

**DRAFT**

**MINUTES OF THE GOVERNMENT RECORDS COUNCIL**

**Closed Session of December 9, 2004**

The Council convened at 9:15 a.m. in Room 235A of the Department of Community Affairs, Trenton, New Jersey.

In attendance were: Chairman Vincent Maltese, Secretary Virginia Hook, Diane Schonyers (designee of Commissioner William Librera, Department of Education), DeAnna Minus-Vincent (designee of Commissioner Susan Bass Levin, Department of Community Affairs) Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, Case Managers Chris Malloy, Kimberly Gardner, Erin Knoedler and Colleen McGann, Staff Advisor David Zipin, Elnardo Webster – Outside Counsel (by telephone conference), Deputy Attorney General Debra Allen.

The Council discussed the following cases pursuant to the provisions N.J.S.A. 10:4-12.a(7):

Janon Fisher v. Department of Law and Public Safety (2004-55)

Ms. Allen recused herself during the discussion of this case. Advised by outside counsel, Elnardo Webster, that our conclusions in this case are legally sound pursuant to OPRA and that we should anticipate that these recommendations if adopted by the Council would most likely be appealed.

Janon Fisher v. Department of Law and Public Safety (2004-82)

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Robert Gorman v. Gloucester City (2004-108)

The Council and the Executive Director would like not to accept the Custodian's assertion that they unable to provide access because the public agency does not have the capability to copy the videotape with the required redactions and wants to know the Council's legal authority to direct the Custodian to use an outside service in order to comply with the request. Ms. Allen advised that she did not know of any legal support in OPRA or other laws that gives the Council the authority to direct a Custodian in how to fulfill a request, but wanted to review all legal options that the Council could consider.

Mr. Maltese asked for a motion to adjourn the closed session at 10:25 a.m. Ms. Hook offered the motion, which was seconded by Ms. Minus-Vincent. All members present approved the motion. The Executive Session concluded at 10:25 a.m.

Respectfully submitted,

/s/ DeAnna Minus-Vincent

Dated: