

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Hope Kasper,

Complainant

against

Docket # FIC 2019-0322

Naming Committee, Board of Education,  
Middletown Public Schools; and Board of  
Education, Middletown Public Schools,

Respondents

January 22, 2020

The above-captioned matter was heard as a contested case on August 1, 2019, at which time the complainant appeared and presented testimony, exhibits and argument on the complaint, but the respondents failed to appear.

The hearing officer notes that the Order to Show Cause was delivered to the respondents' mailing address by certified U.S. mail on June 27, 2019.

At the hearing officer's request, immediately following the hearing the complainant filed with the Commission an after-filed exhibit, which has been marked as complainant's after-filed exhibit A: May 30, 2019 Naming Committee Meeting Minutes (three pages).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter of complaint filed June 1, 2019, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act, by failing to "file proper notice to the public for a meeting that was held on May 30, 2019 at 4:00 pm at Snow [S]chool."
3. Section 1-225(d), G.S., provides in relevant part:

Notice of each special meeting of every public agency . . . shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the

time of such meeting by filing a notice of the time and place thereof . . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state . . . The secretary or clerk shall cause any notice received under this section to be posted in his office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting . . . The notice shall specify the time and place of the special meeting and the business to be transacted . . . Nothing in this section shall be construed to prohibit any agency from adopting more stringent notice requirements.

4. During the hearing, the complainant contended that she became aware of the meeting via social media, which led her to contact the Town Clerk and Superintendent, each of whom notified her that a meeting agenda for the May 30, 2019 meeting of the Naming Committee had not been filed or posted.

5. It is found that during an April 10, 2019 Board of Education meeting, the respondent Board of Education charged the Naming Committee with making recommendations to the Board of Education for a name change to its middle school.

6. It is found that the respondent Naming Committee held a special meeting on May 30, 2019. It is further found that the respondent Naming Committee created minutes for the May 30, 2019 meeting.

7. Based upon the credible testimony of the complainant, it is found that the respondents violated the FOI Act by failing to post notice of the May 30, 2019 special meeting of the Naming Committee on its website, and by failing to file notice of the time, place and business to be transacted of such meeting, in accordance with §1-225(d), G.S.

8. At the hearing, the complainant further alleged that the respondents violated the FOI Act by not allowing for a “public session,” or opportunity for the public to speak at the May 30, 2019 meeting. However, such issue was not fairly raised in the complaint, and, therefore, will not be addressed herein.

9. Finally, at the hearing the complainant requested that the Commission impose civil penalties against the respondents and invalidate the actions taken at the May 30, 2019 meeting for violating the FOI Act, and for the respondents’ failure to appear at the hearing in this matter. However, such issue was not fairly raised in the complaint, and, therefore, will not be addressed herein. The Commission also declines, in its discretion, to impose a civil penalty against the respondents for failure to appear.

The following order is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth the respondents shall strictly comply with the requirements of §1-225, G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 22, 2020.

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Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

**HOPE KASPER**, 30 Anderson Road, Middletown, CT 06457

**NAMING COMMITTEE, BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS; AND BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS**, 311 Hunting Hill Avenue, Middletown, CT 06457

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Cynthia A. Cannata  
Acting Clerk of the Commission