

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's regular meeting of February 13, 2020

A regular meeting of the Freedom of Information Commission was held on February 13, 2020, 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 Stephen Fuzesi Jr.
Commissioner Victoria W. Chavey

Also present were staff members, Colleen M. Murphy, Mary E. Schwind, Victor R. Perpetua, Valicia D. Harmon, Kathleen K. Ross, Paula S. Pearlman, Matthew D. Reed, Danielle L. McGee, Cindy Cannata, and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of January 22, 2020.

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 2019-0115](#)

Luis Salaman v. Anthony Campbell, Chief, Police Department, City of New Haven; Police Department, City of New Haven; and City of New Haven

Luis Salaman participated via speakerphone. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0311](#)

Jean Conquistador v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Jean Conquistador appeared on his own behalf. Attorney Tracie Brown appeared on behalf of the respondents. The Commissioners voted, 5-1, to adopt the Hearing Officer's Report. Commissioner Hankins voted against adoption. The proceedings were recorded digitally.

[Docket #FIC 2019-0479](#)

Jean Karlo Conquistador v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Jean Karlo Conquistador appeared on his own behalf. Attorney Tracie Brown appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2019-0412](#)

Angelo Reyes v. John Alston, Jr., Chief, Fire Department, City of New Haven; and Fire Department, City of New Haven

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

[Docket #FIC 2019-0180](#)

Kevin DeRoehn v. Chief, Morris Fire Company; and Morris Fire Company

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

[Docket #FIC 2019-0190](#)

Naimah Shabazz v. Superintendent of Schools, Hartford Public Schools; Hartford Public Schools; and Director of Human Resources, Hartford Public Schools

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

[Docket #FIC 2019-0369](#)

Christopher Peak and New Haven Independent v. Principal, Amistad Academy; and Amistad Academy

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

[Docket #FIC 2019-0414](#)

Jonathan Shugarts and The Republican-American Newspaper 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

Jonathan Shugarts appeared behalf of the complainants. Attorney Jay DonFrancisco appeared on behalf of the respondents. The Commissioners twice voted, 5-0, to amend the Hearing Officer's Report. The Commissioners voted, 5-0, to adopt the Hearing Officer's Report as amended.* Commissioner Shaw did not participate in this matter. The proceedings were recorded digitally.

[Docket #FIC 2019-0609](#)

Kate Field and Connecticut Education Association v. Superintendent of Schools, East Haddam Public Schools; and East Haddam Public Schools

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

The Commissioners voted, 5-0, to deny, due to mootness, a request to expedite consideration of Docket #FIC 2019-0271, Kristen Festa v. Executive Director, State of Connecticut, Office of Legislative Management; and State of Connecticut, Office of Legislative Management. Commissioner Shaw did not participate in this matter.

Colleen M. Murphy reported that Commissioners Eagan, Fuzesi and Chavey had appeared before the Executive and Legislative Nominations Committee.

The meeting was adjourned at 3:25 p.m.

Thomas A. Hennick
MINREGmeeting 02132020/tah/02142020

* See attached for amendments

AMENDMENTS

[Docket #FIC 2019-0414](#)

Jonathan Shugarts and The Republican-American Newspaper 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

Paragraph 19 of the Hearing Officer's Report is amended as follows:

19. It is found that the respondents' practice of asking the state's attorney if a report can be released is not an action sanctioned by statute. Instead, §1-215(d), G.S., directs the agency only to provide written notice to the state's attorney of the district where the arrest occurred, when there is a request for any other public record [other than those described in §1-215(a)[,] **AND** (b), [or (c),] G.S., as referenced in paragraph 15 above] of a law enforcement agency that documents or depicts the arrest or custody of a person during the period in which the prosecution of such person is pending." The statute authorizes the state's attorney the opportunity to intervene in any proceeding before the FOI Commission concerning such request.

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

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

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

1. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.
2. The respondents shall conduct a review of their response to a request for records when prosecution is pending and shall ensure such records are disclosed promptly pursuant to §1-215, G.S.
- 3. IN ADDITION, WITHIN 30 DAYS OF THE NOTICE OF THE FINAL DECISION IN THIS MATTER, THE RESPONDENTS SHALL CONTACT THE COMMISSION TO ARRANGE FOR TRAINING TO BE CONDUCTED BY COMMISSION STAFF FOR ALL PERSONNEL WHO ARE RESPONSIBLE FOR HANDLING FREEDOM OF INFORMATION REQUESTS ON BEHALF OF THE RESPONDENTS.**