

Keith Kaplan  
670 Ramapo Road  
Teaneck, NJ 07666  
(201) 645-4042  
keith@teanecktoday.com

KEITH KAPLAN,

*Plaintiff, pro se,*

vs.

TEANECK BOARD OF EDUCATION, *et al.,*

*Defendants.*

NEW JERSEY SUPERIOR COURT  
BERGEN COUNTY-LAW DIV,  
DOCKET NO. BER-L-000121-24

**PLAINTIFF’S MOTION TO ENFORCE  
LITIGANT’S RIGHTS**

TO: Marc H. Zitomer, Esq.  
SCHECK, PRICE, SMITH & KING LLP  
220 Park Avenue  
Florham Park, NJ 07932  
Attorneys for Defendants:  
Teaneck Board of Education, Nadia Hosein, Gerald Kirshenbaum, David Gruber,  
Latisha Isley-Robinson, Jennifer Levy, Ana Marte, Jonathan Rodriguez, Clara  
Williams and Business Administrator Victor Anaya

**PLEASE TAKE NOTICE** that on June 18, 2026 at 9:30 a.m, the undersigned shall move before the Superior Court of New Jersey, Law Division, Bergen County, located at the Bergen County Justice Center, Hackensack, New Jersey, for an Order enforcing litigant’s rights pursuant to R. 1:10-3 against Defendant, Teaneck Board of Education.

**PLEASE TAKE FURTHER NOTICE** that the undersigned will rely upon the accompanying brief and attached Certification of Keith S Kaplan with Exhibits in support of the Motion.

PLAINTIFF’S MOTION TO ENFORCE LITIGANT’S RIGHTS

**PLEASE TAKE FURTHER NOTICE** that, pursuant to R. 1:6-2, it is requested that the court consider this motion on the papers.

A proposed form of order is attached.

Respectfully submitted,

  
\_\_\_\_\_

KEITH KAPLAN, Pro Se

Dated: June 5, 2026

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NEW JERSEY SUPERIOR COURT  
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DOCKET NO. BER-L-000121-24

KEITH KAPLAN,

*Plaintiff, pro se,*

vs.

TEANECK BOARD OF EDUCATION, *et al.*,

*Defendants.*

**BRIEF IN SUPPORT OF PLAINTIFF'S  
MOTION TO ENFORCE LITIGANT'S  
RIGHTS**

**PLAINTIFF'S MOTION TO ENFORCE LITIGANT'S RIGHTS**

Plaintiff Keith Kaplan, pro se, respectfully moves this Court pursuant to R. 1:10-3 for an Order enforcing litigant's rights and declaring that the Teaneck Board of Education's ("Board" or "Defendants") Special Public Meeting held on June 4, 2026 violated the New Jersey Open Public Meetings Act ("OPMA"), N.J.S.A. 10:4-6 et seq., and this Court's July 18, 2024 Order, as clarified and reinforced by the November 4, 2024 Order and November 8, 2024 Decision. In support of this Motion, Plaintiff states as follows:

**I. PRELIMINARY STATEMENT**

This is the latest in a series of OPMA violations by the Teaneck Board of Education, a body that has been enjoined by this Court to "adhere strictly to all the mandates of OPMA and shall remain in full compliance with same moving forward." Despite this injunction, and despite three prior adjudications finding repeated OPMA violations, the Board conducted a

Special Public Meeting on June 4, 2026 that failed to comply with OPMA's notice requirements in multiple respects. The Board failed to provide 48-hour advance notice of the actual agenda items to be voted upon, failed to post the agenda on the designated legal notices webpage, failed to post the notice on the physical bulletin board at the district office, failed to display the customary prominent homepage banner, chose not to live-stream the meeting, and introduced a \$100,000 professional services contract resolution that was never part of any properly noticed agenda.

## **II. PROCEDURAL HISTORY**

On July 18, 2024, this Court granted declaratory judgment in favor of Plaintiff on Counts Three and Four of his Verified Complaint, finding that the Teaneck Board of Education failed to comply with the mandates of OPMA. The Court ordered the Board to cure the deficiencies of the December 21, 2023 and January 3, 2024 meetings within 70 days. Critically, the Court further ordered "that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward."

In its July 18, 2024 oral decision, the Court emphasized that the New Jersey Supreme Court in *Polillo v. Deane*, 74 N.J. 562 (1977), rejected the argument that substantial compliance with OPMA is sufficient, holding instead "that strict adherence to the letter of the law is required." The Court noted a "longstanding, consistent failing under the Open Public Meetings Act to notice these meetings properly" and found injunctive relief appropriate.

On November 4, 2024, this Court issued a further Order and Rider finding that the Board's August 21, 2024 meeting also violated OPMA because the Board failed to submit an agenda to the two designated newspapers of record. The Court reiterated that "norms that are not

in strict compliance with OPMA cannot satisfy OPMA" and that posting an agenda only on the website does not replace OPMA's traditional notice requirements. The Court further stated: "This Court's prior Order was clear when it ordered that Defendants shall adhere strictly to all the mandates of OPMA and remain in full compliance with OPMA moving forward. It is now clear that Defendants have, again, failed to act in compliance with OPMA."

On November 8, 2024, the Court found yet additional OPMA violations at the September 11 and October 9, 2024 workshop meetings, where no agenda was submitted to newspapers of record. The Court ordered 50 days to cure those deficiencies and declined to issue a Rosenblum order against Plaintiff, noting that Plaintiff "has been successful, at least partially, on each of his filings" and that each motion was not frivolous.

### **III. STATEMENT OF FACTS**

#### **A. The Original Notice (May 28, 2026)**

On or about May 28, 2026, the Board posted a public notice for a Special Public Meeting to be held on Thursday, June 4, 2026, at 7:00 PM at the Central Administrative Office, 651 Teaneck Road, Teaneck, NJ. The notice stated in relevant part: "The purpose of this meeting is discuss the Superintendent's evaluation." The notice further indicated that the Board would "open the meeting, allow for public participation and convene into closed session" and that "[a]ction may be taken." This notice was shared publicly by Board Trustee James Wolff on the "Teaneck Today" social media page on May 28, 2026.

#### **B. The Amended Notice**

Subsequently, the notice was amended to state: "The purpose of this meeting is to discuss the Superintendent's evaluation and legal representation." Critically, the Teaneck Township municipal notice page—the Township's official public notices page at

www.teanecknj.gov—posted this amended notice on May 30, 2026, five days before the meeting. The amended notice published on the Township's site includes the "and legal representation" language, demonstrating that the Board knew about the legal representation issue no later than May 30, 2026. Despite this, the amended notice was not published in The Bergen Record until June 4, 2026—the same day as the meeting itself.

### **C. The June 4, 2026 Agenda**

On the morning of June 4, 2026, mere hours before the 7:00 PM meeting, an agenda was posted to the Board's website. This agenda contained a resolution that was never referenced in either the original or amended notice: a Resolution Authorizing Award of a Non-Fair-and-Open Professional Services Contract for Legal Services in the matter of LaClair v. Teaneck Board of Education, et al., Docket No. BER-L-005692-21, awarding a contract to Scarinci Hollenbeck in an amount not to exceed \$100,000. The resolution stated that Mark A. Tabakin, Esq., who had been principally responsible for the matter, had joined Scarinci Hollenbeck from Weiner Law Group.

### **D. The Agenda Was Not Posted on the Designated Legal Notices Page**

Under the 2025 amendments to OPMA (S-4654/A-5878, effective March 1, 2026), public entities must publish legal notices on their official websites, with a clearly visible hyperlink on the homepage. Each public entity is required to submit its legal notice webpage link to the Secretary of State for inclusion on the statewide centralized directory.

The New Jersey Secretary of State's Statewide Legal Notices directory lists the Teaneck Public Schools' designated legal notice URL as:  
<https://www.teaneckschools.org/protected/ArticleView.aspx?iid=6Y0PB0I&dasi=4GBP>. That

page contains two links. The first link directs visitors to the Board's legal notices page at <https://www.teaneckschools.org/PublicNotices.aspx>.

The legal notices page does contain two versions of the June 4, 2026 meeting notice—one in RTF format and one in PDF format. However, the RTF version still reflects the original May 28, 2026 notice, stating only that the purpose of the meeting is to "discuss the Superintendent's evaluation," with no mention of legal representation or the \$100,000 professional services contract. The PDF version reflects the amended notice adding "and legal representation." Neither version of the notice posted on the legal notices page includes any reference to the Resolution Authorizing Award of a Non-Fair-and-Open Professional Services Contract for Legal Services in *LaClair v. Teaneck Board of Education* or the expenditure of \$100,000 in public funds.

The inconsistency between the two posted versions—where the RTF file was never updated to reflect the amended notice—further demonstrates the Board's haphazard and non-compliant approach to OPMA notice. More critically, the full agenda containing the \$100,000 contract resolution was posted elsewhere on the district website, not on the designated legal notices page linked from the Secretary of State's statewide directory. This fails to satisfy the 2025 amendments' requirement that notices appear on the public entity's official website in the designated conspicuous location.

#### **E. The Agenda Was Not Posted on the Physical Bulletin Board**

Plaintiff personally observed and photographed the district office bulletin board both earlier on June 4, 2026 and upon entering the meeting. The agenda for the Special Public Meeting was not posted on the bulletin board. OPMA requires that notice be "prominently posted in at least one public place reserved for such or similar announcements." N.J.S.A. 10:4-8(d)(1).

### **F. The Meeting Was Not Live-Streamed and No Prominent Website Notice Was Displayed**

Contrary to the Board's standard practice for public meetings, the June 4, 2026 Special Public Meeting was not live-streamed. The original notice expressly stated: "This meeting will not be streamed live." For regular Board meetings, the Board prominently displays a large, dark red banner at the top of the district website homepage announcing the meeting, providing links to the Zoom webinar, the Board agenda, and the live stream, and informing the public that comments may be made in person or via Zoom. For example, the May 2026 regular meeting featured such a banner, including links to join by Zoom, view the agenda, and watch the live stream. No such prominent banner or homepage notice was displayed for the June 4, 2026 Special Public Meeting. The absence of both the live stream and the customary homepage banner further limited public awareness of and access to the meeting at which a \$100,000 contract was voted upon.

Because the meeting was not streamed, Plaintiff recorded the proceedings. That recording is publicly available at: <https://www.youtube.com/watch?v=aQuMGeXCanc>

### **G. The Board Attorney's Statements at the Meeting**

At the meeting, after Plaintiff raised the OPMA compliance issues, the Board's attorney stated that the law says the agenda is published "to the extent known" and that "the issue of former counsel moving to a new firm was not known at the time, that's why it was an add on." The attorney further stated the matter was "time sensitive" due to an impending trial date but simultaneously conceded it was "not an emergency."

## **IV. LEGAL ARGUMENT**

### **A. OPMA Requires Strict Compliance**

The New Jersey Supreme Court has unequivocally held "that strict adherence to the letter of the law is required in considering whether a violation of [OPMA] has occurred." *Polillo v. Deane*, 74 N.J. 562, 578 (1977). This Court has repeatedly applied that standard in this very case, rejecting arguments that "norms" or substantial compliance satisfy OPMA. OPMA requires "written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting." N.J.S.A. 10:4-8(d).

### **B. The "To the Extent Known" Defense Fails**

The Board's attorney argues that the \$100,000 professional services contract was not "known" at the time of the original notice and therefore the "to the extent known" language of N.J.S.A. 10:4-8(d) excuses the failure to include it. This argument fails for multiple reasons.

First, an "agenda" is "a list or outline of things to be considered or done." *Opderbeck v. Midland Park Bd. of Educ.*, 442 N.J. Super. 40, 56 (2015). The Board prepared a formal, detailed resolution complete with specific terms—attorney hourly rates of \$170 per hour, paralegal rates of \$75 per hour, a contract period of June 1, 2026 through June 30, 2027, and a cap of \$100,000—referencing a specific docket number and specific attorney by name. A resolution of this specificity and detail is not one that materializes without advance planning. The Board clearly had actual knowledge of this agenda item sufficiently in advance to have included it in the notice.

Second, the Board attorney's own statement concedes awareness: the attorney acknowledged that counsel had moved to a new firm, which is the very predicate for the resolution. An attorney's lateral move to a new firm is not a sudden, unforeseeable event. It

involves administrative processes, conflicts checks, and engagement letters that occur over a period of days or weeks. The Board had ample time to amend its notice to include this item with 48 hours' advance notice.

Third, and most damning, the Teaneck Township municipal notice page posted the amended notice—including the "and legal representation" language—on May 30, 2026, five full days before the June 4 meeting. This means the Board had identified the legal representation issue and communicated the amended notice to the Township Clerk's office no later than May 30, 2026. The Board therefore had at minimum five days' advance knowledge that legal representation would be a topic of the meeting—more than sufficient time to have included the \$100,000 professional services contract resolution in a properly noticed agenda. The Board's claim that the contract item was not "known" at the time of the notice is flatly contradicted by the Board's own amended notice filed with the Township.

Fourth, the "to the extent known" language was designed to address situations where a public body cannot predict every item that may come before it at a future meeting. It was never intended as a mechanism to circumvent the notice requirement by deliberately withholding known agenda items until the last moment. To interpret it otherwise would render OPMA's notice requirements meaningless, as a public body could always claim it did not "know" about an item until the morning of the meeting.

Fifth, this Court has already found in this case that agendas must be submitted as part of the notice when annual notice is not available. In the November 4, 2024 Rider, this Court held that "OPMA requires publication of an agenda when no annual notice has been provided." The same principle applies here: if the Board was going to add a substantial new agenda item—a

\$100,000 contract—to a special meeting, it was obligated to provide 48-hour advance notice of that item in compliance with OPMA.

### **C. The "Time Sensitive" Argument Underscores the Violation**

The Board attorney conceded the matter was "time sensitive" due to an impending trial date while simultaneously stating it was "not an emergency." This concession is fatal to the Board's position. OPMA provides a specific mechanism for urgent matters that arise unexpectedly: the emergency meeting procedure under N.J.S.A. 10:4-9(b). That provision permits a public body to hold a meeting without adequate notice upon a three-quarters vote of members present, provided that the meeting addresses matters of such urgency and importance that delay would likely result in substantial harm to the public interest.

By conceding the matter was not an emergency, the Board attorney has effectively conceded that the emergency meeting exception does not apply. And if the matter is merely "time sensitive" but not an emergency, then the Board had the obligation to provide proper notice. A trial date is typically known well in advance. An attorney's lateral move to a new firm is planned, not spontaneous. The Board cannot simultaneously claim the matter was so urgent it could not wait for proper notice yet also not urgent enough to invoke the emergency meeting provisions. The Board is caught in a logical impossibility of its own making: if it was truly unforeseeable, the emergency provisions apply and require a three-quarters vote and specific procedural steps; if it was foreseeable (as the evidence demonstrates), then proper 48-hour notice was required and the Board failed to provide it.

### **D. The Notice Was Not Published 48 Hours in Advance**

Even accepting the amended notice—which added "and legal representation" to the stated purpose—that amended notice was published in The Bergen Record and Star Ledger

on June 4, 2026, the same day as the meeting. OPMA unambiguously requires "written advance notice of at least 48 hours." N.J.S.A. 10:4-8(d). Publication on the day of the meeting cannot, as a matter of law, satisfy this requirement. The original notice, posted on or about May 28, 2026, referenced only "the Superintendent's evaluation" and made no mention of legal representation, professional services contracts, or any expenditure of \$100,000 in public funds.

#### **E. The Agenda Was Not Posted in the Proper Location**

Under the 2025 amendments to OPMA (S-4654/A-5878), which became mandatory on March 1, 2026, public entities must publish their legal notices on their official website. The Secretary of State maintains a centralized directory linking to each public entity's designated legal notices page. The Teaneck Public Schools' designated URL on the statewide directory is

<https://www.teaneckschools.org/protected/ArticleView.aspx?iid=6Y0PB0I&dasi=4GBPB>. The Board's own website directs visitors to its "Public Notices" page at <https://www.teaneckschools.org/PublicNotices.aspx>.

The June 4, 2026 agenda was not posted on either of these designated pages. It was posted elsewhere on the district website, in a location not designated for legal notices and not linked from the statewide directory. This fails to satisfy both the letter and the spirit of the 2025 amendments, which require notices to appear in a "conspicuous location" on the entity's website, replacing the old requirement of a physical bulletin board.

#### **F. The Notice Was Not Posted on the Physical Bulletin Board**

OPMA historically required that notice be "prominently posted in at least one public place reserved for such or similar announcements." N.J.S.A. 10:4-8(d)(1). The agenda for the June 4, 2026 Special Public Meeting was not posted on the bulletin board at the district

office. Plaintiff personally observed and documented this deficiency both earlier on June 4, 2026 and upon entering the meeting. While the 2025 amendments shift the primary posting requirement to the entity's official website effective March 1, 2026, the failure to post on the bulletin board—combined with the failure to properly post online—demonstrates the Board's continued disregard for public transparency obligations.

#### **H. The Board's Presiding Officer Statement Was Inaccurate**

The meeting agenda reflects that the Presiding Officer was to state: "Adequate notice of this meeting has been sent to The Record, The Star Ledger and filed with the Municipal Clerk and posted on the school district website at [www.teaneckschools.org](http://www.teaneckschools.org), on June 1, 2026." However, the notice published in The Bergen Record was not published until June 4, 2026—the day of the meeting—not June 1, 2026. This statement in the minutes is inaccurate regarding the amended notice and the addition of the \$100,000 contract resolution, which was never noticed to any newspaper. OPMA requires the presiding officer to announce "an accurate statement" regarding whether adequate notice was provided. N.J.S.A. 10:4-10.

#### **I. This Court's Injunction Requires Strict Compliance**

This Court's July 18, 2024 Order expressly ordered "that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward." The November 4, 2024 Order found the Board in violation of that injunction for the August 21, 2024 meeting. The Court stated that fee awards were "intended to further compel Defendants to comply, not only with this Court's injunction, but also with OPMA's mandates."

The Board's conduct on June 4, 2026 constitutes yet another violation of this Court's injunction. After multiple findings of non-compliance, multiple extensions of time to

cure, and multiple awards of costs, the Board continues to fail to strictly comply with OPMA. The pattern of non-compliance identified by this Court on July 18, 2024, reinforced on November 4, 2024, and again on November 8, 2024, continues unabated.

### **J. The Action Taken at the Meeting Should Be Voided**

N.J.S.A. 10:4-15(a) provides that "[a]ny action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court." The resolution authorizing a \$100,000 professional services contract to Scarinci Hollenbeck was voted upon at a meeting that did not conform with OPMA. The public was deprived of any meaningful advance notice that a significant expenditure of public funds would be voted upon. This is precisely the harm OPMA was enacted to prevent: "secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society." N.J.S.A. 10:4-7.

### **K. Sanctions Are Warranted**

When a party acts in non-compliance with a prior court order, the other party may move to enforce litigant's rights pursuant to R. 1:10-3, and the court may enter an additional order compelling compliance. Fee awards under R. 1:10-3 are "meant to compel compliance." *Ridley v. Dennison*, 298 N.J. Super. 373, 381 (App. Div. 1997).

This Court has previously declined to impose civil penalties, expressing confidence that the Board would come into compliance. That confidence has proven misplaced. The Board has now been found in violation of OPMA at the December 21, 2023 meeting, the January 3, 2024 meeting, the January 17, 2024 meeting, the August 21, 2024 meeting, the September 11, 2024 meeting, and the October 9, 2024 meeting. The June 4, 2026 meeting

represents yet another violation—this time involving a \$100,000 contract vote sprung upon the public with no meaningful advance notice. At some point, the Court's remedial powers must be exercised with sufficient force to compel actual compliance. This Court has the authority under N.J.S.A. 10:4-16 to "provide such remedies as shall be necessary to insure compliance with the provisions of this act."

### **V. RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order:

1. Declaring that the June 4, 2026 Special Public Meeting of the Teaneck Board of Education violated the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;
2. Declaring that the June 4, 2026 meeting violated this Court's July 18, 2024 Order requiring strict compliance with OPMA;
3. Voiding the Resolution Authorizing Award of a Non-Fair-and-Open Professional Services Contract for Legal Services in *LaClair v. Teaneck Board of Education, et al.*, Docket No. BER-L-005692-21, adopted at the June 4, 2026 meeting, or in the alternative, requiring Defendants to cure the deficiencies of the June 4, 2026 meeting by re-noticing and re-holding the meeting in strict compliance with OPMA within 30 days;
4. Awarding Plaintiff his motion filing costs pursuant to R. 1:10-3;
5. Imposing such civil penalties as this Court deems necessary to ensure compliance with OPMA pursuant to N.J.S.A. 10:4-16, given the Defendants' repeated and continuing pattern of non-compliance despite this Court's prior injunction and orders;
6. Granting such other and further relief as this Court deems just and equitable.

Respectfully submitted,



\_\_\_\_\_  
KEITH KAPLAN, Pro Se

Dated: June 5, 2026

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(201) 645-4042  
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NEW JERSEY SUPERIOR COURT  
BERGEN COUNTY-LAW DIV,  
DOCKET NO. BER-L-000121-24

**CERTIFICATION OF KEITH KAPLAN  
IN SUPPORT OF MOTION TO  
ENFORCE LITIGANT’S RIGHTS**

I, Keith Kaplan, of full age, certify as follows:

1. I am the Plaintiff in the above-captioned matter. I am a resident of Teaneck, New Jersey. I make this Certification in support of my Motion to Enforce Litigant's Rights and based upon my personal knowledge of the facts set forth herein.
2. On or about May 28, 2026, the Teaneck Board of Education ("Board") posted a public notice for a Special Public Meeting to be held on Thursday, June 4, 2026. Board Trustee James Wolff shared this notice on the "Teaneck Today" social media page on May 28, 2026. A true and correct copy of the notice as shared by Trustee Wolff is attached hereto as Exhibit A.
3. The original notice stated: "The purpose of this meeting is discuss the Superintendent's evaluation." The notice further stated: "This meeting will not be streamed live."
4. Subsequently, the notice was amended to add "and legal representation" to the stated purpose. The Teaneck Township municipal notice page at [www.teanecknj.gov](http://www.teanecknj.gov) posted the amended notice on May 30, 2026. A true and correct printout of the Teaneck Township municipal notice page showing the May 30, 2026 posting date is attached hereto as Exhibit B.

5. The amended notice was published in The Bergen Record and Star Ledger on June 4, 2026—the same day as the meeting. A true and correct copy of the Bergen Record and Star Ledger publications are attached hereto as Exhibit C.
6. On the morning of June 4, 2026, I observed that an agenda had been posted to the Board's district website. The agenda contained a resolution that was not referenced in either the original or amended notice: a Resolution Authorizing Award of a Non-Fair-and-Open Professional Services Contract for Legal Services in the matter of LaClair v. Teaneck Board of Education, et al., Docket No. BER-L-005692-21, awarding a contract to Scarinci Hollenbeck in an amount not to exceed \$100,000. A true and correct copy of the agenda for the June 4, 2026 Special Public Meeting is attached hereto as Exhibit D.
7. On June 4, 2026, both earlier in the day and upon entering the meeting at the Central Administrative Office at 651 Teaneck Road, I personally observed and photographed the district office bulletin board. The agenda for the June 4, 2026 Special Public Meeting was not posted on the bulletin board. True and correct copies of the photographs I took of the bulletin board are attached hereto as Exhibit E.
8. For regular Board meetings, the Board prominently displays a large, dark red banner at the top of the district website homepage announcing the meeting and providing links to the Zoom webinar, the Board agenda, and the live stream. A true and correct screenshot of the Board's homepage displaying the banner for the May 2026 regular meeting is attached hereto as Exhibit F. No such banner or homepage notice was displayed for the June 4, 2026 Special Public Meeting.
9. I reviewed the New Jersey Secretary of State's Statewide Legal Notices directory. The directory lists the Teaneck Public Schools' designated legal notice URL as: <https://www.teaneckschools.org/protected/ArticleView.aspx?iid=6Y0PB0I&dasi=4GBP>. A true and correct screenshot of the Statewide Legal Notices directory showing the Teaneck Public Schools entry is attached hereto as Exhibit G.
10. I visited the page listed in the Statewide Legal Notices directory and the Board's legal notices page at <https://www.teaneckschools.org/PublicNotices.aspx>. The legal notices page contains a link to an alternate Legal Public Notices Page which contains two versions of the June 4, 2026 meeting notice—one in RTF format and one in PDF format. A true and correct screenshot of both of the Board's "Legal Public Notices" pages are attached hereto as Exhibit H. The RTF version still reflects the original May 28, 2026 notice, referencing only the Superintendent's evaluation. The PDF version reflects the amended notice. Neither version references the \$100,000 professional services contract resolution. The full agenda was not posted on the designated legal notices page.
11. Because the meeting was not live-streamed, I personally recorded the June 4, 2026 Special Public Meeting. That recording is publicly available at: <https://www.youtube.com/watch?v=aQuMGEXCanc>

12. At the meeting, after I raised concerns regarding OPMA compliance during public comment, the Board's attorney stated words to the effect that the law says the agenda is published "to the extent known" and that "the issue of former counsel moving to a new firm was not known at the time, that's why it was an add on." The attorney further stated the matter was "time sensitive" due to an impending trial date but stated it was "not an emergency." These statements are captured in the recording referenced in paragraph 11 above.
13. A true and correct copy of this Court's July 18, 2024 Order and Transcript is attached hereto as Exhibit I.
14. A true and correct copy of this Court's November 4, 2024 Order and Rider is attached hereto as Exhibit J.
15. A true and correct copy of the transcript of this Court's November 8, 2024 Decision is attached hereto as Exhibit K.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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KEITH KAPLAN

Dated: June 5, 2026

# Exhibit A

Notice shared by Trustee Wolff on Teaneck Today (May 28, 2026)



Teaneck Today

James Wolff · 5d · 🌐

All-star contributor



<https://www.teaneckschools.org/Downloads/PublicNotice-Special%20Public%20meeting-%20Superintendent%20Evaluation%20June%202026.pdf?v=0>



**PUBLIC NOTICE  
TEANECK BOARD OF EDUCATION  
SPECIAL PUBLIC MEETING  
Thursday, June 4<sup>th</sup> @ 7pm**

In accordance with the Open Public Meetings Act, P.L. 1975 c 231, the Teaneck Board of Education ("Board") will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 651 Teaneck Road, Teaneck, NJ, to start at 7:00pm. The purpose of this meeting is discuss the Superintendent's evaluation. The Board will open the meeting, allow for public participation and convene into closed session. Action may be taken. This meeting will not be streamed live.

If you have any questions regarding this notice, please contact the Board Business office at 201-833-5527 during regular business hours from 8:00-4:30pm.

Sincerely,  
Victor J. Anaya  
Business Administrator/Board Secretary



## Exhibit B

Teaneck Township Municipal Notice Page showing amended notice posted May 30, 2026

Teaneck Township

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# PUBLIC NOTICE TEANECK BOARD OF EDUCATION SPECIAL PUBLIC MEETING Thursday June 4, 2026

By Teaneck Township [\(/news-and-notices/authors/teaneck-township/\)](/news-and-notices/authors/teaneck-township/) - May 30, 2026

- News [\(/news-and-notices/news/\)](/news-and-notices/news/)
- Public Notices [\(/news-and-notices/public-notices/\)](/news-and-notices/public-notices/)

## PUBLIC NOTICE TEANECK BOARD OF EDUCATION SPECIAL PUBLIC MEETING

Thursday, June 4<sup>th</sup> @ 7pm

In accordance with the Open Public Meetings Act, P.L. 1975 c 231, the Teaneck Board of Education ("Board") will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 651 Teaneck Road, Teaneck, NJ, to start at 7:00pm. The purpose of this meeting is to discuss the Superintendent's evaluation and legal representation. The Board will open the meeting, allow for public participation and convene into closed session. Action may be taken. This meeting will not be streamed live.

If you have any questions regarding this notice, please contact the Board Business office at 201-833-5527 during regular business hours from 8:00-4:30pm.

Sincerely,

Victor J. Anaya

Business Administrator/Board Secretary

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### Contact Us

Township of Teaneck

818 Teaneck Road

Teaneck, NJ 07666

Phone: (201) 837-1600 [\(tel:2018371600\)](tel:2018371600)



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Sign up (<https://www.teanecknj.gov/subscription-messaging/>)

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## Contact Us

Township of Teaneck

818 Teaneck Rd., Teaneck NJ, 07666

201-837-1600 [\(tel:2018371600\)](tel:2018371600)

## Resources

Sitemap [\(/sitemap/\)](/sitemap/)

Privacy Policy [\(/building-and-business/privacy-policy/\)](/building-and-business/privacy-policy/)

Job Postings [\(/our-government/job-postings/\)](/our-government/job-postings/)

## Connect With Us

Official Facebook  [\(https://www.facebook.com/TeaneckNJgov/#\)](https://www.facebook.com/TeaneckNJgov/#) Official Twitter

[\(https://twitter.com/teanecknjgov/#\)](https://twitter.com/teanecknjgov/#) Official Youtube  [\(https://www.youtube.com/@TeaneckNJ07666\)](https://www.youtube.com/@TeaneckNJ07666)

Official Instagram  [\(https://www.instagram.com/teanecknjgov/\)](https://www.instagram.com/teanecknjgov/)



[\(https://www.fairtradecertified.org/\)](https://www.fairtradecertified.org/)



[\(http://www.sustainablejersey.com/\)](http://www.sustainablejersey.com/)

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## Exhibit C

Bergen Record publication of amended notice (June 4, 2026)

## **Public Notices**

Originally published at northjersey.com on 06/04/2026

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PUBLIC NOTICE  
TEANECK BOARD OF EDUCATION  
SPECIAL PUBLIC MEETING  
Thursday, June 4th @ 7pm

In accordance with the Open Public Meetings Act, P.L. 1975 c 231, the Teaneck Board of Education ("Board") will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 651 Teaneck Road, Teaneck, NJ, to start at 7:00pm. The purpose of this meeting is to discuss the Superintendent's evaluation and legal representation. The Board will open the meeting, allow for public participation and convene into closed session. Action may be taken. This meeting will not be streamed live.

If you have any questions regarding this notice, please contact the Board Business office at 201-833-5527 during regular business hours from 8:00-4:30pm.

Sincerely,  
Victor J. Anaya  
Business Administrator/Board Secretary  
Record-Herald News 6/4/2026  
Fee: \$33.44 (38) 12382809

# LOCAL MARKETPLACE

HOME > PUBLIC NOTICES > PUBLIC NOTICE

**PUBLIC NOTICE**  
**TEANECK BOARD OF EDUCATION**  
**SPECIAL PUBLIC MEETING**  
Thursday, June 4th @ 7pm

In accordance with the Open Public Meetings Act, P.L. 1975 c 231, the Teaneck Board of Education ("Board") will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 651 Teaneck Road, Teaneck, NJ, to start at 7:00pm. The purpose of this meeting is to discuss the Superintendent's evaluation and legal representation. The Board will open the meeting, allow for public participation and convene into closed session. Action may be taken. This meeting will not be streamed live.

If you have any questions regarding this notice, please contact the Board Business office at 201-833-5527 during regular business hours from 8:00-4:30pm.

Sincerely,  
Victor J. Anaya  
Business Administrator/Board Secretary

6/4/26 \$46.28

**PUBLIC NOTICE TEANECK BOARD OF EDUCATION**  
**SPECIAL PUBLIC MEETING Thursday, June 4th @ 7pm** In accordance with the Open Public Meetings Act, P.L. 1975 c 231, the Teaneck Board of Education ("Board") will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 651 Teaneck Road, Teaneck, NJ, to start at 7:00pm. The purpose of this meeting is to discuss the Superintendent's evaluation and legal representation. The Board will open the meeting, allow for public participation and convene into closed session. Action may be taken. This meeting will not be streamed live. If you have any questions regarding this notice, please contact the Board Business office at 201-833-5527 during regular business hours from 8:00-4:30pm.  
Sincerely, Victor J. Anaya Business Administrator/Board Secretary 6/4/26 \$46.28

Post Date: 06/04 Updated: 06/04  
06:20 PM

Report This Ad

Published in: The Star  
Ledger Refcode: #0011099241-01



# Exhibit D

Agenda for June 4, 2026 Special Public Meeting

**SPECIAL PUBLIC MEETING**

**June 4, 2026**

**I. Salute to the Flag**

**II. Presiding Officer's Meeting Notice Statement**

"I hereby call to order the Special Public Meeting of the Teaneck Board of Education, held on Thursday, June 4<sup>th</sup>, 2026, in person at Central Administration Offices located on 651 Teaneck Road, Teaneck, NJ and virtually via the Zoom app to begin, at 7:00 PM. Adequate notice of this meeting has been sent to The Record, The Star Ledger and filed with the Municipal Clerk and posted on the school district website at www.teaneckschools.org, on June 1, 2026."

**III. Roll Call**

| <b>Board Member</b>                       | <b>Present</b> | <b>Absent</b> |
|---|----------------|---------------|
| Dr. Gruber (David)                        |                |               |
| Ms. Hosein (Nadia) - President            |                |               |
| Mrs. Isley-Robinson (Latisha)             |                |               |
| Dr. Kirshenbaum (Gerald) – Vice President |                |               |
| Ms. Levy (Jennifer)                       |                |               |
| Ms. Marte (Ana)                           |                |               |
| Mr. Rodriguez (Jonathan)                  |                |               |
| Mrs. Williams (Clara)                     |                |               |
| Mr. Wolff (James)                         |                |               |

**IV. Public Comment**

Thank you for attending this evening's meeting. This portion of the meeting is open to members of the public for comment on agenda items only. When speaking, please state your name, the town you reside in, any group affiliation, and identify the specific agenda item you are addressing. Comments are limited to three minutes per person, and this session will last for thirty minutes. Individuals may not cede their time to others. To allow as many voices as possible, we respectfully ask speakers to avoid repeating points already made. Please note that the Board will not discuss or respond to confidential student or personnel matters in public. If you raise such issues, the Board may refer them through the appropriate administrative channels. If your question requires a direct response, we encourage you to follow the chain of command before bringing the matter to the Board. The Superintendent or Board may, at their discretion, respond at the conclusion of public participation. Please note that a second public comment session will be provided later in the meeting, which will be open to comments on any other matters of public concern. All meetings are recorded, and statements made during public participation are included in the official minutes as presented.

Motion to **open** public comment: \_\_\_\_\_ Seconded by: \_\_\_\_\_ at \_\_\_\_\_ pm

Motion to **close** public comment: \_\_\_\_\_ Seconded by: \_\_\_\_\_ at \_\_\_\_\_ pm

**V. BOARD OPERATIONS 01 THRU 01**

**RESOLUTION AUTHORIZING AWARD OF A NON-FAIR-AND-OPEN PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES (*LaClair v. Teaneck Board of Education, et al.*, Docket No. BER-L-005692-21)**

**BE IT RESOLVED** by the Teaneck Board of Education that, in the interest of continuity of legal representation, the Board hereby authorizes the award of a non-fair-and-open professional services contract to Scarinci Hollenbeck, effective June 1, 2026, to represent the Board in the matter of *LaClair v. Teaneck Board of Education, et al.*, Docket No. BER-L-005692-21, in which Mark A. Tabakin, Esq., who has been principally responsible for handling this matter on behalf of the Board, has joined Scarinci Hollenbeck from Weiner Law Group; and

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding as a professional services contract pursuant to N.J.S.A. 18A:18A-5(a)(1) and as a non-fair-and-open contract pursuant to N.J.S.A. 19:44A-20.5 et seq., for the period June 1, 2026 through June 30, 2027, at the rate of \$170 per hour for attorneys and \$75 per hour for paralegals/law clerks, in an amount not to exceed \$100,000 absent further Board action, conditioned upon receipt of all required certifications and disclosures, including the Business Entity Disclosure Certification.

| <i>Board Member</i>                       | <i>Yes</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|---|------------|-----------|----------------|---------------|
| Dr. Gruber (David)                        |            |           |                |               |
| Ms. Hosein (Nadia) - President            |            |           |                |               |
| Mrs. Isley-Robinson (Latisha)             |            |           |                |               |
| Dr. Kirshenbaum (Gerald) – Vice President |            |           |                |               |
| Ms. Levy (Jennifer)                       |            |           |                |               |
| Ms. Marte (Ana)                           |            |           |                |               |
| Mr. Rodriguez (Jonathan)                  |            |           |                |               |
| Mrs. Williams (Clara)                     |            |           |                |               |
| Mr. Wolff (James)                         |            |           |                |               |

**VI. Executive Session**

Motion to adjourn public session and enter into executive session at \_\_\_\_pm

Motioned by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**VII. Adjournment**

Motion to adjourn public meeting at \_\_\_\_pm

Motioned by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

## Exhibit E

Photographs of district office bulletin board (June 4, 2026)

# WELCOME TO THE TEANECK BOARD OF EDUCATION!!!

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

**Stay Connected**  
**FOLLOW US ON SOCIAL MEDIA**

Instagram: @teaneck\_public\_schools  
 Facebook: Teaneck Public Schools District

HELP US REACH 1,000 FOLLOWERS ON INSTAGRAM!

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

**PUBLIC NOTICE**  
**TEANECK BOARD OF EDUCATION**  
**SPECIAL PUBLIC MEETING**  
**Thursday, June 4<sup>th</sup> 8:30am**

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

| MEETING DATE/MEETING TYPE | LOCATION                        | TIME             |
|---------------------------|---------------------------------|------------------|
| April 22, 2026            | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| May 11, 2026              | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| June 17, 2026             | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| August 19, 2026           | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| September 23, 2026        | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| November 11, 2026         | Workshop-Regular Public Meeting | 8:30am - 10:00am |
| November 9, 2026          | Workshop-Regular Public Meeting | 8:30am - 10:00am |

**PUBLIC NOTICE**  
**TEANECK BOARD OF EDUCATION**  
**SPECIAL PUBLIC MEETING/BOARD RETREAT**  
**Monday, June 14, 2026**

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

**NOTICE**

The undersigned employer hereby gives notice that it has complied with the provisions of the Employer's Liability Insurance Law, Title 14, Chapter 15, Article 5, Revised Statutes, State of New Jersey, by qualifying before the Commissioner of Banking and Insurance for the carriage of its own liability.

Notarized: Teaneck Board of Education  
 Notarized: Brian J. Davis, Notary Public  
 Notary: June 10, 2026

**SURNAME BRISON COUNTY**  
**SCHOOL BOARD INSURANCE GROUP**

in accordance with the above cited provisions of the Employer's Liability Insurance Law, Title 14, Chapter 15, Article 5, Revised Statutes, State of New Jersey, by qualifying before the Commissioner of Banking and Insurance for the carriage of its own liability.

Notarized: Teaneck Board of Education  
 Notarized: Brian J. Davis, Notary Public  
 Notary: June 10, 2026

**AND JUSTICE FOR ALL**

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

**GET CONNECTED WITH TEANECK PUBLIC SCHOOLS**

Download our Plus Mobile App - Teaneck Public Schools


in accordance with the Open Public Meeting Act, P.L. 1975, c. 21, the Township of Teaneck Board of Education advised the following meeting scheduled on the January 7, 2026

**It's time to register!**  
**Kindergarten**  
**SCHOOL YEAR 2026-2027**

**Es hora de registrarse!**  
**Jardín de Infancia**  
**AÑO ESCOLAR 2026-2027**

Registration information for Kindergarten and Jardín de Infancia for the 2026-2027 school year.

# WELCOME TO THE TEANECK BOARD OF EDUCATION!!!




In accordance with the Open Public Meeting Act, P.L. 1975 c. 23 the Township of Teaneck Board of Education adopted the following meeting schedule as of January 7, 2026. Board of Education Meetings and Regular Public Board Meetings will be reorganization Meeting. All Workshop meetings and Regular Public Board Meetings will be reorganization Meeting. All Workshop meetings will take place in the first floor Cheryl Miller Porter Studio located inside Teaneck High School located at 100 Elizabeth Avenue, Teaneck, NJ. All meetings are scheduled to start at 7:00pm, except as otherwise noted. All meetings are scheduled to start at 7:00pm, except as otherwise noted.

The Township of Teaneck Board of Education in the County of Bergen, New Jersey, shall hold meetings hereinafter indicated for the purpose or purposes as stated in the meeting agenda and such other business or matters that may come before the Board in a manner consistent with the requirements of Chapter 231, Laws of 1975 and Board of Education Policy. The Board reserves the right to convene into Executive Session during any duly advertised meeting. Formal action will be taken at the scheduled Workshop and/or Regular Public Meetings. All meetings are scheduled to start at 7:00pm, except as otherwise noted.

The agenda can be located on the district website at [www.teanecknj.org](http://www.teanecknj.org) 48 hours in advance of the Board meeting.

If you have any questions regarding this notice, please contact the Board office at 201-633-5027 during regular business hours from 9:30am - 4:00pm.

Dr. Victor Anaya  
School Business Administrator/Board Secretary



In accordance with the Open Public Meeting Act, P.L. 1975 c. 23 the Township of Teaneck Board of Education adopted the following meeting schedule as of March 18, 2026. Teaneck Board of Education will hold one monthly meeting starting with April 2026. All Workshop/Regular Public Board Meetings will be advertised on the District website. Meetings will take place in the first floor Cheryl Miller Porter Student Center located inside Teaneck High School, located at 100 Elizabeth Avenue, Teaneck, New Jersey, except as otherwise noted. All meetings are scheduled to start at 7:00pm, except as otherwise noted.

The Township of Teaneck Board of Education in the County of Bergen, New Jersey, shall hold meetings hereinafter indicated for the purpose or purposes as stated in the meeting agenda and such other business or matters that may come before the Board in a manner consistent with the requirements of Chapter 231, Laws of 1975, and Board of Education Policy. The Board reserves the right to convene into Executive Session during any duly advertised meeting. Formal action will be taken at the scheduled Workshop/Regular Public Meetings. All meetings are scheduled to start at 7:00pm, except as otherwise noted.

The agenda can be located on the district website at [www.teanecknj.org](http://www.teanecknj.org) 48 hours in advance of the Board meeting.


If you have any questions regarding this notice, please contact the Board office at 201-633-5027 during regular business hours from 9:30am - 4:00pm.

Dr. Victor Anaya  
School Business Administrator/Board Secretary

| MEETING DATE/MEETING TYPE  | LOCATION  | TIME   |
|----------------------------|---|--------|
| April 22, 2026             | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| May 13, 2026               | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| June 17, 2026              | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| August 19, 2026            | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| September 23, 2026         | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| Thursday, October 15, 2026 | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| November 11, 2026          | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |
| December 9, 2026           | Workshop/Regular Public Meeting<br>In-person at Teaneck High School | 7:00pm |

TEANECK PUBLIC SCHOOL DISTRICT 2025-2026 DISTRICT CALENDAR

| Month     | Day | Event                           |
|-----------|-----|---------------------------------|
| August    | 19  | Workshop/Regular Public Meeting |
| September | 23  | Workshop/Regular Public Meeting |
| October   | 15  | Workshop/Regular Public Meeting |
| November  | 11  | Workshop/Regular Public Meeting |
| December  | 9   | Workshop/Regular Public Meeting |



**PUBLIC NOTICE**  
TEANECK BOARD OF EDUCATION  
SPECIAL PUBLIC MEETING  
Thursday, June 4th @ 7pm

In accordance with the Open Public Meeting Act, P.L. 1975 c. 23, the Teaneck Board of Education (Board) will hold a Special Public Meeting on Thursday, June 4th, 2026 to be held in person at the Central Administrative office located at 621 Teaneck Road, Teaneck, NJ, at 7:00pm. The purpose of this meeting is to discuss the Superintendent's evaluation and to receive public input. The Board will have the meeting open for public participation and will accept public comment. The Board will have the meeting open for public participation and will accept public comment. Action may be taken. This meeting will not be streamed live.

If you have any questions regarding this notice, please contact the Board Business Office at 201-633-5027 during regular business hours from 9:30am - 4:00pm.

Sincerely,  
Victor J. Anaya  
Business Administrator/Board Secretary

TEANECK SPECIAL PU...

ce with the Open Public Board of Education will be Our Unity As a Board of Consensus Building on at Thomas Jefferson Teaneck, New Jersey. The m if attended in person. From any questions regarding regular business hours

Business Administrator/Board Secretary

Department of Agriculture

AND JUSTICE FOR ALL

in Federal law and U.S. Department of (e) civil rights regulations and policies, the (f) filed from disseminating on the basis of race, sex, age, disability, and reprisal or retaliation (g) any prohibited bases apply to all

may be made available in languages other than English for individuals with disabilities who require alternative means for program information (e.g., Braille, large print, audio, accessible format files, electronic files, and American Sign Language) should contact the State or local Agency that administers the program. Contact: (800) 720-0900 (voice) or (800) 720-0900 (voice) or (800) 720-0900 (voice) through the Federal Relay Service at 1-800-877-8339.

complaint, a complaint should be filed with the U.S. Department of Justice, Office of Civil Rights, 481 Madison Avenue, New York, NY 10017-2402. From any USDA office, you may write a letter addressed to: USDA, Attention: Complaints, 1400 Independence Avenue, SW, Washington, DC 20250. You may also call USDA toll-free at 1-877-685-2247 or 1-800-743-4352. A written description of the alleged violation and a copy of the complaint should be included in your request. The completed AD-3027 form is available at USDA by: (a) downloading the form from the USDA website; (b) calling 1-877-685-2247; or (c) contacting your local USDA office.

F. Agriculture Secretary for Civil Rights

## Exhibit F

Screenshot of Board homepage with meeting banner (May 2026 regular meeting)

# May 2026 BOE Meeting

The Board of Education Workshop/Regular Public Meeting on Wednesday, May 13, 2026, will take place in-person at the Cheryl Miller-Porter Student Center at Teaneck High School and virtually via Zoom webinar, beginning at 7:00 pm.

Click this link to join the Zoom webinar

Click this Link for the Board Agenda

Click this link for the Regular Public

Meeting Live Stream

Public Comments may be made in person or via the Zoom Webinar

## Exhibit G

Screenshot of Statewide Legal Notices directory (Teaneck Public Schools entry)

# Statewide Legal Notices Listings

In accordance with [S4654/A5878](#), signed into law by Governor Murphy in July 2025, the New Jersey Department of State is required to maintain a centralized, publicly accessible directory of legal notice hyperlinks submitted by public entities across the State. This page serves as that official directory.

The law defines a public entity broadly to include the State, any State agency, local government units, districts, public authorities, public agencies, and any other political subdivision or political body in the State. All such entities are required by law to publish their legal notices online and to submit the hyperlink to this page for public access.

A legal notice includes any resolution, official proclamation, notice, or advertisement of any kind required by law or court order to be published by a public entity – including proposals for bids on public work.

Type:  County:  Agency/Entity Name:  Municipality:  Type of Local:

| Type             | County | Public Notice URL   | Agency/Entity Name     | Municipality     | Type of Local      |
|------------------|--------|---|------------------------|------------------|--------------------|
| Local            | BERGEN | <a href="https://teanecklibrary.org/notices/">https://teanecklibrary.org/notices/</a>   | Teaneck Public Library | Teaneck Township | Library            |
| Local Government | BERGEN | <a href="https://www.teanecknj.gov/news-and-notices/public-notices/">https://www.teanecknj.gov/news-and-notices/public-notices/</a>   | Township of Teaneck    | Teaneck Township | Township           |
| Local            | BERGEN | <a href="https://www.teaneckschools.org/protected/ArticleView.aspx?iid=6Y0PR0I&amp;dasi=4GBPB">https://www.teaneckschools.org/protected/ArticleView.aspx?iid=6Y0PR0I&amp;dasi=4GBPB</a> | Teaneck Public Schools | Teaneck Township | Board Of Education |

## Exhibit H

Screenshot of Board's "Legal Public Notices" page



## Legal Public Notices



For official Teaneck Public School District announcements, legal notices, and required public postings, please visit our **Public Notices** page:  
<https://www.teaneckschools.org/PublicNotices.aspx>

Public Notice - REVISED 2026 BOE MEETING DATES

[< BACK](#)

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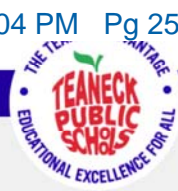


**Teaneck Public Schools**

651 Teaneck Road  
Teaneck, NJ 07666  
P: 201-833-5508

[EMPLOYMENT](#) | [SKYWARD](#) | [SITE MAP](#)  
[STAFF DIRECTORY](#) | [HIB](#) | [CONTACT US](#)

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# LEGAL PUBLIC NOTICES

Home \ Board of Education \ Legal Public Notices...

## Legal Public Notices

To see full list of public notices, scroll down to bottom of the page.

- [Public Notice 2026 Special Public Meeting/BOE Retreat June 14, 2026 PDF](#)
- [Public Notice 2026 Special Public Meeting/BOE Retreat June 14, 2026 RTF](#)
- [Public Notice 2026 Special Public Meeting June 4, 2026 PDF](#)
- [Public Notice 2026 Special Public Meeting June 4, 2026 RTF](#)
- [Public Notice Revised BOE 2026 Meeting Schedule \(Apr 2026-Dec 2026\) PDF](#)
- [Public Notice Revised BOE 2026 Meeting Schedule \(Apr 2026-Dec 2026\) RTF](#)
- [Public Notice 2026 BOE Meeting Schedule PDF](#)
- [Public Notice 2026 BOE Meeting Schedule RTF](#)
- [Public Notice Board Retreat Regular Public Meeting - Jan 2026 Updated PDF](#)
- [Public Notice Board Retreat Regular Public Meeting - Jan 2026 Updated RTF](#)
- [Public Notice Board Meeting: Special Public Meeting 10-28-2025 PDF](#)
- [Public Notice Board Meeting: Special Public Meeting 10-28-2025 RTF](#)
- [Public Notice Board Meeting 09-30-2025 Special Public Meeting PDF](#)
- [Public Notice Board Meeting 09-30-2025 Special Public Meeting RTF](#)
- [Public Notice Board Meeting 09-25-2025 Special Public Meeting PDF](#)
- [Public Notice Board Meeting 09-25-2025 Special Public Meeting RTF](#)

### Board of Education

[About the Board](#) >

[Board of Education Election Process](#)

[Board Meetings](#) >

[Board Presentations](#) >

[Board Resolutions](#)

[Budget](#) >

[Policies & Bylaws](#)

[Legal Public Notices](#) v

[BIDS/RFPs](#)

# Exhibit I

Court Order and transcript dated July 18, 2024

**FILED**

**JUL 18 2024**

CAROL NOVEY CATUOGNO, A.J.S.C.

***PREPARED BY THE COURT***

KEITH KAPLAN,

Plaintiff,

v.

TEANECK BOARD OF EDUCATION, et al,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY  
DOCKET NO.: BER-L-121-24

**CIVIL ACTION**

**ORDER**

**THIS MATTER** having been opened to the Court by Plaintiff, Keith Kaplan, self-represented litigant, on an Order to Show Cause alleging violations of the New Jersey Open Public Meetings Act, upon notice to The Weiner Law Group, counsel for Defendants (Stephen J. Edelstein appearing), and the Court having considered all pleadings, oral argument and for the reasons stated on the record today and for good cause shown,

**IT IS** on this 18<sup>th</sup> day of **July 2024**,

**ORDERED** that Count 1 of the complaint is **DISMISSED** as the relief sought is barred by the statute of limitations; and it is further,

**ORDERED** that Count 2 of the complaint is **DENIED**, as there is no requested relief that can be granted; and it is further,

**ORDERED** that the declaratory judgment sought by Plaintiff in Count 3 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

**ORDERED** that the relief requested in Count 3 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the December 21, 2023, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

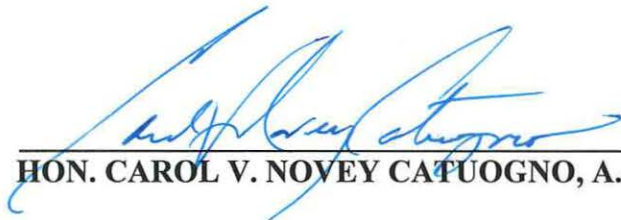
**ORDERED** that the declaratory judgment sought by Plaintiff in Count 4 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

**ORDERED** that the relief requested in Count 4 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the January 3, 2024, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

**ORDERED** that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward; and it is further,

**ORDERED** that Count 5 of the complaint is **DISMISSED** as the Plaintiff failed to state a claim upon which relief could be granted; and it is further,

**ORDERED** that Defendant shall reimburse Plaintiff for his costs in the amount of **\$400.00** within **30 days** of the date of this order.

  
**HON. CAROL V. NOVEY CAPUOGNO, A.J.S.C.**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, CIVIL PART  
BERGEN COUNTY  
DOCKET NO. BER-L-00121-24  
APP. DIV. NO. \_\_\_\_\_

\_\_\_\_\_  
KEITH KAPLAN, :  
 :  
 :  
 Plaintiff, *Pro Se* :  
 :  
 :  
 v. :  
 :  
 :  
 TEANECK BOARD OF EDUCATION, :  
 SEBASTIAN RODRIGUEZ, :  
 VICTORIA FISHER, EDWARD HA, :  
 NADIA HOSEIN, DENNIS KLEIN, :  
 KASSANDRA REYES, JONATHAN :  
 RODRIGUEZ, DENISE SANDERS, :  
 AND CLARA WILLIAMS, :  
 :  
 :  
 Defendants. :  
\_\_\_\_\_

TRANSCRIPT  
OF  
JUDGE'S DECISION

Place: Bergen County  
Justice Center  
(Heard via Zoom)

Date: July 18, 2024

BEFORE:

HONORABLE CAROL V. NOVEY CATUOGNO, A.J.S.C.

TRANSCRIPT ORDERED BY:

KEITH KAPLAN, *Pro Se*  
670 Ramapo Road  
Teaneck, NJ 07666

APPEARANCES:

KEITH KAPLAN  
(Plaintiff, *Pro Se*)

STEPHEN J. EDELSTEIN, ESQ. (Weiner Law Group, LLP)  
Attorney for Defendants Teaneck Board of  
Education, Sebastian Rodriguez, Victoria Fisher,  
Edward Ha, Nadia Hosein, Dennis Klein, Cassandra  
Reyes, Jonathan Rodriguez, Denise Sanders, and  
Clara Williams

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## Colloquy

3

1 THE COURT: Good Morning. We are on the  
 2 record in the matter of Keith Kaplan versus the Teaneck  
 3 Board of Education, Sebastian Rodriguez, Victoria  
 4 Fisher, Edward Ha, Nadia Hosein, Dennis Klein,  
 5 Kassandra Reyes, Jonathan Rodriguez, Denise Sanders,  
 6 and Clara Williams. That is docket Bergen-L-121-24.  
 7 Counsel, your appearances, please? Hmm.

8 COURT CLERK: We might have -- we might be  
 9 muted.

10 THE COURT: We were muted?

11 COURT CLERK: One moment, Your Honor. Okay.

12 THE COURT: I'm sorry. Gentlemen, were you  
 13 able to hear me?

14 MR. EDELSTEIN: Not until just this moment.

15 THE COURT: Well, I was brilliant. You  
 16 should have heard what I said already. I merely -- I  
 17 merely called the caption into the record, which I will  
 18 do again. This is the matter of Keith Kaplan versus  
 19 Teaneck Board of Education, et al., docket Bergen-L-  
 20 121-24. Will petitioner please put his appearance on  
 21 the record?

22 MR. KAPLAN: Keith Kaplan, plaintiff, *Pro Se.*

23 THE COURT: Good morning, Mr. Kaplan. And  
 24 counsel for the respondent to the defendants, please.

25 MR. EDELSTEIN: Good morning. Stephen

## Recitation of Procedural History

4

1 Edelstein, Weiner Law Group, for the defendants.

2 THE COURT: Good morning. All right. We are  
 3 here today for my decision on the application before  
 4 me. I have had the opportunity, of course, to review  
 5 all of the written submissions as well as had the  
 6 benefit of hearing oral argument just last week on the  
 7 instant matter.

8 I'll begin simply by stating that the Court  
 9 is in receipt, of course, of the January 8th, 2024  
 10 Order to Show Cause which contained a Verified  
 11 Complaint and attachment which contained exhibits A  
 12 through J and a Memorandum in Support of petitioner's  
 13 application. I am also in receipt of defendant's  
 14 Answer filed on 2/1/2024, a Motion to Dismiss filed 2/5  
 15 of 2024; the plaintiff, Mr. Kaplan's reply in -- brief  
 16 in opposition to the Motion to Dismiss filed on March  
 17 1st of 2024 again, with a declaration containing  
 18 exhibits A through E.

19 On March 14th of 2024, there was a  
 20 supplemental declaration filed with additional  
 21 exhibits, which was filed without leave of Court and I  
 22 have not considered it.

23 After we initially heard oral argument on the  
 24 original return date, the matter was adjourned for Mr.  
 25 Edelstein to secure transcript of Mr. Kaplan's

## Decision

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1 arguments, as they went further afield, some might say,  
 2 than what was presented in his papers. And after  
 3 having reviewed that, Mr. Edelstein chose not to file a  
 4 written response; however, addressed those matters by  
 5 way of oral argument, to which Mr. Kaplan had an  
 6 opportunity to reply just last week.

7 So the matter that is before me for res --  
 8 determination today involves allegations by Mr. Kaplan,  
 9 a resident of Teaneck, New Jersey, which include a  
 10 series of violations of the Open Public Meetings Act,  
 11 found at N.J.S.A. section 10:4-6 and through 21. The  
 12 -- the facts and the arguments here -- the facts  
 13 alleged, or the plaintiff alleges, and frankly,  
 14 defendant concedes in part that there have been  
 15 failings by the Teaneck Board of Education, the  
 16 defendant here, in terms of properly noticing their  
 17 meetings, as required by the Open Public Records Act.  
 18 The -- there is a discussion of attempts to comply,  
 19 partial compliance, or frankly, there's even been  
 20 mention of what is done in practice or what is not done  
 21 in practice in meetings such as the ones at issue  
 22 before the Court.

23 I am compelled to begin by looking at the  
 24 Supreme Court decision in Polillo vs. Deane, 74 N.J.  
 25 562, in which the Supreme Court of the state of New

## Decision

6

1 Jersey rejects the idea that substantial compliance  
 2 with the Open Public Meetings Act is sufficient and  
 3 rather holds that a strict adherence to the letter of  
 4 the law is required. And it's through that lens that  
 5 I'm going to go through the counts of the complaint.  
 6 And I think it would be -- be most, I don't know,  
 7 economic way to address this is to go count by count  
 8 because each of them are so fact-sensitive as to  
 9 whether or not they comply with the different  
 10 provisions of the Act that I'm going to choose to  
 11 address it in that way.

12 Count one charges that the defendant Board  
 13 had failed to file adequate notice of annual meetings  
 14 dating back to 2020 through the present by not sending  
 15 notice to two newspapers. The allegation in -- that's  
 16 alleged in count one is barred by the statute of  
 17 limitations. Simply stated, Title 10:4-15(a) requires  
 18 that any action in lieu of prerogative writ to be filed  
 19 within 45 days of the date of the action sought to be  
 20 voided. So in this instance, anything that is prior to  
 21 the November 24th, two thousand and -- the date of  
 22 November 24, 2023 would be barred by the statute of  
 23 limitations. So accordingly, count one is -- or any  
 24 relief under count one is denied.

25 Count two was addressing a closed-session

## Decision

7

1 meeting on November fif -- or a closed session that  
 2 took place during a meeting on November 15th of 2023.  
 3 Defendant argues that that, too, is time-barred by the  
 4 statute of limitations. Petitioner argues that it was  
 5 not in that it was only upon receipt of a communication  
 6 from the Board that Mr. Kaplan was made aware that some  
 7 action had been taken during executive session. He  
 8 filed an OPRA request and when he received the response  
 9 to the request under the Open Public Records Act on  
 10 December 18th, he became aware of what he believed and  
 11 couches as a vote that took place in closed session, a  
 12 vote of the Board, in violation of the Open Public  
 13 Records Act.

14 I decline to deny relief or dismiss the count  
 15 as being not in adherence with the -- with the statute  
 16 of limitations. In this instance, there is no way one  
 17 could have been on notice of what transpired during  
 18 closed session until the requested relief was provided  
 19 under the Open Public Records request and accordingly,  
 20 I do not find that the filing violates the statute of  
 21 limitations.

22 I'll note, too, that in this count, there is  
 23 not a specific allegation that there was a -- there was  
 24 insufficient notice or, you know, public notice of the  
 25 meeting itself. That is not part of this particular

## Decision

8

1 count. In this count, Mr. Kaplan alleges that a vote  
 2 took place in private session and was violative of the  
 3 Open Public Records Act. It was not -- as it was not  
 4 then either adopted or voted in public session.

5 The -- exhibit C to the Verified Complaint  
 6 shows a public vote to enter into executive session  
 7 that occurred during the November 15, 2023 meeting. It  
 8 is then, on the other side of that, of course, there is  
 9 a public vote to come out of executive session and back  
 10 into the public session also noted in the minutes.

11 Exhibit D are the minutes of what occurred in  
 12 that closed session, and it indicates that there was a  
 13 consent to send a letter to Mr. Kaplan about his  
 14 violating, or what was perceived as a lack of decorum  
 15 during the meetings.

16 I do not find that this aro -- rises to the  
 17 level of a vote by the Board as a public body. It's  
 18 really rather a consensus that was reached that sending  
 19 a letter to Mr. Kaplan might be beneficial to all  
 20 involved. I'll note, too, that there was not a  
 21 fundamental function of the public body being exercised  
 22 at that point; this was an issue as to de -- decorum or  
 23 demeanor, which I have no details on, I'm not weighing  
 24 in on that, I'm just simply saying that the Board's  
 25 decision to send a letter was not a vote that required

## Decision

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1 to be made in public session. Accordingly, I do not  
2 find that there is any relief to be granted under count  
3 two of the instant complaint.

4 Under count three, there is an allegation by  
5 Mr. Kaplan that there was inadequate notice of a  
6 Special Public Meeting scheduled for December 21, as it  
7 was only published in one newspaper. Now, the request  
8 that's re -- the -- excuse me. The request for relief  
9 here is, among other things, which I'll address  
10 separately, avoiding of what transpired during that  
11 meeting. Specifically, there was a transfer of two  
12 pers -- members of the school personnel that plaintiff  
13 asks to void.

14 Now, defendant argues that any action taken  
15 at the December 21, 2023 meeting, which they concede  
16 was not properly noticed, was cured by a January 17th  
17 meeting where a vote was taken by the Board, excuse me,  
18 to ratify all that had occurred at the December 21st,  
19 2023 meeting. The January 17th, 2024 meeting was  
20 noticed in -- by way of two newspapers. However, an  
21 agenda was not published. There was some discussion  
22 during argument as to whether or not that was required  
23 and the requirement exists unless, of course, the  
24 annual meeting schedule was posted pursuant to the  
25 rules and regulations under the Open Public Meetings

## Decision

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1 Act.

2 Now, in this instance, although the January  
3 17th meeting was posted in two newspapers, there was no  
4 agenda made public and it was not -- that was not --  
5 this meeting is not exempt from that requirement  
6 because there had not been any schedule of the annual  
7 meetings published at that point in time; in fact, it  
8 was only published the day after the January 17th  
9 meeting.

10 So I do find that the defendants violated the  
11 notice requirement of the Open Public Meetings Act for  
12 the December 21st, 2023 meeting. It was not cured by  
13 the January 17th meeting because again, there were  
14 omissions in what -- in the notice, making it invalid.

15 The corrective action that was taken, or  
16 attempted to be taken, by the Board failed here. Now,  
17 counsel for defendants also state that this count must  
18 be dismissed as two indispensable parties were not  
19 noticed or joined into the action. Those, of course,  
20 would be the two principals; Principal Valdez and  
21 LoGuidice, who were transferred during -- as a result  
22 of a vote at this meeting.

23 I reject defendant's argument that this count  
24 cannot be heard because indispensable parties have not  
25 been joined. And the reason being is this. I agree

## Decision

11

1 that the action taken by the Board affected an interest  
 2 of those two individuals. But the subject matter  
 3 before the Court has to do with enforcement of the Open  
 4 Public Meetings Act. And while -- were the Court to  
 5 void that -- the vote that was made that night and the  
 6 decision that was made to transfer, it would surely  
 7 have effect on these individuals. But the substance of  
 8 this action does not involve the interests of those  
 9 individuals. Rather, the substance of this action re  
 10 -- involves compliance with the Open Public Meetings  
 11 Act.

12 The very nature of an open public meeting,  
 13 for example, a school board, when they make decisions,  
 14 affect parents and children in their school district.  
 15 It would be virtually impossible for me to conjure an  
 16 example of action taken by a school board during a  
 17 meeting that would not affect the interests of others,  
 18 that would not -- excuse me one second; I'm just  
 19 looking for the language.

20 So I'm looking at the language from DuMont  
 21 Labs vs. Marcalus Manufacturing, 30 N.J. 290. "Whether  
 22 a party is indispensable depends upon the circumstances  
 23 of the particular case. As a general proposition, it  
 24 seems accurate to say that a party is not truly  
 25 indispensable unless he has an interest inevitably

## Decision

12

1 involved in the subject matter before the Court and a  
 2 judgment cannot justly be made between the litigants  
 3 without either adjudging or necessarily affecting the  
 4 absentee's interest."

5 I would imagine in every decision that's made  
 6 by a school board, there are parties, whether parents  
 7 or children, who have an interest involved in the  
 8 subject matter and the outcome of which would  
 9 necessarily affect their interest. This is a -- this  
 10 proceeding is a proceeding regarding the Board's  
 11 compliance or non-compliance with the requirements of  
 12 the Open Public Meetings Act. Any decision made by the  
 13 Board is going to affect someone else's interest, which  
 14 would necessarily mean that in every action filed under  
 15 the OPMA that any person affected would have to be  
 16 joined as a party, and that simply cannot stand for  
 17 reason. So I reject the argument that this cannot be  
 18 heard by failure to join indispensable parties.

19 (Brief pause/dead air.)

20 THE COURT: Under this count, plaintiff  
 21 requests the -- I'm going to go a little bit out of  
 22 order from what's in the Complaint, a declaration the  
 23 defendants were in violation of the Open Public  
 24 Meetings Act. That is granted. There is a request to  
 25 void all actions taken with regard to the transfer of

## Decision

13

1 Principal Valdez and Principal LoGuidice.

2 One of the things -- I cited, or referred to,  
3 Polillo earlier. One of the things that is most  
4 instructive in that matter is -- well, there's a couple  
5 of things. One of which is that the Court says that  
6 even where counts may not -- may have been dismissed,  
7 there is -- the Court has the ability to look at them  
8 even if they're outside the statute of limitations and  
9 relief isn't granted to determine whether there is a  
10 pattern of non-compliance and to take that into account  
11 in fashioning a remedy.

12 Similarly, however, the Court also says that  
13 where the -- although the substantial compliance  
14 argument failed as a defense, the substantial  
15 compliance along with a lack of mal-intent may be taken  
16 into consideration in fashioning a remedy.

17 Now, I -- Mr. Kaplan argued that he assigns  
18 to defendants a motive in having that vote to -- the  
19 December 21st meeting to move those principals as --  
20 because their concern was that after the  
21 reorganization, they would not have sufficient votes to  
22 -- to move that through. I don't have any reason to  
23 accept that or assign mal-intent to the board members  
24 for that vote. That's supported, too, by the fact that  
25 even though the January 17th vote failed to remedy the

## Decision

14

1 failings of the December 21st vote because of its own  
2 failings of notice, the December 21st vote was ratified  
3 at that meeting with the three new members not taking  
4 part -- they took part in the vote, but they abstained  
5 from voting.

6 So I do -- I don't find that there's any bad  
7 intent on the part of the Teaneck Board of Education  
8 specifically. However, one cannot ignore that there  
9 has been a series or a longstanding, consistent failing  
10 under the Open Public Meetings Act to notice these  
11 meetings properly.

12 Having said that, I do think that remedy is  
13 -- is necessary. And following the example of Polillo,  
14 I am prepared to order as relief that the Board must  
15 rectify the vote that was taken on December 21st, or I  
16 should say the results of that vote need to be  
17 ratified, it needs to be reinstated, re-voted, within  
18 70 days or by -- they're going to -- those actions are  
19 going to be voided if it's not done within that time  
20 frame.

21 Now, I have a few other things to say about  
22 this. As I indicated, there were -- the reasons I'm  
23 not voiding it outright, although I'm confident that  
24 whatever I voided could be cured, is because in this  
25 instance, I do -- I did hear from Mr. Edelstein that

## Decision

15

1 his clients have been trying to comply. They have not  
 2 complied, but there have been efforts to comply. Where  
 3 -- when -- used to be -- the notices used to be noticed  
 4 in one newspaper; they're now being noticed in two  
 5 newspapers. I am confident that the message is clear  
 6 that there does not appear to be an exception for this  
 7 calendar year to filing an agenda in addition to  
 8 notices of the meetings.

9 In addition, I cannot ignore the fact that  
 10 the actions -- the specific action -- and I'm not  
 11 necessarily saying that this -- the specific action  
 12 regarding the principals will be voided, I'm saying all  
 13 action taken at that meeting will be voided. But I  
 14 know that the request was specific to those two  
 15 individuals. But one of the factors that leads me to  
 16 this remedy is that those two individuals have been  
 17 acting in their current, or the capacity that they were  
 18 -- the transfers that were made at the December 21st  
 19 meeting have put them into different employment  
 20 situations. I understand they're always -- they're  
 21 still Board employees. I'm not talking about who their  
 22 employer is, I'm talking about what their job  
 23 responsibilities are, and they have been presumably  
 24 carrying those out for at least the last seven months.

25 So to simply void that without allowing the

## Decision

16

1 Board an opportunity to cure I simply don't think is in  
 2 the best interest of the citizenry or Teaneck, or  
 3 surely not those who are participating or are currently  
 4 making good use of the public school system.

5 The fourth count in the complaint talks about  
 6 a January 3rd, 2024 meeting, which was the 2024  
 7 reorganization meeting. And interestingly, it appears  
 8 that the Board at the outset of that meeting  
 9 acknowledged that it had not been properly noticed and  
 10 decided to continue anyway.

11 Now, again, there was an effort made to cure  
 12 this deficiency, again, by having either the votes --  
 13 whatever votes were taken. There's -- I have no  
 14 information in the com -- the papers submitted about  
 15 what votes may have taken place at that time. Not --  
 16 there's not one that's particularly referenced in terms  
 17 of trying to void it. But there was an effort to cure  
 18 in -- by the January 17th, 2024 meeting and having the  
 19 matter -- all of those -- whatever votes were taken  
 20 ratified or -- or re-voted. As previously noted,  
 21 however, since the January 17th, 2024 meeting was also  
 22 not properly noticed, it cannot stand to cure the  
 23 deficiencies of the January 3rd, 2024 meeting.

24 So again, I find that what transpired at the  
 25 January 3rd, 2024 meeting violated the terms and

## Decision

17

1 conditions of the Open Public Meetings Act. It was, as  
 2 I said, not cured by January 17th. In addition to that  
 3 declaration of judgment, the same remedy is going to  
 4 apply. And that is any action that was -- formal  
 5 action that was taken by the Board is going to be  
 6 voided if not cured in some fashion within that same 90  
 7 days.

8 COURT CLERK: (Indiscernible.)

9 THE COURT: I said 70 days the first time?  
 10 70 days. Sorry about that.

11 The fifth count of the Complaint seeks relief  
 12 not under the Open Public Meetings Act but rather under  
 13 the New Jersey Civil Rights Act, specifically N.J.S.A.  
 14 10:6-2. And plaintiff requests that the Court make a  
 15 number of findings, the first of which is declaring  
 16 that the Open Public Meetings Act violations may be  
 17 addressed with, through, or by application of the New  
 18 Jersey Civil Rights Act, determining that the  
 19 defendants' violations of the Open Public Meetings Act  
 20 deprive plaintiff and others of a right protected by  
 21 statute, voiding all actions and enjoining further  
 22 violations.

23 Now, in terms of the app -- applicability of  
 24 this particular section to the case in front of me,  
 25 finding that the Open Public Meetings Act violations

## Decision

18

1 may be addressed through the Civil Rights Act would  
 2 require the Court to find that any subs -- substantive  
 3 right, privilege, or immunity secured by the  
 4 constitution or laws of this state or whose exercise or  
 5 enjoyment of those substantive rights, privileges, or  
 6 immunities has been interfered with or attempted to be  
 7 interfered with by threats, intimidation, or coercion  
 8 by a person under -- acting color of -- excuse me,  
 9 acting under color of law may bring a civil action, et  
 10 cetera, et cetera.

11 First of all, there's no allegation here that  
 12 any rights have been interfered with with -- by  
 13 threats, intimidation, or coercion by people under --  
 14 acting under color of law. So it really has to do with  
 15 whether any substantive right, privilege, or immunity  
 16 secured by the constitution of laws -- or laws of the  
 17 state of New Jersey have been deprived. I will say  
 18 that the plaintiff fails to make any argument or  
 19 provide any support for the fact that a violation of  
 20 the Open Public Meetings Act equals such substantive  
 21 right, privilege, or immunity. There is nothing  
 22 provided to the Court to support a finding here. And  
 23 accordingly, I find that the plaintiff has failed to  
 24 meet his burden in establishing that there is  
 25 applicability of the Civil Rights Act in this instance.

## Decision

19

1           One of the -- in each instance -- so I'm  
2 particularly look -- specifically, I should say,  
3 looking at counts three and four for which relief has  
4 been granted. In both of those counts, in addition to  
5 the declaratory relief, the voiding of actions taken,  
6 I'm asked to award what's generally referred to as  
7 injunctive relief thereby compelling, or therefore  
8 compelling the defendants to change their agenda and  
9 public notice practices to provide adequate notice to  
10 the public.

11           I think based upon a review of the facts and  
12 circumstances in their totality, including the  
13 instances or the date -- meeting dates referenced in  
14 count one, although they did not -- they're not  
15 cognizable before this Court because they violate the  
16 statute of limitations, I do not think they can be  
17 ignored, that this has been an ongoing pattern and it  
18 carries through to the -- counts three and four, where  
19 relief was granted, that there has been a pattern here.  
20 Accordingly, I do think it is appropriate for the Court  
21 to enjoin the defendants and inform them that they are  
22 required, as is everybody that legislates or passes any  
23 sort of administrative policies, personnel decisions on  
24 behalf of the public are required to comply with, in  
25 strict adherence, according to the Supreme Court of the

## Argument

20

1           state of New Jersey, with the mandates of the Open  
2 Public Records Act. So I do think injunctive relief is  
3 granted in this in -- is appropriate in this interest  
4 (sic) and therefore it is granted.

5           Now, one of the things Mr. Kaplan has asked  
6 for also in counts three and four are costs. Mr.  
7 Kaplan, I will hear you regarding your costs, Sir. Mr.  
8 Kaplan, you're muted.

9           MR. KAPLAN: My apologies, Your Honor. Can  
10 you hear me?

11           THE COURT: Yes. Now I can. Thank you very  
12 much.

13           MR. KAPLAN: Perfect. As a non-attorney, my  
14 only cognizable costs to the current action is the cost  
15 of filing summons -- the Complaint and Order to Show  
16 Cause as well as copy costs, which are fairly minimal.  
17 But those are the only costs I'd be seeking at this  
18 time.

19           THE COURT: Tell me, do you know what your  
20 copying costs were?

21           MR. KAPLAN: I don't exact figures. I mean,  
22 they were over \$100, but I'm happy to cap it at \$100  
23 for the Court if defendants will -- or the Court will  
24 acknowledge that. Otherwise, I can get you a  
25 itemization. But it was not very significant. I -- I

## Argument/Decision

21

1 don't want to make this about the fees.

2 THE COURT: I -- I understand. There were --  
3 the filing costs of the Complaint and the Order to Show  
4 Cause I am told was \$300. Does that sound accurate to  
5 you?

6 MR. KAPLAN: That is correct. Yes.

7 THE COURT: All right. Mr. Edelstein, do you  
8 want to be heard regarding costs?

9 MR. EDELSTEIN: Well, I would simply note  
10 that the Open Public Meetings Act is not a fee- --  
11 cost-shifting statute.

12 THE COURT: All right. Thank you very much.  
13 I agree with you; it's not a cost- or fee-shifting  
14 statute. However, I do think it's appropriate in this  
15 instance to award costs to Mr. Kaplan in the amount of  
16 \$400; \$300 for the filings and \$100 for his copying  
17 costs. And I think it's appropriate because when we  
18 talk about the purpose of the Open Public Meetings Act  
19 and -- and similar -- similar statutes, they are meant  
20 to provide relief to the public when the statutes are  
21 not being followed and the rules are not being followed  
22 by the public entities. And in this instance, Mr.  
23 Kaplan has come forward and shone a light on this --  
24 what -- particular issue at the Teaneck school board,  
25 which I -- I hear Mr. Edelstein say and it appears that

## Decision/Colloquy

22

1 they are trying to comply, but they have not yet done  
2 so.

3 So I do not think that the private citizen  
4 who brings the act under -- to enforce the Open Public  
5 Meetings Act against the public body should have to  
6 bear the costs. Accordingly, I'm awarding costs in the  
7 total amount of \$400. You will receive an order  
8 outlining my decision today. Gentlemen, I thank you  
9 both for --

10 MR. KAPLAN: Your Honor?

11 THE COURT: Yes, Sir.

12 MR. KAPLAN: If I could just be heard for a  
13 brief moment regarding the injunctive relief moving  
14 forward, only because that was the only part that deals  
15 with something yet to happen. At the meeting last  
16 night, three -- the executive session happened again  
17 without a resolution indicating what the topics are and  
18 the -- three resolutions were walked into the meeting  
19 after public comment, with the requirement moving  
20 forward that they have a resolution in the agenda to  
21 advise the public as per the requirements under Polillo  
22 and its brethren.

23 THE COURT: I am not going to address an  
24 outline instance by instance, Mr. Kaplan. That is not  
25 my job. I cannot give advice as to how to proceed. I

Colloquy

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am confident that Mr. Edelstein will counsel the Board of Education that they are to comply with every aspect of the Open Public Meetings Act.

MR. KAPLAN: Thank you, Your Honor. I appreciate it.

THE COURT: Thank you. Thank you both for your time and attention to this matter. As I indicated, you'll receive an order summarizing my findings today. Thank you all very much. Stay well.

(Proceeding concluded at 12:26 p.m.)

CERTIFICATION

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I, SARAH L. FETZ, the assigned transcriber, do hereby certify that the foregoing transcript of proceedings on CourtSmart, Index No. from 11:49:31 to 12:26:55, is prepared to the best of my ability and in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings, as recorded.

/s/ Sarah L. Fetz  
Sarah L. Fetz

AD/T 626  
AOC Number

KLJ Transcription Service  
Agency Name

09/12/2024  
Date

## Exhibit J

Court Order and Rider dated November 4, 2024

FILED

NOV 04 2024

CAROL NOVEY CATUOGNO, A.J.S.C.

*PREPARED BY THE COURT*

**KEITH KAPLAN,**

Plaintiff,

vs.

**TEANECK BOARD OF EDUCATION, et al.,**

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-121-24

**CIVIL ACTION**

**ORDER**

**THIS MATTER** having been opened to the Court on August 20, 2024, by Plaintiff, Keith Kaplan, a self-represented litigant, seeking to enforce litigant’s rights pursuant to R. 1:10-3, upon notice to The Weiner Law Group, counsel for Defendants (Stephen J. Edelstein, appearing), and the Court having considered the moving papers, opposition, and reply, for the reasons stated in the attached rider of even date; and for good cause shown.

**IT IS** on this 4<sup>th</sup> day of **November** 2024,

**ORDERED** that Plaintiff’s Motion to Enforce Litigant’s Rights is **DENIED** as a result of Defendants failure to comply with the July 18, 2024, Order; and it is further,

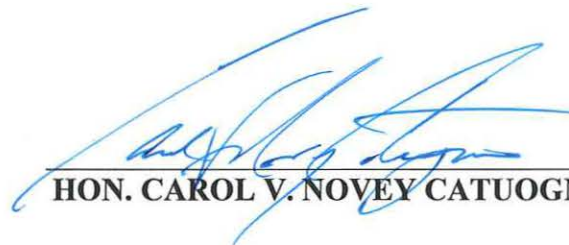
**ORDERED** that Plaintiff’s request to find that fees in the amount of **\$400.00** are immediately due and owed to the Plaintiff is **MOOT**; and it is further

**ORDERED** that Plaintiff’s request for civil penalties against the Defendants for their failure to comply with the court’s July 18, 2024, Order is hereby **DENIED**; and it is further

**ORDERED** that Plaintiff’s request for civil administrative penalties against the Defendants for their failure to comply with the court’s July 18, 2024, Order is hereby **DENIED**; and it is further

**ORDERED** that Defendants shall reimburse Plaintiff for his motion filing costs in the amount of **\$50.00** within thirty (30) days of the date of this order;<sup>1</sup> and it is further

**ORDERED** that a copy of this Order shall be served upon all counsel of record within, upon its upload to eCourts.



HON. CAROL V. NOVEY CATUOGNO, A.J.S.C.

This Motion was:

Opposed  
 Unopposed

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<sup>1</sup> Defendants complied with the July 18, 2024, Order regarding the payment of \$400 in costs to the Plaintiff. However, the payment was made *after* the filing of Plaintiff's motion to enforce litigant's rights.

KEITH KAPLAN v. TEANECK BOARD OF EDUCATION, et al.

Docket No. BER-L-121-24

**RIDER TO THE ORDER DATED NOVEMBER 4, 2024**

**I. INTRODUCTION**

Keith Kaplan brought two motions asking the court to enforce litigant's rights following this Court's July 18, 2024, Decision and Order. The first motion, filed on August 20, 2024, seeks to enforce litigant's rights in the form of civil penalties and administrative penalties for the Board's alleged failure to pay \$400 to Mr. Kaplan in compliance with the July 18, 2024, Order. The other motion, filed on August 23, 2024, seeks to enforce litigant's rights through civil penalties, administrative penalties, and acknowledgment of the Board's alleged continued violations of OPMA.

**II. FACTS AND PROCEDURAL HISTORY**

On August 20, 2024, self-represented Plaintiff, Keith Kaplan, brought the first motion to enforce litigant's rights before the Court. This motion argues that Defendants did not pay Plaintiff the required \$400 within the ordered 30-day window as previously ordered by the court.<sup>2</sup> On August 23, 2024, Plaintiff filed the second motion, arguing the Defendants have further violated this Court's July 18, 2024, Order by again violating OPMA by failing to properly notice their August 21, 2024, meeting. Defendants submitted opposition papers to both motions on September 5, 2024, Plaintiff filed a reply to both on September 9, 2024. On September 30, 2024, and October 1, 2024, both Plaintiff and Defendants submitted additional filings for the Court's consideration.

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<sup>2</sup> Both motions are entitled Motion to Enforce Litigant's Rights. Since both are entitled the same, this Court will differentiate them based on the alleged injury for which plaintiff seeks relief, identifying them as the "Fee Motion" and the "OPMA Motion."

As these additional filings were filed without leave of Court, the Court has declined to consider any of those filings. See R. 4:105-7; R. 1:6-3.

#### **A. The Court's July 18, 2024, Decision and Order**

On July 18, 2024, this Court granted relief in two of the five counts alleged (pled) by Plaintiff in a previous application. Specifically, relief was granted under Counts Three and Four of that motion. This Court ordered that: (1) Counts One and Two were denied as the statute of limitations barred both; (2) Counts Three and Four were granted; and (3) Count Five was denied.<sup>3</sup>

Count Three concerned a December 21, 2023, special meeting (“Special Meeting”) that resulted in the transfer of two school principals: Mr. Pedro Valdes and Mr. Piero LoGuidice.<sup>4</sup> Defendants argued that any deficiencies in noticing that Special Meeting were cured by a subsequent meeting convened on January 17, 2024. This Court determined that there was no such cure. The Court explained that while the January 17, 2024, meeting was properly noticed in two newspapers, it still *did not* strictly comply with OPMA’s requirements because it failed to publish an agenda. The filing of an agenda was required, as the Board had failed to publish its 2024 meeting schedule prior to January 10, 2024, as required by N.J.S.A. 10:4-18, meaning any attempt at corrective action taken at the January 17, 2024, meeting to cure the deficiencies of the December 21, 2023, meeting failed.

In this Court’s July 18, 2024, Decision, the Court made several findings regarding the December 21, 2023, Special Meeting and its attempted cure in the January 17, 2024, meeting.

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<sup>3</sup> Count One of Plaintiff’s Verified Complaint alleged that the Board failed to file adequate notice of annual meeting dating back to 2020 to 2023 by not sending notice to two newspapers of record. Pl.’s Verified Compl., at 4-5. Count Two addressed an executive session that occurred during the Board’s November 15, 2023, meeting. Pl.’s Verified Compl., at 3. The statute of limitations barred both Counts. Count Five asked this Court to determine that OPMA violations may be redressed through the New Jersey Civil Rights Act. Pl.’s Verified Compl., at 17-19. This Court denied because there was nothing provided to the Court for it to determine such a finding and the Plaintiff had not met his burden in establishing that the Civil Rights Act applied.

<sup>3</sup> Pl.’s Verified Compl., at 5-15.

<sup>4</sup> Pl.’s Verified Compl., at 5-15.

First, this Court declared that the Defendants violated OPMA because they failed to notice the December Special Meeting properly since it was only published in one newspaper. Second, this Court determined that any attempts made during the January 17, 2024, meeting did not cure the Special Meeting because it also failed OPMA's notice requirements by not properly publishing an agenda, as stated above. Although this Court declined to void the actions taken during the Special Meeting, including the transfer of Principal Valdes and Principal LoGuidice, Defendants were clearly instructed that the Special Meeting must be cured through ratification within 70 days, or those actions would be voided.

Count Four concerned the Board's re-organization meeting on January 3, 2024 ("Re-Organization Meeting").<sup>5</sup> At the outset of the Re-Organization Meeting, Defendant openly admitted that the meeting was not noticed properly but proceeded because of its intent to cure the deficiencies through ratification at the next meeting. That attempt to cure this deficiency also occurred during the January 17, 2024, meeting. As stated above, the deficiencies in notice of the January 17, 2024, meeting that prevented ratification of the December Special Meeting similarly prevent ratification of the January 3rd Re-Organization Meeting. Thus, this Court determined in its July 18, 2024, decision that the Re-organization Meeting violated OPMA because it was not noticed properly, and was not cured by the January 17, 2024, meeting because that meeting was also not noticed properly.

Consequently, the same 70-day window was provided to Defendants to cure those deficiencies. If they failed to cure within 70 days, the actions taken at the Re-Organization Meeting would be voided.

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<sup>5</sup> Pl.'s Verified Compl., at 16-17.

In light of Defendants' history and ongoing pattern and practice of being unable to satisfy OPMA's noticing requirements, this Court granted the Plaintiff's requested injunctive relief. To further compliance with OPMA and ensure that such cures to the Special and Re-Organization Meetings were made, this Court enjoined the Defendants and instructed them to comply with, in strict adherence, the mandates of OPMA. The Court also ordered Defendants to pay \$400 in costs to Plaintiff within 30 days.

### **B. Facts Subsequent to the Court's Order**

Following this Court's July 18, 2024, Decision and Order, the Defendants held a regular meeting on August 21, 2024. Defendants submitted an annual meeting schedule, which included the August 21, 2024, meeting on January 18 and 19, 2024 to two newspapers.<sup>6</sup> Notice was sent to the Bergen Record on January 18, 2024, to the Star Ledger on January 19, 2024, and both newspapers published the notice on January 23, 2024.<sup>7</sup> On or about August 19, 2024, Defendants published an agenda for the August 21, 2024, meeting on the Teaneck Board of Education website.<sup>8</sup>

Shortly after the start of the August 21, 2024, meeting, the Board President made an oral resolution that the Board would enter closed session to discuss "legal updates and special education legal updates."<sup>9</sup> During the meeting, after closed session, a member of the Defendants' public body, Board Trustee James Wolff, stated that he believed the meeting was not noticed in compliance with OPMA.<sup>10</sup> That statement was not recorded in the Defendants' minutes of the August 21, 2024, meeting.<sup>11</sup> Defendants also attempted to ratify the January 17, 2024, meeting,

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<sup>6</sup> Certification of Stephen Edelstein, Esq., Sept. 5, 2024, ¶¶ 6-8, Ex. E-G.

<sup>7</sup> Certification of Stephen Edelstein, Esq., Sept. 5, 2024, ¶¶ 6-8, Ex. E-G.

<sup>8</sup> Certification of Stephen Edelstein, Esq., Sept. 5, 2024, ¶ 9, Ex. H (including only the first page of a 201 page agenda).

<sup>9</sup> Certification of Keith S. Kaplan, In Support of Pl.'s Mot. to Enforce Litigant's Rights, Aug. 23, 2024, ¶ 20.

<sup>10</sup> Certification of Keith S. Kaplan, In Support of Pl.'s Mot. to Enforce Litigant's Rights, Aug. 23, 2024, ¶ 13.

<sup>11</sup> See generally Teaneck Public Schools, *August 21, 2024 RPM minutes PDF*, <https://www.teaneckschools.org/Downloads/Minutes%20RPM%2008-21-242.pdf?v=0>.

which had attempted to ratify the December 2023 Special and January 3rd Re-Organization Meetings, by passing a resolution during the August 21, 2024, meeting.<sup>12</sup>

### **C. The Fee Motion**

As indicated above, included in this Court's July 18, Decision and Order, Plaintiff was awarded fees in the amount of \$400. This Court ordered that those fees be paid within 30 days of the July 18, 2024, Order.

On August 20, 2024, three days after the 30-day window expired, Plaintiff made his Fee Motion. On September 5, 2024, Defendants filed an Opposition to Motion stating they "inten[ded] to discuss and resolve this payment to Plaintiff" at their August 21, 2024, meeting.<sup>13</sup> However, because Plaintiff filed his Notice of Motion on August 20, 2024, at 12:02 am, the Defendants state they relented and sent payment in the amount of \$400 to the Plaintiff.<sup>14</sup> Defendants noted that despite paying Plaintiff, he had not withdrawn his Fee Motion.<sup>15</sup>

Plaintiff filed reply papers to the same and included a certification and exhibits. Said certification and exhibits demonstrate that Plaintiff did receive a \$400 check dated August 20, 2024, accompanied by a letter from Defendants explaining the same and asking Plaintiff to withdraw his Fee Motion.<sup>16</sup> Upon receipt of said check, Plaintiff sent a letter to the Defendants stating he would withdraw his Fee Motion if the Defendants agreed the Plaintiff was the prevailing motion party, would pay his motion fees, and agree to abide by this Court's July 18 Order.<sup>17</sup> Plaintiff's letter received no response, prompting him to then request motion fees in his reply brief, relying on this Court's reasoning in awarding him fees in the July 18, 2024 Decision and Order.<sup>18</sup>

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<sup>12</sup> Certification of Stephen Edelstein, Esq., Sept. 5, 2024, ¶ 10, Ex. I, J.

<sup>13</sup> Certification of Stephen J. Edelstein, Esq., ¶ 4.

<sup>14</sup> Certification of Stephen J. Edelstein, Esq., ¶ 5-6.

<sup>15</sup> Certification of Stephen J. Edelstein, Esq., ¶ 7.

<sup>16</sup> Certification of Keith S. Kaplan, In Support Of Pl.'s Mot. to Enforce Litigant's Rights, Ex. A.

<sup>17</sup> Certification of Keith S. Kaplan, In Support Of Pl.'s Mot. to Enforce Litigant's Rights, Ex. B.

<sup>18</sup> Pl.'s Reply Brief In Support Of Pl.'s Mot. to Enforce Litigant's Rights.

#### **D. The OPMA Motion**

On August 23, 2024, Plaintiff filed a second motion to enforce litigant's rights. Plaintiff argues that Defendants violated OPMA by not properly noticing an agenda for the August 21, 2024, meeting, by not sending a Rice notice to Mr. Valdes, by failing to enter objections by a board member into the meeting's minutes, by not informing the public of the closed session discussion topics, and for failing to cure and ratify the deficiencies of the January 3, 2024, re-organization meeting and the December 21, 2023, special meeting. Defendants counter that the meeting was noticed properly, that a Rice notice was not required for Mr. Valdes at the August 21, 2024, meeting, that no entry of board member objections needed to be entered into the meeting's minutes, that the public was adequately informed for the closed session discussion topics, and that they did cure and ratify the two deficient meetings.

#### **III. RULES & DECISIONS**

In his two motions to enforce litigant's rights, Plaintiff asks this Court to find that: (1) Defendant did not properly ratify and cure the deficiencies of the January 3, 2024 re-organization meeting and the December 21, 2023 special meeting; (2) Defendant violated OPMA by not properly noticing its August 21, 2024 regular meeting resulting in the failure to ratify the December 21, 2023, and January 3, 2024, meetings; (3) Defendant's violation of OPMA is also a violation of this Court's July 18, 2024, Order; and (4) Defendant also violated this Court's July 18, 2024, Order by not paying Plaintiff \$400 in costs within the requisite timeframe. For relief of these violations, Plaintiff seeks civil penalties, civil administrative penalties, and the receipt of the ordered \$400. In his reply papers, he additionally asks for the award of his motion costs. This Rider proceeds with the argued OPMA violations, the \$400 in fees, the Plaintiff's request of motion fees, and concludes with the additional penalties requested.

### A. The Open Public Meetings Act

The New Jersey Open Public Meetings Act (“OPMA”) requires meetings of public bodies to be conducted in open session and in the eyes of the public. N.J.S.A. 10:4-6–4:21. OPMA provides two separate, but related, ways to provide adequate notice: (1) on an annual basis; or (2) at least 48 hours prior to each meeting. N.J.S.A. 10:4-8(d). Further, electronic notice may supplement, but not replace OPMA’s traditional notice requirements. N.J.S.A. 10:4-9.2. If a public body provides proper annual notice of regular meetings, the public body does not need to provide any further notice of the meeting. N.J.S.A. 10:4-18.

To annually notice its regular meetings, a public body must accomplish certain procedural steps. First, the public body must provide annual notice of its “schedule of regular meetings to be held during the succeeding year” no later than January 10.<sup>19</sup> N.J.S.A. 10:4-18. The “schedule of regular meetings” must “contain the location of each meeting to the extent it is known, and the time and date of each meeting.” *Id.* And finally, the public body must: (1) mail, telephone, telegram or hand deliver the schedule to the two designated newspapers; (2) file the schedule with the relevant clerk; and (3) post and maintain that posting throughout the year in a public place reserved for such announcements. N.J.S.A. 10:4-18, 10:4-8. If a public body fails to properly annually notice its meetings, then it must provide “written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any . . . meeting” in the same manner as required for annual notice. N.J.S.A. 10:4-8. In sum, all meetings by a public body must be properly noticed—either annually or at least 48 hours in advance.

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<sup>19</sup> New Jersey Education Law mandates when boards of education must hold their annual organization or reorganization meetings. *See* N.J.S.A. 18A:10-3. Because the parties have not identified what type of school district applies in this instance, the Court does not rely on the dates provided by New Jersey Education Law and focuses solely on OPMA.

Alternatively, if the public body does not annually notice the meeting schedule, OPMA then requires at least 48 hours before the meeting, notice of the meeting “and, to the extent known, the agenda” of the meeting be properly noticed to two previously designated newspapers of record, posted in one public place reserved for such announcements, and filed with the relevant clerk. N.J.S.A. 10:4-8. In other words, OPMA requires publication of an agenda when no annual notice has been provided. N.J.S.A. 10:4-18.

An “agenda” is “a list or outline of things to be considered or done.” Opderbeck v. Midland Park Bd. of Educ., 442 N.J. Super. 40, 56 (2015), certif. denied, 223 N.J. 555 (2015). Public bodies do not have “to provide copies of appendices, attachments, reports, or other documents referred to in their agenda[.]” to comply with OPMA. Id. at 44.

Additionally, there are exceptions to OPMA’s public notice requirements. N.J.S.A. 10:4-12(b). Personnel matters affecting employees of the public body do not require public notice, unless all parties require or consent to a public hearing. N.J.S.A. 10:4-12(b)(8). However, public employees have a statutory right under OPMA to request a public hearing when their employment rights may be adversely affected. Rice v. Union Cnty. Reg’l High Sch. Bd. of Educ., 155 N.J. Super. 64, 73-74 (App. Div. 1977). To ensure employees are aware their employment may be discussed, they “must be given ‘reasonable notice’ when a public entity intends to consider taking adverse employment action related to them.” Kean Fed’n of Teachers v. Morell, 233 N.J. 566, 574 (2018) (citing Rice, 155 N.J. Super. at 74). The Rice notice allows public employees to make a decision on whether they desire a public hearing and prepare and submit an appropriate request for a public hearing in writing. Rice, 155 N.J. Super. at 73-74.

OPMA also provides mechanisms by which public bodies can hold closed sessions at meetings, out of the public eye. To hold a closed session, the public body must meet procedural

requirements, and the subject matter of the closed session must fall within one of OPMA's exceptions. N.J.S.A. 10:4-12. If the subject matter does not fall within an exception, the public body must discuss the subject in open session. N.J.S.A. 10:4-13 ("No public body shall exclude the public from any meeting to discuss any matter described in [N.J.S.A. 10:4-12b] until the public body" follows the necessary procedures to do so). OPMA allows a public body to hold closed session when the subject matter involves "pending or anticipated litigation" involving the public body, or if the subject matter "fall[s] within attorney-client privilege, to the extent that confidentiality is required" for the attorney to act ethically as a lawyer. N.J.S.A. 10:4-12b(7).

To hold a closed session, a public body must adopt, at an open session, a resolution stating: (1) the general nature of the subject to be discussed at the closed session; and (2) as precisely as possible, if and when the closed session discussion can be disclosed to the public. N.J.S.A. 10:4-13. The resolution to enter closed session can be made orally, so long as the adopted oral resolution is memorialized in the meeting's minutes. Twp. Comm. of Edgewater Park v. Edgewater Park Hous. Auth., 187 N.J. Super. 488, 603 (App. Div. 1982). Further, the "to the extent known" requirements that apply to a public body's agenda, do not apply to resolutions to enter closed session. See McGovern v. Rutgers, 211 N.J. 94, 111 (2012) (declining to extend N.J.S.A. 10:4-8's requirements for agendas to N.J.S.A. 10:4-13's requirements for resolutions to enter closed session).

OPMA requires public bodies to keep "reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be" included by law. N.J.S.A. 10:4-14. These minutes must "be promptly available to the public to the extent that making such matters public" is not inconsistent with N.J.S.A. 10:4-12. N.J.S.A. 10:4-14. If a

member of a public body believes a meeting of that public body is being held in violation of OPMA, that person must immediately state their belief along with specific reasons for that belief. N.J.S.A. 10:4-17. Such objection must be recorded in the meeting's minutes. N.J.S.A. 10:4-17.

**1. The December 21, 2023 Special Meeting, the January 3, 2024 Re-Organization Meeting, and the January 17, 2024 Special Meeting**

Prior to this Court's July 18, 2024, Order, Defendants conceded that both the December 21, 2023, meeting and the January 3, 2024, re-organization meeting were not properly noticed. As already determined by the court on July 18, 2024, the January 17, 2024, meeting was not noticed properly and therefore violated OPMA.

The purported January 3, 2024, re-organization meeting was not noticed properly, nor was a 2024 meeting schedule presented at that meeting. Because Defendants failed to file an annual schedule within 7 days of a properly noticed re-organization meeting or by January 10, 2024, Defendants do not enjoy the "annual notice" benefit for any regular meeting of 2024. The January 17, 2024, meeting failed to properly effectuate annual notice because it was not within the statutory timeframe, as stated above.

For the January 17, 2024, meeting, while Defendants submitted notice to two newspapers, they failed to strictly comply with OPMA by not submitting an agenda for that meeting to the same two newspapers. Defendants did publish an agenda on the Teaneck Board of Education website on January 15, 2024, 48 hours in advance of the January 17, 2024, meeting. However, electronic notice of meetings on websites supplements OPMA's traditional notice requirements; it does not replace them. See N.J.S.A. 10:4-9.1 ("In addition to the notice requirements of [OPMA] . . . a public body may provide electronic notice of any meeting of the public body through the Internet.").

Therefore, the Defendants improperly held a meeting on January 17, 2024. Because that meeting was improperly noticed, any attempts to use it as a vehicle to cure and ratify the previous improperly noticed meetings must fail.

## **2. The August 21, 2024, Regular Meeting**

Plaintiff makes a number of arguments concerning the August 21, 2024, meeting, mainly: (1) Defendants did not notice the meeting properly; (2) Defendants did not provide Mr. Valdes with a Rice notice; (3) Defendants failed to enter a public body member's objection into the meeting minutes; (4) Defendants improperly entered closed session; and (5) Defendants did not cure the deficiencies of the Special Meeting and the Re-Organization Meeting through ratification. Each argument and Defendants counterarguments are addressed below.

### **a. Notice of Meeting and Agenda**

Plaintiff argues the August 21, 2024, meeting violated OPMA because it was not noticed properly.<sup>20</sup> Defendants counter that the meeting was noticed properly through annual notice at the January 17, 2024, meeting.<sup>21</sup>

At the outset, the Court has already determined that there was no proper annual notice for 2024 because it was not effectuated within 10 days of a re-organization meeting nor by January 10, 2024. Also, as already stated above, this Court has already made an adjudication regarding whether the January 17, 2024, meeting was noticed properly under OPMA. Therefore, there cannot be annual notice for the August 21, 2024, meeting and Defendants must provide proper notice at least 48 hours in advance of the meeting to be in compliance with OPMA.

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<sup>20</sup> Pl.'s Mem. In Support of Mot. to Enforce Litigant's Rights, Aug. 23, 2024, at 1-2.

<sup>21</sup> Def.'s Opp'n to Mot. Br., at 1-3.

Concerning the August 21, 2024, meeting, Defendants sent notice to two properly designated newspapers on January 18 and 19, 2024.<sup>22</sup> Defendants attempted to comply with OPMA by publishing an agenda for the meeting on the Teaneck Board of Education website. Defendants, however, did not submit an agenda for the August 21, 2024, meeting to the requisite two newspapers. This is in violation of OPMA.

In their opposition brief, Defendants state the January 17, 2024, meeting was properly noticed, stating that “posting the agenda on the website is . . . perfectly permissible” because it is a “norm throughout New Jersey.” Of course, norms that are not in strict compliance with OPMA cannot satisfy OPMA. The requirements in N.J.S.A. 10:4-8 regarding notice are clear and our state’s Supreme Court is clear that only strict compliance with OPMA satisfies OPMA. See Polillo v. Deane, 74 N.J. 562, 578 (1977) (rejecting the argument that substantial compliance with OPMA satisfies OPMA and holding “that strict adherence to the letter of the law is required in considering whether a violation of [OPMA] has occurred.”). The Court also notes that Defendants seem to believe agendas can only be published online, due to the length of the agendas. Defendants argue that boards of education publish their agendas only on websites because “publishing the entire agenda in a newspaper would be impossible, since the agendas can easily be forty pages or more” and furthers their belief that norms, which are not in strict compliance with OPMA, are somehow in compliance with OPMA.<sup>23</sup>

An agenda does not need to include every document that is referred to in the agenda. Opderbeck, 442 N.J. Super. at 44. An agenda can be as simple as “a list or outline of things to be considered or done” by a public body at a meeting. Id. at 56. The Court additionally notes that OPMA does not *require* a newspaper to actually publish the agenda or notice of meeting. OPMA

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<sup>22</sup> Certification of Stephen Edelstein, Esq., Sept. 5, 2024, ¶¶ 6-7, Ex. E-F.

<sup>23</sup> Def.’s Opp’t to Mot. Br., at 2.

simply requires the public body perform the ministerial task of *submitting* the agenda and notice of meeting to two designated newspapers. See N.J.S.A. 10:4-8d.

Nevertheless, Defendants failed to comply with OPMA's notice requirements for the August 21, 2024, meeting because they did not submit the meeting's agenda to the designated two newspapers. The August 21, 2024, meeting therefore violated OPMA.

**b. Rice Notice**

Plaintiff argues the Defendants violated OPMA by failing to send Mr. Valdes a Rice notice for the August 21, 2024, meeting. Defendants counter that Mr. Valdes was not entitled to a Rice notice for the meeting because he was not a topic of discussion and was not planned to be a topic of discussion.

Rice recognizes a statutory right for public employees that will be potentially adversely affected by a public body's personnel decision. 155 N.J. Super. at 73-74. This statutory right "cannot be transferred to a third party by implication." Id. at 75. The statutory right belongs only to "individuals who could be adversely affected by the action of the" public body. Id. at 75.

Plaintiff is not Mr. Valdes, nor is Plaintiff Mr. Valdes's attorney. Accordingly, Plaintiff does not have standing to challenge whether or not Mr. Valdes properly received a Rice notice for any meeting. Only Mr. Valdes can bring such a claim.

**c. Entry of Objections**

Plaintiff argues that Defendants violated OPMA by failing to enter another board member's concern that the August 21, 2024, meeting was not noticed properly. Defendants counter that Plaintiff's argument "has no meaning whatsoever" because the "entire meeting is recorded." Defendants' argument ignores the text of OPMA.

Public bodies are mandated by OPMA to keep reasonably comprehensible minutes of its meetings. N.J.S.A. 10:4-14. When a member of a public body states their belief that a meeting is being held in violation of OPMA, the public body must record that objection in the meeting's minutes. N.J.S.A. 10:4-17.

At the August 21, 2024, meeting, Board Trustee James Wolff stated during the board member statements that he did not believe the meeting was adequately noticed in compliance with OPMA because the meeting and agenda was not noticed in two newspapers.<sup>24</sup> Board Trustee Wolff's statement appears nowhere in the August 21, 2024, meeting minutes.<sup>25</sup> Defendants contention that the meeting is recorded and somehow compliant with OPMA in recording objections of the public body's members need not occur is misguided. OPMA's text is clear. Board Trustee Wolff's objection should have been recorded in the meeting's minutes. Defendants failed to do so. Accordingly, this is in violation of OPMA.

#### **d. Closed Session**

Plaintiff argues that Defendants violated OPMA by entering closed session during the August 21, 2024, meeting. Specifically, he argues that the oral resolution made by the Board President to enter closed session to discuss "legal updates and special education legal updates" does not comply with OPMA's express requirements for closed sessions.<sup>26</sup> Defendants counter that the public was informed "in writing" of the closed session subject matter, "legal update".<sup>27</sup>

The Court notes first that Defendants failed to certify or demonstrate where the public was informed of the same and that a "legal update" was the topic discussed in closed session. Still, OPMA is clear as to what is required of public bodies when they seek to enter closed session.

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<sup>24</sup> Certification of Keith S Kaplan, In Support of Pl.'s Mot. to Enforce Litigant's Rights, Aug. 23, 2024, ¶ 13.

<sup>25</sup> See Certification of Keith S Kaplan, In Support of Pl.'s Mot. to Enforce Litigant's Rights, Sept. 9, 2024, Ex. B.

<sup>26</sup> Certification of Keith S. Kaplan, In Support of Pl.'s Mot. to Enforce Litigant's Rights, ¶¶ 20-23.

<sup>27</sup> Def.'s Opp'n to Mot. Br., at 4.

A public body must adopt a resolution stating: (1) the general nature of the subject to be discussed at the closed session; and (2) as precisely as possible, if and when the closed session discussion can be disclosed to the public. N.J.S.A. 10:4-13. Here, the Defendants did exactly that. The Board President made an oral resolution to enter closed session to discuss “legal updates and special education legal updates.”<sup>28</sup> The other board members adopted the resolution. Therefore, in this regard, Defendants did comply with OPMA.

#### **e. Cure and Ratification**

Plaintiff argues the Defendants failed to cure the deficient December 2023 Special and January 3rd Re-Organization Meetings at the August 21, 2024, meeting. Defendants counter the opposite, simply that corrective action was taken to cure and ratify the two deficient meetings by passing two resolutions at the August 21, 2024, meeting.

When a public body takes action or holds a meeting that is not in compliance with OPMA, the public body can “take corrective or remedial action by acting de novo at a public meeting held in conform[ance] with” OPMA. N.J.S.A. 10:4-15. To the extent that the matter is before us, Defendants have not cured either the Special or Re-Organization Meeting because, as explained above, they failed to properly notice the August 21, 2024, meeting by not properly noticing an agenda.

#### **B. Justiciability**

Cases or controversies that have become moot prior to judicial resolution are ordinarily dismissed. “Mootness is a threshold justiciability determination rooted in the notion that judicial power is to be exercised only when a party is immediately threatened with harm.” Betancourt v. Trinitas Hosp., 415 N.J. Super. 301, 311, 315 (App. Div. 2010) (citation omitted) (noting that “[a]

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<sup>28</sup> Certification of Keith S Kaplan, In Support of Pl.’s Mot. to Enforce Litigant’s Rights, Aug. 23, 2024, ¶ 20.

critical factor in the mootness analysis is whether the unusual circumstances of a case make a recurrence of this specific set of facts unlikely”). When a court’s decision on an issue would have no practical effect on the existing controversy between the parties, that issue is moot. Greenfield v. N.J. Dep’t of Corr., 382 N.J. Super. 254, 257–58 (App. Div. 2006).

The issue concerning Plaintiff being owed \$400 in fees is moot as Plaintiff has clearly received the ordered payment from Defendants. Shortly after the Plaintiff filed these two motions, Defendants paid the \$400 to the Plaintiff on August 20, 2024.<sup>29</sup> Thirty days after July 18, 2024, is August 17, 2024. Defendants’ payment to Plaintiff on August 20, 2024, was three days late. Defendants also argue that Plaintiff knew that the \$400 could not be paid to him until the payment was approved by the Board at the August 21, 2024, meeting.<sup>30</sup> If such is the case, then Defendants *also knew* that it could not pay the \$400 within the 30-day timeframe ordered by the Court. Defendants would have been wiser to have raised such an issue to the Court when the judgment was issued on July 18, 2024, or simply moved for an extension. Based on the papers presented before the Court, the Plaintiff has received the \$400 in fees required to be paid to him. Regardless of whether Defendants paid the \$400 within the timeframe ordered by this Court, the fact of payment has now rendered the issue moot.

### **C. Motion Fees**

When one party acts in non-compliance with a prior court order, the other party can move to enforce litigant’s rights pursuant to R. 1:10-3. Thus, R. 1:10-3 allows a court to enter an additional order compelling the non-complying party into compliance with its prior order.

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<sup>29</sup> Certification of Stephen J. Edelstein, Esq., Sept. 5, 2024, ¶¶ 5-6; Certification of Keith S. Kaplan, In Support of Pl.’s Mot. to Enforce Litigant’s Rights, Sept. 9, 2024, ¶ 4, Ex. A. The Court notes that Defendants claims the payment of the \$400 was a few minutes outside the timeframe ordered by this Court. This is incorrect.

<sup>30</sup> Certification of Stephen J. Edelstein, Esq., Sept. 5, 2024, ¶ 5.

Saltzman v. Saltzman, 290 N.J. Super. 117, 125 (App. Div. 1996). Such award of fees are meant to compel compliance. Ridley v. Dennison, 298 N.J. Super. 373, 381 (App. Div. 1997).

This Court's prior Order was clear when it ordered that Defendants shall adhere strictly to all the mandates of OPMA and remain in full compliance with OPMA moving forward. It is now clear that Defendants have, again, failed to act in compliance with OPMA. As demonstrated above, the August 21, 2024, meeting was not noticed properly. Its agenda was not properly submitted to two previously designated newspapers for publication pursuant to N.J.S.A. 10:4-8 at least 48 hours in advance. Because they failed to perfect annual notice for 2024, Defendants cannot rely on annual notice for the August 21, 2024, meeting, and thereby avoid submitting an agenda to two newspapers for publication.

Defendants have failed to make a showing that they were unable to comply with OPMA's mandates. This Court already determined that the January 17, 2024, meeting was not properly noticed under OPMA. Such determination requires the Defendants to give written notice, *at least 48 hours* before the meeting, providing the time, date, location, agenda, and whether formal action will be taken. N.J.S.A. 10:4-8(d). That written notice must be: (1) posted in at least one public place designated for such announcements; (2) submitted to at least two previously designated newspapers; and (3) filed with the relevant clerk. *Id.* Defendants cannot rely on annual notice for regular meetings because their Re-Organization Meeting was not properly noticed under OPMA, as they themselves conceded when starting the meeting, and because the January 17, 2024, meeting does not strictly comply with OPMA's text either for re-organization meetings nor was it noticed properly. N.J.S.A. 10:4-18.

Accordingly, because Defendants are in non-compliance with this Court's July 18, 2024, Order, were able to comply, and have failed to show why their non-compliance should be excused,

and this has been brought to light by the Plaintiff moving to enforce litigant's rights, the Plaintiff is awarded motion fees pursuant to R. 1:10-3. These fee awards are intended to further compel Defendants to comply, not only with this Court's injunction, but also with OPMA's mandates.

#### **D. Penalties**

Plaintiff seeks both civil penalties and civil administrative penalties in both of his motions. For the reasons set forth below, this Court declines to issue civil or administrative penalties.

##### **1. Civil Penalties**

OPMA contains two remedial provisions. First, "any person . . . may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of [the] act and the court shall . . . provide such remedies as shall be necessary to insure compliance with the provisions of [the] act." N.J.S.A. 10:4-16.

Second, if a person knowingly violates OPMA, they may be fined \$100 for the first offense, and between \$100 and \$500 for subsequent offenses. N.J.S.A. 10:4-17. However, this penalty is only recoverable by the State through a summary proceeding under "the penalty enforcement law." Id. (citing N.J.S.A. 2A:58-1, et seq.). This Court, and any Superior Court, only has jurisdiction to enforce such penalty upon the complaint of the Attorney General or the County Prosecutor, not a *pro se* litigant. Id.

In sum, civil penalties are possible for the Defendants repeated OPMA violations. However, those penalties are only possible if the Bergen County Prosecutor or Attorney General sought them or if this Court determines that such civil penalties are "necessary to insure compliance" with OPMA. Id. 10:4-16.

There is no question that Defendants have struggled, and continue to struggle, with following OPMA's requirements. However, at this juncture, this Court declines to find that the imposition of civil penalties are "necessary to insure" that Defendants comply with OPMA.

## 2. Civil Administrative Penalties

Civil administrative penalties are available for violations of many statutes in New Jersey. See, e.g., N.J.S.A. 58:10A-1-35 (providing for enforcement of the Water Pollution Control Act through civil administrative penalties); N.J.A.C. 7:10-3.5 (providing for enforcement of the Safe Drinking Water Act through civil administrative penalties); N.J.A.C. 7:7-8.11 (providing for enforcement of the Coastal Area Facility Review Act through civil administrative penalties); N.J.S.A. 26:2J-24 (providing for administrative penalties to enforce the Mental Health Parity Law).

In contrast, OPMA contains no provisions allowing a litigant to seek civil administrative penalties when OPMA is violated. As the legislature took great care in making not one but two provisions of OPMA dedicated to what penalties are available, this Court cannot read the availability of administrative penalties into its text.<sup>31</sup>

Therefore, this Court declines to award civil administrative penalties for these violations of OPMA.

## IV. CONCLUSION

For the above reasons, this Court finds the Defendants' August 21, 2024, meeting violated OPMA, and thereby also violated this Court's July 18, 2024, Order. Plaintiff's request for \$400 in costs immediately due and payable to the Plaintiff is moot. Lastly, Plaintiff's requests to void the

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<sup>31</sup> This canon of statutory construction *expressio unius est exclusio alterius* makes this legal conclusion clear as the expression of one implies the exclusion of others. See Moses v. Moses, 140 N.J. Eq. 575, 585 (E. & A. 1947) ("An affirmative expression ordinarily implies a negation of any other.").

actions taken at the August 21, 2024, meeting and for civil and civil administrative penalties are denied.

Defendants' August 21, 2024, meeting is hereby declared in violation of the New Jersey Open Public Meetings Act, and the Teaneck Board of Education shall cure the deficiencies of the August 21, 2024, meeting within **50 days** of the date of this order. In addition, because the instant motions were filed prior to the expiration of the initial 70 day time period provided in the Court's July 18, 2024, Order, allowing Defendants to cure the deficiencies of prior meetings, the Court extends the initial time period to cure by an additional **50 days**, to ensure compliance with this Court's prior Order, this Order, and OPMA. The Court affords Defendants this relief *sua sponte* with the goal that this litigation produces compliance with OPMA

# Exhibit K

Transcript of Court Decision dated November 8, 2024

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, CIVIL PART  
BERGEN COUNTY  
DOCKET NO. BER-L-000121-24  
APP. DIV. NO. \_\_\_\_\_

|                    |   |            |
|--------------------|---|------------|
| _____              | : |            |
| KEITH KAPLAN,      | : |            |
|                    | : |            |
| Plaintiff,         | : | TRANSCRIPT |
|                    | : |            |
| v.                 | : | OF         |
|                    | : |            |
| TEANECK BOARD OF   | : | DECISION   |
| EDUCATION, et al., | : | (EXCERPT)  |
|                    | : |            |
| Defendants.        | : |            |
| _____              | : |            |

Place: Bergen County Courthouse  
10 Main Street  
Hackensack, NJ 07601  
(Heard via Zoom)

Date: November 8, 2024

BEFORE:

HONORABLE CAROL V. NOVEY CATUOGNO, A.J.S.C.

TRANSCRIPT ORDERED BY:

KEITH KAPLAN, Pro Se  
670 Ramapo Road  
Teaneck, NJ 07666

APPEARANCES:

KEITH KAPLAN, PRO SE

STEPHEN J. EDELSTEIN, ESQ. (Weiner Law Group, LLP)  
Attorney for Defendants Teaneck Board of  
Education, et al.

Transcriber: Monica Fry, AAERT 082

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P.O. Box 352  
Oakland, NJ 07436  
(201) 703-1670

Digitally Recorded  
Operator - Christine Hoy

I N D E X

THE COURT:

PAGE

Decision

3

## Decision

3

(Requested excerpt begins at 10:40:17 a.m.)

1 THE COURT: All right. We're back on the  
2 record. I am going to note that Mr. Kaplan and Mr.  
3 Edelstein both are present in the Zoom. All right.

4 All right. As I indicated at the outset, I  
5 am familiar with this matter. In the -- the instant  
6 application was filed on October 10th of 2024 by self-  
7 represented plaintiff Keith Kaplan, who filed a motion  
8 to enforce litigant's rights. The motion seeks to void  
9 actions taken by the defendant Teaneck Board of  
10 Education on -- at their December 21st, 2023, January  
11 3rd, 2024, January 7, 2024, September 11, 2024,  
12 September 17th, 2024, and October 9th, 2024 meetings.

13 I'm asked also to instruct the defendants to  
14 include written resolutions to enter into executive  
15 session, to pay from non-public funding sources a civil  
16 penan -- a civil penalty, cause defendants to pay a  
17 civil administrative penalty for every day they are not  
18 in compliance with the Court's July 18th, 2024 order,  
19 which is the order that Mr. Kaplan seeks to enforce.  
20 I'm also in receipt, of course, of Defendants' letter  
21 in opposition filed October 31st of 2024. Plaintiff  
22 filed a reply on November 1 of 2024.

23 There was other relief requested by Mr.  
24 Kaplan during oral argument today, including an  
25

## Decision

4

1 instruction to -- or to order the Teaneck Board, the  
2 defendants, to hold an open session prior to a closed  
3 session during a meeting, as well as, there was  
4 discussion of the substance of the September 17 meeting  
5 and what transpired during the meeting which was not  
6 brought up either in the motion -- notice of motion or  
7 in any of the papers sup -- supporting it.

8 The motion before me is the third motion to  
9 enforce litigant's rights that Mr. Kaplan has filed  
10 since the Court gave its July 18th, 2024 decision and  
11 order in which the Court declared Defendants had failed  
12 to comply with the Open Public Meetings Act, and the  
13 defendants were to cure the deficiencies of the  
14 December 21st, 2023, the January 3rd, 2024 -- and the  
15 January 3rd, 2024 meetings within 70 days, and that the  
16 defendants were to strictly adhere to the Open Public  
17 Meetings Act mandates and remain in full compliance.

18 The motion currently before me follows two  
19 previously determined motions to enforce litigant's  
20 rights. The first of which was filed on August 20th,  
21 in which Mr. Kaplan sought the enforcement of the award  
22 of fees that the Court had awarded him in the July 18th  
23 order, and second, there was an August 23rd motion  
24 alleging that the most recent -- or the August 21st,  
25 2024 meeting of the Board was not noticed properly, as

## Decision

5

1 well as containing other deficiencies.

2 Defendants, of course, opposed that motion.  
 3 Court addressed all of those issues in its November  
 4 4th, 2004 (sic) orders and singular rider. In that  
 5 decision, I found that the defendants' August 21st  
 6 meeting violated OPMA, as it was not noticed properly.  
 7 Annual notice was not available for that meeting since  
 8 the Board did not file appropriately in terms of the  
 9 year 2024 and how they had not filed a meeting schedule  
 10 by -- well, the meeting schedule that was ultimately  
 11 published was ult -- published on January 17th.  
 12 Regardless of whether or not that meeting was properly  
 13 noticed itself, it was beyond the January 10th date --  
 14 date, and therefore, their annual notice is not  
 15 available -- or the benefit of annual notice is not  
 16 available to the Teaneck Board for the calendar year  
 17 2024.

18 The Court also found at -- oh, and of course,  
 19 and they failed to submit an agenda for the August 21st  
 20 meeting as part of the notice, therefore violating the  
 21 Open Public Meetings Act. The Court also found that  
 22 Plaintiff did not have standing to assert a rights  
 23 notice violation in the place of a public employee, and  
 24 that defendants again violated the Open Public Meetings  
 25 Act by failing to enter a board member's objection,

## Decision

6

1 that the August 21st meeting had not been properly  
 2 noticed, that objection was not entered into the  
 3 meeting's minutes, and that the defendants did properly  
 4 enter closed session by adopting a resolution that  
 5 stated the general nature of the subject to be  
 6 discussed in closed session and when the discussion  
 7 would be disclosed to the public.

8 As such, the Court gave the defendants a 50-  
 9 day time period to cure the deficiencies of the August  
 10 21st, 2024 meeting and extended Defendants' initial  
 11 time period contained in the July 18th order to cure  
 12 the deficiencies of the January 3rd, 2024 and December  
 13 21, 2023 meetings by 50 days.

14 Now, prior to the Court's November 4th  
 15 decision, a series of events occurred that led plo --  
 16 led Plaintiff to file instant motion to enforce  
 17 litigant's rights on October 10th of 2024. On  
 18 September 11th, Defendants held a public works session  
 19 or a workshop meeting. Defendants did not submit an  
 20 agenda for the workshop meeting in compliance of the  
 21 Open Public Meetings Act and only posted an agenda on  
 22 their district website. At the September 11 workshop  
 23 meeting, the defendants made and adopted an oral  
 24 resolution to enter closed session to discuss HIB and  
 25 legal settlements for special education, Cleary,

## Decision

7

1 Giacobbe, Alfieri, and Jacobs Law Firm, also stating  
2 that the closed-session discussion would be made public  
3 when the need for confidentiality no longer existed.

4 On Friday, September 13th, the defendants'  
5 business administrator submitted notices for a  
6 September 17th meeting to The Bergen Record and The  
7 Star-Ledger. The notices submitted to both papers  
8 included a resolution stating that the defendants would  
9 be ratifying and reaffirming all items approved at the  
10 December 13th, 2023, December 21, 2023, January 3rd,  
11 2024, and January 17th, 2024 meetings.

12 The notice also identified where the minutes  
13 and agenda of all four meetings could be found on the  
14 defendants' district websites. Defendants paid an  
15 additional fee to have the notice expedited to  
16 guarantee publication in both newspapers. Both The  
17 Bergen Record and The Star-Ledger published the notice;  
18 one on September 16, the other on September 17. At the  
19 September 17 meeting, Defendants adopted a resolution  
20 that ratified the same four meetings identified in the  
21 published notice, December 13 and 21 of 2023, January 3  
22 and January 17, 2024.

23 Defendants held another workshop meeting on  
24 October 9th of 2024. Again, an agenda was not  
25 submitted for publication for that meeting. At the

## Decision

8

1 October 9th workshop meeting, Defendants made and  
2 adopted an oral resolution to enter closed session.  
3 The resolution stated the closed session topic was HIB  
4 negotiation and attorney-client privilege. Following  
5 the October 9 workshop meeting, Plaintiff filed this  
6 October 10 motion to enforce litigant's rights. The  
7 motion argues that Plaintiff's entitled to the voiding  
8 of December 21, 2023, January 3 and January 17th  
9 meetings of 2024. For the first time, it's asked for  
10 Jan -- the January 17th meeting to be voided.

11 Separately, Plaintiff argues that Defendants  
12 did not comply with the Open Public Meeting Act in  
13 submitting notices to two newspapers of record for the  
14 September 17th, 2024 meeting, as they had actual or  
15 ascertainable knowledge the newspapers could not  
16 publish the notice at least 48 hours in advance of the  
17 meeting. In addition, that there is not OPMA-compliant  
18 notice for the September 17th meeting because the  
19 defendants did not submit an agenda or submitted only a  
20 single resolution rather than an agenda for the  
21 meeting, and that both the September 11th and October  
22 9th workshop meetings were not compliant with OPMA  
23 because the defendants did not submit notice of the  
24 hearings or an agenda to -- to -- an agenda to the two  
25 newspapers of record.

## Decision

9

1 For relief, Plaintiff seeks civil penalties  
2 in the form of defendants personally paying from non-  
3 public funding sources, a per-diem civil administrative  
4 penalty for every day the defendants are non-compliant  
5 with OPMA, and the voiding of December 21, January 3,  
6 January 17, September 11, September 17, and the October  
7 9th meetings. Defendants filed a single letter for  
8 their opposition to the October 31st, 2024 motion  
9 directing the Court to refer to previous certifications  
10 filed on September 5th and September 30th for the  
11 counterargument.

12 Defendants additionally argue that  
13 Plaintiff's filing of motions to enforce litigant's  
14 rights is a circumstance warranting this -- this Court  
15 to issue a Rosenblum order to enjoin Plaintiff from  
16 engaging in repetitive and frivolous filings.

17 First, as to Plaintiff's request to void the  
18 December 21st, January 3, and January 17 meetings, the  
19 Court had initially provided Defendants the opportunity  
20 -- or given seven -- 70 days to cure the December 21st  
21 and the January 3rd meetings. And January 17th, at the  
22 time that the July 18, 2024 order was issued, the -- it  
23 -- it was not asked that the January 17th meeting be  
24 voided, rather that is being asked for the first time  
25 at this juncture.

## Decision

10

1 Now, there's a couple of things about that.  
2 In terms of January 17 specifically, since the July  
3 18th, 2024 order necessarily came after the January  
4 17th, 2024 meeting, any injunctive relief that Mr.  
5 Kaplan is entitled to seek to enforce would have been  
6 prospective. So, it was not -- it's not -- doesn't  
7 apply retroactive relief, and since the -- there had  
8 not been a request to void the January 17th meeting,  
9 which necessarily occurred before the injunctive relief  
10 in the earlier motion practice, the statute of  
11 limitations of 45 days during which an action pursuant  
12 to the Open Public Meetings Act must be brought has  
13 run.

14 So, the only way an application or that  
15 meeting can be voided would be by specific motion to  
16 void it. It cannot be voided as a result of the  
17 injunctive relief that only works prospectively, as  
18 opposed to retroactively. So, in terms of the request  
19 to void the January 17th meeting, that is denied.

20 The -- as indicated, the State -- excuse me --  
21 -- the Court had already provided time to cure for the  
22 December 21, 2023 meeting and the January 3, 2024  
23 meetings. In Jan -- in July, that was 70 days as a  
24 result of the August 20 -- the August 23rd motion to  
25 enforce litigant's rights. There was an extension of

## Decision

11

1 that by another 50 days. So, in terms of voiding the  
2 December 21st, January 3rd, and January 17th meetings,  
3 that relief is denied.

4 Plaintiff's second request that Defendants be  
5 compelled to inform the public as to closed-session  
6 topics, to the extent they're known, and include that  
7 information in the meeting's agenda, OPMA is clear as  
8 to what's required of a public body when they seek to  
9 enter closed session. Public body must adopt a  
10 resolution in open session stating the general nature  
11 of the subject to be discussed at the closed session  
12 and, as precisely as possible, if and when the closed  
13 session discussion can be disclosed to the public. The  
14 resolution to enter closed session can be made orally  
15 so long as the adopted oral resolution is memorialized  
16 in the meeting's minutes.

17 Our State Supreme Court has spoken on whether  
18 resolutions to enter closed session must state the  
19 topics to the extent they are known. OPMA requires  
20 agendas for meetings to be made to the extent known,  
21 but the State's Supreme Court in McGovern v. Rutgers  
22 declined to extend to the extent known requirement of  
23 agendas to resolutions to enter closed sessions.

24 Here, Defendants made an oral resolution to  
25 enter closed session to discuss HIB and legal

## Decision

12

1 settlements for special education, Cleary, Giacobbe,  
2 Alfieri, and Jacobs Law Firm, and HIB negotiation and  
3 attorney-client privilege, and stated that the closed  
4 session discussion would be made public when the need  
5 for confidentiality no longer existed. Both oral  
6 resolutions complied with the Open Public Meetings Act.  
7 The oral resolutions state what will be discussed in  
8 closed session and that when the need for conscien --  
9 confidentiality no longer exists the discussions will  
10 be made available.

11 This application addresses three meetings  
12 that have not yet been addressed in prior motion  
13 practice before the Court. They are September 11,  
14 September 17, and October 9. Plaintiff argues that  
15 Defendants failed to properly notice the September  
16 11th, 17th, and October meetings, that Plaintiff's  
17 entire -- en -- entitled, excuse me, to have those  
18 meetings be voided. However, the meetings are not  
19 entirely the same. Initially, the September 11th and  
20 October 9th meetings are both workshop meetings, while  
21 the September 17th meeting was a regular meeting.

22 Accordingly, I'm going to address these  
23 separately. September 17, that meeting had notice  
24 submitted to two newspapers 48 hours in advance of the  
25 meeting, and that notice was actually published in the

1 two newspapers. Relying on Worts v. Upper Township,  
 2 Plaintiff argues that the submitted notice is not OPMA-  
 3 compliant because the defendants knew or had readily  
 4 ascertainable knowledge that actual publication of the  
 5 meeting notice wasn't possible 48 hours in advance of  
 6 the meeting. Well, I disagree that the submitted  
 7 notice was improper.

8 The -- I have a lot of papers in front of me,  
 9 so bear with me while I find what it is I'm looking  
 10 for.

11 In Mr. Kaplan's brief on page 5 of 13, he  
 12 states, correctly so, that our courts have held that  
 13 the mandate of submission of the meeting notice under  
 14 the act does not require act -- actual publication, and  
 15 he cites Bernards Township v. Department of Consumer  
 16 (sic) Affairs, as well as Worts v. Upper Township.

17 Now, in -- in Worts, there were two  
 18 newspapers -- excuse me, there were four newspapers  
 19 involved with varying publication schedules. Only one  
 20 of those newspapers was published daily. The other  
 21 newspapers only publishing certain days of the week.  
 22 And there, the public body submitted notice to the  
 23 newspapers with the knowledge or -- clearly on notice  
 24 that only the daily newspaper would be able to publish  
 25 that notice, as there was no possibility of two

1 newspapers publishing the notice, the Wort court  
 2 reasoned that OPMA was not satisfied because there was  
 3 no reasonable effort to notify the public.

4 In this case, Defendants submitted notice to  
 5 two newspapers, the two newspapers of record, at least  
 6 48 hours in advance of the September 17th meeting, and  
 7 the defendants, in fact, offered to pay extradited --  
 8 excuse me, pay extra fees to expedite publication.  
 9 And, in fact, both newspapers did publish the notices.  
 10 The publication information was sent to the -- the  
 11 newspapers on September 13th and September 14th, and  
 12 they were published -- the notices were published on  
 13 the 16th and 17th of September.

14 So there is nothing to support the fact that  
 15 the timing of the notice was in any way faulty or  
 16 lacking, and this is -- does not stand similarly to the  
 17 arguments in the Worts decision as the -- not only was  
 18 there proper notice to newspapers within 48 hours, it  
 19 was actually published by those newspapers prior to the  
 20 meeting. And surely, the additional information  
 21 regarding Defendants' willingness to pay to expedite  
 22 the publication show a reasonable effort to notify the  
 23 public of the September 17th meeting.

24 Now, when the September 17th meeting was  
 25 noticed, Defendants are required to submit an agenda,

## Decision

15

1 as the Court had previously found that the benefit of  
 2 annual notice where one does not have to file an agenda  
 3 does not apply for 2024 to the Teaneck Board of  
 4 Education. The notice that was submitted and that was  
 5 published, in addition to stating the location, the  
 6 date and time of the meeting indicating it would be in  
 7 person and live-streamed, etcetera -- the published  
 8 notice included the following language: Be it resolved  
 9 that the Board of Education does hereby ratify and  
 10 reaffirm all items approved at the Board's meeting of  
 11 December 13, 2023. Open parens, the minutes/agenda of  
 12 the December 13, 2023 meeting are available on the  
 13 Board's website. It gives the website.

14 Next paragraph: Be it further resolved that  
 15 the Board of Education does hereby ratify and affirm  
 16 all items approved at the Board's meeting of December  
 17 21, 2023. Paren -- open parens, the minutes and agenda  
 18 of the December 21, 2023 meeting are available at the  
 19 Board's website, which it provides.

20 Next paragraph: Be it further resolved that  
 21 the Board of Education does hereby ratify and refirm --  
 22 reaffirm, excuse me -- all items approved at the Board  
 23 of Education organization meeting of January 3rd, 2024,  
 24 and again, indicates the Board's website for minutes.

25 And lastly: Be it further resolved, the

## Decision

16

1 Board of Education does hereby ratify and reaffirm all  
 2 items approved at the Board of Education meeting of  
 3 January 17, 2024. The minutes/agenda of the January  
 4 17th meeting are available on the Board's website,  
 5 which it provides.

6 Plaintiff argues that there was no agenda  
 7 noticed for the September 17th meeting. It is Exhibit  
 8 D and E of Plaintiff's papers that -- where he attaches  
 9 the notices, one of which I just read. They are the  
 10 same, as printed in both papers -- in both newspapers.  
 11 Now, as we have discussed previously, agendas, as  
 12 required by the Open Public Meeting Act, can be a list  
 13 or an outline of things to be considered or done by a  
 14 public body meeting. It does not need to include every  
 15 document that's referred to on the agenda, and OPMA  
 16 requires at least 48 hours before a meeting that not  
 17 only notice of the meeting, but to the extent knowing  
 18 the agenda of the meeting, is to be properly noticed.

19 Now, based upon the certifications before the  
 20 Court, it's not clear whether the -- only the  
 21 resolutions that were contained in the notice were --  
 22 what -- whether that was the entire agenda, meaning  
 23 those were the only items heard at the September 17  
 24 meeting. Was that -- comprise the entire list of  
 25 things to be considered or done by the defendants at

## Decision

17

1 that September 17th meeting? Now, for our purposes,  
 2 all that is before me, all that has been provided by  
 3 the parties, is the notice and -- which contains four  
 4 resolutions -- or one resolution with four separate  
 5 parts, seeking the -- a ratification and reaffirming of  
 6 the prior meetings, as indicated.

7 The -- to the extent that the meeting  
 8 addressed these four resolutions, I find that this is  
 9 proper notice as to tha -- those actions. Now, there  
 10 is nothing else before me that would allow me to find  
 11 that notice was improper in any way. So, I do find  
 12 that the notice which was submitted to two newspapers  
 13 48 hours before the meeting, both of which were  
 14 published in those newspapers and bost of -- both of  
 15 which contained the resolution regarding ratification  
 16 and reaffirmation of prior minutes, I find that notice  
 17 to that extent is proper.

18 Now, the September 11th and October 9th  
 19 workshop meetings, Plaintiff argues that no additional  
 20 notice or agenda was submitted to any newspaper for the  
 21 September 11th or October 9th workshop meetings.  
 22 Defendant makes no argument in opposition as to whether  
 23 the Open Public Meeting Act applies to workshop  
 24 meetings, whether notice or -- or whether a notice or  
 25 agenda was submitted for those meetings.

## Decision

18

1 Thus, I assume that the Open Public Meetings  
 2 Act does apply to workshop meetings given Plaintiff's  
 3 submissions and that the OPMA requires notice of these  
 4 meetings and an agenda for a meeting that has not been  
 5 properly annually noticed. As already determined,  
 6 again, there is no annual notice for the 2024 year for  
 7 Defendants to rely on, and therefore, since neither the  
 8 September 11th or the October 9th workshop meetings had  
 9 notice of the meeting and agenda submitted, in  
 10 compliance with OPMA, both meetings violate the Open  
 11 Public Meetings Act.

12 New Jersey Statute 10:4-15 says: As remedy,  
 13 the Court may avoid -- excuse me -- may void, not shall  
 14 void, an improperly noticed meeting. As I had done  
 15 previously, and in consideration of the Polillo case,  
 16 I'm taking into account the Board's efforts, at least  
 17 in regards to the September 17th meeting and from what  
 18 Mr. Edelstein indicated today, that a meeting was  
 19 cancelled after receiving the Court's most recent order  
 20 and rescheduled and is being properly noticed, I choose  
 21 not to void the September 11th and October 9th  
 22 meetings. Rather, Defendants are instructed to cure  
 23 the deficiencies of both the September 11th and the  
 24 October 9th meetings within 50 days.

25 (Pause)

## Decision

19

1 THE COURT: Now, the Court previously  
2 instructed the defendants to cure the deficiencies in  
3 the January 23rd and December 21st meetings. That was  
4 by July 18th order. I have found that the September  
5 17th meeting had notice submitted to the two required  
6 newspapers of record and included in that notice was  
7 the agenda items of the resolution. The resolution  
8 made it clear that at the September 17th meeting, the  
9 defendants would be ratifying all actions and items  
10 taken at the January 3rd and December 21st meetings, as  
11 well as the two other meetings mentioned earlier.

12 Not only did they indicate that they'd be  
13 ratifying those meetings' action items, but they also  
14 made it clear -- aware any member of the public can  
15 access the meeting minutes of those minutes. There's -  
16 - the defendants, therefore, have properly put the  
17 public on notice and held a meeting that is OPMA  
18 compliant in regard to notice of the intent to ratify  
19 and reaffirm the January 3rd and December 21st  
20 meetings. I will also note that that September 17th  
21 meeting was within the 70 days required by the Court's  
22 July 18th order.

23 There is nothing before the Court regarding  
24 when he -- whether any other action was taken during  
25 the September 17th meeting. As indicated on argument,

## Decision

20

1 Mr. Kaplan began to argue about the content of that  
2 meeting or what occurred during the meeting, but there  
3 was nothing in the papers before me or any arguments  
4 seeking to void the meeting or those votes based upon  
5 any conduct that occurred at the meeting.

6 Mr. Kaplan seeks civil penalties and civil  
7 administrative penalties. Civil penalties are  
8 available under OPMA. The Court can issue civil  
9 penalties as necessary to ensure compliance with OPMA.  
10 The Court declines to award Plaintiff civil penalties  
11 at this point in time. Defendants have begun to make  
12 concerted efforts to comply with the Open Public  
13 Meeting Act. They seem to have finally succeeded in at  
14 least one instance. Defendants took efforts to cure  
15 the January 3rd and December 21st meetings through the  
16 September 17th meeting. At this point, I have  
17 confidence that civil penalties are not needed to  
18 ensure further compliance with OPMA.

19 In regard to civil administrative penalties,  
20 the Court declines to issue such penalties. OPMA  
21 contains provisions regarding relief. There's no  
22 provision that empowers a court to issue administrative  
23 penalties for OPMA violations, and therefore, I'm not  
24 going to read one into the text of the Open Public  
25 Meetings Act.

1 Now, the -- there were two other issues that  
 2 arose. One of which is the defendants' mention of a --  
 3 with what we call a Rosenblum order. And the Court, of  
 4 course, has the power to sua sponte issue an order to  
 5 show cause asking a litigant to appear and show cause  
 6 why an order shouldn't be entered regard -- requiring  
 7 future suits filed by the litigant to be reviewed by  
 8 the Court before service is effectuated. This is to  
 9 allow the Court the opportunity to determine for good  
 10 cause whether to sua sponte dismiss any patently  
 11 frivolous or non-meritorious lawsuit.

12 While every person is entitled to their day  
 13 in court, some litigants go beyond the bounds of having  
 14 their day, and in -- instead file frivolous litigation  
 15 that has a detrimental effect on the judicial system  
 16 and the public interest. Where a pattern of frivolous  
 17 litigation is demonstrated, the assignment judge of a  
 18 vicinage can prevent the complaint from being filed  
 19 pursuant to the Rosem -- Rosenblum and Abdel-Akbar v.  
 20 Watson.

21 This is an extreme remedy as it pray --  
 22 places great restriction on a litigant's access to  
 23 courts. In this instance, the Court wholly disagrees  
 24 that Plaintiff's filing of one action and three mor --  
 25 motions to enforce litigant's rights under that action

1 calls for this Court to enjoin Plaintiff's access to  
 2 the courts.

3 Plaintiff has been successful, at least  
 4 partially, on each of his filings. Plaintiff brought  
 5 an action against Defendants for violations of the Open  
 6 Public Meetings Act, and the Court found the Defendants  
 7 did violate the Open Public Meetings Act. When  
 8 Defendants failed to comply by not paying Plaintiff  
 9 costs, Plaintiff filed a motion to recover his costs.  
 10 That's not frivolous. When Defendants failed to comply  
 11 with the Open Publics Meeting Act in holding of their  
 12 August meeting, Plaintiff filed a motion to enforce.  
 13 Again, not a frivolous complaint.

14 Again, Defendants failed to comply with OPMA  
 15 in two of the meetings discussed today. The new -- the  
 16 meetings that are first heard or discussed in this  
 17 action, again, they violated the Open Public Meetings  
 18 Act. Again, the application is not frivolous.  
 19 Accordingly, I decline to address this any further or  
 20 to consider Mr. Kaplan to be a vexatious or frivolous  
 21 litigant and decline to issue an order regarding same.

22 So, in sum, I am declining to void the  
 23 January 3rd and December 21st meetings, as the  
 24 defendants, at least at this juncture, have cured --  
 25 appeared to have cured those meetings through the

## Decision

23

1 September 17th meeting. The -- similarly, I decline to  
2 take any action regarding the January 17th meeting as  
3 it, again, a direct application to void that as new  
4 relief is barred by the statute of limitations, and --  
5 and a motion to enforce, again, that was for a  
6 prospective relief, not retroactive relief. So, it  
7 doesn't apply under either of those things. I'll also  
8 note that it has been potentially reaffirmed and  
9 ratified, as it, too, was properly noticed in the --  
10 for the September 17th meeting as one of the meetings  
11 whose minutes were going to be ratified and reaffirmed.

12 Defendants have not violated the Open Public  
13 Meeting Act regarding closed sessions, as they properly  
14 made and adopted a resolution in open session,  
15 identified the topics to be discussed in closed session  
16 and when those discussions would be available.

17 Again, I find the September 17th meeting was  
18 pr -- was noticed properly, at least to the extent of  
19 what is provided to me. The two workshop meetings,  
20 September 11 and October 9, both deficient, as neither  
21 was noticed properly. They were not noticed to two  
22 newspapers at least 48 hours in advance with an agenda  
23 submitted. 50 days to cure.

24 I'm declining to issue civil penalties or  
25 administrative penalties, and although it is not part

## Decision

24

1 of the moving papers -- because there's not a cross-  
2 motion. And I'm not going to even include this in the  
3 order because I don't think it's appropriate; I'm  
4 declining to entertain a Rosenblum action regarding Mr.  
5 Kaplan's litigation. So, as I indicated, I put that --  
6 I wanted to address it on the record. I don't think  
7 it's appropriate even to go into the order because it's  
8 not -- it wasn't actually moved for. It was suggested  
9 to the Court by Defendants. It was not a cross-motion,  
10 but I wanted both parties to understand my perspective  
11 when it came to that.

12 And the other issue that was brought up, that  
13 again is not part of the motion. It came up during the  
14 -- in the filings, and it came up briefly in argument  
15 today, was the issue of whether or not Mr. Kaplan had  
16 obtained a copy of the oral opinion from the July 18th  
17 court appearance or whether it had been recorded  
18 improperly. I'm -- I am confident that Mr. Kaplan  
19 purchased it because he submitted the papers indicating  
20 that he -- that he had. Mr. Kaplan has asked in his  
21 oral argument that I instruct the defendants that,  
22 should there be any future allegations as to such  
23 misconduct, that they be made to him first.

24 Now, I'm not going to -- I'm not going to do  
25 that. The -- Counsel is bound by the code of conduct

## Decision

25

1 for attorneys. They're bound by that, and it's not  
2 this Court's purview -- or in -- not my purview to  
3 address that here. And I'm confident that Mr. Kaplan  
4 did not do anything wrong in recording surreptitiously  
5 the proceeding because, of course, that is prohibited.

6 I know that the -- an oral opinion is public  
7 record just as a written opinion is. I also made aware  
8 that there is a copy of that audio recording uploaded  
9 onto -- I guess it's YouTube. As I indicated, it is a  
10 public record. It concerns me a little bit that there  
11 is public access to a judicial opinion in that way.  
12 And the reason I say it is, I'm not trying to -- I'm --  
13 it -- this has nothing to do with transparency. The  
14 opinion is the opinion.

15 I'm more concerned about it being out there  
16 in the public where, one, especially with the use of  
17 artificial intelligence, may change the nature of the  
18 opinion. And I'm not suggesting any party to this  
19 action would be doing that. I am talking about people  
20 outside of the group who have been litigating this.  
21 I'm just telling you about the general public and just  
22 concerns that something like that can be manipulated.  
23 And, again, there is nothing to do about that. It is a  
24 public record. But I'm simply noting that that's of  
25 concern, I think, as I said, we all have, especially as

## Decision

26

1 we are experiencing artificial intelligence and -- and  
2 the way that people are using it sometimes, you know,  
3 maliciously.

4 But, again, outside of the motion, nothing  
5 about the allegation or -- or the -- the recording --  
6 how Mr. Kaplan obtained the recording will be con --  
7 considered in the order. Again, I just wanted to  
8 address that on the record. As I said, I'm satisfied  
9 Mr. Kaplan obtained it through proper channels.

10 Having said all of that, I thank you all.  
11 You will receive a copy of an order today uploaded into  
12 eCourts.

13 (Requested excerpt ends at 11:25:16 a.m.)  
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CERTIFICATION

I, MONICA FRY, the assigned transcriber, do hereby certify the foregoing transcript of proceedings on CourtSmart, Index No. from 10:40:17 a.m. to 11:25:16 a.m., is prepared to the best of my ability and in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings, as recorded.

/s/ **Monica Fry**  
Monica Fry

AAERT 082  
AAERT Number

KLJ Transcription Service  
Agency Name

02/18/26  
Date

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KEITH KAPLAN,  
*Plaintiff, pro se,*  
  
vs.  
  
TEANECK BOARD OF EDUCATION,  
et al.,  
  
*Defendants.*

NEW JERSEY SUPERIOR COURT  
BERGEN COUNTY-LAW DIV,  
DOCKET NO. BER-L-000121-24

**ORDER**

This matter having been opened to the court by Keith S Kaplan, Plaintiff pro se (“Plaintiff”), and the court having considered the papers submitted by Plaintiff and any opposition papers submitted by Defendants Teaneck Board of Education, et al. (“Defendants”); and upon consideration of oral argument, if any; and for good cause shown;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2026;

**ORDERED** that Plaintiff’s Motion to Enforce Litigant’s Rights is granted and the court’s orders in the above-captioned matter dated July 18, 2024 and November 4, 2024 are hereby enforced; and

ORDER

**IT IS FURTHER ORDERED** that the June 4, 2026 Special Public Meeting of the Teaneck Board of Education violated the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

**IT IS FURTHER ORDERED** the Resolution Authorizing Award of a Non-Fair-and-Open Professional Services Contract for Legal Services in LaClair v. Teaneck Board of Education, et al., Docket No. BER-L-005692-21, adopted at the June 4, 2026 meeting shall be voided if Defendants fail to cure the deficiencies of the June 4, 2026 meeting by re-noticing and re-holding the meeting in strict compliance with OPMA within 30 days; and

**IT IS FURTHER ORDERED** that Plaintiff is awarded motion filing costs pursuant to R. 1:10-3; and

**IT IS FUTHER ORDERED** that, for as long as Defendants remain out of compliance with the July 18, 2024 and November 4, 2024 Orders and this order, Defendant Teaneck Board of Education, et al. shall be subject to a civil administrative penalty of \$\_\_\_\_\_ per day; and

ORDER

**IT IS FURTHER ORDERED** that a copy of this Order shall be served upon the Defendants, within seven (7) days of the date hereof.

---

Hon. Carol Novey Catuogno, J.S.C.

In accordance with R. 1:6-2(a), this motion was:

\_\_\_\_\_ opposed

\_\_\_\_\_ unopposed.

ORDER