

TO: Freedom of Information Commission  
FROM: Thomas A. Hennick  
RE: Minutes of the Commission's regular meeting of August 12, 2020

A regular meeting of the Freedom of Information Commission was held on August 12, 2020. Due to public health concerns surrounding the COVID-19 pandemic, the Commission Meeting of August 12, 2020 was conducted telephonically. The meeting convened at 2:02 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding  
Commissioner Jay Shaw  
Commissioner Jonathan J. Einhorn  
Commissioner Matthew Streeter  
Commissioner Christopher P. Hankins  
Commissioner Lenny T. Winkler  
Commissioner Stephen Fuzesi, Jr.  
Commissioner Victoria Chavey

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

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of July 22, 2020.

Those in attendance were informed that the August 12, 2020 regular meeting of the Commission was being recorded.

[Docket #FIC 2019-0516](#)

Marlando Daley v. Chief, Armando Perez, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

The matter was removed from the agenda. The proceedings were digitally recorded.

[Docket #FIC 2019-0244](#)

John DiIorio v. Commissioner, State of Connecticut, Department of Banking; and State of Connecticut, Department of Banking

Attorney Ann Rubin appeared on behalf of the complainant. Assistant Attorney General John Langmaid appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. \* The Commissioners unanimously voted to approve the Hearing Officer's Report as amended. The proceedings were digitally recorded.

[Docket #FIC 2019-0283](#)

John Santanella v. President, Board of Fire Commissioners, Enfield Fire District #1; and Board of Fire Commissioners, Enfield Fire District #1

John Santanella appeared on his own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0447](#)

Robert Cushman v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

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

[Docket #FIC 2019-0598](#)

Christopher Peak and New Haven Independent v. Superintendent of Schools, New Haven Public Schools; and New Haven Public Schools

Christopher Peak appeared on behalf of the complainants. Attorney Elias Alexiadas appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0623](#)

Robert Kowal v. Commissioner, State of Connecticut, Department of Children and Families; and State of Connecticut, Department of Children and Families

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

[Docket #FIC 2019-0670](#)

David Collins and the New London Day v. Chairman, State of Connecticut, Connecticut Port Authority; and State of Connecticut, Connecticut Port Authority

David Collins appeared on behalf of the complainants. Attorney Christopher Hug appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. \* The Commissioners unanimously voted to approve the Hearing Officer's Report as amended. The proceedings were digitally recorded.

Commissioners unanimously approved a motion to seek a remand in *Ross Garber v. Freedom of Information Commission et. al*, Docket No. HHB-CV-20-6059641-S.

Matthew D. Reed and Mary E. Schwind reported on the Superior Court's Memorandum of Decision dated July 30, 2020 in *Commissioner, State of Connecticut, Department of Correction, et. al, v. Freedom of Information Commission*, Docket No. HHB-CV-19-6053190-S.

Victor R. Perpetua reported on the Superior Court's Memorandum of Decision dated July 31, 2020 in *Commissioner, State of Connecticut Department of Social Services et. al, v. Freedom of Information Commission*, Docket No. HHB-CV-17-6037383.

Matthew D. Reed, Victor R. Perpetua and Mary E. Schwind reported on the Superior Court's Memorandum of Decision dated August 6, 2020 in *Town of Avon et al. v. Freedom of Information Commission, et al.*, Docket No. HHB-CV19-6056393-S.

Mary E. Schwind reported on the status of Commission operations during the COVID-19 pandemic and relocation of the Commission's offices.

Paula S. Pearlman reported on the passage in special legislative session of Public Act 20-1, *An Act Concerning Police Accountability*.

Mary E. Schwind reported that the HR Generalist position had been filled.

The meeting was adjourned at 3:48 p.m.

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**Thomas A. Hennick**  
MINREGmeeting 08122020/tah/08142020

\*See attached for amendments

**AMENDMENTS**

Docket #FIC 2019-0244

John Dilorio v. Commissioner, State of Connecticut,  
Department of Banking; and State of Connecticut,  
Department of Banking

The order in the Hearing Officer's Report is amended as follows:

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

1. Forthwith, the respondents shall provide a copy of the records described in paragraphs 19, 31 and 40, above, at no cost to the complainant.

Docket #FIC 2019-0670

David Collins and the New London Day v.  
Chairman, State of Connecticut, Connecticut Port  
Authority; and State of Connecticut, Connecticut  
Port Authority

The Hearing Officer's Report is amended as follows:

[47. Finally, it is found that the respondents submitted the following records for in camera inspection, but did not claim any exemption for such records, or any portion thereof: IC 2019-0670-4, 12, 16, 27, 32, 33, 38, 49, 53, 64, 71, 79, 88, 95, 117, 132, 140, 153, 174, 206, 224, 246, 251, 260, 263, 271, 287, 296, 297, 313, 328, 331, 336, 337, 342, 347, 353, 354, 357, 358, 361, 362, 369, 474, 381, and 382.

48. It is found that the respondents failed to prove that any of the in camera records, identified in paragraph 47, above, are exempt from disclosure.

49. It is therefore concluded that the respondents violated §§1-210(a), and 1-212(a), G.S., by withholding such records from the complainants.]