FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Dana Ravenberg,

Complainant

against

Human Resources Director, State of Connecticut, Military Department; Adjutant General, State of Connecticut, Military Department; and State of Connecticut Military Department,

Respondents

FINAL DECISION

Docket #FIC 2023-0391

July 24, 2024

The above-captioned matter was heard as a contested case on December 22, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint. A continued hearing was held on February 21, 2024, at which time the complainant and respondents appeared and provided additional testimony and argument on the complaint.

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 by email dated July 21, 2023, the complainant submitted a Freedom of Information ("FOI") request[1] to the respondents seeking:

a. "All email, correspondence, texts, replies or records between any of the parties of Mr. Timothy Tomcho, Ms. Morales Diaz, and Sheldon Hernandez in response to the Sheldon Herandez CTMD [i.e., the Connecticut Military Department] and EEOC [i.e., the Equal Employment Opportunity Commission] complaint."

b. "All correspondence and communication with EEOC enforcement supervisor, Anthony Pino and Timothy Tomcho, and or CTMD."

[1] Hereinafter, the July 21st Request.

c. "All legal advice, notes, or correspondence that MAJ Heinonen has given with regards to the investigation against the Ravenberg's or Nevas's particularly with regards to Alberto Higuera during investigations in 2022."

d. "The following documents related to the discrimination complaint of Sheldon Hernandez. The original appeal to MG Evon, the original CTMD complaint, all physical notes taken by CPT Serfes and with MAJ Heinonen."

e. "All TAG determination letters concerning CTMD discrimination or EO complaints from 2018 until present."

f. "A list of all CTMD discrimination and or EO complaints, findings, and dispositions of those cases from 2018 until present."

3. It is found that by email dated July 21, 2023, the respondents replied to the complainant acknowledging his request and indicated that the request "will require a reasonable period of time for CTMD to identify, retrieve, compile, and duplicate any responsive records."

4. It is found that on July 22, 2023, the complainant informed the respondents that he was unable to read their July 21 reply email and requested that the respondents resend it. It is found that the respondents did so on July 24, 2023.

5. By letter dated August 5, 2023, the complainant appealed to this Commission alleging the following:

> I have requested some records from the CTMD via FOIA to support my position on a complaint against me and for a complaint that I have against CTMD. The real FOI manager at the military department is Mr. Timothy Tomcho, who is the legal advisor to the state adjutant general. He controls all information in and out of the Connecticut Military Department. As he is a respondent in my complaint against the CTMD, he is slow rolling my request for information. He has a vested interest in not providing the requested information in a timely manner. I am respectfully requesting the assistance of the CT FOI Commission in getting CTMD to comply with the law.

6. Section 1-200(5), G.S., provides:

> '[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, videotaped, printed, photostated, photographed or recorded by any other method.

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

> [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 (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

8. 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."

9. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

10. It is found that within a few days after the respondents received the complainant's July 21st request, the respondents' Human Resources Generalist 3/FOIA Manager (hereinafter, the "FOIA Manager") coordinated with the State's Bureau of Information Technology Solutions ("BITS") as well as several individuals within the respondent Military Department to retrieve and compile responsive records.

11. It is found that the respondents utilized BITS to capture those responsive records that were transmitted electronically and stored on BITS' email servers. It is further found that the respondents also searched for hard copies of records which would either be in the respondents' legal department or with the respondents' Equal Employment Opportunity ("EEO") Officer.

12. It is found that BITS encountered difficulty pulling any results for the July 21st request. It is found that over the course of approximately one month the respondents worked with BITS to develop search terms that would pull responsive records.

13. It is found that during this intervening period, the FOIA Manager also received responsive records from the respondents' EEO Officer and the legal department.

14. It is found that after resolving the issue with the search terms, BITS provided over 9,000 pages of records (hereinafter the "initial search results").

15. It is found that upon receiving the initial search results from BITS, the respondents FOIA Manager conducted a preliminary review of the records contained therein, removing all records that were clearly nonresponsive. It is found that due to the large number of records and the fact that she was simultaneously processing another large FOI request, the FOIA Manager's preliminary review took approximately two weeks.

16. It is found that after her preliminary review, the FOIA Manager forwarded the compiled records to the respondents' legal department for further review.

17. It is found that despite the FOIA Manager's preliminary review of the records, the respondents' legal department needed to review "thousands" of pages of records for responsiveness and exempt information.

18. It is found that after the respondents' legal department conducted its review of the records, it sent a finalized PDF of responsive records back to the FOIA Manager to forward to the complainant.

19. It is found that the respondents disclosed over 600 pages of responsive records to the complainant via a shareable Microsoft OneDrive folder on October 2, 2023, along with a log indicating the redactions by page.

20. It is found that of the more than 600 pages of responsive records, the respondents withheld or redacted 84 pages of records citing the invasion of privacy, preliminary drafts and notes, and attorney-client privilege exemptions to disclosure under the FOI Act.

21. Pursuant to an order of the hearing officer, the respondents submitted the withheld or redacted records described in paragraph 20, above for in camera inspection on January 19, 2024. Such records shall be referred to as ICR 2023-0391-001 through ICR 2023-0391-084.

22. The respondents assert that the following portions of the in camera records are exempt from disclosure as their release would constitute an invasion of personal privacy within the meaning of §1-210(b)(2), G.S: ICR 2023-0391-049 (line 8); ICR 2023-0391-050 (line 8); ICR 2023-0391-053 (lines 13, 16, 17); ICR 2023-0391-054 (lines 6-11); ICR 2023-0391-055-056 (entire record); ICR 2023-0391-060 (lines 14, 18-19); ICR 2023-0391-061 (lines 5-27); ICR 2023-0391-062 (line 13); ICR 2023-0391-064 (lines 18, 26, 27); ICR 2023-0391-065 (lines 5-28); ICR 2023-0391-066 (line 14); ICR 2023-0391-068 (line 8).

23. At the February 21, 2024 continued hearing, complainant's counsel indicated that they were not contesting any redactions made by the respondents pursuant to §1-210(b)(2), G.S., as an invasion of personal privacy; therefore, the records, or portions thereof, identified in paragraph 22, above, will not be considered further herein.

24. Next, the respondents assert that the following in camera records are exempt from disclosure pursuant to §1-210(b)(1), G.S., (i.e., the preliminary drafts and notes exemption): ICR 2023-0391-003-005 (entire record); ICR 2023-0391-006-007 (entire record); ICR 2023-0391-008-021 (entire record); ICR 2023-0391-022-035 (entire record); ICR 2023-0391-051 (lines 8-10, 16); ICR 2023-0391-070-084 (entire record).

25. Section 1-210(b)(1), G.S., permissively exempts from disclosure "[p]reliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure."

26. Section 1-210(b)(1), G.S., requires the respondents to show that they determined that the public interest in withholding records clearly outweighs the public interest in disclosure. "The statute's language strongly suggests that the agency may not abuse its discretion in making the decision to withhold disclosure and those reasons must not be frivolous or patently unfounded." Van Norstrand v. Freedom of Info. Comm'n, 221 Conn. 339, 345 (1989).

27. In 1980, the Connecticut Supreme Court interpreted the phrase "preliminary drafts and notes" in the FOI Act. See Wilson v. Freedom of Info. Comm'n, 181 Conn. 324 (1980) ("Wilson"). The Wilson court ruled that "preliminary drafts and notes reflect that aspect of an agency's function that precedes formal and informal decision making. . . .It is records of this preliminary, deliberative, and predecisional process that. . . the exception was meant to encompass." Wilson, 181 Conn. at 332. In addition, the Wilson court interpreted the phrase "preliminary drafts and notes" in the FOI Act as identical to the deliberative process privilege found in 5 U.S.C. §552(b)(5) of the federal Freedom of Information Act, with the exception that, under Connecticut's FOI Act, the public agency carried the additional burden to show that the "public interest in withholding such document clearly outweighs the public interest in disclosure." See Wilson, 181 Conn. at 333-340.

28. The year following Wilson, the Connecticut General Assembly passed Public Act, 81-431, which added to the FOI Act the language now codified in §1-210(e)(1), G.S. 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, letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except that disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency. . . .

29. Accordingly, §§1-210(b)(1) and 1-210(e)(1), G.S., together, permit the nondisclosure of an agency's preliminary, pre-decisional, deliberative process, provided that the agency has determined that the public interest in withholding such 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 Info. Comm'n, 245 Conn 149, 164-166 (1998).

30. The respondents testified that the in camera records identified in paragraph 24, above, are preliminary drafts and notes as they consist of the pre-decisional and collaborative communications between the respondents' staff members before final versions of such records

were shared with the final decision maker on the particular matters at issue – in this case, the Adjutant General.

31. Upon a careful in camera inspection of ICR 2023-0391-035, ICR 2023-0391-0083-084, and ICR 2023-0391-051 (line 16) it is found that:

a. ICR 2023-0391-035 and ICR 2023-0391-083-084 consist of work logs prepared by the author of ICR 2023-0391-022-034 and ICR 2023-0391-070-082. It is found that these work logs are not pre-decisional in nature as they merely detail work that has already been completed. Accordingly, ICR 2023-0391-035 and ICR 2023-0391-0083-084 do not constitute preliminary drafts or notes.

b. ICR 2023-0391-051 (line 16) is not preliminary or pre-decisional in nature and therefore does not constitute a preliminary draft or note.

32. It is therefore found that because ICR 2023-0391-035, ICR 2023-0391-0083-084, and ICR 2023-0391-051 (line 16), are not preliminary drafts or notes, such records were improperly withheld from disclosure.

33. Upon careful inspection of ICR 2023-0391-003-005; ICR 2023-0391-006-007, ICR 2023-0391-008-021, ICR 2023-0391-022-034, ICR 2023-0391-070-082, and ICR 2023-0391-051 (lines 8-10), it is found that:

a. ICR 2023-0391-003-005 is an attachment to the email contained in Respondents' Exhibit 2[2], Bates # 035. The attachment is labeled as a draft and the corresponding email indicates that it is subject to further review. Accordingly, it is found that ICR 2023-0391-003-005 constitutes a preliminary draft or note.

b. ICR 2023-0391-006-007 is an attachment to the email contained in Respondents' Exhibit 2, Bates # 058. The attachment name and the corresponding email indicate that the document is a draft outline. Additionally, ICR 2023-0391-006-007 contains incomplete sections compared to the final version released to the complainant. See e.g., Respondents' Exhibit 2, Bates # 054. Accordingly, it is found that ICR 2023-0391-006-007 constitutes a preliminary draft or note.

c. ICR 2023-0391-008-021, ICR 2023-0391-022-034, and ICR 2023-0391-070-082 are earlier drafts of the document sent to the Adjutant General and disclosed to the complainant at Respondents' Exhibit 2, Bates #43-45. It is found, therefore, that these records constitute intra-agency reports

[2] Respondents' Exhibit 2 represents the respondents' full 621-page disclosure of records to the complainant as described in paragraph 20 of the findings, above.

within the meaning of §1-210(e)(1), G.S. It is found that comparing Respondents' Exhibit 2, Bates #43-45 to these earlier drafts shows significant revisions including, but not limited to, changes to the structure and phrasing of certain sections. Accordingly it is found that ICR 2023-0391-008-021, ICR 2023-0391-022-034, and ICR 2023-0391-070-082 were subject to further revision or discussion among staff members before submission to the Adjutant General and that they therefore constitute preliminary drafts or notes.

d. ICR 2023-0391-051 (lines 8-10) contains emails between the respondents' staff members concerning a draft email response. It is found that such communications were pre-decisional and preliminary in nature. Accordingly, it is found that ICR 2023-0391-051 (lines 8-10) constitutes a preliminary draft or note.

34. It is found that the respondents conducted the required balancing test and determined that the public interest in withholding the records clearly outweighed the public interest in disclosure. Specifically, the respondents testified that since the draft versions of the records were not relied upon by the respondents, the disclosure of such records could potentially cause confusion. The respondents further testified that the withheld drafts were already disclosed in their final forms. It is therefore found that the balancing test was undertaken in good faith, and that the reasons for nondisclosure of the records identified in paragraph 33, above, are not frivolous or patently unfounded.

35. It is therefore found that the records, or portions thereof, identified in paragraph 33, above, may permissibly be withheld pursuant to § 1-210(b)(1), G.S.

36. The respondents also claim that the following portions of the in camera records are exempt from disclosure pursuant to §1-210(b)(10), G.S., specifically the attorney-client privilege: ICR 2023-0391-001 (lines 6-8); ICR 2023-0391-002 (lines 8-9, 18-26); ICR 2023-0391-036 (lines 14-35); ICR 2023-0391-037 (lines 15-23, 30-35) ICR 2023-0391-038 (lines 18-39); ICR 2023-0391-039 (lines 1, 19-30); ICR 2023-0391-040 (lines 1-8); ICR 2023-0391-041 (lines 8-20); ICR 2023-0391-042 (lines 9, 17-18); ICR 2023-0391-043 (lines 9-15, 34-35); ICR 2023-0391-044 (line 13); ICR 2023-0391-045 (lines 8-31, 38); ICR 2023-0391-046 (lines 13-29); ICR 2023-0391-047 (lines 6-10); ICR 2023-0391-048 (lines 7-9); ICR 2023-0391-52 (lines 19-21); ICR 2023-0391-57 (lines 8, 14-19); ICR 2023-0391-058 (lines 7-8, 26-27); ICR 2023-0391-059 (lines 3-13); ICR 2023-0391-063 (lines 6-8, 15-16); ICR 2023-0391-067 (line 7); ICR 2023-0391-069 (lines 6-8).

37. Section 1-210(b)(10), G.S., provides in relevant part that nothing in the FOI Act shall require disclosure of "communications privileged by the attorney-client relationship. . . ."

38. 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. FOI Commission, 260 Conn. 143 (2002) ("Maxwell"). In that case, the Supreme Court stated that

§52-146r, G.S., which establishes 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.

39. Section 52-146r, G.S., defines "confidential communications" to mean "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 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."

40. Section 52-146r, G.S., prohibits disclosure of confidential communications between a government attorney and a public official or employee of a public agency and provides, in relevant part, that:

> [i]n any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a government attorney shall not disclose any such communications unless an authorized representative of the public agency consents to waive the privilege and allow such disclosure.

41. The Supreme Court has also stated that "both the common-law and statutory privilege 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 [their] public agency client, and relate to the legal advice sought by the agency from the attorney." Maxwell, at 149.

42. 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 this instance permanently protected from disclosure by himself or by the legal adviser, except the protection [may] be waived." Rienzo v. Santangelo, 160 Conn. 391, 395 (1971).

43. The complainant argues that the respondents improperly withheld records, or portions thereof pursuant to the attorney-client privilege for two reasons. First, the complainant argues that the privilege does not extend to communications from an attorney to their client, if there was no request for advice from the client. Second, the complainant argues that the respondents improperly withheld communications, the substance of which was unrelated to legal advice.

44. The complainant's first argument is unpersuasive. The complainant cites no legal authority for the premise that the attorney-client privilege applies only when the client proactively or overtly asks advice from their attorney. The purpose of the attorney-client privilege is to "foster 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." (Internal quotation marks omitted) Olson v. Accessory Controls and Equipment

Corp., 254 Conn. 145, 157 (2000). Requiring an attorney to wait to provide legal advice until their client expressly asks for it would entirely undermine the purpose of the privilege.

45. With respect to the complainant's second argument, the Connecticut Supreme Court has long recognized that not every communication between attorney and client falls within the attorney-client privilege. Harrington v. Freedom of Info Comm'n, 323 Conn. 1, 14 (2016). For instance, "[t]he communication must be made by the client to the attorney acting as an attorney and not, e.g. as a business advisor. . . . In sum, attorneys do not act as lawyers when not primarily engaged in legal activities." Id., at 15.

46. Furthermore, "[w]hen the legal aspects of the communication are incidental or subject to separation, the proponent of the privilege may be entitled to redact those portions of the communication. . . . When such separation is not possible, both may be redacted, as long as the primary purpose is legal advice." Id., at 18-19.

47. Accordingly, the Commission must review the in camera records identified in paragraph 36, above, and determine what portions of such records, if any, consist of communications wherein the attorney is acting in their capacity as an attorney and is primarily engaged in legal activities.

48. After such careful review of the in camera records, it is found that the following portions of such records identified in paragraph 36, above, consist of attorney-client communications in that such communications were: (i) between an attorney (i.e., an attorney acting in his capacity as an attorney for the respondents) and a client (i.e., the respondents); (ii) related to legal advice; and (iii) made in confidence: ICR 2023-0391-001 (line 8); ICR 2023-0391-036 (lines 14-15); ICR 2023-0391-037 (lines 15-23, 30-35); ICR 2023-0391-038 (lines 18-39); ICR 2023-0391-039 (lines 1, 19-30); ICR 2023-0391-040 (lines 1-8); ICR 2023-0391-042 (lines 9, 18); ICR 2023-0391-043 (lines 9, 35); ICR 2023-0391-044 (line 13); ICR 2023-0391-045 (line 38); ICR 2023-0391-046 (lines 13-29); ICR 2023-0391-047 (lines 6-10); ICR 2023-0391-048 (lines 7-9); ICR 2023-0391-052 (lines 19-21); ICR 2023-0391-059 (lines 8-13)[3]; ICR 2023-0391-063 (lines 6-8, 15-16); ICR 2023-0391-067 (line 7); ICR 2023-0391-069 (lines 7-8, 15)[4]. Furthermore, it is found that the attorney-client privilege had not been waived for any portions of the in camera records cited herein.

49. Accordingly, it is found that the records, or portions thereof, identified in paragraph 48, above, constitute attorney-client communications and, therefore, may permissibly be withheld pursuant thereto.

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[3] The respondents' In Camera Index indicates that lines 3-13 of ICR 2023-0391-059 were redacted; however, upon review, it is clear from the respondents' highlights (indicating redactions) that this was a scrivener's error and the In Camera Index should have read 8-13. This is consistent with the records disclosed to the complainant. See Respondents' Exhibit 2, Bates #398.

[4] The respondents' In Camera Index only indicates that lines 6-8 were redacted; however, upon review, it is clear from the respondents' highlights (indicating redactions) that line 15 was also redacted. This is consistent with the records disclosed to the complainant. See Respondents' Exhibit 2, Bates #519.

50. It is found, however, that for the reasons identified in each respective subparagraph, below, the following portions of the records identified in paragraph 36 above, may not be withheld pursuant to the attorney-client privilege:

a. ICR 2023-0391-001 (line 6); ICR 2023-0391-002 (lines 18-19); ICR 2023-0391-058 (lines 7-8, 26-27 (up to and including the word "me")); and ICR 2023-0391-069 (line 6). It is found that such records do not relate to legal advice and are therefore not attorney-client privileged communications.

b. ICR 2023-0391-001 (line 7); ICR 2023-0391-057 (line 8); ICR 2023-0391-042 (line 17); and ICR 2023-0391-043 (line 35). It is found that the respondents failed to prove that such records relate to legal advice and are therefore not attorney-client privileged communications.

c. ICR 2023-0391-041 (lines 8-20); ICR 2023-0391-043 (lines 10-15); ICR 2023-0391-045 (lines 8-31); and ICR 2023-0391-057 (lines 14-19). It is found that any attached privilege was waived as such records are substantively identical to other records disclosed to the complainant. See e.g., Respondents' Exhibit 2, Bates # 116, 230, 378. It is therefore found that the contents were "actually disclosed" and any attorney-client privilege was waived. See Berlin Public Schools v. FOI Commission, Superior Court, judicial district of New Britain, CV-15-6029080-S, 2016 WL 785578, *4.

51. Accordingly, it is found that the records identified in paragraph 50, inclusive of its subparagraphs, above, were improperly withheld from disclosure.

52. Despite acting in good faith, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the records referenced in paragraphs 32 and 50 (inclusive of all subparagraphs), above.

53. Finally, the complainant asserts that the respondents did not act promptly in disclosing records. The complainant alleges that the respondent Military Department and respondents' counsel particularly had a "vested interest in not providing the requested information in a timely manner."

54. 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 (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 account all factors presented by a particular request."

55. 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 requestor, if ascertainable; and the importance to the public of completing other agency business without the loss of personnel time involved in complying with the request. In addition, common sense and goodwill ought to be the guiding principles.

56. It is found that within a short time after receiving the complainant's request the respondents coordinated with BITS and different staff members in the Military Department to search for records.

57. It is found that the approximate two-month period between when the complainant sent his request and his receipt of responsive records is explained by initial technical difficulties, the size and scope of records initially pulled by the respondents' search, the fact that the respondents were simultaneously processing another large FOI request, the time it took the FOIA Manager to complete a preliminary review of over 9,000 pages of records, and the time it took for the legal department to conduct its review.

58. It is found that, despite technical difficulties in pulling responsive records, the FOIA Manager worked diligently with BITS to resolve the issue and retrieve records responding to the complainant's request.

59. It is found that upon receiving records for review, a single paralegal in the respondents' legal department reviewed "thousands" of pages of records, ultimately disclosing over 600 responsive records, more than 500 of which were without any redactions.

60. It is found that the complainant's claim that the respondents and respondents' counsel intentionally acted to slow down his receipt of responsive records is unfounded, and the respondents acted promptly under the facts and circumstances of this case.

61. Accordingly, it is concluded that the respondents did not violate the promptness provisions of §§1-210(a) and 1-212(a), G.S.

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

1. Within seven (7) days of the notice of final decision in this matter, the respondents shall provide the complainant a copy of those portions of the in camera records identified in paragraph 32 and paragraph 50 (inclusive of all subparagraphs) of the findings, above, unredacted and free of charge.

2. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§ 1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 24, 2024.

Jennifer M. Mayo
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:

DANA RAVENBERG, c/o Attorney Stephen E. Nevas, Nevas Law Group, LLC, 237 Post Road West, Westport, CT 06880

CONNECTICUT ADJUTANT GENERAL, STATE OF CONNECTICUT, MILITARY DEPARTMENT; AND STATE OF CONNECTICUT, MILITARY DEPARTMENT, c/o State Judge Advocate Timothy J. Tomcho, Military Department, Governor William A. O'Neill Armory, 360 Broad Street, Hartford, CT 06105

Jennifer M. Mayo
Acting Clerk of the Commission

FIC 2023-0391/FD/JMM/July 24, 2024