

TO: Freedom of Information Commission  
FROM: Thomas A. Hennick  
RE: Minutes of the Commission's regular meeting of January 8, 2020

A regular meeting of the Freedom of Information Commission was held on January 8, 2020, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:20 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding  
Commissioner Matthew Streeter  
Commissioner Christopher P. Hankins  
Commissioner Stephen Fuzesi Jr.  
Commissioner Victoria W. Chavey

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Valicia D. Harmon, Paula S. Pearlman, Matthew D. Reed, Danielle L. McGee, Cindy Cannata, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's special meeting minutes of December 11, 2019.

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 2019-0068](#)

Joshua Smith v. Commissioner, State of Connecticut,  
Department of Correction; and State of Connecticut,  
Department of Correction

Joshua Smith participated via speakerphone. The Commissioners unanimously voted to table the matter until the next Commission meeting. The proceedings were recorded digitally.

[Docket #FIC 2019-0108](#)

GerJuan Tyus v. Peter Reichard, Chief, Police  
Department, City of New London; Police Department,  
City of New London; and City of New London

GerJuan Tyus participated via speakerphone. Attorney Brian Estep 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 recorded digitally.

[Docket #FIC 2019-0215](#)

GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

GerJuan Tyus participated via speakerphone. Attorney Brian Estep appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0226](#)

GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

GerJuan Tyus participated via speakerphone. Attorney Brian Estep appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0478](#)

GerJuan Tyus v. Peter G. Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

GerJuan Tyus participated via speakerphone. Attorney Brian Estep appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0115](#)

Luis Salaman v. Anthony Campbell, Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

The Commissioners unanimously voted to table the matter.

[Docket #FIC 2019-0040](#)

John Suggs v. Executive Director, Levitt Pavilion for the Performing Arts; Levitt Pavilion for the Performing Arts; and Friends of the Levitt Pavilion

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

[Docket #FIC 2019-0086](#)

Ethan Book v. Executive Director, State of Connecticut, Office of Legislative Management; and State of Connecticut, Office of Legislative Management

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

[Docket #FIC 2019-0207](#)

Ethan Book v. Mayor, City of Shelton; and City of Shelton

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

[Docket #FIC 2019-0087](#)

Michael Aronow v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

Michael Aronow appeared on his own behalf. Attorney Jeffrey Blumenthal 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 recorded digitally.

[Docket #FIC 2019-0104](#)

Kevin Cunningham v. Annex Interview Committee, Town of Plainfield; and Town of Plainfield

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

[Docket #FIC 2019-0141](#)

Charles Wright v. Mayor, Town of Hamden; and Town of Hamden

The Commissioners voted, 4-1, to remand the matter to the Hearing Officer in order to reopen the hearing and gather more testimony and evidence. Commissioner Hankins voted no.

[Docket #FIC 2019-0145](#)

Jeffrey Cross v. Chairman, Fire Commission, Enfield Fire District #1; and Fire Commission, Enfield Fire District #1

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

[Docket #FIC 2019-0253](#)

Seth Kershner v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

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

[Docket #FIC 2019-0270](#)

Charles Cornelius v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security; State of Connecticut, Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security; Commissioner, State of Connecticut, Department of Administrative Services; and State of Connecticut, Department of Administrative Services

Charles Cornelius appeared on his own behalf. Attorney Michael Barrera appeared on behalf of the respondent Department of Administrative Services. 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 recorded digitally.

[Docket #FIC 2019-0273](#)

Robert Cushman v. Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

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

Colleen M. Murphy reported on pending appeals.

Colleen M. Murphy reported that staff members had begun preparing for the 2020 legislative session and that several proposals could be brought to the commission for its review.

Commissioner Fuzesi asked commissioners to recognize the impressive work of staff attorneys Paula Pearlman and Danielle McGee in their preparation and presentation of the Legislation and Litigation Report at the annual Conference on Governmental Ethics Laws in December.

The meeting was adjourned at 4:45 p.m.

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Thomas A. Hennick  
MINREGmeeting 01082020/tah/01092020

\* See attached for amendments

### AMENDMENTS

[Docket #FIC 2019-0108](#)

GerJuan Tyus v. Peter Reichard, Chief, Police  
Department, City of New London; Police Department,  
City of New London; and City of New London

The Hearing Officer's Report is amended as follows:

**15. AT THE HEARING, THE COMPLAINANT CLARIFIED THAT HE WAS ONLY SEEKING THE STILL PHOTOS AND CHARTS SHOWING THE LOCATION OF THE TELEPHONES.**

[15.] **16.** After a careful in camera inspection, it is found that the in camera records do not contain any details on the use of cell phone and cell tower data to investigate crime, beyond the general information that is otherwise available to the public.

[16.] **17.** It is therefore found that the in camera records do not disclose any investigatory techniques not otherwise known to the public.

[17.] **18.** It is concluded that the in camera records are not exempt from disclosure pursuant to §1-210(b)(3)(E), G.S., and that the respondents violated the FOI Act by failing to disclose those records to the complainant.

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

1. The respondents shall forthwith provide copies of the in camera records to the complainant, free of charge.
- 2. IN COMPLYING WITH PARAGRAPH 1 OF THE ORDER, ABOVE, THE RESPONDENTS MAY REDACT ANY NARRATIVE INFORMATION NOT CONTAINED WITHIN THE BODY OF THE MAPS AND CHARTS, SINCE THE COMPLAINANT CLARIFIED AT THE HEARING THAT HE WAS NOT SEEKING SUCH INFORMATION.**

[Docket #FIC 2019-0087](#)

Michael Aronow v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

The Hearing Officer's Report is amended as follows:

10. It is found that, in this case, the respondents had no **ADDITIONAL** responsive records to provide to the complainant because, from August 2018, which was when the respondents previously disclosed records to the complainant, through January 30, 2019, which is the date of the instant request, the respondents had not created any new responsive records.

[Docket #FIC 2019-0270](#)

Charles Cornelius v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security; State of Connecticut, Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security; Commissioner, State of Connecticut, Department of Administrative Services; and State of Connecticut, Department of Administrative Services

15. At the hearing, the complainant argued that his March 18<sup>th</sup> request was for “financial information”, and noted subsection (iii) of §1-210(b)(19), G.S., which [permits (but does not require)] **PERMISSIVELY EXEMPTS FROM** disclosure of the cost and quality of certain security systems. In addition, the complainant argued that the notion that the release of the requested information poses a safety and security risk is “ridiculous” given that the SSCGP has been around for several years and enough time has lapsed to allow schools receiving funding to identify and close any security gaps.