

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of March 9, 2022

A regular meeting of the Freedom of Information Commission was held on March 9, 2022. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of March 9, 2022 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 Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Stephen Fuzesi Jr.
Commissioner Victoria W. Chavey

Also present were staff members, Mary E. Schwind, Kathleen K. Ross, Valicia D. Harmon, Paula S. Pearlman, Danielle L. McGee, C. Zack Hyde, Jennifer F. Miller, Cindy Cannata, Linda Fasciano and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of February 23, 2022.

Those in attendance were informed that the March 9, 2022 regular meeting of the Commission was being recorded.

[Docket #FIC 2020-0270](#) Marlando Daley v. Armando Perez, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

Marlando Daley appeared on his own behalf. Attorney Dina Scalo appeared on behalf of the respondents. The Commissioners voted, 4-2, to adopt the Hearing Officer's Report. Commissioners Streeter and Hankins voted against adoption. The proceedings were digitally recorded.

[Docket #FIC 2021-0014](#) Samuel Davis v. Angel Quiros, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Samuel Davis appeared on his own behalf. Attorney Lori McCurdy appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0404](#)

Alejandro Velez v. James Rovella, 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. The proceedings were digitally recorded.

[Docket #FIC 2019-0600](#)

Elisabeth Maurer v. Office of Legal Affairs, City of Stamford; and City of Stamford

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

[Docket #FIC 2020-0344](#)

Patricia Cofrancesco v. Chief, Fire Department, City of New Haven; Fire Department, City of New Haven; Manager of Human Resources, City of New Haven; and City of New Haven

The Commissioners voted, 5-0, to adopt the Hearing Officer's Report. The proceedings were digitally recorded. Commissioner Einhorn abstained.

[Docket #FIC 2020-0428](#)

Vernon Leftridge Jr. v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

Vernon Leftridge Jr. appeared on his own behalf. Associate Attorney General Antoria Howard appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The Commissioners unanimously voted to reopen the matter. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0446](#)

Timothy Leonard v. Office of the City Attorney, City of Bridgeport; and City of Bridgeport

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

[Docket #FIC 2020-0583](#)

Shawn Murphy v. First Selectman, Town of North Stonington; and Board of Selectmen, Town of North Stonington

Shawn Murphy appeared on his own behalf. Attorney Nicholas Kepple appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0647](#)

Ethan Book v. Republican Registrar of Voters, City of Bridgeport; Democrat Registrar of Voters, City of Bridgeport; and City of Bridgeport

Attorney Dina Scalo 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 2020-0653](#)

Dawn Martin v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

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 2021-0137](#)

Glenn Ballard v. Town Manager, Town of Granby; and Town of Granby

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

[Docket #FIC 2021-0454](#)

David Traichel v. Conservation Commission, Town of Wallingford; and Town of Wallingford

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

The Commissioners unanimously voted to deny a Petition for Reconsideration of Final Decision in Docket # FIC2020-0241; Ethan Book v. Christopher Rosario, State Representative, State of Connecticut, General Assembly; and State of Connecticut, General Assembly

The Commissioners unanimously voted to reconsider their final decisions in Docket # FIC2020-0122; Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General; and Docket # FIC2020-0320; Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General (January 26, 2022).

Attorney Kathleen K. Ross reported on Superior Court, Judicial District of New Britain, Memorandum of Decision dated February 23, 2022 in Ian Cooke v. Freedom of Information Commission, et al., Docket No. HHB-CV19-5026783-S.

Mary E. Schwind reported that the commission's vacant Staff Attorney II position had been posted and that applications had been received for the vacant paralegal position.

Mary E. Schwind reported that plans were being formulated to return to in person contested case hearings and in person commission meetings.

Paula S. Pearlman reported on legislation.

The meeting was adjourned at 4:32 p.m.

Thomas A. Hennick
MINREGmeeting 03092022/tah/03102022

* See attached for amendments and correction

AMENDMENTS

Docket #FIC 2020-0647

Ethan Book v. Republican Registrar of Voters, City of
Bridgeport; Democrat Registrar of Voters, City of
Bridgeport; and City of Bridgeport

[25. It is found that the delay in providing the requested records to the complainant in this case was caused by counsel's failure to act quickly, once she received the records, to review them and provide even a portion of them on a rolling basis, to the complainant.

26. It is also found that the respondents offered no evidence regarding counsel's efforts to review and provide responsive records, or even an explanation for the delay.]

[27.] **25.** It is concluded that the respondents cannot avoid their obligation under the FOI Act to provide public records "promptly upon request" simply by forwarding responsive records to counsel.

[28.] **26.** Accordingly, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., when they failed to promptly disclose the records identified in paragraphs 2, 5, and 8, above.

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

1. Within [seven] **21** days of the date of the Notice of Final Decision, the respondents shall provide a copy of all records responsive to the requests described in paragraphs 2, 5, and 8, of the findings at no charge.

Docket #FIC 2020-0653

Dawn Martin v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

The above-captioned matter was heard as a contested case on December 9, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

[After consideration of the entire record, the following facts are found and conclusions of law are reached:]

BY E-MAIL DATED AND FILED MARCH 8, 2022, THE COMPLAINANT WITHDREW THE COMPLAINT. THE COMMISSION TAKES ADMINISTRATIVE NOTICE OF SUCH WITHDRAWAL.

Findings 1-20 are deleted.

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 disclose the crime statistics described in item (h) of paragraph 2, and clarified in paragraph 8, above, at no charge.
2. Forthwith, the respondents shall disclose the video described in paragraph 15, above, at no charge.
3. Henceforth, the respondents shall strictly comply with the disclosure requirements of §§1-210(a) and 1-212(a), G.S.
4. The Commission is disturbed by the unexplained lengthy delay in providing a copy of the requested crime statistics to the complainant in this case. The respondents are cautioned that similar unexplained delays in future cases may result in the consideration of the imposition of a civil penalty.]

1. BASED ON THE WITHDRAWAL OF THE COMPLAINT, THE CASE IS HEREBY DISMISSED.