

TO: Freedom of Information Commission
FROM: Jennifer Mayo
RE: Minutes of the Commission's regular meeting of November 15, 2023

A regular meeting of the Freedom of Information Commission was held on November 15, 2023. The Commission meeting of November 15, 2023 was conducted in person. The meeting convened at 2:08 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Kate Farrish
Commissioner Stephen Fuzesi Jr.
Commissioner Judith Ganswindt
Commissioner Aigné Goldsby
Commissioner Christopher P. Hankins
Commissioner Matthew Streeter

Also present were staff members Colleen M. Murphy, Valicia Harmon, Paula S. Pearlman, Danielle L. McGee, C. Zack Hyde, Mary-Kate Smith, Kevin W. Munn, Nicholas Smarra, and Jennifer Mayo.

The Commissioners voted unanimously to approve the Commission's corrected regular meeting minutes of October 11, 2023.

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

Those in attendance were informed that the November 15, 2023 regular meeting of the Commission was being recorded.

Docket #FIC 2022-0550 Ian Cooke v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Ian Cooke appeared on his own behalf. Attorney Colin Milne 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 2023-0224 Albert Farah 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 2021-0221 Kevin Curseaden v. Treasurer, Bay View Improvement Association; and Bay View Improvement Association

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

Docket #FIC 2022-0466 Brenda White v. Greg Amy, Chairman, Westfield Fire Commission; and Westfield Fire Commission

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

Docket #FIC 2022-0551 Robert Cushman v. Christopher Chute, Chief, Police Department, City of New Britain; Police Department, City of New Britain; and City of New Britain

Attorney Mary C. Pokorski appeared on behalf of the respondents. The Commissioners voted 6-1 to amend the Hearing Officer's Report. Commissioner Fuzesi voted against the amendment. The Commissioners voted 6-1 to adopt the Hearing Officer's Report as amended.* Commissioner Fuzesi voted against the amended Hearing Officer's Report. The proceedings were digitally recorded.

Docket #FIC 2022-0555 Cindy Zuerblis v. Commissioner, State of Connecticut, Department of Motor Vehicles; and State of Connecticut, Department of Motor Vehicles

Attorney Michelle C.H. Givens appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Docket #FIC 2022-0568 Katie Cameron v. Chief Court Administrator, Court Operations Division, State of Connecticut, Judicial Branch; and Court Operations Division, State of Connecticut, Judicial Branch

Attorney James O'Connor appeared on behalf of the respondents. The Commissioners voted 6-0 to adopt the Hearing Officer's Report. Commissioner Goldsby abstained from voting. The proceedings were digitally recorded.

Docket #FIC 2022-0572 Joseph A. Cafora, Mayor, Town of East Haven v. Executive Director, Tweed New Haven Airport Authority; and Tweed New Haven Airport Authority

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

Docket #FIC 2023-0016 Frank Heusser v. Chief, Police Department, City of Derby; Police Department, City of Derby; and City of Derby

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

Docket #FIC 2023-0021 Richard Kosinski v. Chairman, Connecticut State Board of Mediation and Arbitration; and Connecticut State Board of Mediation and Arbitration

Richard Kosinski appeared on his own behalf. Assistant Attorney General Richard Sponzo appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Attorney Mary-Kate Smith reported on the Consideration of Superior Court Memorandum of Decision in *Energy Policy Advocates v. Freedom of Information Commission*, HHB-CV-22-6073766-S (Oct. 26, 2023). The Commissioners took no action.

Attorney Valicia Harmon reported on pending appeals.

Executive Director Colleen M. Murphy reported that the Connecticut Foundation for Open Government was holding its second annual reception for the Mitchell Pearlman Freedom of Information Award on Thursday, November 16, 2023.

Executive Director Colleen M. Murphy also reported that the Commission is in the midst of filling a few positions.

The meeting was adjourned at 4:31 p.m.

/s/ Jennifer Mayo
Jennifer Mayo

AMENDMENTS

Docket #FIC 2022-0550 Ian Cooke v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Paragraph 42 of the Hearing Officer's Report is amended as follows:

42. It is further found, however, that the respondents exercised control over the personnel files at issue for purposes of responding to the complainant's request. It is found, **BASED ON THE TESTIMONY OF THE HR BUSINESS PARTNER**, that when DAS receives a request for records that are part of the personnel files of the respondents' employees, **IT IS THE GENERAL PRACTICE THAT DAS** notifies the respondents of such request and provides the respondents with the records that are responsive to the request. It is further found that the respondents review such records and decide what information, if any, to redact.

Docket #FIC 2022-0551 Robert Cushman v. Christopher Chute, Chief, Police Department, City of New Britain; Police Department, City of New Britain; and City of New Britain

Paragraph 45 of the Hearing Officer's Report is amended as follows:

45. It is found that the respondents are hampered by a heavy workload, that the complainant did not express a need to receive the requested records expeditiously, and that he had received, at least some of the records, from the Office of the State's Attorney. [Nevertheless,] **BASED UPON THE FACTS AND CIRCUMSTANCES OF THIS CASE**, it is found that a delay of almost nine months from the date the respondents' acknowledged receipt of the complainant's November 8th request to the date the final BWC videos were provided to the complainant was [not] prompt.

Paragraph 46 of the Hearing Officer's Report is amended as follows:

46. [Based on the facts and circumstances of this case, i] It is concluded **THEREFORE** that the respondents **DID NOT** violate[d] the promptness provisions of §§1-210(a) and 1-212(a), G.S., **UNDER THE FACTS AND CIRCUMSTANCES OF THIS CASE**.

Paragraph 3 of the order in the Hearing Officer's Report is amended as follows:

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