



State of Connecticut

GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

July 15, 2016

Chairman Owen P. Eagan
Freedom of Information Commission
18-20 Trinity St
Hartford, CT 06106

Dear Chairman Eagan:

Pursuant to C.G.S. section 1-206, please accept this letter as our formal appeal of the Department of Insurance's refusal to provide certain public documents regarding the involvement of the Department as it pertains to the proposed merger of CIGNA and Anthem.

After being led to believe that Commissioner Wade had formally sought guidance from the Office of State Ethics regarding potential conflicts of interest arising from her previous role at CIGNA, her husband's continued involvement at that company, and potential benefits they may derive from their possession of CIGNA stock, it came as a surprise when we read a June 16, 2016 report by the CT Mirror indicating that Commissioner Wade never proactively sought a ruling or request for a formal opinion. The report states that Commissioner Wade simply informed the Office of her decision to oversee the merger as well as her explanation as to why she believed no conflict existed. In an attempt to clarify what occurred in this situation, on June 21, 2016, we requested all communications between the Office of State Ethics and Commissioner Wade and the Department of Insurance regarding the merger and Commissioner Wade's role in it.

On June 24, 2016, the Office of State Ethics complied with our request by releasing 494 pages of emails and attachments that complied with our request. Some two weeks later, on July 8, 2016, the Department of Insurance finally responded to our request by releasing nine pages, including two emails comprising three pages and a six page letter from Wade to OSE. Those three pages of emails were among the correspondence provided by OSE. As was clearly evidenced by the incredibly disparate amount of correspondence deemed compliant by the two agencies, the Department of Insurance failed to provide public documents in response to an official request.

Included among the documents provided by OSE were numerous emails from Commissioner Wade's private account inquiring about the impact of her involvement as well as the issue of CIGNA stock held by her husband. By utilizing an administrative habit of evading FOI laws through use of private emails in conducting public business, Wade has knowingly and willfully violated the FOIA by failing to turn over public records upon request. In light of the failure to

provide nearly 500 pages of what another state agency has deemed to be public records, we are outraged at the Department of Insurance and their attempt to keep the public in the dark regarding a high profile merger that reeks with conflicts. Due to what we feel to be a bad faith refusal to provide us with the requested documents, we file this formal notice of appeal to the Commission. In addition, as we believe this refusal is without reasonable grounds and must be viewed as a bad faith attempt to keep secret the Commissioner's potential conflicts, we ask that the Commission set an example and take the rare action of imposing civil penalties against Commissioner Wade and her Department.

To aid your commission in its task, attached you will find copies of the correspondence sent to both OSE and the Department of Insurance requesting the disclosure of the communications. We look forward to having the opportunity to further present my claim to your commission at your earliest possible convenience.

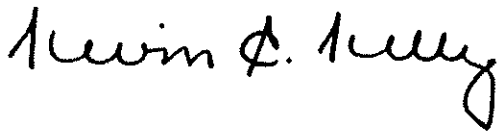
Sincerely,

A handwritten signature in black ink, appearing to be 'Len Fasano', written in a cursive style.

Len Fasano
Senate Minority Leader (R-34)

A handwritten signature in black ink, appearing to be 'Michael McLachlan', written in a cursive style.

Michael McLachlan
State Senator (R-24)

A handwritten signature in black ink, appearing to be 'Kevin Kelly', written in a cursive style.

Kevin Kelly
State Senator (R-21)