

Minutes of the Government Records Council
Closed Session
December 12, 2002

The Council convened in closed session at 9:35 a.m. in Room 235 of the Department of Community Affairs.

Mr. Pfeiffer briefly explained Complaint 2002-33, Serrano v. South Brunswick Township to the Council and advised the Council to abstain from taking action on this matter because a late submission from the Requester's attorney raised legal issues concerning the Executive Director's Findings and Recommendations that required legal review. Ms. Conklin advised the Council that the issue concerned N.J.S.A. 47:1A-3(b) that addressed **information** related to criminal investigations, as compared to subsection 3(a) that addressed **records** that are part of an investigation. Ms. Conklin noted that the Requester's attorney raised a thoughtful legal argument for the Council to decide under subsection (a) as compared to subsection (b).

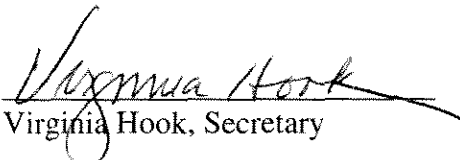
Mr. Pfeiffer briefly explained Complaint 2002-25, Janon Fisher v. County of Passaic. The Council had no questions concerning the case.

Mr. Pfeiffer briefly explained Complaints 2002-46 & 55, which involves the City of Paterson Police Department's fee for a single day's blotter or "calls for service." Ms. Conklin advised that she expected the requesters in these complaints to seek attorney fees. Ms. Conklin suggested that if the parties could not reach an agreement on the amount of fees, the Council should require requesters' attorney to file an application for fees with the GRC supported by a certification of service as required under New Jersey Court Rules.

Mr. Maltese recused himself from consideration of Janon Fisher v. City of Clifton 2002-32 and left the room once the Council announced it was prepared to discuss this matter with Ms. Conklin. Mr. Pfeiffer reported that the City has advised the Council in writing that they intended to release the 911 tape to the Requester. Ms. Conklin advised the Council of their legal options in the event that the City fails to provide the tape to the requester.

The Council reconvened its Regular meeting at 10:35 a.m.

Respectfully Submitted,


Virginia Hook, Secretary