

TO: Freedom of Information Commission
FROM: Cynthia A. Cannata
RE: Minutes of the October 10, 2018.

A regular meeting of the Freedom of Information Commission was held on October 10, 2018, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:12 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jay Shaw (participated via speakerphone)
Commissioner Ryan Barry
Commissioner Christopher P. Hankins
Commissioner Matthew Streeter
Commissioner Lenny Winkler

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Valicia D. Harmon, Lisa F. Siegel, Paula S. Pearlman, and Cindy Cannata.

The Commissioners voted 5-0 to amend the Commission's regular meeting minutes of September 26, 2018 to reflect that in [Docket #FIC 2018-0026 Jesse Buchanan and The Record-Journal Publishing Company v. Chief, Police Department, Town of Cheshire; Police Department, Town of Cheshire; and Town of Cheshire Attorney Joseph Szerejko](#) appeared on behalf of the respondents. The Commissioners voted 4-0 to approve the amended minutes. Commissioner Barry did not participate in these votes. Commissioner Winkler did not participate in the vote to approve.

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 2017-0755](#) 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 2018-0128](#) Brian Smith v. Chief, Police Department, Town of Enfield; Police Department, Town of Enfield; and Town of Enfield

Brian Smith participated via speakerphone. Captain Jeff Golden appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0146](#) Ahmaad Lane v. Chief, Police Department, City of Waterbury; Police Department, City of Waterbury; and City of Waterbury

Ahmaad Lane participated via speakerphone. Attorney Richard J. Scappini appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0683](#) Kathleen Biga v. Superintendent of Schools, Derby Public Schools; and Derby Public Schools

The Commissioners unanimously voted to amend the Hearing Officer's Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.*

[Docket #FIC 2017-0702](#) Yvonne Perkins v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury

The matter was removed from the agenda.

[Docket #FIC 2017-0703](#) Michael Baptiste v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury

The matter was removed from the agenda.

[Docket #FIC 2017-0704](#) Dameisha Moore v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury

The matter was removed from the agenda.

[Docket #FIC 2017-0760](#) William Rousseau v. Police Commission, Town of Windsor Locks; and Town of Windsor Locks

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

[Docket #FIC 2018-0011](#) Jon Lender And the Hartford Courant v. Commissioner, State of Connecticut, Department of Education; and State of Connecticut, Department of Education

Jon Lender appeared on his own behalf. Assistant Attorney General Ralph E. Urban appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0012](#) Lynn Ezzo and Gary Ezzo v. Superintendent of Schools, Berlin Public Schools; Principal, Berlin High School, Berlin Public Schools; and Berlin Public Schools

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

[Docket #FIC 2018-0033](#) Dan Barrett and American Civil Liberties Union of Connecticut v. Chief, Police Department, City of Hartford; Police Department, City of Hartford; and

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

[Docket #FIC 2018-0049](#) Eugene Driscoll and Valley Independent Sentinel v. Chief, Police Department, City of Derby; Police Department, City of Derby; and City of Derby

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

[Docket #FIC 2018-0068](#) David Moore v. Director, Human Resources, City of Shelton; and City of Shelton

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

[Docket #FIC 2018-0120](#) Anne Manusky v. Chairman, Board of Education, Easton Public Schools; Superintendent of Schools, Easton Public Schools; and Easton Public Schools

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

[Docket #FIC 2018-0252](#) Joel Skilton v. Chairman, Equipment Committee, Town of Morris; Equipment Committee, Town of Morris; and Town of Morris

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

The Commioners voted 5-0, to deny consideration of A Motion to Reopen dated September 27, 2018 and received by the Commission on September 27, 2018, filed by complainant in Raymond Reynolds v. Chief, Police Department, City of Shelton; Police Department, City of Shelton; and City of Shelton, Docket #FIC 2017-0700. Commissioner Shaw did not participate in this matter.

Victor R. Perpetua reported on pending appeals.

The meeting was adjourned at 3:43 p.m.

AMENDMENTS

[Docket #FIC 2017-0683](#) Kathleen Biga v. Superintendent of Schools, Derby Public Schools; and Derby Public Schools

21. The Commission has previously addressed the issue of videotapes that show more than one student in [Docket #FIC 2007-100, Bowyer v. Stonington Public Schools] **DOCKET #FIC 2004-551; MARY BALTIMORE V. SUPERINTENDENT OF SCHOOLS, CROMWELL PUBLIC SCHOOLS**. In that case, the Commission concluded:

20 U.S.C. § 1232g(a)(1)(A) is “federal law”, as that term is used by §1-210(a), G.S. This federal law unambiguously establishes that a parent does not have the right to records which include or have information about students other than their own child. The Berkeley Letter reaffirms this principle in the specific context of a videotape and supersedes the earlier decision in Deborah Maynard v. Superintendent, Voluntown School District, Docket #FIC 1998-023. See also U.S. v. Miami University, 294 F. 3rd 797 (2002).