

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of October 24, 2018

A regular meeting of the Freedom of Information Commission was held on October 24, 2018, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:12 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 Ryan P. Barry

Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Kathleen K. Ross, Valicia D. Harmon, Lisa F. Siegel, Paula S. Pearlman, Cindy Cannata, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of October 10, 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 2017-0718](#)

Ian Cooke v. Commissioner, State of Connecticut,
Department of Emergency Services and Public Protection; and
State of Connecticut, Department of Emergency Services and
Public Protection

Ian Cooke participated via speakerphone. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0122](#)

Raul Zayas v. Commissioner, State of Connecticut,
Department of Emergency Services and Public Protection;
and State of Connecticut, Department of Emergency Services
and Public Protection

Raul Zayas participated via speakerphone. The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2015-130](#)

Maura Mastrony, Clendenen & Shea, LLC v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.*

[Docket #FIC 2017-0686](#)

James Carey v. Superintendent of Schools, Regional School District 4; and Regional School District 4

James Carey appeared on his own behalf. Attorney Gregory Jones appeared on behalf of the respondents. The Commissioners unanimously voted to table the Hearing Officer's Report.

[Docket #FIC 2017-0748](#)

James Torlai v. Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

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

[Docket #FIC 2018-0004](#)

George Gray and the Connecticut Innocence Project/Post Conviction Unit v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

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

[Docket #FIC 2018-0044](#)

Mike Savino and the Record-Journal v. Commissioner, State of Connecticut, Department of Economic and Community Development; and State of Connecticut, Department of Economic and Community Development

Mike Savino appeared on behalf of the complainants. Assistant Attorney General James Caley appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0053](#)

Jay Hardison v. Michael Harmon, Chairman, Board of Education, Darien Public Schools; and Board of Education, Darien Public Schools

The matter was removed from the agenda.

[Docket #FIC 2018-0078](#)

Christine Cieplinski v. Executive Director, State of Connecticut, University of Connecticut Health Center; and State of Connecticut, University of Connecticut Health Center

Christine Cieplinski appeared on her own behalf. Assistant Attorney General Lynn Wittenbrink appeared on behalf of the respondents. Commissioners voted, 4- 0, to amend the Hearing Officer's Report. The Commissioners voted, 4-0, to adopt the Hearing Officer's Report as amended.* Commissioner Barry recused himself from the matter. Commissioner Shaw did not participate in this matter. The proceedings were recorded digitally.

[Docket #FIC 2018-0105](#)

Robert Ferguson v. Chairman, Board of Education, Weston Public Schools; and Board of Education, Weston Public Schools

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

[Docket #FIC 2018-0117](#)

Noah Snyder v. Donna Patchen, Assessor, City of Torrington; and City of Torrington

Noah Snyder appeared on his own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0147](#)

William Rousseau v. Chairman, Police Commission, Town of Windsor Locks; Police Commission, Town of Windsor Locks; and Town of Windsor Locks

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

[Docket #FIC 2018-0161](#)

Cecil Young and Patricia Young v. Mayor, City of Bridgeport; and City of Bridgeport

The matter was removed from the agenda.

[Docket #FIC 2018-0174](#)

Stacy Morgan v. Superintendent of Schools, Litchfield Public Schools; and Litchfield Public Schools

Stacy Morgan appeared on her own behalf. Attorney Daniel Murphy appeared on behalf of the respondents. The Commissioners voted, 5-0, to adopt the Hearing Officer's Report. Commissioner Shaw did not participate in this matter. The proceedings were recorded digitally.

[Docket #FIC 2018-0191](#)

Matthew LaVecchia v. Chairman, Board of Fire Commissioners, City of Milford; Board of Fire Commissioners, City of Milford; and City of Milford

Matthew LaVecchia and Mica Notz appeared on behalf of the complainant. Attorney Debra Kelly appeared on behalf of the respondents. The Commissioners voted, 5-0, to remand the Hearing Officer's Report to staff for further review. Commissioner Shaw did not participate in this matter. The proceedings were recorded digitally.

[Docket #FIC 2018-0283](#)

Robert Cushman v. Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

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

[Docket #FIC 2018-0332](#)

Marc Pannone v. Corporation Counsel, Office of Legal Affairs, City of Stamford; and City of Stamford

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

Colleen M. Murphy reported on pending appeals.

Colleen M. Murphy reported that Attorney Lisa Siegel had announced her retirement and would be leaving the FOIC by the end of 2018. She reported that the process of filling both that pending vacancy and the vacancy created by the departure of Attorney Tracie Brown was underway.

Colleen M. Murphy reported that staff had been working on updates to FOIC regulations and that commissioners would be getting a draft copy in the near future.

The meeting was adjourned at 5:21 p.m.

Thomas A. Hennick
MINREGmeeting 10242018/tah/10252018

* See attached for amendments

AMENDMENTS

[Docket #FIC 2015-130](#)

Maura Mastrony, Clendenen & Shea, LLC v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

The third paragraph of the introductory section of the Hearing Officer's Report is amended as follows:

The respondents appealed the Commission's Final Decision. See Joseph Gaudett, Chief, Bridgeport Police Department, et. al., v. Freedom of Information Commission (HHB-CV-16-6031985-S) By order dated May 5, 2017, the Superior Court remanded the case to the Commission to clarify whether or not the Commission concluded that the respondents violated §1-225, G.S., by holding an executive session for a purpose not permitted by §1-200(6), G.S., and/or in a manner not permitted by §1-231, G.S. The Court retained jurisdiction over the matter.

[Docket #FIC 2018-0078](#)

Christine Cieplinski v. Executive Director, State of Connecticut, University of Connecticut Health Center; and State of Connecticut, University of Connecticut Health Center

The Hearing Officer's Report is amended as follows:

35. Based upon the evidence adduced at the hearing on Docket #FIC 201[8]7-0625, *Cieplinski v. UConn Health Center et al.*, it is concluded that **LIMITED PORTIONS OF** the draft engagement letter **THAT WERE REDACTED IN THAT CASE [is] ARE** exempt from disclosure pursuant to §1-210(b)(10), G.S., and that it is unnecessary to consider the respondents' additional claim of exemption under §1-210(b)(1), G.S.
36. It is concluded that the respondents violated §1-210(a), G.S., by failing to disclose the records found not to be exempt from disclosure, as described in paragraphs **17, 19, 24, 26, [and] 27[,]** **AND 29** above.

The following order is recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall forthwith provide the complainant with copies of the records described in paragraphs **17, 19, 24, 26, [and] 27[,]** **AND 29** above.