

TO: Freedom of Information Commission
FROM: Russell Blair
RE: Minutes of the Commission's regular meeting of June 11, 2025

A regular meeting of the Freedom of Information Commission was held on June 11, 2025. The Commission meeting of June 11, 2025 was conducted in person. The meeting convened at 2:04 p.m. with the following Commissioners present:

Commissioner Owen P. Eagan, presiding
Commissioner Jonathan J. Einhorn
Commissioner Kate Farrish
Commissioner Judith Ganswindt
Commissioner Aigné Goldsby Wells
Commissioner Thomas A. Hennick
Commissioner Matthew Streeter

Also present were staff members Colleen M. Murphy, Valicia D. Harmon, Danielle L. McGee, C. Zack Hyde, Mary-Kate Smith, Nicholas A. Smarra, Marybeth G. Sullivan, Paul V. Arce, Jennifer Mayo and Russell Blair.

The Commissioners voted unanimously to approve the Commission's regular meeting minutes of May 28, 2025.

Those in attendance were informed that the June 11, 2025 regular meeting of the Commission was being recorded.

[Docket #FIC 2024-0363](#) Jason Goode 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. The proceedings were digitally recorded.

[Docket #FIC 2024-0385](#) Ira Alston v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Ira Alston appeared on his own behalf. Attorney Jennifer Lepore appeared on behalf of the respondents. The Commissioners voted 1-6 to amend the Hearing Officer's Report with Commissioner Streeter in support. The motion failed. The Commissioners voted 7-0 to amend the Hearing Officer's Report. The Commissioners voted 6-1 to adopt the Hearing Officer's Report as amended* with Commissioner Streeter opposed. The proceedings were digitally recorded.

[Docket #FIC 2024-0469](#) Onaje Smith v. Timothy Shaw, Chief, Police Department, City of Stamford; Police Department, City of Stamford; and City of Stamford

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

[Docket #FIC 2024-0470](#) Dwayne Sayles v. Ronnell Higgins, Commissioner, State of Connecticut, Department of Emergency Services and Public Protection; and State of Connecticut, Department of Emergency Services and Public Protection

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

[Docket #FIC 2024-0342](#) Paul Manocchio v. Mayor, Town of Mansfield; and Town of Mansfield

Paul Manocchio appeared on his own behalf. Attorney Kevin Deneen appeared on behalf of the respondents. The Commissioners unanimously voted to amend the Hearing Officer's Report. The matter was passed temporarily. The Commissioners unanimously voted to adopt the Hearing Officer's Report as amended*. The proceedings were digitally recorded.

[Docket #FIC 2024-0356](#) John DiIorio v. Commissioner, State of Connecticut, Department of Banking; and State of Connecticut, Department of Banking

John DiIorio appeared on his own behalf. Assistant Attorney General John Longmaid appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0360](#) Keith Massimino v. Chief, Police Department, Town of Wallingford; Police Department, Town of Wallingford; and Town of Wallingford

Keith Massimino appeared on his own behalf. Attorney Janis Small appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0365](#) Nancy Griswold v. Land Use Administrator, Land Use Department, Town of Thomaston; Land Use Department, Town of Thomaston; Town of Thomaston

Nancy Griswold appeared on her own behalf. Attorney Nicole Byrne appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0378](#) Michael Gyetvan v. Director of Public Records, State of Connecticut, University of Connecticut; and State of Connecticut, University of Connecticut

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

[Docket #FIC 2024-0381](#) Nicholas Tella v. Chairman, Board of Directors, Willington Public Library; and Board of Directors, Willington Public Library

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

[Docket #FIC 2024-0392](#) Tom Frenaye v. Chairperson, Board of Assessment Appeals, Town of Suffield; Board of Assessment Appeals, Town of Suffield; and Town of Suffield

The complainant did not appear. Attorney Eric Duey appeared on behalf of the respondents. The Commissioners unanimously voted to adopt the Hearing Officer's Report. The proceedings were digitally recorded.

[Docket #FIC 2024-0403](#) Matthew Waggner v. Cathleen Simpson, Human Resources Director, Human Resources Department, Town of Fairfield; David Kelley, Information Technology Director, Information Technology Department, Town of Fairfield; Human Resources Department, Town of Fairfield; Information Technology Department, Town of Fairfield; and Town of Fairfield

The complainant did not appear. Attorney Wilson Carroll appeared on behalf of the respondents. The Commissioners voted 5-1 to amend the Hearing Officer's Report with Commissioner Goldsby Wells opposed. The Commissioners voted 4-2 to adopt the Hearing Officer's Report as amended* with Chairman Eagan and Commissioner Goldsby Wells opposed. Commissioner Hennick was not present for the votes. The proceedings were digitally recorded.

[Docket #FIC 2024-0515](#) Deborah Weiss v. Human Resources Officer, State of Connecticut, Southern Connecticut State University; and State of Connecticut, Southern Connecticut State University

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

The Commissioners voted 6-0 to Reopen the Commission's Final Decision in Paul Testa v. Exec. Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities, Docket #FIC 2023-0468 (Aug. 28, 2024). Commissioner Hennick was not present for the vote.

The Commissioners voted 6-0 to Take Administrative Notice of the Withdrawal of the Underlying Complaint and Modify Final Decision in Paul Testa v. Exec. Director, State of Connecticut, Commission on Human Rights and Opportunities; and State of Connecticut, Commission on Human Rights and Opportunities, Docket #FIC 2023-0468 (Aug. 28, 2024). Commissioner Hennick was not present for the vote.

Executive Director Colleen Murphy reported that the Commission had created commemorative posters and buttons to celebrate the 50th anniversary of the passage of the Freedom of Information Act and the creation of the Freedom of Information Commission. The posters and buttons will be distributed throughout the year.

Executive Director Colleen M. Murphy reported that a full Legislative Report detailing all FOI-related legislation that was introduced in the General Assembly session that ended June 4, 2025 would be shared with Commissioners at an upcoming meeting.

The meeting was adjourned at 5:27 p.m.

/s/ Russell Blair
Russell Blair

AMENDMENTS*

Docket #FIC 2024-0385 Ira Alston v. Commissioner, State of Connecticut, Department of Correction; and State of Connecticut, Department of Correction

Paragraph 17 of the Hearing Officer's Report is amended as follows:

17. It is concluded, therefore, that the respondents did not violate the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding the physical CD, **WHICH IS NOT A PUBLIC RECORD**, as described in paragraph 3, above, pursuant to their administrative directives.

Docket #FIC 2024-0342 Paul Manocchio v. Mayor, Town of Mansfield; and Town of Mansfield

The Hearing Officer's Report is amended as follows:

Page 7 before Paragraph 41: **Section 1-210(b)(10), G.S. (ATTORNEY CLIENT PRIVILEGE)**

52. It is therefore concluded that the in camera records described in paragraph 51, above, are not exempt from disclosure pursuant to §1-210(b)(10), G.S., **AND THE ATTORNEY-CLIENT PRIVILEGE**, as contended by the respondents.

Insert new paragraph 53:

53. **IT IS FURTHER CONCLUDED THAT THE RESPONDENTS VIOLATED §§1-210(A) AND 1-212(A), G.S., WHEN THEY FAILED TO DISCLOSE THE FOLLOWING RECORDS IC-2024-0342-24 TO IC-2024-0342-30; IC-2024-0342-549 TO IC-2024-0342-550; IC-2024-0342-634 (LINES 15 - 30) TO IC-2024-0342-640; IC-2024-0342-675 (LINES 23-26) TO IC-2024-0342-678; IC-2024-0342-685 TO IC-2024-0342-687; IC-2024-0342-695 (LINES 16-29) TO IC-2024-0342-697; IC-2024-0342-701 (LINES 11-28) TO IC-2024-0342-703; IC-2024-0342-707 (LINES 16-29) TO IC-2024-0342-709; IC-2024-0342-712 (LINES 23-26) TO IC-2024-0342-714; IC-2024-0342-717 (LINES 24-26) TO IC-2024-0342-719; IC-2024-0342-722 TO IC-2024-0342-726; IC-2024-0342-728 (LINES 20-27) TO IC-2024-0342-730; IC-2024-0342-747 (LINES 21-45) TO IC-2024-0342-748; AND IC-2024-0342-749 (LINES 30-43) TO IC-2024-0342-750. THE REMAINING IN CAMERA RECORDS IDENTIFIED IN PARAGRAPH 51, ABOVE, ARE FURTHER ADDRESSED BELOW.**

Former Paragraph numbers 53 through 65 are changed to Paragraph numbers 54 through 66.

Paragraph 59 (former Paragraph 58): After careful in camera inspection of the records identified on the Index as "School Building Committee Mansfield Elem. School Litigation (SBC-MES)," which are not protected by the attorney-client privilege [nor exempt from disclosure pursuant to §1-

210(b)(10), G.S.], it is found that the following records relate to strategy and negotiations with respect to a “claim” or “litigation,”

Paragraph 61 (former Paragraph 60): After reviewing and considering the in camera records, the undersigned hearing officer determined that additional evidence was required with respect to the respondents’ claim that the in camera records described in paragraph [58] 59, above, were exempt from disclosure pursuant to §1-210(b)(4), G.S., and ordered the respondents to submit an affidavit averring whether as of May 16, 2024 the claim or litigation referenced in the in camera records was still pending or the date that the litigation or claim was finally adjudicated or otherwise settled, if applicable.

Paragraph 63 (former Paragraph 62): It is found that the respondents have failed to prove that, at the time of the request described in paragraph 2, above, the claim or litigation relating to the in camera records described in paragraph [58] 59, above, had not been finally adjudicated or otherwise settled as required by §1-210(b)(4), G.S.

Paragraph 64 (former Paragraph 63): It is therefore concluded that the respondents failed to prove that the in camera records described in paragraph [58] 59, above, are exempt from disclosure pursuant to §1-210(b)(4), G.S.

Paragraph 66 (former Paragraph 65): It is therefore concluded that the in camera records described in paragraph [64] 65, above, are not exempt from disclosure pursuant to §1-210(b)(4), G.S., as contended by the respondents.

Insert the following after Paragraph 66 (former Paragraph 65):

§1-210(B)(10), G.S. (MEDIATION PRIVILEGE)

67. IN A POST-HEARING BRIEF DATED JUNE 10, 2025, THE RESPONDENTS CONTENDED THAT THE MAJORITY OF THE IN CAMERA RECORDS REFERENCED IN PARAGRAPH 59, ABOVE, ARE EXEMPT FROM DISCLOSURE PURSUANT TO §1-210(B)(10), G.S., BECAUSE SUCH INFORMATION IS PROTECTED BY THE MEDIATION PRIVILEGE SET FORTH IN §52-235D(B), G.S.

68. SECTION 52-235D PROVIDES, IN RELEVANT PART:

(A) AS USED IN THIS SECTION, “MEDIATION” MEANS A PROCESS, OR ANY PART OF A PROCESS, WHICH IS NOT COURT-ORDERED, IN WHICH A PERSON NOT AFFILIATED WITH EITHER PARTY TO A LAWSUIT FACILITATES COMMUNICATION BETWEEN SUCH PARTIES AND, WITHOUT DECIDING THE LEGAL ISSUES IN DISPUTE OR IMPOSING A RESOLUTION TO THE LEGAL ISSUES, WHICH ASSISTS THE PARTIES IN UNDERSTANDING AND RESOLVING THE LEGAL DISPUTE OF THE PARTIES.

(B) EXCEPT AS PROVIDED IN THIS SECTION, BY AGREEMENT OF THE PARTIES OR IN FURTHERANCE OF SETTLEMENT DISCUSSIONS, A PERSON NOT AFFILIATED WITH EITHER PARTY TO A LAWSUIT, AN ATTORNEY FOR ONE OF THE PARTIES OR ANY OTHER PARTICIPANT IN A MEDIATION SHALL NOT VOLUNTARILY DISCLOSE OR, THROUGH DISCOVERY OR COMPULSORY PROCESS, BE REQUIRED TO DISCLOSE ANY ORAL OR WRITTEN COMMUNICATION RECEIVED OR OBTAINED DURING THE COURSE OF A MEDIATION, UNLESS (1) EACH OF THE PARTIES AGREES IN WRITING TO SUCH DISCLOSURE, (2) THE DISCLOSURE IS NECESSARY TO ENFORCE A WRITTEN AGREEMENT THAT CAME OUT OF THE MEDIATION, (3) THE DISCLOSURE IS REQUIRED BY STATUTE OR REGULATION, OR BY ANY COURT, AFTER NOTICE TO ALL PARTIES TO THE MEDIATION, OR (4) THE DISCLOSURE IS REQUIRED AS A RESULT OF CIRCUMSTANCES IN WHICH A COURT FINDS THAT THE INTEREST OF JUSTICE OUTWEIGHS THE NEED FOR CONFIDENTIALITY, CONSISTENT WITH THE PRINCIPLES OF LAW.

69. AFTER CAREFUL IN CAMERA INSPECTION OF THE RECORDS IDENTIFIED ON THE INDEX AS “SCHOOL BUILDING COMMITTEE MANSFIELD ELEM. SCHOOL LITIGATION (SBC-MES),” WHICH ARE NOT PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE, NOR EXEMPT FROM DISCLOSURE PURSUANT TO §1-210(B)(4), G.S., IT IS FOUND THAT THE FOLLOWING RECORDS PERTAIN TO ORAL OR WRITTEN COMMUNICATIONS RECEIVED OR OBTAINED DURING THE COURSE OF A MEDIATION AS THAT TERM IS DEFINED IN §52-235D, G.S.: IC-2024-0342-105 TO IC-2024-0342-115; IC-2024-0342-137 TO IC-2024-0342-144; IC-2024-0342-147 TO IC-2024-0342-158; IC-2024-0342-161 TO IC-2024-0342-168; IC-2024-0342-170 TO IC-2024-0342-179; IC-2024-0342-208 TO IC-2024-0342-209; IC-2024-0342-220 TO IC-2024-0342-221; IC-2024-0342-231 TO IC-2024-0342-232; IC-2024-0342-241; IC-2024-0342-249 TO IC-2024-0342-250; IC-2024-0342-258 TO IC-2024-0342-260; IC-2024-0342-268; IC-2024-0342-275 TO IC-2024-0342-276; IC-2024-0342-289; IC-2024-0342-301; IC-2024-0342-326 TO IC-2024-0342-327; IC-2024-0342-345; IC-2024-0342-350; IC-2024-0342-364 TO IC-2024-0342-367; IC-2024-0342-372 TO IC-2024-0342-375; IC-2024-0342-377 TO IC-2024-0342-379; IC-2024-0342-472 TO IC-2024-0342-474; IC-2024-0342-476 TO IC-2024-0342-484; IC-2024-0342-542 TO IC-2024-0342-543; IC-2024-0342-547 TO IC-2024-0342-548; IC-2024-0342-554; IC-2024-0342-559 TO IC-2024-0342-568; IC-2024-0342-570 TO IC-2024-0342-579; IC-2024-0342-581; IC-2024-0342-589 TO IC-2024-0342-591; IC-2024-0342-594 TO IC-2024-0342-601; IC-2024-0342-603 TO IC-2024-0342-605; IC-2024-0342-607 TO IC-2024-0342-609; IC-2024-0342-620 TO IC-2024-0342-624; IC-2024-0342-647 TO IC-2024-0342-648; IC-2024-0342-652 TO IC-2024-0342-653; IC-2024-0342-656 TO IC-2024-0342-657; IC-2024-0342-660 TO IC-2024-0342-661; IC-2024-0342-664 TO IC-2024-0342-665; IC-2024-0342-667 TO IC-2024-0342-668; IC-2024-0342-670 TO IC-2024-0342-671; IC-2024-0342-758 TO IC-2024-0342-778; AND IC-2024-0342-815 TO IC-2024-0342-886.

70. IT IS FURTHER FOUND THAT NONE OF THE PROVISIONS IN §52-235D(B)(1) THROUGH (4), G.S. APPLY TO THE IN CAMERA RECORDS DESCRIBED IN PARAGRAPH 69, ABOVE.

71. IT IS THEREFORE CONCLUDED THAT THE IN CAMERA RECORDS DESCRIBED IN PARAGRAPH 69, ABOVE, ARE EXEMPT FROM DISCLOSURE PURSUANT TO §§1-210(B)(10), AND 52-235D(B), G.S.

72. ACCORDINGLY, IT IS CONCLUDED THAT THE RESPONDENTS DID NOT VIOLATE THE DISCLOSURE PROVISIONS OF §§1-210(A) AND 1-212(A), G.S., WHEN THEY DECLINED TO DISCLOSE A COPY OF THE RECORDS, OR PORTIONS THEREOF, IDENTIFIED IN PARAGRAPH 69, ABOVE, TO THE COMPLAINANT.

73. AFTER CAREFUL IN CAMERA INSPECTION, IT IS FOUND THAT THE FOLLOWING RECORDS DO NOT PERTAIN TO ORAL OR WRITTEN COMMUNICATIONS RECEIVED OR OBTAINED DURING THE COURSE OF A MEDIATION AS THAT TERM IS DEFINED IN §52-235D, G.S.: IC-2024-0342-94 TO IC-2024-0342-103; IC-2024-0342-120 TO IC-2024-0342-127; IC-2024-0342-180; IC-2024-0342-183 TO IC-2024-0342-186; IC-2024-0342-187 TO IC-2024-0342-197; IC-2024-0342-277 TO IC-2024-0342-282; IC-2024-0342-316 TO IC-2024-0342-317; IC-2024-0342-334 TO IC-2024-0342-338; IC-2024-0342-354 TO IC-2024-0342-358; IC-2024-0342-445 TO IC-2024-0342-447; IC-2024-0342-458 TO IC-2024-0342-460; IC-2024-0342-462 TO IC-2024-0342-464; AND IC-2024-0342-582 TO IC-2024-0342-583.

74. IT IS THEREFORE CONCLUDED THAT THE IN CAMERA RECORDS DESCRIBED IN PARAGRAPH 73, ABOVE, ARE NOT EXEMPT FROM DISCLOSURE PURSUANT TO §§1-210(B)(10), AND 52-235D(B), G.S., AS CONTENDED BY THE RESPONDENTS.

Former Paragraph numbers 66 through 88 are changed to Paragraph numbers 75 through 97.

Paragraph 86 (former Paragraph 77): Based on the foregoing, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., when they failed to disclose the records, or portions thereof, identified in paragraphs [51, 58, 64 and 72] **65, 73, AND 81**, above.

Order 1: Within thirty days of the date of the Notice of Final Decision in this matter, the respondents shall disclose to the complainant, free of charge, the records, or portions thereof, described in paragraphs [51, 58, 64 and 72] **53, 65, 73, AND 81** of the findings, above.

Docket #FIC 2024-0403

Matthew Waggoner v. Cathleen Simpson, Human Resources Director, Human Resources Department, Town of Fairfield; David Kelley, Information Technology Director, Information Technology Department, Town of Fairfield; Human Resources

Department, Town of Fairfield; Information Technology
Department, Town of Fairfield; and Town of Fairfield

Paragraph 2 of the order in the Hearing Officer's Report is amended as follows:

2. Respondent Human Resources Director Cathleen Simpson shall remit to the Commission, within forty-five (45) days of the date of the Notice of Final Decision in this matter, a civil penalty in the amount of [two hundred fifty dollars (\$250.00)] **ONE HUNDRED DOLLARS (\$100.00)**.