

TO: Freedom of Information Commission  
FROM: Danielle L. McGee  
DATE: June 26, 2020  
RE: Minutes of the Commission's regular meeting of June 24, 2020

A regular meeting of the Freedom of Information Commission was held on June 24, 2020. Due to public health concerns surrounding the COVID-19 pandemic, the Commission Meeting of June 24, 2020 was conducted telephonically. The meeting convened at 2:03 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding  
Commissioner Jonathan J. Einhorn  
Commissioner Christopher P. Hankins  
Commissioner Lenny T. Winkler  
Commissioner Ryan P. Barry  
Commissioner Stephen Fuzesi, Jr.  
Commissioner Victoria Chavey

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Valicia D. Harmon, Kathleen K. Ross, Paula S. Pearlman, Matthew D. Reed, Danielle L. McGee, Thomas H. Hennick, and Cindy Cannata.

The Commissioners voted, 6-0, to approve the Commission's regular meeting minutes of June 10, 2020. Commissioner Barry did not participate.

Those in attendance were informed that the June 24, 2020 regular meeting of the Commission was being recorded.

[Docket #FIC 2019-0246](#)

Kacey Lewis v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

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 2016-0497](#)

The Connecticut Campaign for Consumer Choice v. Commissioner, State of Connecticut, Department of Insurance; and State of Connecticut, Department of Insurance

The Commissioners voted, 6-0, to amend the Hearing Officer's Report.\* Commissioner Barry did not participate. The Commissioners voted, 6-0, to adopt the amended Hearing Officer's Report. Commissioner Barry did not participate. The proceedings were recorded digitally.

[Docket #FIC 2019-0512](#)

Laurence Parnoff v. Assessor, Town of Stratford; and  
Town of Stratford

Attorney Brian LeClerc appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0539](#)

Beth Smith v. Mayor, City of Shelton; and City of  
Shelton

Beth Smith appeared on her own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0540](#)

Brian Leonard v. Mayor, Town of Plymouth; and Town  
of Plymouth

Brian Leonard appeared on his own behalf. Attorney William Hamzy appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0581](#)

Matthew Olson v. Office of Legal Affairs, City of  
Stamford; and City of Stamford

Matthew Olson appeared on his own behalf. Attorney Michael Toma appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0709](#)

Tuan Do v. Executive Director, Vernon  
Housing Authority; and Vernon Housing Authority

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

Attorney Valicia D. Harmon reported on *Marissa Lowthert v. Freedom of Information Comm'n, HHB-CV-18-6047447-S*.

The Executive Director and General Counsel, Colleen M. Murphy, reported on the possible relocation of the Commission's offices, the status of Commission operations during the COVID-19 pandemic, and recommendations regarding scheduling contested cases.

The Commissioners unanimously voted to authorize Executive Director Murphy to pursue the following objectives:

1. Continue to conduct and expand the business the Commission does with MS Teams, which enables parties to appear telephonically or by video;

2. Begin conducting remote contested case hearings (by mid-August), initially by telephone but also aiming to expand and incorporate the use of video, if new or existing technology can reasonably be utilized to do so, and participants have the technology and capability of doing so as well. Conducting remote hearings over video is the preferable format, if it can be achieved; and
3. Afford parties the opportunity to request that their hearings be postponed until a time when in person hearings can safely be conducted, giving preference to the requests of complainants (who await resolution), and permitting hearing officers to exercise appropriate discretion when considering such requests.

Executive Director Murphy also reported that several interviews have been conducted for the open Human Resources position.

Attorney Paula S. Pearlman reported on pending legislation.

The meeting was adjourned at 2:58 p.m.

/s/Danielle L. McGee

Danielle L. McGee

MINREGmeeting 06242020/dlm/06262020

\*See attached for amendments.

**AMENDMENTS**

Docket #FIC 2016-0497

The Connecticut Campaign for Consumer  
Choice v. Commissioner, State of Connecticut,  
Department of Insurance; and State of  
Connecticut, Department of Insurance

Page one of the Hearing Officer's Report is amended as follows:

**Report of Hearing Officer Upon Remand**

The first paragraph of the Hearing Officer's Report is amended as follows:

The above-captioned matter was heard as a contested case on April 18, 2017 and May 22, 2017, at which times the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. A Report of Hearing Officer was transmitted to the parties on June 7, 2017, and the Commission issued a Final Decision in this matter on June 28, 2017. Such Final Decision was appealed by the respondents, and on June 12, 2019, the Superior Court issued a Memorandum of Decision, concluding that the Commission's assessment of a \$500.00 fine against the Commissioner of Insurance was an abuse of discretion, ordering the respondent Department of Insurance to provide the Commission with in camera records, and remanding the matter back to the Commission for further proceedings. **Commissioner, Department of Insurance v. Freedom of Information Commission, CV-17-6039096-S, Superior Court, J.D. of New Britain (Memorandum of Decision June 12, 2019) (Tanzer, J.T.R.); Commissioner, Department of Insurance v. Freedom of Information Commission, CV-17-6039097-S, Superior Court, J.D. of New Britain (Memorandum of Decision June 12, 2019) (Tanzer, J.T.R.).**