

TO: Freedom of Information Commission

FROM: Jennifer M. Mayo

RE: Minutes of the Commission's regular meeting of February 8, 2023.

A regular meeting of the Freedom of Information Commission was held on February 8, 2023. The Commission meeting of February 8, 2023 was conducted in person. The meeting convened at 2:07 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Stephen Fuzesi, Jr.
Commissioner Jonathan J. Einhorn (participated by telephone)

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

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of January 25, 2023.

Those in attendance were informed that the February 8, 2023, regular meeting of the Commission was being recorded.

[Docket #FIC 2020-0597](#) Jan Gawlik v. Christopher W. Chute, Chief, Police Department, City of New Britain; Police Department, City of New Britain; and City of New Britain

Jan Gawlik appeared on his own behalf. Attorney John Diakun appeared on behalf of the Respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0345](#) Jan Gawlik v. Angel Quiros, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Jan Gawlik 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 2021-0213](#) Jacques Parenteau v. Mayor, City of New London; and City of New London

Attorney Brian Estep appeared on behalf of the Respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0272](#) Audrey Felsen v. 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 2021-0281](#) John & Anita Lucas v. Chair, Planning Commission, Town of Marlborough; Director, Planning and Development, Town of Marlborough; and First Selectman, Town of Marlborough

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

[Docket #FIC 2021-0299](#) Gregg and Jenn Haythorn v. Board of Education, Town of Weston; and Town of Weston

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

[Docket #FIC 2021-0319](#) William Krame v. Town Clerk, Town of Berlin; and Town of Berlin

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 2022-0091](#) Leah Cantor v. Commissioner, State of Connecticut, Department of Consumer Protection; and State of Connecticut, Department of Consumer Protection

Assistant Attorney General Kim McGee appeared on behalf of the Respondents. The Commissioners voted 4-0 to amend the Hearing Officer's Report. The Commissioners voted 4-0 to adopt the Hearing Officer's Report as amended.* Commissioner Einhorn did not participate in the votes. The proceedings were digitally recorded.

[Docket #FIC 2022-0095](#) Mark Wozar v. Commissioner, State of Connecticut, Department of Children and Families; and State of Connecticut, Department of Children and Families

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

[Docket #FIC 2022-0129](#) Jim Haddadin, and the Connecticut Public v. Mayor, 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 2022-0130](#) M. L. Nestel v. Chief, Police Department, Town of Fairfield; Police 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 2022-0148](#) Laurel and Timothy Draper v. First Selectman, Town of Bethel; Chair, Planning and Zoning Commission, Town of Bethel; Planning and Zoning Commission, Town of Bethel; and Town of Bethel

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

[Docket #FIC 2022-0187](#) John Cavanna v. Chief, Police Department, Town of Berlin; Police Department, Town of Berlin; and Town of Berlin

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

The Commissioners unanimously voted to grant the respondents' motion to waive regulation (§1-21j-37(f)(8)), dated February 3, 2023, in *Aviva Stahl, And Seth Wessler v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction*, Docket #FIC 2021-0697.

The Commissioners unanimously voted to approve the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §§1-206(b)(2)(C) and 1-206(b)(2)(B) in *Gregg and Jennifer Haythorn v. Town Administrator, Town of Weston; and Town of Weston*, Docket # FIC 2022-0082.

The Commissioners unanimously voted to approve the Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §§1-206(b)(2)(C) and 1-206(b)(2)(B) in *Gregg and Jennifer Haythorn v. Superintendent of Schools, Weston Public Schools; Weston Public Schools; and Weston Board of Education, Town of Weston*, Docket # FIC 2022-0083.

Executive Director and General Counsel Colleen M. Murphy reported that an offer of employment has been extended to a candidate for the Director of Education and Communications position. The candidate is expected to start at the end of February.

Executive Director and General Counsel Colleen M. Murphy reported on the legislative budget. Attorney Paula S. Pearlman also reported on legislative matters.

The meeting was adjourned at 4:15 p.m.

Jennifer M. Mayo

MINREGmeeting 2/14/2023/jmm

*See attached for amendments

AMENDMENTS

Docket #FIC 2021-0319 William Krame v. Town Clerk, Town of Berlin; and Town of Berlin

The Hearing Officer's Report is amended as follows:

Delete the second paragraph.

Delete paragraphs 1-17.

Substitute the following:

ON SEPTEMBER 30, 2022, THE HEARING OFFICER ISSUED A REPORT OF HEARING OFFICER.

BY EMAIL CORRESPONDENCE DATED DECEMBER 13, 2022 AND FILED DECEMBER 14, 2022, THE COMPLAINANT WITHDREW HIS COMPLAINT.

THE COMMISSION TAKES ADMINISTRATIVE NOTICE OF THE COMPLAINANT'S WITHDRAWAL.

Delete paragraph 1 of the order in the Hearing Officer's Report.

Substitute the following:

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

Docket #FIC 2022-0091 Leah Cantor v. Commissioner, State of Connecticut, Department of Consumer Protection; and State of Connecticut, Department of Consumer Protection

Paragraph 16 of the Hearing Officer's report is amended as follows:

16. [Nevertheless, it is found that the complainant did not notify the Commission that she wished to withdraw her complaint with respect to the in camera records, described in paragraph 15, above, and the Commission has no evidence indicating that such records were actually received by the complainant.] **HOWEVER, THE RESPONDENTS DID NOT REQUEST TO REOPEN THE HEARING TO SUBMIT ADDITIONAL EVIDENCE OR REQUEST TO FILE AN AFTER-FILED EXHIBIT ATTESTING THAT SUCH RECORDS WERE**

PROVIDED TO THE COMPLAINANT. It is therefore concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., by withholding such in camera records, or portions thereof, from the complainant.