

TO: Freedom of Information Commission
FROM: Jennifer M. Mayo
RE: Minutes of the Commission's regular meeting of December 14, 2022

A regular meeting of the Freedom of Information Commission was held on December 14, 2022. The Commission meeting of December 14, 2022 was conducted in person. The meeting convened at 2:09 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jonathan J. Einhorn
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Stephen Fuzesi, Jr.

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Kathleen K. Ross, Valicia D. Harmon, Paula Pearlman, Danielle L. McGee, C. Zack Hyde, Kate Smith, Barbara Housen, Kevin W. Munn, Cindy Cannata, and Jennifer Mayo.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of November 16, 2022

The Commissioners unanimously voted to approve the Commission's special meeting minutes of November 23, 2022

Those in attendance were informed that the December 14, 2022, regular meeting of the Commission was being recorded.

Docket #FIC 2022-0033 Anthony Garofalo v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Anthony Garofalo appeared on his own behalf. Attorney Jennifer Lepore appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Docket #FIC 2021-0175 Robert Cushman v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

This matter was removed from the agenda.

Docket #FIC 2022-0003 Robert Cushman, Law Offices of Robert A. Cushman, LLC v. Jason Thody, 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. The proceedings were digitally recorded.

Docket #FIC 2021-0279 Cherilyn Luciano v. Chief, Police Department, Town of Hamden; Police Department, Town of Hamden; and Town of Hamden

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

Docket #FIC 2021-0303 Bill Effros v. Chairman, Planning and Zoning Commission, Town of Greenwich; Planning and Zoning Commission, Town of Greenwich; and Town of Greenwich

This matter was removed from the agenda.

Docket #FIC 2021-0722 Lew Dubuque and the Connecticut Chapter of the National Waste and Recycling Association v. Commissioner, State of Connecticut, Department of Energy and Environmental Protection; and State of Connecticut, Department of Energy and Environmental Protection

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 digitally recorded.

Docket #FIC 2022-0023 Phillip Rogers v. Chief, Police Department, Town of South Windsor; Police Department, Town of South Windsor; and Town of South Windsor

Phillip Rogers appeared on his own behalf. Attorney Richard Carella 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 digitally recorded.

Docket #FIC 2022-0070 Thomas Varghese v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

Thomas Varghese appeared on his own behalf. Attorney Scott Simpson appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Docket #FIC 2022-0098 Neil Lustig, c/o Attorney David Grudberg v. Records Department, Pomperaug District Department of Health; and Pomperaug District Department of Health

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

Docket #FIC 2022-0196 Nathan Wilson v. Chair, Town Council, Town of Southington; and Town Council, Town of Southington

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

Docket #FIC 2022-0279 Daniel Wehking v. Susie Da Silva, Superintendent of Schools, Ridgefield Public Schools; and Ridgefield Public Schools

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

The Commissioners unanimously voted to add to the agenda, consideration of the Court Order dated December 6, 2022, in *Sandor, Andrea v. CT Freedom of Information Commission et al*, Docket No. *HHB-CV-22-5031794-S*.

Attorney Valicia D. Harmon reported on pending appeals.

Executive Director and General Counsel Colleen M. Murphy reported on a new process being developed for Leave Not to Schedule cases. Executive Director Murphy also reported that the Commission has hired a new Secretary who will join the staff in late January. Executive Director Murphy reported that she and staff members Paula Pearlman, Danielle McGee, Mary-Kate Smith, Kevin Munn, and Tom Hennick recently returned from the COGEL conference in Montreal where they attended, participated in, and led several FOI related sessions.

The Commissioners unanimously voted to approve the 2023 Legislative Package. Attorney Paula S. Pearlman reported on the 2023 Legislative Package.

The meeting was adjourned at 3:23 p.m.

Jennifer M. Mayo

AMENDMENTS

Docket #FIC 2021-0722 Lew Dubuque and the Connecticut Chapter of the National Waste and Recycling Association v. Commissioner, State of Connecticut, Department of Energy and Environmental Protection; and State of Connecticut, Department of Energy and Environmental Protection

The case caption of the Hearing Officer's Report is amended as follows:

In the Matter of a Complaint by [Steve Changaris] **LEW DUBUQUE** and the Connecticut Chapter of the National Waste and Recycling Association,

Paragraph 2 of the Hearing Officer's Report is amended as follows:

2. It is found that, by letter dated December [15] **10**, 2021, the complainants requested that the respondents provide them with copies of the following records:

Docket #FIC 2022-0023 Phillip Rogers v. Chief, Police Department, Town of South Windsor; Police Department, Town of South Windsor; and Town of South Windsor

Paragraph 2 of the Hearing Officer's Report is amended as follows:

2. It is found that, on or around December 30, 2021, the complainant orally requested that the respondents provide [them] **HIM** with a copy of a sexual assault case report reported to the respondent department by his daughter. Thereafter, on or around January 6, 2022, the complainant orally requested that the respondents provide him with a copy of a written statement provided to the respondent department by his daughter.