

TO: Freedom of Information Commission

FROM: Thomas A. Hennick

RE: Minutes of the Commission's regular meeting of December 15, 2021

A regular meeting of the Freedom of Information Commission was held on December 15, 2021. Due to public health concerns surrounding the COVID-19 pandemic, the Commission meeting of December 15, 2021 was conducted telephonically. The meeting convened at 2:05 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
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, Kathleen K. Ross, Valicia D. Harmon, Paula S. Pearlman, Danielle L. McGee, Matthew D. Reed, C. Zack Hyde, Jennifer F. Miller, Cindy Cannata, Linda Fasciano and Thomas A. Hennick.

The Commissioners unanimously voted to approve the Commission's regular meeting minutes of November 17, 2021.

Prior to the start of the meeting, a moment of silence was observed for Commissioner Jay Shaw who passed away on December 3, 2021.

Those in attendance were informed that the December 15, 2021 regular meeting of the Commission was being recorded.

[Docket #FIC 2020-0026](#)

Victor Velasco v. Rollin Cook, Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Victor Velasco 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 digitally recorded.

[Docket #FIC 2020-0252](#)

Victor Velasco v. Rollin Cook, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Victor Velasco 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 digitally recorded.

[Docket #FIC 2020-0278](#)

Victor Velasco v. Commissioner, State of Connecticut,
Department of Correction; and State of Connecticut,
Department of Correction

Victor Velasco 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 digitally recorded.

[Docket #FIC 2020-0239](#)

Jose Perez v. Rollin Cook, 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. The proceedings were digitally recorded.

[Docket #FIC 2020-0433](#)

Terrance Stevenson v. Chief, Police Department, City of
New Haven; Police Department, City of New Haven; and
City of New Haven

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2019-0748](#)

Christopher Peak and New Haven Independent v.
Superintendent, New Haven Public Schools; and New
Haven Public Schools

Christopher Peak appeared on his own behalf. Attorney Elias Alexiades appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. * The Commissioners unanimously voted to remand the matter to the Hearing Officer. The proceedings were digitally recorded.

[Docket #FIC 2020-0134](#)

Katherine Camara and Rose Soboleski v. State Marshal,
Mark A. Raimo

Katherine Camara and Rose Soboleski appeared on their own behalf. The Commissioners voted, 4-0 to adopt the Hearing Officer's Report. Chairman Eagan recused himself from the matter. The proceedings were digitally recorded.

[Docket #FIC 2020-0487](#)

Katherine Camara v. State Marshal, Mark A. Raimo

The Commissioners voted, 4-0 to adopt the Hearing Officer's Report. Chairman Eagan recused himself from the matter. The proceedings were digitally recorded.

[Docket #FIC 2020-0371](#)

Mark Lee v. Building Official, Office of Building Inspection and Enforcement, City of New Haven; Office of Building Inspection and Enforcement, City of New Haven; and City of New Haven

Mark Lee appeared on his own behalf. Attorney Elias Alexiades appeared on behalf of the respondents. The Commissioners unanimously voted to remand the matter to the Hearing Officer. The proceedings were digitally recorded.

[Docket #FIC 2020-0595](#)

Ramona Sarnataro v. City of Waterbury

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2020-0649](#)

Jeffery Moore v. Hal Smith, Chief Executive Officer, State of Connecticut, Department of Mental Health and Addiction Services, Whiting Forensic Hospital; and State of Connecticut, Department of Mental Health and Addiction Services, Whiting Forensic Hospital

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2021-0008](#)

Michael Bracken v. Acting Commissioner, Deidre Gifford, State of Connecticut, Department of Public Health; and State of Connecticut, Department of Public Health

The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

Colleen M. Murphy, Danielle L. McGee and Matthew D. Reed reported on pending appeals.

Colleen M. Murphy reported that discussions about resuming in person hearings and meetings had been held and that the target was now June of 2022. Colleen M. Murphy also reported that staff was prepared to launch the use of new software that will allow two FOI hearings to be conducted simultaneously and, ultimately, help the Commission reduce its backlog.

Colleen M. Murphy and Chairman Owen Eagan both offered praise for the late [Commissioner Jay Shaw](#) and offered condolences to his family on his passing. Executive Director Murphy thanked Commissioner Shaw for his service and called him a man of “humor and honor.” Chairman Eagan also thanked him for his service and called him a “kind and generous” man.

Commissioner Stephen Fuzesi praised the [legislative and litigation report](#) prepared by Attorneys Paula S. Pearlman and Danielle L. McGee for the annual conference held by the international Council of Governmental Ethics Laws. He urged the Commission to place it prominently on its website and circulate it widely.

The meeting was adjourned at 4:03 p.m.

Thomas A. Hennick
MINREGmeeting 12152021/tah/12162021

AMENDMENTS

Docket #FIC 2019-0748

Christopher Peak and New Haven Independent v.
Superintendent, New Haven Public Schools; and New
Haven Public Schools

The Hearing Officer's Report was amended as follows:

3. It is found that, by email also dated August 7, [2012]**2019**, the respondents acknowledged the request.

23. "IN THIS CASE, IT IS FOUND THAT THE CITY HIRED ATTORNEYS FROM SHIPMAN & GOODWIN LLP TO CONDUCT THE INVESTIGATION BECAUSE IT SOUGHT LEGAL ADVICE. SEE SHEW V. FOI COMM'N, 245 CONN. 149, 160 (1998)."

[23] **24.** After careful in camera inspection, it is found that the in camera records described in paragraph 18, above, consist of two written communications (that is, an email and a memorandum) transmitted in confidence from an attorney to a public official acting within the performance of her duties for a public agency. It is further found that the in camera records contain legal advice sought by the public agency client from the attorney. Finally, it is found that there was no evidence that would tend to show that the legal advice contained in the in camera records has been waived.

[24.] **25.** Accordingly, it is found that in camera records contain a communication protected by the attorney-client privilege within the meaning of §1-210(b)(10), G.S.

[25] **26.** Accordingly, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., when they declined to disclose the in camera records, described in paragraph 18, above, to the complainants.