



**State of New Jersey**  
**GOVERNMENT RECORDS COUNCIL**

ROBIN BERG TABAKIN, Chair  
COMMISSIONER JOSEPH V. DORIA, JR.  
COMMISSIONER LUCILLE DAVY  
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**INTERIM ORDER**

**June 25, 2008 Government Records Council Meeting**

Thomas Caggiano  
Complainant

Complaint No. 2008-105

v.

Borough of Stanhope (Sussex)  
Custodian of Record

At the June 25, 2008 public meeting, the Government Records Council (“Council”) considered the June 18, 2008 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that because of a conflict of interest, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Interim Order Rendered by the  
Government Records Council  
On The 25<sup>th</sup> Day of June, 2008

Robin Berg Tabakin, Chairman  
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

David Fleisher, Secretary  
Government Records Council

**Decision Distribution Date: July 1, 2008**



**STATE OF NEW JERSEY  
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director  
June 25, 2008 Council Meeting**

**Thomas Caggiano<sup>1</sup>  
Complainant**

**GRC Complaint No. 2008-105**

v.

**Borough of Stanhope (Sussex)<sup>2</sup>  
Custodian of Records**

**Records Relevant to Complaint:**

- 1) Examination of 2005-2007 bills for Richard Stein associated with the defense of the Borough of Stanhope/Land Use Board in a Superior Court suit brought by U.S. Minerals v. Area in Need of Development;
- 2) Examination of Report prepared for Land Use Board/Borough of Stanhope in 2005, 2006 and 2007;
- 3) Copy of P. David Zimmerman contracts to prepare reports listed at #2 above in 2005, 2006 and 2007;
- 4) Examination of newspaper announcements per Local Public Contracts Law to P. David Zimmerman and escrow sheet by Hovnanian Northeast to pay his services.

**Request Made:** May 5, 2008

**Response Made:** May 6, 2008

**Custodian:** Robin R. Kline, Municipal Clerk

**GRC Complaint Filed:** May 17, 2008

**Background**

Because of a conflict of interest,<sup>3</sup> this matter should be referred to the Office of Administrative Law for a hearing to resolve the facts of this case and any possible violations of OPRA arising therefrom.

**Conclusions and Recommendations**

The Executive Director respectfully recommends the Council find that because of a conflict of interest, this matter be referred to the Office of Administrative Law for a hearing to resolve the facts and determine whether the custodian unlawfully denied

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<sup>1</sup> No legal representation listed on record.

<sup>2</sup> No legal representation listed on record.

<sup>3</sup> On or about October 21, 2007, the Executive Director of the GRC, Catherine Starghill, filed a criminal harassment complaint against the Complainant in Mercer County Municipal Court. On or about October 29, 2007, the Government Records Council obtained a temporary civil restraining order against the Complainant in the Superior Court of New Jersey, Chancery Division.

access to the requested records, and if so, whether the denial was knowing and willful in violation of OPRA and unreasonable under the totality of the circumstances.

Prepared By:

Karyn Gordon, Esq.  
In House Counsel

Approved By:

Catherine Starghill, Esq.  
Executive Director

June 18, 2008