



State of New Jersey
GOVERNMENT RECORDS COUNCIL

101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Acting Commissioner

FINAL DECISION

March 27, 2012 Government Records Council Meeting

Thomas Caggiano
(on behalf of Inside on the Outside,
A State of NV Publishing Firm)
Complainant

Complaint No. 2012-25

v.

Borough of Stanhope (Sussex),
Custodian of Record

At the March 27, 2012 public meeting, the Government Records Council (“Council”) considered the March 20, 2012 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 the Council therefore takes judicial notice that Thomas Caggiano is the President of Inside on the Outside, as set forth at <http://thomascaggiano.com/100826DCALFB.pdf> and Mr. Caggiano is prohibited from “having any contact with any present or former employees or officials of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency” pursuant to Judge Dana’s December 3, 2008 Judgment. Thus, Mr. Caggiano is precluded from filing this Denial of Access Complaint against the Borough of Stanhope and the Council must dismiss same based on Judge Dana’s December 3, 2008 Judgment.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 27th Day of March, 2012

Robin Berg Tabakin, Chair
Government Records Council



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

Catherine Starghill, Executive Director
Government Records Council

Decision Distribution Date: April 4, 2012

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
March 27, 2012 Council Meeting**

**Thomas Caggiano,
(on behalf of Inside on the Outside,
a State of NV Publishing Firm)¹
Complainant**

GRC Complaint No. 2012-25

v.

**Borough of Stanhope (Sussex)²
Custodian of Records**

Records Relevant to Complaint: Various
Request Made: January 14, 2012
Response Made: January 14, 2012
Custodian: Ellen Horak
GRC Complaint Filed: January 22, 2012³

Background

December 3, 2008

Judgment of the Honorable Craig U. Dana, J.M.C., Joint Municipal Court of the Townships of Green, Fredon, Hampton and the Borough of Andover. Judge Dana issues a Judgment of Conviction for harassment and trespass violations prohibiting Thomas Caggiano from having any contact with any present or former employees or officials of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency.

January 22, 2012

Denial of Access Complaint filed with the Government Records Council (“GRC”) attaching the Complainant’s letter request dated January 14, 2012.

Analysis

Pursuant to *N.J.A.C.* 1:1-15.2(a) and (b), official notice may be taken of judicially noticeable facts (as explained in N.J.R.E. 201 of the New Jersey Rules of Evidence), as well as of generally recognized technical or scientific facts within the specialized knowledge of the agency or the judge. The Appellate Division has held that it was appropriate for an administrative agency to take notice of an appellant’s record of convictions, because judicial notice could have been taken of the records of any court in

¹ No legal representation listed on record.

² Represented by Richard Stein, Esq., Laddey Clerk & Ryan (Sparta, NJ).

³ The GRC received the Denial of Access Complaint on said date.

New Jersey, and appellant's record of convictions were exclusively in New Jersey. *See Sanders v. Division of Motor Vehicles*, 131 N.J. Super. 95 (App. Div. 1974).

The Council therefore takes judicial notice that Thomas Caggiano is the President of Inside on the Outside, as set forth at <http://thomascaggiano.com/100826DCALFB.pdf>. As such, Mr. Caggiano is prohibited from “having any contact with any present or former employees or officials of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency” pursuant to Judge Dana’s December 3, 2008 Judgment. Thus, Mr. Caggiano is precluded from filing this Denial of Access Complaint against the Borough of Stanhope and the Council must dismiss same based on Judge Dana’s December 3, 2008 Judgment.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Council therefore takes judicial notice that Thomas Caggiano is the President of Inside on the Outside, as set forth at <http://thomascaggiano.com/100826DCALFB.pdf> and Mr. Caggiano is prohibited from “having any contact with any present or former employees or officials of the Borough of Stanhope except that Mr. Caggiano may mail his tax and utility payments to the Borough and he may call 911 if he has an emergency” pursuant to Judge Dana’s December 3, 2008 Judgment. Thus, Mr. Caggiano is precluded from filing this Denial of Access Complaint against the Borough of Stanhope and the Council must dismiss same based on Judge Dana’s December 3, 2008 Judgment.

Prepared By: Karyn Gordon, Esq.
In House Counsel

Approved By: Catherine Starghill, Esq.
Executive Director

March 20, 2012