

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of May 22, 2019

A regular meeting of the Freedom of Information Commission was held on May 22, 2019, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:18 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Kathleen K. Ross, Paula S. Pearlman, Matthew D. Reed, Danielle L. McGee, Cindy Cannata, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of May 8, 2019.

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 2018-0487](#)

Victor Velasco v. Commissioner, State of Connecticut,
Department of Correction; and State of Connecticut,
Department of Correction

Victor Velasco participated via speakerphone. Attorney Tracie Brown appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0569](#)

Daryl McEntyre v. Commissioner, State of Connecticut,
Department of Correction; and State of Connecticut,
Department of Correction

Daryl McEntyre participated via speakerphone. Attorney Tracie Brown appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0746](#)

GerJuan Tyus v. Peter Reichard, Chief, Police Department,
City of New London; Police Department, City of New
London; and City of New London

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

[Docket #FIC 2018-0747](#)

GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

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

[Docket #FIC 2018-0325](#)

Yvonne Perkins v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury

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

[Docket #FIC 2018-0341](#)

Raymond Pietrorazio v. Chairman, Connecticut Siting Council; and Connecticut Siting Council

Raymond Pietrorazio appeared on his own behalf. Assistant Attorney General Robert Marconi 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 2018-0386](#)

Christopher Peak and New Haven Independent v. Darnell Goldson, President, Board of Education, New Haven Public Schools; and Board of Education, New Haven Public Schools

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

[Docket #FIC 2018-0390](#)

Christopher Peak and New Haven Independent v. Darnell Goldson, President, Board of Education, New Haven Public Schools; and Board of Education, New Haven Public Schools

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

[Docket #FIC 2018-0396](#)

Mario Boone And WTNH News 8 v. Mayor, Town of Rocky Hill; and Town of Rocky Hill

Attorney Michael Rose appeared on behalf of the respondents. The Commissioners tabled the matter. The proceedings were recorded digitally.

[Docket #FIC 2018-0423](#)

Adrienne Couture v. Chairman, Planning and Zoning Commission, Town of Shelton; Planning and Zoning Commission, Town of Shelton; and Town of Shelton

Adrienne Couture appeared on her own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0755](#)

John Goralski and the Southington Observer v. Dawn Miceli, as member, Town Council, Town of Southington; Chris Palmieri, as member, Town Council, Town of Southington; Town Council, Town of Southington; and Town of Southington

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

Kathleen K. Ross reported on the Appellate Court Decision in Michael Aronow v. Freedom of Information Commission. (AC 41297) (May 14, 2019).

Victor R. Perpetua reported on pending appeals.

Colleen M. Murphy and Paula S. Pearlman reported on legislation.

The meeting was adjourned at 3:55 p.m.

Thomas A. Hennick
MINREGmeeting 05222019/tah/05232019

* See attached for amendments

AMENDMENTS

[Docket #FIC 2018-0341](#)

Raymond Pietrorazio v. Chairman, Connecticut Siting Council; and Connecticut Siting Council

The Hearing Officer's Report is amended as follows:

11. Nevertheless, on brief, the complainant contends that the respondents should be required to obtain the records from [CVC] **CPV** for several reasons.

19. Section 16-50u, G.S., provides in relevant part that the respondents "...shall take reasonable steps to insure that each facility for which a certificate has been issued is constructed, maintained and operated in compliance with such certificate and any other standards established pursuant to this chapter." The complainant contends that, pursuant to this statute, it is reasonable for the respondents to obtain the records at issue in this matter from [CVC] **CPV**. However, certainly it is for the respondent Council, and not the Commission, to determine what is reasonable under §16-50ii, G.S.

20. The complainant also contends that §§1-218 and 1-200(11), G.S., provide a basis to require that the respondents obtain the requested records from [CVC] **CPV**, and provide them to him.

21. Section [1-210(b)(18)] **1-218**, G.S., provides:

Each contract in excess of two million five hundred thousand dollars between a public agency and a person for the performance of a governmental function shall (1) provide that the public agency is entitled to receive a copy of records and files related to the performance of the governmental function, and (2) indicate that such records and files are subject to the Freedom of Information Act and may be disclosed by the public agency pursuant to the Freedom of Information Act. No request to inspect or copy such records or files shall be valid unless the request is made to the public agency in accordance with the Freedom of Information Act. Any complaint by a person who is denied the right to inspect or copy such records or files shall be brought to the Freedom of Information Commission in accordance with the provisions of sections 1-205 and 1-206.

23. On brief, the complainant argues that the safety inspector described in paragraph 3, above, has the responsibility to administer and manage a program of the respondents, within the meaning of §§1-218 and 1-200(11), G.S., and that therefore the Commission should require that the respondents retrieve the records at issue in this matter under those provisions. However, it is found that the respondents have no contract with [CVC] **CPV** and/or the safety inspector. Rather, the respondents granted a certificate to [CVC] **CPV**, as described in paragraph 12, above. Therefore, it is concluded that §§1-218 and 1-200(11), G.S., do not apply under the facts and circumstances of this case.