

TO: Freedom of Information Commission  
FROM: Mary E. Schwind  
RE: Minutes of the Commission's regular meeting of August 10, 2022  
DATE: August 16, 2022

A regular meeting of the Freedom of Information Commission was held on August 10, 2022. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of August 10, 2022 was conducted solely through the use of electronic equipment. The meeting convened at 2:04 p.m. with the following Commissioners present:

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

Also present were staff members Colleen M. Murphy, Kathleen K. Ross, Paula S. Pearlman, Danielle L. McGee, Zack Hyde, Jennifer F. Miller, Kate Smith, Barbara Housen, Kevin Munn, Cindy Cannata, Linda Fasciano, and Mary E. Schwind.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of July 27, 2022.

Those in attendance were informed that the August 10, 2022, regular meeting of the Commission was being recorded.

[Docket #FIC 2021-0475](#) Russell Peeler v. Rebeca Garcia, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

Russell Peeler appeared on his own behalf. 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 2021-0688](#) Tijun Mims v. Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

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

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

The matter was tabled.

[Docket #FIC 2020-0429](#) Irene Bassock and Empower Legal Group LLC v. Director, State of Connecticut, Connecticut Lottery Corporation; and State of Connecticut, Connecticut Lottery Corporation

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

[Docket #FIC 2020-0448](#) Mathew Hennessy v. Laurie Hunt, Director of Legal Services, Materials Innovation and Recycling Authority; Tom Kirk, President, Materials Innovation and Recycling Authority; Donald Stein, Chair, Materials Innovation and Recycling Authority; and Materials Innovation and Recycling Authority

Attorney Michael Harrington appeared on behalf of the complainant. Attorney Michael Collins appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0576](#) Mathew Hennessy v. Laurie Hunt, Director of Legal Services, Materials Innovation and Recycling Authority; Tom Kirk, President, Materials Innovation and Recycling Authority; Donald Stein, Chair, Materials Innovation and Recycling Authority; and Materials Innovation and Recycling Authority

Attorney Michael Harrington appeared on behalf of the complainant. Attorney Michael Collins appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0633](#) Sheri Speer v. City Clerk, City of Norwich; and City of Norwich

Sheri Speer appeared on her own behalf. Attorney Michael Carey appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0493](#) Ethan Book v. City Sheriff, City of Bridgeport; and City of Bridgeport

Ethan Book appeared on his own behalf. 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 2021-0496](#) Louis DiMuzio v. Chief, Fire Department, Town of Prospect; Fire Department, Town of Prospect; and Town of Prospect

Louis DiMuzio appeared on his own behalf. Attorneys David Hardy and Ronald Pugliese, Jr., appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0509](#) Jon Schoenhorn v. Office of the City Attorney, City of Bridgeport; and City of Bridgeport

Jon Schoenhorn appeared on his own behalf. 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 2021-0513](#) Jacquelin Heftman v. Town Clerk, City of Stamford; and City of Stamford

The Commissioners unanimously voted to amend the Hearing Officers Report. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended. \* The proceedings were digitally recorded.

[Docket #FIC 2021-0530](#) Kyle O'Hehir v. Director, Blight Remediation and Housing Code Enforcement, City of Hartford; and Blight Remediation and Housing Code Enforcement, City of Hartford Schools

Kyle O'Hehir appeared on his own behalf. Attorney Alexandra Lombardi appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0611](#) Linda Czaplinski v. Chair, Board of Education, Oxford Public Schools; Board of Education, Oxford Public Schools; and Oxford Public Schools

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

[Docket #FIC 2022-0088](#)

Richard Taff v. State Fire Marshal, State of Connecticut, Office of the State Fire Marshal; State of Connecticut, Office of the State Fire Marshal; and State of Connecticut, Department of Administrative Services

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

The Commsisioners took no action on the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in David Godbout v. Chairman, State of Connecticut, Bond Commission; and State of Connecticut, Bond Commission, Docket # FIC 2020-0173, as the complainant withdrew the complaint in this matter on August 8, 2022.

The Commsisioners took no action on the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in in David Godbout v. Governor, State of Connecticut, Office of the Governor; and State of Connecticut, Office of the Governor, Docket # FIC 2021-0458, as the complainant withdrew the complaint in this matter on August 8, 2022.

The Commsisioners took no action on the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in David Godbout v. Executive Director, State of Connecticut, Freedom of Information Commission; and State of Connecticut, Freedom of Information Commission, Docket # FIC 2021-0467, as the complainant withdrew the complaint in this matter on August 8, 2022.

The Commsisioners took no action on the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in David Godbout v. Robert Devlin, Inspector General, State of Connecticut, Deputy Chief State's Attorney Office; and State of Connecticut, Deputy Chief State's Attorney Office, Docket # FIC 2022-0155, as the complainant withdrew the complaint in this matter on August 8, 2022.

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 stated that the change to in-person proceedings will occur in September 2022.

Colleen M. Murphy reported that Attorney Kevin Munn has joined the Commission as a Staff Attorney; the Commissioners welcomed Attorney Munn.

The meeting was adjourned at 5:21 p.m.

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Mary E. Schwind

**AMENDMENTS**

Docket #FIC 2021-0475      Russell Peeler v. Rebeca Garcia, Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

The orders in the Hearing Officer’s Report are amended as follows:

Paragraph 9 of the Hearing Officer’s Report is amended as follows:

**2. THE COMMISSION IS DEEPLY CONCERNED WITH THE RESPONDENTS’ FAILURE TO REVIEW THE RECORDS AT ISSUE PRIOR TO THE CONTESTED CASE HEARING, FAILURE TO PRESENT EVIDENCE WITH RESPECT TO ANY CLAIMED EXEMPTIONS, AND FAILURE TO COMPLY WITH ITS ORDER IN PEELER 1. HOWEVER, DUE TO THE NATURE OF SOME OF THE INFORMATION THAT MAY BE CONTAINED IN THE RECORDS AT ISSUE, AND NOTWITHSTANDING PARAGRAPH 1 OF THE ORDER, ABOVE, THE COMMISSION DECLINES TO ORDER DISCLOSURE OF THE IDENTITY OF WITNESSES UNDER §1-210(b)(3)(A), G.S., AND SIGNED WITNESS STATEMENTS UNDER §1-210(b)(3)(C), G.S.**

3.[2.] The respondent Chief Rebeca Garcia shall remit to the Commission, within thirty days of the date of the Notice of Final Decision in this matter, a civil penalty in the amount of seven hundred and fifty dollars (\$750.00).

4.[3.] Henceforth, the respondents shall strictly comply with the disclosure provisions in §§1-210(a) and 1-212(a), G.S.

Docket #FIC 2021-0513      Jacquelin Heftman v. Town Clerk, City of Stamford; and City of Stamford

Paragraph 12 of the Hearing Officer’s Report is deleted and replaced with the following new paragraph 12:

**12. IT IS FOUND THAT THE RESPONDENTS’ ACTIONS AND COMMUNICATIONS WITH THE COMPLAINANT WERE REASONABLE UNDER THE CIRCUMSTANCES OF THIS CASE AND WERE NOT TANTAMOUNT TO A DENIAL WITHIN THE MEANING OF §1-206(b)(1), G.S.**

Paragraph 13 of the Hearing Officer’s Report is amended as follows:

13. Based on the foregoing **AND THE FACTS AND CIRCUMSTANCES OF THIS CASE**, it is concluded that the Commission lacks subject matter jurisdiction over the complaint.