

TO: Freedom of Information Commission  
FROM: Mary E. Schwind  
RE: Minutes of the Commission's regular meeting of February 23, 2022  
DATE: February 24, 2022

A regular meeting of the Freedom of Information Commission was held on February 23, 2022. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of February 23, 2022 was conducted remotely. 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 Lenny T. Winkler  
Commissioner Stephen Fuzesi, Jr.  
Commissioner Victoria W. Chavey

Also present were staff members, Colleen M. Murphy, Kathleen K. Ross, Valicia D. Harmon, Paula S. Pearlman, Danielle L. McGee, Zack Hyde, Jennifer F. Miller, Cindy Cannata, Linda Fasciano, Jennifer Mayo, and Mary E. Schwind.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of January 26, 2022.

Those in attendance were informed that the February 23, 2022 regular meeting of the Commission was being recorded.

[Docket #FIC 2019-0707](#) 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 appeared on his own behalf. Assistant Attorney General Steven Barry appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report.\* The Commissioners unanimously voted to remand the matter to staff for further consideration of legal argument on the issues of ombudsman communications, attorney work product doctrine, and waiver of attorney-client privilege. The proceedings were digitally recorded.

[Docket #FIC 2021-0042](#) Ulises Robles v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

This matter was originally scheduled to be considered at the Commission's February 9, 2022, regular meeting; however such meeting was necessarily cancelled due to technical difficulties. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0092](#) David Taylor 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. The proceedings were digitally recorded.

[Docket #FIC 2021-0093](#) David Taylor 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. The proceedings were digitally recorded.

[Docket #FIC 2021-0166](#) Anthony Santaniello v. Commissioner, State of Connecticut, Department of Correction; and Department of Correction

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0376](#) Christopher Shand v. Angel Quiros, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

This matter was originally scheduled to be considered at the Commission's February 9, 2022, regular meeting; however such meeting was necessarily cancelled due to technical difficulties. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0748](#) Christopher Peak and New Haven Independent v. Superintendent, New Haven Public Schools; and New Haven Public Schools

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0267](#) Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

Attorneys Matthew Hardin and Margaret Little appeared on behalf of the complainant. Assistant Attorney General Daniel Salton appeared on behalf of the respondents. The Commissioners unanimously voted to remand the matter to staff for further consideration of legal argument presented regarding the attorney work product doctrine, and the common legal interest privilege. The proceedings were digitally recorded.

[Docket #FIC 2020-0599](#) Dawn Leger and Bristol Professionals & Supervisors Association v. Chairman, City Council, City of Bristol; City Council, City of Bristol; and City of Bristol

Attorney Eric Brown appeared on behalf of the complainant. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0600](#) David Dander v. Board of Police Commissioners, City of New Haven; and City of New Haven

Attorney Catherine LaMarr 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.

[Docket #FIC 2020-0617](#) Desiree Vega v. Chief, Police Department, Town of Wethersfield; Police Department, Town of Wethersfield; and Town of Wethersfield

Desiree Vega appeared on her own behalf. Attorney Kenneth Slater appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0142](#) Dean B. Holliday, Sr. v. Vernon Riddick Jr., Chief, Police Department, Town of West Hartford; Police Department, Town of West Hartford; and Town of West Hartford

This matter was originally scheduled to be considered at the Commission's February 9, 2022, regular meeting; however such meeting was necessarily cancelled due to technical difficulties. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0167](#) Robert Cushman v. Stephen Clark, Chief, Police Department, Town of Newington; Police Department, Town of Newington; and Town of Newington

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0414](#) Jason Morgan v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Colleen Murphy and Danielle McGee reported on the Superior Court decision in City of Bridgeport v. Freedom of Information Commission, Memorandum of Decision, Docket No. HHB-CV-21-6064435 (Jan. 21, 2022). The Commissioners unanimously voted to pursue an appeal of such matter to the Appellate Court. This matter was originally scheduled to be considered at the Commission's February 9, 2022, regular meeting; however such meeting was necessarily cancelled due to technical difficulties.

Valicia Harmon reported on pending appeals.

Colleen Murphy reported on the status of Commission operations during the pandemic and informed the Commission that staff is continuing work on its reopen committee. Executive Director Murphy also reported on the upcoming Connecticut Foundation for Open Government April 7, 2022 event which will include presentation of the Walter Cronkite Freedom of Information Award to Judy Woodruff.

Colleen Murphy announced that long-time and valued staff member Cindy Cannata will retire effective April 1, 2022. Cindy will be greatly missed at the Commission.

Paula Pearlman provided a Legislative Report.

Colleen Murphy remarked on the recent 100<sup>th</sup> birthday of former Commissioner Sherman London, the longest serving Commissioner. Chairman Eagan sent congratulations and best wishes to Commissioner London.

The meeting was adjourned at 4:13 p.m.

---

Mary E. Schwind

\*See attached for amendments

MINREGmeeting 02232022/mes/02242022

## AMENDMENTS

Docket # FIC 2019-0707; 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

Paragraph 34 of the findings is hereby amended, as follows:

34. With regard to IC2019-0707a-111, IC2019-0707a-136 lines 26-31 and 35-45, and IC2019-0707a-433, such communications are between the Commission's ombudsman and the respondents' attorney. [As more fully discussed in paragraph 19, above,] **IT IS THEREFORE FOUND THAT SUCH COMMUNICATIONS ARE NOT BETWEEN AN ATTORNEY AND A CLIENT AND, ACCORDINGLY**, it is concluded that such communications are not exempt from disclosure pursuant to §1-210(b)(10), G.S.

Docket #FIC 2020-0600 David Dander v. Board of Police Commissioners, City of New Haven; and City of New Haven

Paragraph 1 of the order is hereby amended as follows:

1. The respondents shall create minutes of the executive session held October 13, 2020, [regarding the status of open internal affairs investigations] **INDICATING THE SUBJECT MATTERS THAT WERE DISCUSSED**. Such minutes shall be filed as a supplement to the existing minutes of such public meeting and shall include the names of all persons present for such executive session.