

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of July 27, 2022

A regular meeting of the Freedom of Information Commission was held on July 27, 2022. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of July 27, 2022 was conducted solely through the use of electronic equipment. The meeting convened at 2:02 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, C. Zack Hyde, Jennifer F. Miller, Kate Smith, Barbara Housen, Cindy Cannata, Linda Fasciano, Lorraine Walker, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of July 13, 2022.

Those in attendance were informed that the July 27, 2022 regular meeting of the Commission was being recorded.

[Docket #FIC 2021-0078](#) Ian Wright v. Armando Perez, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

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

[Docket #FIC 2021-0448](#) GerJuan Tyus v. Peter G. Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

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 2021-0519](#)

GerJuan Tyus v. Margaret Ackley, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London

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

[Docket #FIC 2021-0456](#)

John Kaminski v. Commissioner, State of Connecticut, Department of Administrative Services; and State of Connecticut, Department of Administrative Services

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

[Docket #FIC 2021-0534](#)

Terrell Canady v. Commissioner, 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 2020-0398](#)

Michael Stinson v. Police Department, City of Bridgeport; Office of the City Attorney, City of Bridgeport; and City of Bridgeport

The Commissioners unanimously voted to reopen the matter. The proceedings were digitally recorded.

[Docket #FIC 2021-0225](#)

Jason Hines v. Chairman, Library Board of Trustees, Town of Eastford; and Library Board of Trustees, Town of Eastford

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

[Docket #FIC 2021-0423](#)

David Booth v. Superintendent of Schools, Middletown Public Schools; and Middletown Public Schools

David Booth appeared on his own behalf. Attorney Julie Jacquays appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0446](#) John Tsimbidaros v. Director, Human Resources Department, Town of Fairfield; and Human Resources Department, Town of Fairfield

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

[Docket #FIC 2021-0468](#) John Tsimbidaros v. Director, Human Resources Department, Town of Fairfield; Human Resources Department, Town of Fairfield; and Town of Fairfield

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

[Docket #FIC 2021-0459](#) James Nugent and the Town of Trumbull v. Office of the City Attorney, City of Bridgeport; and City of Bridgeport

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

[Docket #FIC 2021-0470](#) Gregg Haythorn and Jenn Haythorn v. Chairman, Board of Education, Weston Public Schools; and Board of Education, Weston Public Schools

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

[Docket #FIC 2021-0492](#) Louise Czar v. 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 2022-0048](#) David Collins and the Day v. Mayor, City of New London; and City of New London

David Collins appeared on behalf of the complainants. Attorney Jeffrey Londregan appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2022-0076](#) Vernon Leftridge Jr. v. Attorney General, State of Connecticut, Office of the Attorney General; and State of Connecticut, Office of the Attorney General

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

Attorney 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. She also said that the reopening is scheduled to commence the week of September 5, 2022.

Colleen M. Murphy reported that Attorney Kevin Munn will officially join the FOIC staff on Friday, July 29, 2022.

The meeting was adjourned at 3:04 p.m.

Thomas A. Hennick
MINREGmeeting 07272022/tah/07272022

* See attached for amendment

AMENDMENT

Docket #FIC 2021-0448 GerJuan Tyus v. Peter G. Reichard, Chief, Police Department,
City of New London; Police Department, City of New
London; and City of New London

The Hearing Officer's Report is amended as follows:

14. At the hearing in this matter, the complainant contested the Commissioner's determination. However, as the Court stated in **PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS V. FREEDOM OF INFORMATION COMMISSION, 321 CONN. 805, 818 (2016)**, [Van Norstrand v. Freedom of Information Commission, 211 Conn. 339, 345-56 (1989)], the Commissioner [of the Department of Emergency Services and Public Protection] "is required to determine only that there are *reasonable grounds to believe* that disclosure *may* result in a safety risk..." (Emphasis in original). The statute does not require that there must be a clear safety risk to justify nondisclosure. *Id.* According to the Court, this language "supports the conclusion that the [Commissioner] is authorized to rely on the experience and professional expertise of its employees in making a predictive judgment." [People for the Ethical Treatment of Animals v. Freedom of Information Commission, 321 Conn. 805,] **ID. AT 818 [(2016)]**. Once the Commissioner has made a safety risk determination, the FOI Commission must defer to such determination unless it finds that the determination was frivolous, patently unfounded or made in bad faith. See *id.* at 819, citing Van Nordstrand [at 345-46] **V. FREEDOM OF INFORMATION COMMISSION, 211 CONN. 339, 345-56 (1989)**.