

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of May 25, 2022

A regular meeting of the Freedom of Information Commission was held on May 25, 2022. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of May 25, 2022 was conducted telephonically. The meeting convened at 2:02 p.m. with the following Commissioners present:

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

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, 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 May 11, 2022.

Those in attendance were informed that the May 25, 2022 regular meeting of the Commission was being recorded.

Docket #FIC 2021-0362 Jehroam Ormsby v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

Jehroam Ormsby appeared on his own behalf. Attorney Nathalie Feola-Guerrieri 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 2021-0405 Andres Sosa v. Angel Quiros, State of Connecticut, Department of Correction; and State of Connecticut, Department, of Correction

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

Docket #FIC 2021-0461 Joaquim Silva v. James Rovella, 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. The proceedings were digitally recorded.

Docket #FIC 2021-0189 Mark Graves v. Chief, Police Department, Town of Willimantic; Police Department, Town of Willimantic; and Town of Windham

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

Docket #FIC 2021-0262 Joan Zygmunt v. Governor, State of Connecticut, Office of the Governor; and State of Connecticut, Office of the Governor

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

Docket #FIC 2021-0568 Jim Francese v. Superintendent of Schools, East Haddam Public Schools; and East Haddam Public Schools

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

Docket #FIC 2021-0571 Sheri Speer v. Assessor, Tax Assessor's Office, City of Norwich; Tax Assessor's Office, City of Norwich; and City of Norwich

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

Docket #FIC 2020-0122 Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

Attorneys Matthew Hardin and Margaret Little appeared on behalf of the complainants. Assistant Attorney General Daniel Salton appeared on behalf of the respondents. The Commissioners unanimously voted to amend the proposed final decision after reconsideration. The Commissioners unanimously voted to adopt the proposed final decision as amended. * The proceedings were digitally recorded.

Docket #FIC 2020-0320 Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

Attorneys Matthew Hardin and Margaret Little appeared on behalf of the complainants. Assistant Attorney General Daniel Salton appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the proposed final decision after reconsideration. The proceedings were digitally recorded.

Valicia D. Harmon reported on pending appeals.

Colleen M. Murphy reported that staff continues to work on plans for the return to in person contested case hearings and in person commission meetings in August, 2022. She reiterated that plans could be altered should there be an increase in concern over public health issues.

Colleen M. Murphy reported that a new staff attorney and paralegal would join the staff on June 17. Colleen M. Murphy also reported that former Staff Attorney Barbara Housen would join the staff as a temporary retired worker to help with case backlog on June 3.

Colleen M. Murphy informed Commissioners that Managing Director and Associate General Counsel Mary Schwind and Public Education Officer Thomas Hennick had given notice that they intend to retire as of June 30, 2022. Colleen M. Murphy said that both would remain as temporary retired workers to help with transition. Chairman Eagan thanked both employees for their dedicated service to the Commission and the State of Connecticut.

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

Thomas A. Hennick
MINREGmeeting 05252022/tah/05262022

* See attached for amendments

AMENDMENTS

Docket #FIC 2021-0362 Jehroam Ormsby v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

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

1. Within fourteen (14) days of the date of the Notice of Final Decision in this matter, the respondents shall forthwith disclose to the complainant, free of charge, a copy of the records described in paragraph[s] **2(B) (LIMITED TO THE ARREST WARRANT APPLICATION, INCLUDING ANY AFFIDAVIT IN SUPPORT OF SUCH WARRANT), PROVIDED THAT THE ARREST WAS BY WARRANT; OR 2(F) (LIMITED TO THE OFFICIAL ARREST, INCIDENT OR SIMILAR REPORT), PROVIDED THAT THE ARREST WAS NOT BY WARRANT, IN SATISFACTION OF THE MANDATORY MINIMUM DISCLOSURE REQUIREMENTS SET FORTH IN SECTION 1-215, G.S.**
2. Henceforth the respondents shall strictly comply with the disclosure provisions of §§1-210(a), [and] 1-212(a), **AND 1-215, G.S.**

Docket #FIC 2020-0122 Energy Policy Advocates v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

The Hearing Officer's Report is amended as follows:

11. After the hearing on this matter, the respondents were ordered to submit copies of all responsive records for which exemptions were being claimed, in whole or in part, for in camera inspection. The respondents complied with such order on March 17, 2021. The in camera records, consisting of 34 pages, were marked and will be referenced herein as [IC2020-0320-001 through IC2020-0320-034] **IC 2020-0122-001 through IC 2020-0122-034.**

12. With regard to the claim that all of the in camera records, [IC2020-0320-001 through IC2020-0320-0034] **IC 2020-0122-001 through IC 2020-0122-034**, are exempt from disclosure as strategy relating to pending litigation, §1-210(b)(4), G.S., provides that disclosure is not required of:

[r]ecords pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled.

17. After careful in camera inspection of [IC2020-0320-001 through IC2020-00320-0034] **IC 2020-0122-001 through IC 2020-0122-034**, it is clear from the face of those records that the redacted information is strategy with respect to pending litigation, as that term is defined in §1-200(9)(C), G.S. Moreover, it is found that, at the time of the hearing in this matter, the litigation had not been finally adjudicated or otherwise settled.

18. Accordingly, it is found that [IC2020-0320-001 through IC2020-0320-003] **IC 2020-0122-001 through IC 2020-0122-034** are exempt from disclosure pursuant to §1-210(b)(4), G.S. The Commission therefore need not analyze any of the other exemptions claimed by the respondents.