

MINUTES

Mailed

08-10-78

TO: FREEDOM OF INFORMATION COMMISSION
FROM: LESLIE ANN MCGUIRE
RE: MINUTES OF REGULAR MEETING HELD ON JULY 26, 1978

A regular meeting of the Freedom of Information Commission was held in the Commission Hearing Room, July 26, 1978. The meeting was convened at 2:10 p.m. The following Commissioners were present:

Commissioner Judith Lahey, Acting Chairman
Commissioner Donald Friedman
Commissioner William Clew
Commissioner John Rogers

Also present were staff attorneys Mitchell Pearlman, Albert Lenge and Constance Chambers; and Leslie McGuire as secretary.

The Commissioners unanimously adopted the minutes of the Freedom of Information Commission's regular meeting of July 12, 1978.

The Commissioners considered the following Hearing Officer's Reports:

Docket #FIC77-202 Alexander Goldfarb vs. State of Connecticut;
Public Utilities Control Authority and Henry
Mierzwa, Executive Secretary, Public Utilities
Control Authority

The Commissioners unanimously adopted the Hearing Officer's Report.

Docket #FIC78-21 Erwin E. Fuller vs. State of Connecticut; and
the Department of Motor Vehicles of the State
of Connecticut; and the Assistant Division
Chief of the Department of Motor Vehicles

The Commissioners unanimously adopted the Hearing Officer's Report.

Docket #FIC78-51 Clifford Drye vs. City and Town of Bridgeport;
and Police Department of the City and Town of
Bridgeport; and Records Clerk of the City and
Town of Bridgeport

The Commissioners unanimously adopted the Hearing Officer's Report.

Commissioner Helen Loy arrived at approximately 2:20 p.m.

Docket #FIC78-70 Robert J. Bailyn vs. Town of New Fairfield;
Board of Selectmen of the Town of New Fair-
field

The Commissioners unanimously adopted the Hearing Officer's Report.

Docket #FIC78-87 Satyakam Sen vs. State of Connecticut; Northwestern Connecticut Community College and the President, Northwestern Connecticut Community College

The Commissioners unanimously adopted the Hearing Officer's Report.

The Commission recessed from 2:37 to 2:40.

Docket #FIC78-54 Randall Meridith vs. Town of New Canaan; Chief of Police of the Town of New Canaan; and Police Commission of the Town of New Canaan

Attorney Stephen A. Wise appeared on behalf of the complainant.

The Commissioners unanimously adopted the Hearing Officer's Report as amended.

Docket #FIC78-55 The Torrington Citizen's Educational League, Inc. vs. Board of Education of the City of Torrington

Docket #FIC78-85 Eva Hudak vs. State of Connecticut; and the Permanent Commission on the Status of Women of the State of Connecticut

Eva Hudak appeared on behalf of the complainant in Docket #FIC78-55 and on her own behalf in Docket #FIC78-85.

The Commissioners unanimously adopted the Hearing Officer's Report as corrected and amended on Docket #FIC78-55.

Commissioners Loy, Lahey, Friedman, and Clew voted to adopt the Hearing Officer's Report on Docket #FIC78-85. Commissioner Rogers was not present for the vote.

The Commission recessed from 3:26 to 3:31.

Docket #FIC78-69 Ilse M. Kern and the Guilford Taxpayers Association vs. Town of Guilford; the School Board of the Town of Guilford; and the Superintendent of Schools of the Town of Guilford

Ilse M. Kern appeared on her own behalf and William Connon appeared on behalf of the respondent board. At the complainant's request, the Commission's proceedings on this matter were tape-recorded.

The Commissioners unanimously adopted the Hearing Officer's Report.

The Commission recessed from 3:55 to 4:00.

Docket #FIC78-80 John Bourque vs. Town of Manchester; and the
Town Manager of the Town of Manchester

Attorney William Shea appeared on behalf of the respondents and Charles McCarthy appeared on behalf of the town. John Bourque appeared on his own behalf.

Commissioner Loy, Lahey, Friedman, and Clew voted to adopt the Hearing Officer's Report as amended. Commissioner Rogers abstained.

Docket #FIC78-81 Bridgeport Watchdog Committee on Government
Affairs vs. City and Town of Bridgeport; the
Director of Public Works of the City and Town
of Bridgeport; and the Department of Public
Works of the City and Town of Bridgeport

James McCarthy appeared on his own behalf.

The Commissioners unanimously adopted the Hearing Officer's Report as amended.

Docket #FIC78-83 Mrs. Paul Manganella and the New England
Furniture vs. Town of North Branford; the
Police Department of the Town of North
Branford; and the Chief of Police of the
Town of North Branford

Attorney John Esposito and Chief of Police Wilbur F. Barrett appeared for the respondents. Mrs. Paul Manganella appeared on her own behalf. At the request of Mrs. Manganella, the Commission's proceedings on this matter were tape-recorded.

The Commissioners unanimously adopted the Hearing Officer's Report as amended.

Docket #FIC78-99 Mrs. Diane Handley, Mrs. Ann Hutchason and Rev.
James A. Davis vs. Governor of the State of
Connecticut

After consideration of a letter filed by the complainants, the Commissioners unanimously adopted the Hearing Officer's Report.

Docket #FIC78-114 CBS News and Paul L. Loewenwarter vs. State of
Connecticut and Commissioner of the State Police
Department of the State of Connecticut

Captain Paul Seaman appeared on behalf of the State Police Department. Paul L. Loewenwarter appeared on behalf of CBS News and himself. Attorney Austin McGuigan appeared on behalf of the Chief State's Attorney and, upon his motion to be made a party, the Commissioners unanimously voted to grant him intervenor status in this matter. The parties and the intervenor offered argument on the substance of the decision and the request that the Chief State's Attorney to be made a party to this matter. Attorney Pearlman suggested that the Commission recess in order to draft a consent order in view of the respective positions stated in argument.

The Commission recessed from 5:35 to 5:45 p.m.

The Commissioners unanimously entered the following consent order which was agreed to by the parties and the intervenor, and which was tape-recorded as part of the record in the above-captioned matter:

1. The Hearing Officer withdraws her report and the Commission retains jurisdiction over this matter as a contested case.

2. The respondent State Police Commissioner shall provide the complainants with access to inspect all materials within his custody or possession which fall within the purview of the complainants' request and which were developed by the State Police Department prior to the convening of the grand jury investigation into the death of Keven Showalter. The respondent Commissioner may withhold from disclosure those portions of such records for which there is a claimed exemption under the Freedom of Information Act, including the names and identities of confidential informants.

3. The respondent State Police Commissioner shall also provide the complainants with access to inspect all other materials within his custody or possession which fall within the purview of the complainants' request. The respondent Commissioner may withhold from disclosure those portions of such records which he or the grand juror claim are exempt under the Freedom of Information Act, including the names and identities of confidential informants.

4. With respect to each record for which there is a claimed exemption and to which disclosure is withheld pursuant to paragraphs 2 and 3 of this consent order, it shall be the responsibility of the respondent State Police Commissioner, or grand juror, as the case may be, to identify for the complainants such withheld material, without divulging the exempt contents thereof, and to inform them of the specific exemption claimed.

5. The complainants may re-open the hearing into this matter with respect to any requested material withheld under the terms of this consent order.

6. The respondent State Police Commissioner shall provide the complainants with access to inspect the requested material starting August 1, 1978, with the expectation that such inspection shall be concluded by January 1, 1979.

After adoption of the consent order the Commissioners unanimously granted the Intervenor, Austin McGuigan, the status of party.

Commissioner Lahey left the meeting at 5:55 p.m.

The Commissioners considered a request from Joseph Mannello and Peter Galullo of Waterbury for an advisory opinion. Both Mr. Mannello and Mr. Galullo appeared before the Commission on this request. The remaining Commissioners voted unanimously to deny their request, but agreed to send an official letter from the Commission to the Corporation Counsel of the City of Waterbury and to the City Clerk of the City of Waterbury on the subject of the Commission's past decisions and advisory opinions on the subject of the minutes of executive sessions.

The remaining Commissioners unanimously voted to table the remaining matters on the agenda, to be considered at the next regular meeting of the Commission.

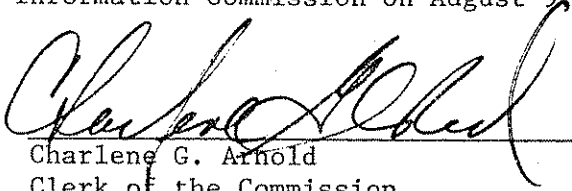
The Commissioners adjourned the meeting at 6:05 p.m.

Respectfully submitted,



Leslie Ann McGuire
Secretary

Approved by order of the Freedom of Information Commission on August 9, 1978.



Charlene G. Arnold
Clerk of the Commission