

TO: Freedom of Information Commission

FROM: Russell Blair

RE: Minutes of the Commission's regular meeting of August 13, 2025

A regular meeting of the Freedom of Information Commission was held on August 13, 2025. The Commission meeting of August 13, 2025 was conducted in person. The meeting convened at 2:07 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding  
Commissioner Jonathan J. Einhorn  
Commissioner Kate Farrish  
Commissioner Judith Ganswindt  
Commissioner Aigné Goldsby Wells (participated via speakerphone)  
Commissioner Christopher P. Hankins  
Commissioner Thomas A. Hennick  
Commissioner Matthew Streeter

Also present were staff members Colleen M. Murphy, Paula S. Pearlman, Valicia D. Harmon, Danielle L. McGee, C. Zack Hyde, Nicholas A. Smarra, Marybeth G. Sullivan, Paul V. Arce, Jennifer Mayo and Russell Blair.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of July 23, 2025.

The Commissioners voted 7-0 to approve the Commission's special meeting minutes of August 6, 2025. Commissioner Goldsby Wells abstained from the vote.

Those in attendance were informed that the August 13, 2025 regular meeting of the Commission was being recorded.

[Docket #FIC 2020-0176](#) Joseph Stephenson v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Joseph Stephenson appeared on his own behalf. Attorney Jennifer Lepore 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 2024-0516](#) Ira Alston v. Chairman, State of Connecticut, Board of Pardons and Paroles; and State of Connecticut, Board of Pardons and Paroles

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

Docket #FIC 2021-0051      Alec Ferretti v. Commissioner, State of Connecticut,  
Department of Public Health; and State of Connecticut,  
Department of Public Health

The Commissioners took no action. The matter was marked off prior to the meeting.

[Docket #FIC 2024-0565](#)      John Lenti v. Commissioner, State of Connecticut, Department  
of Correction; and State of Connecticut, Department of  
Correction

John Lenti appeared on his own behalf. Attorney Jennifer Lepore appeared on behalf of the respondents. The Commissioners voted 7-0 to adopt the Hearing Officer's Report. Commissioner Goldsby Wells was not present for the vote. The proceedings were digitally recorded.

Docket #FIC 2024-0492      Jennifer Malloy v. Chief, Police Department, Town of Wilton;  
Police Department, Town of Wilton; First Selectman, Board of  
Selectman, Town of Wilton; Board of Selectmen, Town of  
Wilton; and Town of Wilton

Jennifer Malloy appeared on her own behalf. Attorney Nicholas Bamonte appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0838](#)      Jennifer Malloy v. Thomas Conlan, Chief, Police Department,  
Town of Wilton; Police Department, Town of Wilton; and  
Town of Wilton

Jennifer Malloy appeared on her own behalf. Attorney Nicholas Bamonte appeared on behalf of the respondents. The Commissioners voted 7-0 to adopt the Hearing Officer's Report. Commissioner Goldsby Wells was not present for the vote. The proceedings were digitally recorded.

[Docket #FIC 2024-0501](#)      Laura Marozsan 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 2024-0503](#)      Maryanne Hornish v. Chair, Board of Fire Commissioners,

Town of Suffield; Board of Fire Commissioners, Town of Suffield; and Town of Suffield

Maryanne Hornish appeared on her own behalf. Attorney Robert Cane appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0517](#) Adam Osmond v. Daniel O'Keefe, Commissioner, State of Connecticut, Department of Economic and Community Development; and State of Connecticut, Department of Economic and Community Development

Adam Osmond appeared on his own behalf. Assistant Attorney General Philip Miller appeared on behalf of the respondents. The Commissioners voted 7-0 to amend the Hearing Officer's Report. The Commissioners voted 7-0 to adopt the Hearing Officer's Report as amended.\* Commissioner Goldsby Wells was not present for the votes. The proceedings were digitally recorded.

[Docket #FIC 2024-0522](#) Andy Thibault and CT Examiner; and Francisco Uranga and CT Examiner v. Michael Spera, Police Department, Town of Old Saybrook; Police Department, Town of Old Saybrook; and Town of Old Saybrook

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

[Docket #FIC 2024-0542](#) Kailani Carlson v. Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Kailani Carlson appeared on her own behalf. Attorney Colin Milne appeared on behalf of the respondents. The Commissioners voted 7-0 to adopt the Hearing Officer's Report. Commissioner Goldsby Wells was not present for the vote. The proceedings were digitally recorded.

[Docket #FIC 2024-0563](#) Jeffrey Tyler v. Chief, Police Department, Town of Clinton; Police Department, Town of Clinton; and Town of Clinton

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

[Docket #FIC 2024-0663](#) Hiram W. Peck III; and June D. Peck v. Michael A. Novak, Chairman, Zoning Board of Appeals, Town of Woodbury;

Zoning Board of Appeals, Town of Woodbury; and Town of Woodbury

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

[Docket #FIC 2025-0851](#) Timothy Townsend 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 2025-0092](#) Eric Desmond 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.

The Commissioners voted 7-0 to deny the Petition for Relief from Vexatious Requester in Town of Canterbury v. Paul Manocchio, PRVR #19. Commissioner Goldsby Wells was not present for the vote.

The Commissioners voted 7-0 to deny the Motion for Reconsideration and Stay of Order dated July 24, 2025 and received by the Commission on July 24, 2025, filed by Respondents in *Paul Manocchio v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut*, Docket #FIC 2024-0398. Commissioner Goldsby Wells was not present for the vote.

The Commissioners voted 7-0 to deny the Amended Petition for Reconsideration dated July 29, 2025 and received by the Commission on July 29, 2025, filed by Respondents in *John DiIorio v. Commissioner, State of Connecticut, Department of Banking; and State of Connecticut, Department of Banking*.

Executive Director Colleen M. Murphy reported that the Commission was finalizing its report on the legislative session that ended June 4, 2025, and would be circulating it to Commissioners shortly.

The meeting was adjourned at 4:57 p.m.

/s/ Russell Blair  
Russell Blair

## AMENDMENTS\*

[Docket #FIC 2020-0176](#)

Joseph Stephenson v. Commissioner, State of Connecticut,  
Department of Correction; and State of Connecticut,  
Department of Correction

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

1. Within **150** [45] days of the date of the Notice of Final Decision in this matter, the respondents shall commence a search for records responsive to the request described in paragraph 2(c) of the findings, above, and provide the complainant with copies of any responsive records which have not already been provided, free of charge. If the respondents do not locate additional responsive records, the respondents shall provide the complainant with an affidavit setting forth their determination and reasoning in support thereof.

[Docket #FIC 2024-0517](#)

Adam Osmond v. Daniel O'Keefe, Commissioner, State of  
Connecticut, Department of Economic and Community  
Development; and State of Connecticut, Department of  
Economic and Community Development

The Hearing Officer's Report is amended as follows:

*Paragraph 42:*

42. The respondents maintain that they have not denied the complainant access to the requested records and that the complainant was simply asked to prepay the fees associated with providing responsive records.<sup>5</sup> The respondents contend that in calculating such fees under the FOI Act they may charge 25 cents per page for printing the copies\_, as well as labor costs for employees' time reviewing and redacting exempt information from the requested records.] **THE RESPONDENTS ALSO CONTEND THAT UNDER §1-212, G.S., THEY MAY CHARGE THE HOURLY SALARY OF EMPLOYEES ENGAGED IN THE NECESSARY LABOR TO PROVIDE RESPONSIVE RECORDS, EXCEPT FOR LABOR ASSOCIATED WITH SEARCHING OR RETRIEVAL, OR WHEN THE FEE WAIVER PROVISIONS IN THE FOI ACT APPLY. ACCORDING TO THE RESPONDENTS, SUCH "LABOR COSTS" MAY INCLUDE EMPLOYEES' TIME FOR PREPARING, COLLATING, IDENTIFYING, FORMATTING<sup>6</sup>, REVIEWING, AND REDACTING EXEMPT INFORMATION FROM RESPONSIVE RECORDS.**

*Paragraph 50:*

50. With respect to the respondents' contention that the fee provisions in §1-212(b), G.S., are not exhaustive and by their terms permit them to charge for employees' time [reviewing and redacting public records,] **PREPARING, COLLATING, IDENTIFYING, FORMATTING<sup>9</sup>,**

**REVIEWING, AND REDACTING PUBLIC RECORDS**, the Commission disagrees, for the reasons set forth in paragraphs 51 through 58, below.

*Paragraph 53:*

53. Moreover, §1-212 (b)(1), G.S., only permits fees for the cost of “providing the computer-stored public record”, as requested. It is found that [review and redaction of public records does] **PREPARING, COLLATING, IDENTIFYING, FORMATTING<sup>11</sup>, REVIEWING, AND REDACTING PUBLIC RECORDS**, DO not constitute a cost of “providing” a copy of the computer-stored public record, as requested, within the meaning of §1-212(b)(1), G.S. Rather, the Commission believes that [review and redaction of public records] **SUCH TASKS** are part of an agency’s duty to promptly disclose all non-exempt records under the FOI Act. *See Commissioner, State of CT, Dept. of Emergency Services and Public Protection, et. al. v. FOI Commission, et al.*, Docket No. HHB-CV18-6047741-S (2020) (“An agency’s FOIA duty is a statutory duty or command. As such, it is not second class to any other statutory duty or command.”).

*Paragraph 56:*

56. Therefore, the logical conclusion to the statutory construction of the two lists contained in §1-212(b)(1), G.S., is that both are exhaustive, detailing what may be charged for the provision of computer-stored records and do not include costs for [review and redaction] **PREPARING, COLLATING, IDENTIFYING, FORMATTING<sup>12</sup>, REVIEWING, AND REDACTING**, as **SUCH TASKS ARE PART OF THE SEARCH AND RETRIEVAL PROCESS AN AGENCY IS REQUIRED TO UNDERGO IN FULFILLMENT OF ITS DUTY TO PROVIDE NON-EXEMPT ELECTRONIC RECORDS** [claimed by the respondents]. To read §1-212, G.S., as broadly as the respondents assert in this instance, would lend itself to an untenable construction of two non-exhaustive lists [, which lists each would necessarily include an unlimited set of overlapping services (i.e., services beyond the “formatting or programming functions” and the non-attributable “search or retrieval costs” may be delineated in both the list of services that may be charged for, as well as in the list of services that cannot be charged for)]. The Commission believes the legislature did not intend such an [untenable] outcome **AND THEREFORE CONCLUDES THAT SUCH TASKS CONSTITUTE "SEARCH OR RETRIEVAL" WITHIN THE MEANING OF §1-212, G.S., FOR WHICH THE RESPONDENTS MAY NOT CHARGE.**

*Paragraph 59:*

59. It is further concluded therefore that the respondents violated §§1-210(a) and 1-212, G.S., by conditioning the fulfillment of the requests on the complainant’s prepayment of fees, in an amount equal to the respondents’ employees’ time **PREPARING, COLLATING, IDENTIFYING, FORMATTING<sup>13</sup>**, reviewing the records for exempt information and potentially redacting certain information therein.

*Paragraph 83:*

83. The Commission has concerns regarding how the respondents proceeded with the complainant's records requests, particularly since the Commission is unaware of any other contested case since the passage of the electronic records and fee provisions in 1991, wherein §§1-211 and 1-212, G.S., have been interpreted as to allow public agencies to charge for [employees' time reviewing and redacting computer-stored records] **THE LABOR COSTS, DESCRIBED IN PARAGRAPH 42, ABOVE.**

*Footnote 6:*

**AS SET FORTH IN PARAGRAPH 45, BELOW, §1-212(b), G.S., DOES EXPLICITLY PERMIT AN AGENCY TO CHARGE FOR EMPLOYEES' TIME PERFORMING "FORMATTING OR PROGRAMMING". TO THE EXTENT THAT THE RESPONDENTS' ARGUMENTS CAN BE CONSTRUED AS A CLAIM THAT REDACTION OF PUBLIC RECORDS CONSTITUTES "FORMATTING OR PROGRAMMING", SUCH CLAIM IS ADDRESSED SEPARATELY, IN PARAGRAPHS 57 AND 58, BELOW; ALL OTHER PROPOSED CHARGES FOR LABOR COSTS ARE ADDRESSED IN PARAGRAPHS 51 TO 56, BELOW.**

*Footnote 9:*

**SEE FOOTNOTE 6, ABOVE.**

*Footnote 11:*

**SEE FOOTNOTE 6, ABOVE.**

*Footnote 12:*

**SEE FOOTNOTE 6, ABOVE.**

*Footnote 13:*

**SEE FOOTNOTE 6, ABOVE.**