

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Gary Sheldon,

Complainant

Docket # FIC 2021-0378

against

Director of Communications, City
of New Haven; Deputy Economic
Development Administrator, City of
New Haven; and City of New Haven,

Respondents

June 22, 2022

The above-captioned matter was heard as a contested case on May 17, 2022, at which time 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 hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Sp. Sess.), as amended by §1 of Public Act 22-3.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies, within the meaning of §1-200(1), G.S.
2. It is found that the complainant is an attorney who represents Nosal Builders, Inc., (hereinafter "Nosal") a construction company which contracted in 2016 with the respondent City to perform work on a City project called the Boathouse at Canal Dock, including work on a topping slab for the project (hereinafter "the Topping Slab"). It is further found that Nosal largely completed its work on the project during 2018.
3. It is found that, during 2018 and 2019, the complainant, on behalf of Nosal, and the City, were involved in various negotiations related to a time extension for closing work on the project, a waiver of claim, compensation for change orders, physical issues regarding the Topping Slab, punch lists and warranty work, as well as final payment on the contract.
4. It is found that, by letter dated July 25, 2019, the complainant, on behalf of Nosal, wrote to the respondents and demanded final payment pursuant to the contract, and provided

notice to the city of a claim to recoup costs associated with the city's delay for Nosal's request to close the contract.

5. It is found that, by letter dated October 31, 2019, the complainant, on behalf of Nosal, informed the respondents that Nosal was preparing to bring an action in Superior Court in order to close out the contract and have the city remit final payment. The complainant asked that the respondents notify him within 5 business days if the city elected to seek a meeting in mediation.

6. It is found that, by letter dated June 15, 2020, addressed to the respondents, the complainant requested copies of several categories of records, hereinafter ("the requested records") as follows:

a. All documents related to the Topping Slab, including, but not limited to material test reports, inspection reports, retention agreement, expert reports, submittals, and communications, including email, meeting minutes and punch lists;

b. All test results, reports, communications, or other documents related to the samples taken from the Topping Slab on March 26, 2020;

c. All written communications, including email between the City (and/or its representatives) and Langan Engineering (and/or its consultants), regarding the Topping Slab. For purposes of the requests set forth in this letter, "representatives" include all officials, employees, consultants, attorneys, or other parties retained by the City in any capacity;

d. All written communications, including email between the City (and/or its representatives) and AECOM, related to the Topping Slab;

e. All written communications, between or among the City and its representatives related to the Topping Slab;

f. All documents related to the Boat House Project dated on or after September 1, 2018;

g. All written communications between the City (and/or its representatives) and Langan Engineering related to the Boat House Project on or after September 1, 2018;

h. All written communications between the City (and/or its representatives) and AECOM related to the Boat House Project on or after September 1, 2018;

i. All written communications between the City (and/or its representatives) and Connecticut Department of Transportation related to the Boat House Project on or after September 1, 2018;

j. All written communications between or among the City and its representatives related to the Boat House Project on or after September 1, 2018;

k. AECOM's documents and files related to the Boat House Project.

7. It is found that, by email June 23, 2020, the respondents acknowledged receipt of the request described in paragraph 6, above, and informed the complainant that city offices had been closed for three months due to the Covid-19 worldwide pandemic but that the respondents would conduct a search for responsive records.

8. It is found that, by email dated July 14, 2020, the respondents provided the complainant with concrete testing results on the Topping Slab from American Petrographic Services, which are partially responsive to the complainant's requests.

9. It is found that, by email dated July 21, 2020, the complainant again requested copies of the requested records.

10. It is found that, by email dated July 24, 2020, respondents informed the complainant that the staff member responsible for conducting the search for the requested records had experienced a death in her family and had been out of the office, that records requests are processed in the order that they are received, and that employees had been working remotely for months, making retrieval of certain records more difficult. The respondents informed the complainant that they appreciated his frustration at the delay, but that the city was working to provide the requested records.

11. It is found that, by email dated February 17, 2021, the respondents informed the complainant that they were continuing to gather responsive records in regard to his June 15, 2020 request.

12. It is found that, on February 19, 2021, the city informed Nosal that in order to avoid institution of a lawsuit related to their contract, and to preserve rights under the statute of limitations, it was offering a tolling agreement. It is found that, by letter dated February 22, 2021, the city informed Nosal that, because Nosal had not responded regarding the tolling agreement, it would institute a lawsuit against Nosal, but that the city would still proceed with mediation.

13. It is found that, on February 22, 2021, the city brought an action in Superior Court against Nosal, related to the Boat House Project and the Topping Slab, alleging breach of contract and negligence. It is found that, as of the date of the hearing in this matter, such litigation was pending.

14. It is found that, by letter dated June 14, 2021, the complainant informed the respondents that he had not yet received the records he requested in June 2020, and then reissued the same request.

15. It is found that, by email dated June 29, 2021, the respondents acknowledged the June 14, 2021, letter described in paragraph 14, above, and informed the complainant that they were working diligently on such request.

16. It is found that, on July 2, 2021, the complainant, on behalf of Nosal, filed an answer, special defenses, and counterclaim in the Superior Court in response to the lawsuit described in paragraph 13, above, specifically counterclaiming for breach of contract and unjust enrichment.

17. It is found that, by email dated July 6, 2021, the complainant informed the respondents that, absent compliance by July 9, 2021, he would file an appeal with this Commission.

18. By letter dated and filed with the Commission on July 13, 2021, the complainant alleged that the respondents violated the FOI Act by failing to promptly provide copies of the requested records.

19. At the time of the request, §1-200(5), G.S., provided:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.¹

20. Section 1-210(a), G.S., provides in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to...receive a copy of such records in accordance with section 1-212.

21. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

22. It is found that the respondents maintain the requested records, and that such records are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

23. It is found that, by email dated September 21, 2021, the respondents disclosed to the complainant the City's First Production of Documents, in the form of a computer file. It is also found that, the parties discovered much later in the process that there was a technical problem with this production.

¹ Section 147 of Public Act 21-2 (June Sp. Sess.) amended the definition of “public records or files” to also include data or information that is “videotaped”.

24. It is found that, by email dated October 27, 2021, the respondents disclosed to the complainant 1277 responsive documents, consisting of Bates stamped pages numbered 1 through 4261. The respondents further informed the complainant that certain documents were withheld either pursuant to the attorney client privilege or as “expert communications” and that such documents were being reviewed by outside counsel.

25. The Commission notes that the first scheduled hearing in this matter was set for December 22, 2021 but was postponed at the request of the parties due to scheduling conflicts of counsel.

26. It is found that, between December 2021 and February 2022, the complainant and respondents engaged in email and telephonic communication regarding the request at issue herein.

27. It is found that, by letter dated February 16, 2022, the respondents informed the complainants that they had located additional responsive records. It is also found that the respondents informed the complainant that they were trying to streamline production because the FOI request sought the same or similar records pursued in discovery in the underlying legal action, which was then in Complex Litigation in the Superior Court. It is further found that the respondents provided the complainant with their reasoning for withholding certain categories of records.

28. It is found that by email dated February 17, 2022, the respondents disclosed to the complainant the same 4261 records previously sent in September 2021, but with Bates numbers, as well as additional responsive records, Bates stamped 4262-4445.

29. The administrative record in this matter shows that the Commission scheduled an evidentiary hearing for February 25, 2022. Upon request of the respondents, and with the consent of the complainant, the Commission postponed the February 25, 2022 hearing, allowing the parties time to review and search for additional records, and to work to resolve outstanding issues between them.

30. It is found that by emails dated March 17, 2022, the parties further corresponded regarding the issue of AECOM records, described in paragraph 6.k, above, and collaborated on another request for continuance regarding an upcoming March 22, 2022 hearing at the Commission, which was the third time the Commission had set a time for the parties to proceed on the matter.

31. The Commission notes that by email dated March 17, 2022, the respondents filed with the Commission a request for continuance, with the complainant’s agreement. In support of the postponement request, the respondents informed the Commission that they were still reviewing records, that they had just located an additional 2000 responsive records and that they were working to resolve outstanding issues. The parties requested that the hearing be scheduled in mid-May. The request was granted.

32. It is found that by email dated April 18, 2022, the respondents provided the complainant with additional responsive records.

33. It is found that, by email dated April 20, 2022, the complainant further communicated to the respondents regarding the AECOM request described in paragraph 6.k, above. It is also found that, by return email the same day, the respondents replied that they had sought, and were waiting to receive, records from AECOM.

34. It is found that, by email dated April 26, 2022, the complainant wrote to the respondents, asking for updates on the respondents' production of records, and noting problems with missing attachments and an empty computer folder.

35. It is found that, by email dated May 2, 2022, the respondents informed the complainant that they would be providing him, via an outside computer management company, additional records with Bates numbers 14425 through 090944 (76,520 pages, 9,360 documents), which were the same documents produced to the complainant in the context of discovery in the ongoing litigation during the previous week. It is also found that the respondents informed the complainant that in addition to the AECOM records already retrieved by the city and provided to the complainant, AECOM would search for some additional records; however, the respondents also noted that any other AECOM records were not in possession or control of the city.

36. It is found that, by email dated May 12, 2022, the complainant informed the respondents of outstanding issues regarding the production of records by the city. It is found that, by return email that same date, the respondents informed the complainant that they would send additional responsive records to him later that day.

37. The hearing officer ordered the respondents to provide unredacted copies of each record for which they claimed an exemption. On May 31, 2022, the respondents submitted such copies for in camera inspection. Such records shall herein be identified as IC-2021-0378-001 through IC-2021-0378-435. Upon careful inspection of such records, it is concluded that the following in camera records are not responsive to the request: IC-2021-0378-414 through IC-2021-0378-419. Accordingly, such records shall not be further addressed herein. In addition, upon careful inspection of IC-0378-429, it is found that the only portion of such record that was withheld from the complainant is not responsive to the request. Accordingly, such portion of IC-0378-429 shall not be further addressed herein.

38. With regard to the complainants' allegation that the respondents failed to provide the requested records promptly, the Commission has held that the meaning of the word "promptly" is a particularly fact-based question. In Advisory Opinion #51, In the Matter of a Request for Declaratory Ruling, Third Taxing District of the City of Norwalk, Applicant (Notice of Final Decision dated January 11, 1982), the Commission advised that the word "promptly," as used in §1-210(a), G.S., means quickly and without undue delay, taking into consideration all of the factors presented by a particular request.

39. The advisory opinion goes on to describe some of the factors that should be considered in weighing a request for records against other priorities: the volume of records

requested; the time and personnel required to comply with a request; the time by which the person requesting records needs them; the time constraints under which the agency must complete its other work; the importance of the records to the requester, if ascertainable; and the importance to the public of completing the other agency business without the loss of the personnel time involved in complying with the request.

40. It is found that the complainant clearly indicated to the respondents his pressing need for copies of the requested records. At the hearing, the respondents acknowledged that there was a delay in providing copies of the requested records to the complainant. However, the respondents contended that such delays were exacerbated due to the government shutdown resulting from the pandemic and the need to meet other deadlines on ongoing projects, litigation matters, and the need to carefully review documents prior to release. Additionally, the respondents encountered several technical problems in providing computer records to the complainant, eventually contracting with an outside computer management company to facilitate production of the records to the complainant.

41. It is found that the government shutdown due to the pandemic, the technical problems related to providing computer records, and the massive amount of requested records at issue, contributed to the delay in response. The Commission also credits the testimony of the Senior Planner for the city, who spent countless time outside business hours, in an effort to comply with the complainant's request.

42. It is found that the complainant's request was extremely broad. It is further found that, at the time of the hearing, the respondents had provided the complainant with over 90,000 pages of responsive records. It is also found, however, that the respondents provided the bulk of such records to the complainant in the spring of 2022, almost two years after the date of the request described in paragraph 6, above. Under the facts and circumstances of this case, even taking the respondents' reasons for the delay into consideration, it is found that the respondents' production of records was not prompt. Accordingly, it is concluded that the respondents violated the promptness provisions of the FOI Act in this matter.

43. On brief, the complainant asks the Commission to consider whether the respondents have waived any rights to claim exemptions in this case because of the delay of over a year before they first asserted any exemption. The complainant offered no authority for such contention. The Commission concludes that the respondents have not waived any such rights.

44. The respondents contended that IC-2021-0378-430 is exempt from disclosure pursuant to the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub.L. No. 104-191, 110 Stat. 1936 (1996).

45. The Commission takes administrative notice of the fact that HIPAA was enacted to safeguard medical information and "to improve the efficiency and effectiveness of the health care system by facilitating the electronic exchange of information with respect to financial and administrative transactions carried out by health plans, health care clearinghouses, and health care providers." See Standards of Privacy of Individually Identifiable Health Information, 67 Fed. Reg. 14776 (Mar. 27, 2002).

46. Federal regulations implementing HIPAA prohibit a “covered entity” from disclosing “individually identifiable health information,” also known as “protected health information (“PHI”), without consent of the individual, except as permitted by such regulations. See 45 CFR §164.512; Abbott v. Texas Depar’t of Mental Health, 212 S.W. 3rd 648 (Tex. 2006).

47. It is found a “covererd entity” is defined as a health care provider that conducts certain transactions in electronic form; a health care clearinghouse; or a health plan. See 45 C.F.R. §160.103 (2010). It is further found that the respondents are not “covered entities” required to comply with HIPAA. Accordingly, it is concluded that HIPAA does not operate to exempt IC-2021-0378-430 from mandatory disclosure.

48. Next, the respondents contended that §1-210(b)(1), G.S., operates to exempt from mandatory disclosure: IC-2021-0378-001 through IC-2021-0378-217 and IC2021-378-411 through IC-2021-378-413.

49. Section 1-210(b)(1), G.S., provides that disclosure is not required of “preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.”

50. The Connecticut Supreme Court ruled in Wilson v. Freedom of Information Commission, 181 Conn. 324, 332 (1980) (“Wilson”), that:

[w]e do not think the concept of preliminary, as opposed to final, should depend upon who generates the notes or drafts, or upon whether the actual documents are subject to further alteration....

Instead the term ‘preliminary drafts or notes’ relates to advisory opinions, recommendations, and deliberations comprising part of the process by which government decisions and policies are formulated....

...[p]reliminary drafts or notes reflect that aspect of an agency’s function that precedes formal and informal decision making. We believe that the legislature sought to protect the free and candid exchange of ideas, the uninhibited proposition and criticism of options that often precedes, and usually improves the quality of, governmental decisions. It is records of this preliminary, deliberative and predecisional process the exemption was meant to encompass.

51. The year following Wilson, the Connecticut General Assembly passed Public Act 81-431, which added to the FOI Act the language now codified in Conn. Gen. Stat. §1-210(e)(1). That provision, which narrowed the exemption for preliminary drafts or notes, provides in relevant part:

[n]otwithstanding [§1-210(b)(1)], disclosure shall be required of:

[i]nteragency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency.... (emphasis added).

52. In Van Norstrand v. Freedom of Information Commission, 211 Conn. 339, 343 (1989) (“Van Norstrand”), the Supreme Court provided further guidance regarding “preliminary drafts”. Citing the dictionary definition, the court stated that the term “preliminary” means “something that precedes or is introductory or preparatory”, and “describes something that is preceding the main discourse or business.” *Id.* According to the Court, “[b]y using the nearly synonymous words ‘preliminary’ and ‘draft’, the legislation makes it very evident that preparatory materials are not required to be disclosed”. *Id.*

53. Accordingly, Conn. Gen. Stat. §§1-210(b)(1) and 1-210(e)(1), G.S., together, permit nondisclosure of records of an agency’s preliminary, predecisional, deliberative process, provided that the agency has determined that the public interest in withholding the records clearly outweighs the public interest in disclosing them and provided further that such records are not interagency or intra-agency memoranda or letters, advisory opinions, recommendations or reports. See Shew v. Freedom of Information Commission, 245 Conn. 149, 164-166 (1998).

54. With regard to the “balancing test” required by §1-210(b)(1), G.S., it is well established that the responsibility for making the determination as to what is in the public interest is on the agency that maintains the records. See Van Norstrand at 345. The agency must have considered in good faith the effect of disclosure, and indicated the reasons for its determination to withhold disclosure, which reasons may not be frivolous or patently unfounded. *Id.*, citing Wilson at 339. See also People for Ethical Treatment of Animals, Inc. v. Freedom of Information Commission, 321 Conn. 805, 816-817 (2016). Thus, the only determination for the FOIC to make is whether the reasons for nondisclosure given by the agency are frivolous or patently unfounded. See Lewin v. Freedom of Information Commission, 91 Conn. App. 521, 522-523 (2005); Coalition to Save Horsebarn Hill v. Freedom of Information Commission, 73 Conn. App. 89, 99 (2002).

55. It is found that the respondents failed to prove that they determined that the public interest in withholding the records described in paragraph 48, above, clearly outweigh the public interest in disclosure. Accordingly, it is concluded that the respondents failed to prove that such records are exempt from mandatory disclosure by virtue of §1-210(b)(1), G.S.

56. The respondents also contended that the release of the in camera records is not required pursuant to several provisions related to legal strategy and advice, specifically, §§1-210(b)(10), 1-210(b)(4), and 1-213(b)(1), G.S.

57. The respondents contend that all of the remaining in camera records, as follows, are exempt from disclosure pursuant to §1-210(b)(10), G.S.: IC-2021-0378-001 through IC-2021-0378-413, IC-2021-0378-420 through IC-2021-0378-0428, and IC-2021-0378-430-435.

58. Section 1-210(b)(10), G.S., provides, in relevant part, that disclosure is not required of “communications privileged by the attorney-client relationship”

59. The applicability of the exemption contained in §1-210(b)(10), G.S., is governed by established Connecticut law defining the privilege. That law is well set forth in Maxwell v. Freedom of Information Commission, 260 Conn. 143 (2002). In that case, our Supreme Court stated that §52-146r, G.S., which established a statutory privilege for communications between public agencies and their attorneys, merely codifies “the common-law attorney-client privilege as this court previously had defined it.” *Id.*, 149.

60. Section 52-146r(2), G.S., defines “confidential communications” as:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice. . . .

61. Our Supreme Court has stated that “both the common-law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client, and relate to legal advice sought by the agency from the attorney.” Maxwell v. Freedom of Information Commission, *supra*, 260 Conn. 149.

62. The Commission recognizes that “[w]here legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, except the protection be waived.” Rienzo v. Santangelo, 160 Conn. 391, 395 (1971). Moreover, in Connecticut, “the attorney-client privilege protects both the confidential giving of professional advice by an attorney acting in the capacity of a legal advisor to those who can act on it, as well as the giving of information to the lawyer to enable counsel to give sound and informed advice. . . . The privilege fosters full and frank communications between attorneys and their clients and thereby promote[s] the broader public interests in the observation of law and [the] administration of justice.” PSE Consulting, Inc. v.

Frank Mercede & Sons, Inc., 267 Conn. 279, 329-30 (2004). However, the privilege only applies when necessary to achieve its purpose; it is not a blanket privilege. Harrington v. Freedom of Information Commission, 323 Conn. 1, 12 (2016). Further, a party can establish that a document is privileged by showing that the document itself is the record or memorialization of a communication between the client and the attorney; by showing that the document was created with the intent to communicate the contents to an attorney, and the client actually communicated the contents to the attorney; or by showing that the document was somehow transformed for the purpose of seeking legal advice and communicated or intended to be communicated to an attorney. State v. Kosuda-Bigazzi, 335 Conn. 327 (2020). If it is clear from the face of the records, extrinsic evidence is not always required to prove the existence of the attorney-client privilege. Lash v. Freedom of Information Commission, 300 Conn. 511, 516 (2011).

63. Based upon careful in camera inspection of the records identified in paragraph 57, above, it is found that the following in camera records constitute written communications, transmitted in confidence, between a public official or employee of a public agency, acting within the scope of their employment, and their attorney(s), and that such communications are related to legal advice sought: IC-2021-0378-002; IC-2021-0378-009; IC-2021-0378-010; IC-2021-378-026 through IC-2021-0378-032; IC-2021-0378-034 through IC-2021-0378-047; IC-2021-0378-049 through IC-2021-0378-052; IC-2021-0378-056 through IC-2021-0378-066; IC-2021-0378-077; IC-2021-0378-078; IC-2021-0378-081; IC-2021-0378-083; IC-2021-0378-085 through IC-2021-0378-129; IC-2021-0378-133 through IC-2021-0378-146; IC-2021-0378-149 through IC-2021-0378-176; IC-2021-0378-186 through IC-2021-0378- 217; IC-2021-0378-292; IC-2021-0378-294; IC-2021-0378-310 through IC-2021-0378-344; IC-2021-0378-353 through IC-2021-0378-384; IC-2021-0378-411 through IC-2021-0378-413; IC-2021-0378-427 through IC-2021-0378-430; and IC-2021-0378-433 through IC-2021-0378-435. Therefore, it is found that such records constitute communications privileged by the attorney-client relationship. It is also found that such privilege was not waived. Accordingly, it is found that such records are exempt from disclosure pursuant to §1-210(b)(10), G.S. It is thus concluded that the respondents did not violate the FOI Act by withholding such records from the complainant.

64. However, with respect to the remaining records claimed to be exempt from disclosure pursuant to §1-210(b)(10), G.S., further proceedings would be required, including the taking of additional testimony, the submission of additional documentary evidence, and the filing of additional briefs. Moreover, additional proceedings would also be required in order to fully adjudicate the complainant's contentions regarding the AECOM records.

65. It is evident from the record in this matter that the parties have a long history together over the course of many years, both in business and in litigation. Indeed, as described in paragraph 27, above, the same records at issue in this matter are before the Superior Court in Complex Litigation, as the subject of a discovery request. Both the parties and the Court have ample time to present evidence and consider arguments in that forum. The Commission does not have that luxury.

66. Given the need to decide this matter before the statutory deadline, there is insufficient time in which to conduct further proceedings regarding the remaining issues. Accordingly, in the absence of a complete and thorough administrative record, the Commission

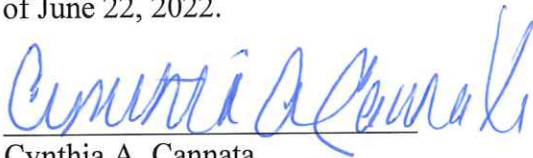
declines to consider either application of the claimed exemptions to the remaining records at issue, or the AECOM records.

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

1. Henceforth, the respondents shall strictly comply with the promptness provisions of the FOI Act.

2. To the extent the complainant continues to seek such records in this forum, he may make a new request for them and, if necessary, file a new complaint with the Commission.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 22, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

GARY SHELDON, DiGioia Berger LLC, 386 Main Street, Middletown, CT 06457

DIRECTOR OF COMMUNICATIONS, CITY OF NEW HAVEN; DEPUTY ECONOMIC DEVELOPMENT ADMINISTRATOR, CITY OF NEW HAVEN; AND CITY OF NEW HAVEN, c/o Attorney Catherine E. LaMarr, Office of the Corporation Counsel, City Hall, 165 Church Street, New Haven, CT 06510 and Attorney Deborah Monteith Neubert, Neubert, Pepe & Monteith, P.C., 195 Church Street, 13th Floor, New Haven, CT 06510



Cynthia A. Cannata
Acting Clerk of the Commission