

TO: Freedom of Information Commission
FROM: Thomas A. Hennick
RE: Minutes of the Commission's special meeting of December 19, 2018

A special meeting of the Freedom of Information Commission was held on December 19, 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 Jonathan J. Einhorn
Commissioner Matthew Streeter
Commissioner Christopher P. Hankins
Commissioner Lenny T. Winkler

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

The Commissioners voted to approve the Commission's regular meeting minutes of November 14, 2018, 5-0. Commissioner Einhorn did not participate in this matter.

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 2018-0084](#)

Cordaryl Silva v. Kevin Hale, Chief, Police Department, City of Ansonia; Police Department, City of Ansonia; City of Ansonia; Commissioner, 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. Assistant Attorney General Terrence O'Neill appeared on behalf of the respondent State of Connecticut, Department of Emergency Services and Public Protection. The Commissioners voted, 5-0, to adopt the Hearing Officer's Report. The proceedings were recorded digitally. Commissioner Einhorn did not participate in this matter.

[Docket #FIC 2018-0247](#)

Cordaryl Silva v. Kevin Hale, Chief, Police Department, City of Ansonia; Police Department, City of Ansonia; and City of Ansonia

Cordaryl Silva participated via speakerphone. The Commissioners voted, 5-0, to adopt the Hearing Officer's Report. The proceedings were recorded digitally. Commissioner Einhorn did not participate in this matter.

[Docket #FIC 2018-0155](#)

Charles Fonck, III v. Scott Semple, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Charles Fonck participated via speakerphone. 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 2018-0177](#)

Marwan Chankar v. Dora B. Schriro, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

Marwan Chankar participated via speakerphone. Assistant Attorney General Terrence O'Neill and Attorney Colin Milne appeared on behalf of the respondents. The Commissioners voted, 5-1, to amend the Hearing Officer's Report. The Commissioners voted, 5-1, to adopt the Hearing Officer's Report as amended.* Commissioner Winkler voted no on both matters. The proceedings were recorded digitally.

[Docket #FIC 2018-0026](#)

Jesse Buchanan and The Record-Journal Publishing Company v. Chief, Police Department, Town of Cheshire; Police Department, Town of Cheshire; and Town of Cheshire

Jesse Buchanan appeared on behalf of the complainants. Attorney Joseph Szerejko appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report.

[Docket #FIC 2018-0035](#)

Josh Kovner and the Hartford Courant v. Commissioner, State of Connecticut, Department of Mental Health and Addiction Services; and State of Connecticut, Department of Mental Health and Addiction Services

Assistant Attorney General Walter Menjivar appeared on behalf of the respondents. The Commissioners voted, 5-0, to adopt the Hearing Officer's Report. The proceedings were recorded digitally. Commissioner Einhorn recused himself from this matter.

[Docket #FIC 2018-0106](#)

Seth Kershner v. Commissioner, State of Connecticut,
Department of Correction; and State of Connecticut, Department
of Correction

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

[Docket #FIC 2018-0134](#)

Shawn Dowdell v. Commissioner, State of Connecticut,
Department of Emergency Services and Public Protection; and
State of Connecticut, Department of Emergency Services and
Public Protection

Attorney Dan Barrett appeared on behalf of the complainant. Assistant Attorney General Terrence O'Neill and Attorney Joseph Skelly appeared on behalf of the respondents. The Commissioners voted, 4-2, to remand the matter to the Hearing Officer with the suggestion that the respondents be required to cite exemptions and present objections to the release of specific records. Commissioners Streeter and Winkler voted against remand. The proceedings were recorded digitally.

[Docket #FIC 2018-0136](#)

Shawn Dowdell v. Chief, Police Department, City of New
Britain; Police Department, City of New Britain; and City of
New Britain

Attorney Dan Barrett appeared on behalf of the complainant. Assistant Attorney General Terrence O'Neill and Attorney Joseph Skelly appeared on behalf of the respondents. The Commissioners voted, 4-2, to remand the matter to the Hearing Officer with the suggestion that the respondents be required to cite exemptions and present objections to the release of specific records. Commissioners Streeter and Winkler voted against remand. The proceedings were recorded digitally.

[Docket #FIC 2018-0168](#)

Sherene Fagon v. Chief, Police Department, City of New Britain;
Police Department, City of New Britain; and City of New Britain

Attorney Dan Barrett appeared on behalf of the complainant. Assistant Attorney General Terrence O'Neill and Attorney Joseph Skelly appeared on behalf of the respondents. The Commissioners voted, 4-2, to remand the matter to the Hearing Officer with the suggestion that the respondents be required to cite exemptions and present objections to the release of specific records. Commissioners Streeter and Winkler voted against remand. The proceedings were recorded digitally.

[Docket #FIC 2018-0148](#)

David Markatos v. Chairman, Planning and Zoning Commission, Town of New Canaan; Planning and Zoning Commission, Town of New Canaan; Town Planner, Town of New Canaan; and Town of New Canaan

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

[Docket #FIC 2018-0172](#)

James Boster v. Executive Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities

Attorney Michael Roberts appeared on behalf of the respondents. The Commissioners voted unanimously to amend the Hearing Officer's Report. The Commissioners voted unanimously to adopt the Hearing Officer's Report as amended.* The proceedings were recorded digitally.

[Docket #FIC 2018-0196](#)

William Choma, Jr. v. President, Princess Pocotopaug Corporation; and Princess Pocotopaug Corporation

William Choma appeared on his own behalf. Michael Tanca appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were recorded digitally.

[Docket #FIC 2018-0397](#)

Siobhan Peng v. Chairman, Neptune Park Association, Board of Governors; and Neptune Park Association, Board of Governors

Siobhan Pang appeared on her own behalf. Attorney Logan Carducci appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report.

The Commissioners unanimously voted to approve the Respondents' Motion for Stay of Execution of Freedom of Information Commission's Order Pending Administrative Appeal in *James Carey v. Superintendent of Schools, Regional School District 4; and Regional School District 4*, Docket #FIC 2017-0686 until such time as the Superior Court decides a motion for stay.

The Commissioners unanimously voted to approve a 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.

Attorney Lisa F. Siegel reported on the Superior Court, Judicial District of Britain Memorandum of Decision dated November 27, 2018 in *City of Derby Board of Police Commissioners v. Freedom of Information Commission and Patricia CoFrancesco*, Docket Number CV 17 6039551 S.

Commissioners applauded Attorney Siegel on her work with the commission and wished her well as she begins her retirement.

The meeting was adjourned at 5:13 p.m.

Thomas A. Hennick
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* See attached for amendments

AMENDMENTS

Docket #FIC 2018-0177 Marwan Chankar v. Dora B. Schriro, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

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:

1. A civil penalty in the amount of \$100.00 is imposed against the respondent Commissioner, **WHICH SHALL BE VACATED IF THE RECORDS IN QUESTION ARE DELIVERED TO THE COMPLAINANT IN TWO WEEKS TIME.**

[Docket #FIC 2018-0172](#) James Boster v. Executive Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities

The Hearing Officer’s Report is amended as follows:

11. Charles Perry, a paralegal in the respondents’ legal office (“Perry”), testified that he attempted to locate the ELI database, but found that it was missing. It is found that Perry sought assistance from the information technology department in locating the database, and was informed that there was a “glitch” with the attorney’s computer, resulting in an inability to access the database. [Perry further testified, and it is found, that as of the date of the hearing in this matter, the respondents were unable to retrieve the ELI database.]