

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of November 14, 2018

A regular meeting of the Freedom of Information Commission was held on September 14, 2018, in the Freedom of Information Hearing Room, 18-20 Trinity Street, Hartford, Connecticut. The meeting convened at 2:10 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

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Kathleen K. Ross, Valicia D. Harmon, Lisa F. Siegel, Paula S. Pearlman, Cindy Cannata, and Thomas A. Hennick.

The Commissioners voted to approve the Commission's regular meeting minutes of October 24, 2018, 4-0-1. Commissioner Winkler abstained.

The Commissioners voted to approve the Commission's special meeting minutes of November 7, 2018, 4-0-1. Commissioner Winkler abstained.

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

[Docket #FIC 2018-0130](#)

David Taylor 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 unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2017-0702](#)

Yvonne Perkins v. Chief, Police Department, City of Danbury; Police Department, City of Danbury; and City of Danbury

Dameisha Moore appeared on behalf of the complainant. Attorneys Randall DiBella and Dianne Rosemark appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0703](#) Michael Baptiste v. Chief, Police Department, City of Danbury;
Police Department, City of Danbury; and City of Danbury

Dameisha Moore appeared on behalf of the complainant. Attorneys Randall DiBella and Dianne Rosemark appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2017-0704](#) Dameisha Moore v. Chief, Police Department, City of Danbury;
Police Department, City of Danbury; and City of Danbury

Dameisha Moore appeared on her own behalf. Attorneys Randall DiBella and Dianne Rosemark appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0001](#) Matthew Kauffman, Don Stacom and The Hartford Courant v. Chief,
Police Department, City of New Britain; Police Department, City of
New Britain; and City of New Britain

Matthew Kauffman appeared on behalf of the complainants. Attorney Joseph Skelly 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 recorded digitally.

[Docket #FIC 2018-0053](#) Jay Hardison v. Michael Harmon, Chairman, Board of Education,
Darien Public Schools; and Board of Education, Darien Public
Schools

Jay Hardison appeared on his own behalf. Attorney Thomas Mooney 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 recorded digitally.

[Docket #FIC 2018-0067](#) Steven Lance, Hope Metcalf and Allard K. Lowenstein
International Human Rights Clinic 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.

[Docket #FIC 2018-0094](#)

Paula Paolino v. Chairman, Board of Education, Regional School District #14; and Board of Education, Regional School District # 14

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0116](#)

Michael Boucher v. Mayor, City of Groton; and City of Groton

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0161](#)

Cecil Young and Patricia Young v. Mayor, City of Bridgeport; and City of Bridgeport

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0178](#)

Todd Steigman v. 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.

[Docket #FIC 2018-0214](#)

Shawn Murphy v. Michael Urgo, First Selectman, Town of North Stonington; and Town of North Stonington

The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0262](#)

William Dunn v. Mayor, Town of Plymouth; and Town of Plymouth

William Dunn appeared on his own behalf. 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.* The proceedings were recorded digitally. Commissioner Shaw did not participate in this matter.

[Docket #FIC 2018-0219](#)

Carmen Lopez v. Denise Taylor-Moye, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Maria Zambrano-Viggiano, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Jeannette Herron, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Mary McBride-Lee, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Thomas McCarthy, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Christina C. Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Nessah Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Budget and Appropriations Committee, City Council, City of Bridgeport; and City of Bridgeport

Carmen Lopez appeared on her own behalf. Attorney Michael Janovsky 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.* The proceedings were recorded digitally. Commissioner Shaw did not participate in this matter.

[Docket #FIC 2018-0221](#)

Maria Pereira v. Denise Taylor-Moye, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Maria Zambrano-Viggiano, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Jeannette Herron, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Mary McBride-Lee, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Thomas McCarthy, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Christina C. Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Nessah Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Budget and Appropriations Committee, City Council, City of Bridgeport; and City of Bridgeport

Maria Pereira appeared on her own behalf. Attorney Michael Janovsky 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.* The proceedings were recorded digitally. Commissioner Shaw did not participate in this matter.

The Commissioners voted, 4-0, to reject the respondents' petition for an Administrative Appeal to the Full Freedom of Information Commission from the Rulings of Hearing Officer re: *In Camera Inspection and Orders Denying Reconsideration* in Docket #FIC 2018-0199, Kevin Ollie v. President, State of Connecticut, Office of the President, University of Connecticut; and State of Connecticut, Office of the President, University of Connecticut. Commissioner Shaw did not participate in this matter. The proceeding was recorded digitally.

The consideration of a Notice of Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in *David Godbout v. Chairman, State of Connecticut, Freedom of Information Commission; and State of Connecticut, Freedom of Information Commission*, Docket # FIC 2018-0071 was removed from the agenda as the matter was withdrawn by the complainant.

Consideration of Notice of Request to Summarily Deny Leave to Schedule a Hearing Pursuant to Connecticut General Statutes §1-206(b)(2) in *David Godbout v. Governor, State of Connecticut, Office of the Governor; and State of Connecticut, Office of the Governor*, Docket # FIC 2018-0072 was removed from the agenda.

Colleen M. Murphy reported on pending appeals.

Colleen M. Murphy reported that she and staff members Mary Schwind, Paula Pearlman and Thomas Hennick would be attending the annual COGEL Conference in Philadelphia December 9-12.

The meeting was adjourned at 5:30 p.m.

Thomas A. Hennick
MINREGmeeting 11142018/tah/11192018

* See attached for amendments

AMENDMENTS

[Docket #FIC 2018-0001](#)

Matthew Kauffman, Don Stacom and The Hartford Courant v. Chief, Police Department, City of New Britain; Police Department, City of New Britain; and City of New Britain

The Hearing Officer's Report is amended as follows:

The above-captioned matter was heard as a contested case on March 9, 2018, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

A REPORT OF HEARING OFFICER DATED OCTOBER 25, 2018, ADDRESSING THE MERITS OF THE CASE, WAS ISSUED TO THE PARTIES. BY LETTER DATED NOVEMBER 6, 2018, THE COMPLAINANTS WITHDREW THE COMPLAINT IN THIS MATTER. THE COMMISSION TAKES ADMINISTRATIVE NOTICE OF SUCH LETTER.

BY EMAIL DATED NOVEMBER 7, 2018, THE RESPONDENTS OBJECTED TO THE WITHDRAWAL AND REQUESTED THAT THE COMMISSION PROCEED TO CONSIDER THE MERITS OF THE CASE. THE COMMISSION TAKES ADMINISTRATIVE NOTICE OF SUCH EMAIL.

THE COMMISSION MAY NOT RENDER A FINAL DECISION ON THE MERITS IN THE ABSENCE OF A CONTESTED CASE. DEPARTMENT OF PUBLIC SAFETY V. FREEDOM OF INFORMATION COMMISSION, 103 Conn. App. 571, 581 (2007).

Paragraphs 1-21 are deleted.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. BASED ON THE WITHDRAWAL OF THE COMPLAINT, THE COMPLAINT IS DISMISSED. [The respondents shall forthwith provide copies of the records described in paragraphs 8(e) and (f) to the complainants.]

[Docket #FIC 2018-0053](#)

Jay Hardison v. Michael Harmon, Chairman, Board of Education, Darien Public Schools; and Board of Education, Darien Public Schools

The Hearing Officer's Report is amended as follows:

13. It is found that **CONSIDERING THE SENDERS, RECIPIENTS, AND TOPICS DISCUSSED**, [each of]the three emails **IN QUESTION CONSIDERED TOGETHER WERE** [was] a "communication . . . to a quorum of a multimember public agency" by way of "electronic equipment, to discuss . . . a matter over which the [Board] has supervision, control, jurisdiction or advisory power," within the meaning of §1-200(2), G.S. Accordingly, it is found that these matters should have been discussed a properly noticed public meeting.

14. With regard to [each of] the three emails **CONSIDERED TOGETHER**, it is concluded that the respondents violated §1-225(a), G.S., of the FOI Act by conducting unnoticed meetings.

[Docket #FIC 2018-0219](#)

Carmen Lopez v. Denise Taylor-Moye, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Maria Zambrano-Viggiano, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Jeannette Herron, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Mary McBride-Lee, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Thomas McCarthy, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Christina C. Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Nessah Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Budget and Appropriations Committee, City Council, City of Bridgeport; and City of Bridgeport

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

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

2. [Forthwith,] T[t]he respondents shall, **WITHIN 75 DAYS OF THE RECEIPT OF THE FINAL DECISION IN THIS MATTER**, create minutes of the executive session held during its May 2, 2018 meeting, to include a detailed account of the discussions that took place, including the names of the cases discussed, and further, shall forthwith file such minutes with the town clerk and provide a copy, free of charge, to the complainant.

[Docket #FIC 2018-0221](#)

Maria Pereira v. Denise Taylor-Moye, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Maria Zambrano-Viggiano, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Jeannette Herron, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Mary McBride-Lee, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Thomas McCarthy, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Christina C. Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Nessah Smith, as member, Budget and Appropriations Committee, City Council, City of Bridgeport; Budget and Appropriations Committee, City Council, City of Bridgeport; and City of Bridgeport

The order in the Hearing Officer’s Report is amended as follows:

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

2. [Forthwith,] T[t]he respondents shall, **WITHIN 75 DAYS OF THE RECEIPT OF THE FINAL DECISION IN THIS MATTER**, create minutes of the executive session held during its May 2, 2018 meeting, to include a detailed account of the discussions that took place, including the names of the cases discussed, and further, shall forthwith file such minutes with the town clerk and provide a copy, free of charge, to the complainant.

[Docket #FIC 2018-0262](#)

William Dunn v. Mayor, Town of Plymouth; and Town of Plymouth

The order in the Hearing Officer’s Report is amended as follows:

3. The respondent mayor shall, within thirty days of the date of the Notice of Final Decision in this matter, contact the Commission to schedule a training session to be conducted by Commission staff and to be attended by the mayor and the mayor’s staff. Such session shall be open to the public and the respondents’ counsel is strongly encouraged to attend as well.