m.

Respectfully Submitted,

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Virginia Hook, Secretary

Dated: July 10, 2003