

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of August 25, 2021

A regular meeting of the Freedom of Information Commission was held on August 25, 2021. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of August 25, 2021 was conducted telephonically. The meeting convened at 2:02 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jonathan J. Einhorn
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Ryan P. Barry
Commissioner Stephen Fuzesi Jr.
Commissioner Victoria W. Chavey

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Kathleen K. Ross, Valicia D. Harmon, Danielle L. McGee, Matthew D. Reed, C. Zack Hyde, Cindy Cannata and Thomas A. Hennick.

The Commissioners voted, 6-0, to approve the Commission's regular meeting minutes of [August 11, 2021](#). Commissioner Chavey abstained.

Those in attendance were informed that the August 25, 2021 regular meeting of the Commission was being recorded.

[Docket #FIC 2019-0582](#) Bennie Gray Jr. v. Peter Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

Attorney Brian Estep appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners voted, 6-0, to adopt the Hearing Officer's Report as amended. * Commissioner Fuzesi abstained. The proceedings were digitally recorded.

[Docket #FIC 2020-0315](#) Eugene Brown v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

Eugene Brown appeared on his own behalf. Attorney Tracie Brown appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0449](#)

Jason McCoy v. Lydia N. Martinez, City Clerk, City of Bridgeport; and City of Bridgeport

Jason McCoy appeared on his own behalf. Attorney Dina Scalo appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0715](#)

Attorney Brian K. Estep and Town of Salem v. President, Gardner Lake Volunteer Fire Company Inc.; and Gardner Lake Volunteer Fire Company, Inc.

Attorney Brian Estep appeared on behalf of the complainants. Attorney Claire Howard 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 digitally recorded.

Attorney Matthew D. Reed reported on the Superior Court decision dated August 13, 2021 in *John Drumm, Chief of Police, Town of Madison; Police Department, Town of Madison; and Town of Madison v. Freedom of Information Commission*, [HHB-CV21-6063380-S](#).

Colleen M. Murphy reported on pending appeals.

Colleen M. Murphy reported that software was being ordered to allow hearings to be held simultaneously from two locations. This will help reduce case backlog.

Colleen M. Murphy reported that the second round of interviews were scheduled with candidates for the vacant Staff Attorney II position.

Colleen M. Murphy reported that the Commission had been contacted by the ACIR committee created to review the remote meeting provisions recently adopted by the Legislature. Preliminary meetings may be scheduled within the next week.

The meeting was adjourned at 3:32 p.m.

Thomas A. Hennick

MINREGmeeting 08252021/tah/08262021

* See attached for amendments

AMENDMENTS

Docket #FIC 2019-0582 Bennie Gray Jr. v. Peter Reichard, Chief, Police Department,
City of New London; Police Department, City of New
London; and City of New London

The introduction to the Hearing Officer's Report was amended as follows:

The above-captioned matter was heard as a contested case on October 8, 2020, and December 30, 2020, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearings were conducted telephonically.¹ **AT THE TIME OF THE HEARING, THE COMPLAINANT WAS INCARCERATED AT A FACILITY OF THE CONNECTICUT DEPARTMENT OF CORRECTION.**

Docket #FIC 2019-0715 Attorney Brian K. Estep and Town of Salem v. President,
Gardner Lake Volunteer Fire Company Inc.; and Gardner
Lake Volunteer Fire Company, Inc.

The Hearing Officer's Report was amended as follows:

27. It is concluded that the respondents did not violate the FOI Act when they declined to disclose [such records] **THE ATTACHMENTS REFERRED TO IN PARAGRAPH 26, ABOVE,** to the complainants.

29. With respect to IC#2-2019-0715-1 through IC#2-2019-0715-13, it is found that Ms. Philopena's handwritten notes are contained in the margins of the meeting agendas. It is found that these records were disclosed to the complainants with Mr. Philopena's handwritten notes redacted. It is found that Ms. Philopena takes such notes during the public meetings of the respondent fire company's and of the fire company's board of director's meetings as a personal memory aide **AND THAT SUCH NOTES ARE NOT COMPLETED DOCUMENTS.** It is found that Ms. Philopena is not charged with the responsibility of taking notes during or creating minutes for the respondents' public meetings. It is further found that Ms. Philopena does not share her notes with anyone.

¹ On March 14, 2020, the Governor issued Executive Order 7B, which suspended the requirement to conduct public meetings in person.