

TO: Freedom of Information Commission  
FROM: Jennifer M. Mayo  
RE: Minutes of the Commission's regular meeting of June 14, 2023.

A regular meeting of the Freedom of Information Commission was held on June 14, 2023. The Commission meeting of June 14, 2023 was conducted in person. The meeting convened at 2:09 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding  
Commissioner Matthew Streeter  
Commissioner Jonathan J. Einhorn  
Commissioner Christopher P. Hankins  
Commissioner Stephen Fuzesi, Jr.  
Commissioner Aigné Goldsby

Also present were staff members, Colleen M. Murphy, Valicia D. Harmon, Paula S. Pearlman, Danielle L. McGee, Mary-Kate Smith, Barbara Housen, Kevin Munn, Russell Blair, and Jennifer Mayo.

The Commissioners voted unanimously to approve the Commission's regular meeting minutes of May 24, 2023.

The Commissioners voted unanimously to approve the Commission's special meeting minutes of June 7, 2023.

Those in attendance were informed that the June 14, 2023, regular meeting of the Commission was being recorded.

[Docket #FIC 2022-0384](#) Richard Quint v. Commissioner, State of Connecticut, Department of Motor Vehicles; and State of Connecticut, Department of Motor Vehicles

Richard Quint appeared on his own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0082](#) William Bailey v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

Attorney Dina A. Scalo appeared on behalf the respondents. Attorney Thomas Bucci appeared on behalf of the intervenor. The Commissioners unanimously voted to approve two amendments to the hearing officer's report. The Commissioners voted 5-1 to approve a third amendment to the hearing officer's report. Commissioner Goldsby voted against the third amendment. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended.\* The proceedings were digitally recorded.

[Docket #FIC 2021-0130](#) Rachel de Leon v. Chief, Police Department, Town of Greenwich; Police Department, Town of Greenwich; and Town of Greenwich

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

[Docket #FIC 2021-0175](#) Robert Cushman v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

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

[Docket #FIC 2022-0295](#) Robert Cushman v. Jason Thody, Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

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

[Docket #FIC 2022-0266](#) Attie Lordan v. Corporation Counsel, Office of the Corporation Counsel, Town of West Hartford; Office of the Corporation Counsel, Town of West Hartford; and Town of West Hartford

Attie Lordan appeared on her own behalf. Attorney James Healy appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2022-0293](#) John Goodrich v. Rachel Franco, Member, Town Council, Town of Groton; and Town Council, Town of Groton

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

[Docket #FIC 2022-0314](#) John Goodrich v. Public Safety Committee, Town Council, Town of Groton; Town Council, Town of Groton; and Town of Groton

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

[Docket #FIC 2022-0404](#) Kirk Carr, John Noonan, and John Tartaglia v. Chair, Ridgefield Economic and Community Development Commission, Town of Ridgefield; Ridgefield Economic and Community Development Commission, Town of Ridgefield; and Town of Ridgefield

Kirk Carr appeared on his own behalf. Attorney Jason A. Buchsbaum 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 2022-0479](#) Remy Onopa v. Corporation Counsel, City of Meriden; and City of Meriden

The Commissioners voted 5-0 to adopt the Hearing Officer's Report. Commissioner Hankins recused himself. The proceedings were digitally recorded.

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) in *GerJuan Tyus 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*, Docket # FIC 2022-0303.

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) in *GerJuan Tyus v. Peter Reichard, Chief, Police Department, City of New London; Police Department, City of New London; and City of New London*, Docket # FIC 2022-0304.

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) in *Marli Rudko v. First Selectman, Town of Colchester; and Town of Colchester*, Docket # FIC 2022-0307.

Attorney Valicia D. Harmon reported on pending appeals.

Executive Director and General Counsel Colleen M. Murphy stated that the Commission extended an offer to Nicholas Smarra for the vacant staff attorney position, and that he accepted. He will join the Commission on June 30, 2023. She further stated that the Commission is in the process of interviewing for the vacant secretary position and that the posting for the Managing Director position has closed. Executive Director and General Counsel Colleen M. Murphy also informed the Commission that the legislature approved two new staff positions for the Commission, for a staff attorney and an administrative assistant.

Attorney Paula S. Pearlman reported on legislation and having an overall successful legislative session.

The meeting was adjourned at 5:01 p.m.

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Jennifer M. Mayo

MINREGmeeting 6/20/2023/jm

\*See attached for amendment

## AMENDMENTS

Docket #FIC 2020-0082 William Bailey v. Chief, Police Department, City of Bridgeport; Police Department, City of Bridgeport; and City of Bridgeport

Paragraph 76 of the Hearing Officer's report is amended as follows:

76. Upon careful in camera inspection, it is found that the following records constitute "erased records" within the meaning of §54-142a, G.S.: IC-2020-0082-33-B (all); IC-2020-0082-71-B (all); and IC-2020-0082-105-B (all)[,]. It is further found that **LINES 21-23 OF IC-2020-0082-4-B**; lines 17-19 and lines 37-39 of IC-2020-0082-91; **AND LINES 20-22 OF IC-2020-0082-123-B** also constitute "erased records" within the meaning of §54-142a, G.S. It is therefore concluded that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., when they declined to disclose such records to the complainant.

Paragraph 77 of the Hearing Officer's report is amended as follows:

77. It is further found that, after careful in camera inspection, the following records or portions thereof are not "erased records," and therefore are not exempt from disclosure pursuant to the provisions of §54-142a, G.S.:

IC-2020-0082-4-B (lines 1-[23]**20**);  
IC-2020-0082-8-B (all);  
IC-2020-0082-9-B: (lines 1-7);  
IC-2020-0082-15-B (all);  
IC-2020-0082-101-B (lines 4-5);  
IC-2020-0082-123-B (lines 1-[22]**19**);  
IC-2020-0082-176-B (lines 8-29);  
IC-2020-0082-177-B: (lines 1-7);  
IC-2020-0082-178-B (lines 13-16); and  
IC-2020-0082-200-B (lines 27-31)

Paragraph 104 of the Hearing Officer's report is amended as follows:

104. It is concluded therefore that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by declining to disclose a copy of the Polite records to the complainant[.] **-THAT IS, IC-2020-0082-1-P THROUGH IC-2020-0082-51-P AND 2020-0082-52-PVIDEOS.**

Paragraph 1 of the order of the Hearing Officer's report is amended as follows:

1. **WITHIN 45 DAYS OF THE NOTICE OF FINAL DECISION**, t[t]he respondents shall [forthwith] disclose to the complainant, free of charge, the records or portions thereof described in paragraphs 21, 33, 41, 44, 51, 59, 77, 83, 85, and 104 of the findings, above.

Docket #FIC 2022-0404 Kirk Carr, John Noonan, and John Tartaglia v. Chair, Ridgefield Economic and Community Development Commission, Town of Ridgefield; Ridgefield Economic and Community Development Commission, Town of Ridgefield; and Town of Ridgefield

Paragraph 6 of the Hearing Officer's report is amended as follows:

6. It is found that the complainants had filed a [special permit] **AMENDMENT** Application with the Planning and Zoning Commission for the Town of Ridgefield ("PZC") requesting it to amend the Town of Ridgefield's zoning regulations to prohibit all types of cannabis establishments within the town (the ["Special Permit"] "**AMENDMENT** Application").

Paragraph 7 of the Hearing Officer's report is amended as follows:

7. It is found that, by letter dated August 8, 2022 and received on August 11, 2022, the PZC requested that the ECDC provide input and testimony regarding the [Special Permit] **AMENDMENT** Application at a public hearing of the PZC scheduled for Tuesday, August 16, 2022.

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

16. It is found that the ECDC held a special meeting on August 16, 2022 at 8:00 a.m., during which the ECDC approved a statement in support of cannabis establishments in the Town of Ridgefield, which, in effect, was in opposition to the complainants' [Special Permit] **AMENDMENT** Application.

Paragraph 17 of the Hearing Officer's report is amended as follows:

17. It is found that the PZC held a public hearing on the [Special Permit] **AMENDMENT** Application on the evening of August 16, 2022, at which the chair of the ECDC presented the statement, described in paragraph 16, above, on behalf of the ECDC.

Footnote 1 of the Hearing Officer's report is amended as follows:

<sup>1</sup> The Commission notes that, at the contested case hearing, Complainant Carr acknowledged that prior to the PZC acting on the [Special Permit] **AMENDMENT** Application, the Town, through its Board of Selectmen, passed an ordinance banning cannabis establishments within the Town of Ridgefield and, as a result, cannabis establishments are not permitted in the Town of Ridgefield. It was further acknowledged that the PZC did not act on the [Special Permit] **AMENDMENT** Application until September 28, 2022, after the ECDC approved the second statement, described in paragraph 18, above.