

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of August 8, 2018

A regular meeting of the Freedom of Information Commission was held on August 8, 2018, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:10 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jay Shaw (participated via speakerphone)
Commissioner Jonathan J. Einhorn
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Lenny T. Winkler
Commissioner Ryan P. Barry

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Kathleen K. Ross, Valicia D. Harmon, Paula S. Pearlman, Cindy Cannata, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of July 25, 2018.

Those in attendance were informed that the Commission does not ordinarily record the remarks made at its meetings, but will do so on request.

[Docket #FIC 2017-0545](#)

Herbert Clark v. James P. Wardwell, Chief, Police Department, City of New Britain; and Police Department, City of New Britain

Herbert Clark participated via speakerphone. Attorney John Daikin appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0632](#)

Terrance Burton v. Cowlis Andrews, Chairperson, Bridgeport Housing Authority; and Bridgeport Housing Authority

Terrance Burton participated via speakerphone. The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.* The proceedings were recorded digitally.

[Docket #FIC 2017-0519](#)

John Carr v. Chairman, Planning and Zoning Commission, Town of Bridgewater; Planning and Zoning Commission, Town of Bridgewater; and Town of Bridgewater

John Carr appeared on his own behalf. Attorney Sarah Gruber appeared on behalf of the respondents. The Commissioners voted, 6-0, to adopt the Hearing Officer's Report. Commissioner Barry recused himself from the matter. The proceedings were recorded digitally.

[Docket #FIC 2017-0573](#)

Scott Parsons v. Chairman, Committee of Inquiry, Bantam Fire Company; Committee of Inquiry, Bantam Fire Company; and Bantam Fire Company

Attorney M. Leonard Caine appeared on behalf of the complainant. Attorney James Stedronsky appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0574](#)

Scott Parsons v. President, Bantam Fire Company; and Bantam Fire Company

Attorney M. Leonard Caine appeared on behalf of the complainant. Attorney James Stedronsky appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0606](#)

Joseph Sastre v. Secretary, State of Connecticut, Office of Policy and Management, Office of Labor Relations; and State of Connecticut, Office of Policy and Management, Office of Labor Relations

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2017-0614](#)

Michael Lopos v. Chairman, Board of Education, Meriden Public Schools; and Board of Education, Meriden Public Schools

The Commissioners voted, 6-0, to adopt the Hearing Officer's Report. Commissioner Hankins recused himself from the matter.

[Docket #FIC 2017-0643](#)

Mark Dumas and Connecticut State Police Union v. Dora Schriro, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Attorney Lorin Dafoe appeared on behalf of the complainants. Attorney Janet Ainsworth appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.* The proceedings were recorded digitally.

[Docket #FIC 2017-0707](#)

Joan Foran; and Emily Timreck v. First Selectman, Town of Andover; Board of Selectmen, Town of Andover; and Town of Andover

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2017-0723](#)

Connecticut Immigrant Rights Alliance v. Director of Legal Services, State of Connecticut, Judicial Branch; and State of Connecticut, Judicial Branch

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2017-0741](#)

Elizabeth Regan And Rivereast News Bulletin v. Town Manager, Town of East Hampton; and Town of East Hampton

Elizabeth Regan appeared on behalf of the complainants. Attorney Richard Carella appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0744](#)

Petrina Yoxall v. Manager, Human Resources and Benefits, City of New Haven; and City of New Haven

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

The Commissioners unanimously voted to approve the requests to summarily deny leave to schedule hearings in *Bradshaw Smith v. Donald Trinks, Mayor, Town of Windsor; and Town of Windsor*, Docket # FIC 2017-0505; *Bradshaw Smith v. Chairman, Library Advisory Board, Town of Windsor; and Library Advisory Board, Town of Windsor*, Docket # FIC 2017-0631 and *Bradshaw Smith v. Donald Jepsen, Town Council, Town of Windsor; and Town Council, Town of Windsor*, Docket # FIC 2017-0762. The matter was recorded digitally.

The consideration of the request to summarily deny leave to schedule a hearing in *Marissa Lowthert v. Chairman, State of Connecticut, Freedom of Information Commission; and State of Connecticut, Freedom of Information Commission*, Docket # FIC 2017-0518 was removed from the agenda. The matter was recorded digitally.

Colleen M. Murphy reported on pending appeals.

The meeting was adjourned at 3:46 p.m.

Thomas A. Hennick
MINREGmeeting 08082018/tah/08092018

* See Attached for amendments

AMENDMENTS

[Docket #FIC 2017-0632](#)

Terrance Burton v. Cowlis Andrews, Chairperson,
Bridgeport Housing Authority; and Bridgeport Housing
Authority

The Hearing Officer's Report is amended as follows:

The above-captioned matter was heard as a contested case on July 10, 2018, at which time the complainant and respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, Anthony Sinchak v. FOIC, et al., Superior Court, J.D., of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.). **SUBSEQUENTLY, THE COMPLAINANT FILED AN AFFIDAVIT, DATED JULY 10, 2018, WHICH WAS NOT NOTARIZED, WITH AN ATTACHMENT, AND REQUESTED THAT SUCH AFFIDAVIT AND ATTACHMENT BE ADDED TO HIS TESTIMONY. SUCH REQUEST IS HEREBY DENIED. THE COMPLAINANT'S AFFIDAVIT AND ATTACHMENT WILL BE MARKED AS COMPLAINANT'S EXHIBIT A, FOR ID PURPOSES ONLY.**

[Docket #FIC 2017-0643](#)

Mark Dumas and Connecticut State Police Union v. Dora Schiuro, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

The Hearing Officer's Report is amended as follows:

25. Weighing all the factors related to the request, it is found that the respondent department **DID NOT COMPLY** [unduly delayed complying] with the complainants' requests in this case **WITHOUT UNDUE DELAY** and it is **THEREFORE** concluded that it violated the promptness provisions of §§1-210(a) and 1-212(a), G.S.

[30. It is found that while the authority to *hire* more staff to help reduce the long delays in complying with requests for records under the FOI Act lies with the Connecticut Office of Policy and Management, the re-assignment and redistribution of staff and resources to do the same is within the authority and the discretion of the respondent Commissioner.]

[31.] **30.** Consequently, it is found the respondents' violation of the promptness provisions of §§1-210(a) and 2-212(a), G.S., in this case was without reasonable grounds within the meaning of §1-206(b)(2), G.S., and is a serious concern for this Commission.