

TO: Freedom of Information Commission
FROM: Mary E. Schwind
RE: Minutes of the Commission's regular meeting of June 13, 2018
DATE: June 15, 2018

A regular meeting of the Freedom of Information Commission was held on June 13, 2018, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:12 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jay Shaw (participated via speakerphone)
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Lenny T. Winkler
Commissioner Sean T. McElligott

Also present were staff members, Colleen M. Murphy, Victor R. Perpetua, Tracie C. Brown, Kathleen K. Ross, Paula S. Pearlman, Cindy Cannata, and Mary E. Schwind.

The Commissioners voted 5-0 to approve the Commission's regular meeting minutes of December 13, 2017. Commissioner Shaw did not participate in the vote.

Those in attendance were informed that the Commission does not ordinarily record the remarks made at its meetings, but will do so upon request.

[Docket #FIC 2017-0433](#)

Kacey Lewis v. Executive Director, State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; and State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care

The Commissioners voted 5-0 to adopt the Hearing Officer's Report. Commissioner Shaw did not participate in the matter.

[Docket #FIC 2017-0435](#)

Kacey Lewis v. Executive Director, State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; State of Connecticut, University of Connecticut

Health Center, Correctional Managed Health Care; Commissioner, State of Connecticut, Department of Correction; State of Connecticut; and Megan DeVyllder, Correctional Counselor, State of Connecticut, Department of Correction

The Commissioners voted 5-0 to amend the Hearing Officer's Report. The Commissioners then voted 5-0 to adopt the Hearing Officer's Report as amended.* Commissioner Shaw did not participate in the matter.

[Docket #FIC 2017-0441](#)

Kacey Lewis v. Executive Director, State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; Commissioner, State of Connecticut, Department of Correction; State of Connecticut; and Brian Moore, Correctional Counselor, State of Connecticut, Department of Correction

The Commissioners voted 5-0 to amend the Hearing Officer's Report. The Commissioners then voted 5-0 to adopt the Hearing Officer's Report as amended.* Commissioner Shaw did not participate in the matter.

[Docket #FIC 2017-0525](#)

Daryl McEntyre v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Daryl McEntyre participated via speakerphone. Attorney Nancy Kase O'Brasky appeared on behalf of the respondents. The Commissioners voted 5-0 to amend the Hearing Officer's Report. The Commissioners then voted 5-0 to adopt the Hearing Officer's Report as amended.* Commissioner Shaw did not participate in the matter. The proceedings were digitally recorded.

Docket #FIC 2017-0688

Cordaryl Silva v. Dora Schirri, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Cordaryl Silva participated via speakerphone. The Commissioners voted 5-0 to reopen the matter. Commissioner Shaw did not participate in the matter. The proceedings were digitally recorded.

[Docket #FIC 2017-0377](#)

Coco Socorro Barron v. Chairman, Ridgefield Housing Authority; and Ridgefield Housing Authority

Coco Socorro Barron appeared on her own behalf. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2017-0393](#)

Ed Schwing v. Chairman, Building Committee, Town of Haddam; Building Committee, Town of Haddam; and Town of Haddam

Ed Schwing appeared on his own behalf. Attorney Richard Carella appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2017-0423](#)

Lorraine Tirella v. Arnold Jensen, Chairman, Planning and Zoning Commission, Town of Oxford; Planning and Zoning Commission, Town of Oxford; and Town of Oxford

The Commissioners voted 5-0 to adopt the Hearing Officer's Report. Commissioner Shaw did not participate in the matter.

[Docket #FIC 2017-0479](#)

Carolyn Sires v. Executive Director, Housing Authority, Town of Branford; and Housing Authority, Town of Branford

This matter was marked off. The Commissioners took no action.

[Docket #FIC 2017-0687](#)

Michael Crooker v. Executive Director, Connecticut Airport Authority; and Connecticut Airport Authority

The Commissioners voted 5-0 to adopt the Hearing Officer's Report. Commissioner Shaw did not participate in the matter.

[Docket #FIC 2018-0024](#)

E. Gregory Cerritelli v. Chief, Police Department, City of Hartford; Police Department, City of Hartford; and City of Hartford

The Commissioners voted 5-0 to adopt the Hearing Officer's Report. Commissioner Shaw did not participate in the matter.

Colleen Murphy reported on pending appeals.

The meeting was adjourned at 3:02 p.m.

Mary E. Schwind

* See Attached for amendments

MINREGmeeting 06132018/mes/06152018

AMENDMENTS

Docket #FIC 2017-0435 Kacey Lewis v. Executive Director, State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; Commissioner, State of Connecticut, Department of Correction; State of Connecticut; and Megan DeVyllder, Correctional Counselor, State of Connecticut, Department of Correction

The introductory paragraph in the Hearing Officer's Report is amended as follows:

The above-captioned matter was heard as a contested case on January 16, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. **FOLLOWING THAT HEARING, THE HEARING OFFICER, ON HIS OWN MOTION, ADDED MEGAN DEVYLLDER AS A RESPONDENT. THEREAFTER, A CONTINUED HEARING WAS CONDUCTED ON MARCH 2, 2018.** The case was consolidated for hearing with Docket #FIC 2017-0433, *Kacey Lewis v. State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care et al.*, and Docket #FIC 2017-441, *Kacey Lewis v. State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care et al.* The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, *Anthony Sinchak v. FOIC et al*, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

Docket #FIC 2017-0441 Kacey Lewis v. Executive Director, State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care; Commissioner, State of Connecticut, Department of Correction; State of Connecticut; and Brian Moore, Correctional Counselor, State of Connecticut, Department of Correction

The introductory paragraph in the Hearing Officer's Report is amended as follows:

The above-captioned matter was heard as a contested case on January 16, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented

testimony, exhibits and argument on the complaint. **FOLLOWING THAT HEARING, THE HEARING OFFICER, ON HIS OWN MOTION, ADDED BRIAN MOORE AS A RESPONDENT. THEREAFTER, A CONTINUED HEARING WAS CONDUCTED ON MARCH 2, 2018.** The case was consolidated for hearing with Docket #FIC 2017-0433, *Kacey Lewis v. State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care et al.*, and Docket #FIC 2017-435, *Kacey Lewis v. State of Connecticut, University of Connecticut Health Center, Correctional Managed Health Care et al.* The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, *Anthony Sinchak v. FOIC et al*, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

Docket #FIC 2017-0525

Daryl McEntyre v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Paragraph 13 of the Hearing Officer's report is amended as follows:

13. At the hearing on this matter, witnesses for the respondent testified, and it is found, that the complainant is a [part of an on-going security investigation] **PERSON OF INTEREST IN AN ONGOING INVESTIGATION PERTAINING TO SECURITY WITHIN THE RESPONDENT DEPARTMENT** and that disclosure of the requested records would compromise the investigation and the respondents' efforts to maintain security within the prison. The witnesses for the respondents also testified, and it is found, that disclosure of the records would highlight who and what they are investigating, which would allow the subjects of the investigation **TO** be "tipped off" and that people are presently at risk because of the contraband that is also a subject of the investigation.