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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Bradshaw Smith,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2016-0525

Jody Terranova, Chairman, Finance Committee, Town of Windsor; Finance Committee, Town of Windsor; and Town of Windsor,
Respondent(s)

November 18, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, January 25, 2017**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE January 13, 2017**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE January 13, 2017**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE January 13, 2017**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Bradshaw Smith
Attorney James P. Welsh

FIC# 2016-0525/Trans/wrbp/VRP//TAH/2016-11-18

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Bradshaw Smith,

Complainant

against

Docket #FIC 2016-0525

Jody Terranova, Chairman,
Finance Committee, Town of
Windsor; Finance Committec,
Town of Windsor; and
Town of Windsor,

Respondents

October 5, 2016

The above-captioned matter was heard as a contested case on October 5, 2016, at which time the complainant and the respondents appeared. The respondents presented exhibits and argument on the complaint. The complainant refused to testify, argue, respond meaningfully to the hearing officer's questions, or offer any evidence in support of his complaint. The complaint would have been dismissed for failure to prosecute but for the respondents' desire to describe what had happened.

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 postmarked July 14, 2016, the complainant appealed to the Commission, alleging that the respondents held a meeting on June 15, 2016, and that all the doors to the building were locked at the time. The complainant requested that civil penalties be imposed against the Chairperson of the respondent Committee, and against the Town Manager.
3. It is found that the respondent Committee held a properly noticed meeting from 6:30 until 6:42 p.m. in the Windsor Town Hall on June 15, 2016. No portion of that meeting was conducted in executive session.
4. It is found that the doors to the Town Hall automatically lock after regular business hours, and need to be manually opened when events are held after hours.

5. The respondents acknowledge that the doors to the building were inadvertently left locked, and that the four town officials that were present at the meeting—three Committee members and the Town manager—entered using their key fobs. No members of the public attended the meeting.

6. It is found that the respondents were not aware that the complainant was at the door or had been unable to enter.

7. It is found that the Town Manager by letter dated September 9, 2016, wrote a letter of apology to the complainant for the failure to ensure that the entrance was unlocked on June 15, 2016, and told the complainant that town staff would be reminded to verify that appropriate entrances to the Town Hall are unlocked for any public meeting, hearing, or event.

8. Section 1-225(a), G.S., provides in relevant part: “The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public....”

9. It is concluded that the respondents inadvertently violated §1-225(a), G.S., by failing to ensure that the doors to the building in which the meeting was held were unlocked, or to take some other measure to ensure that members of the public could access the meeting. This conclusion is based solely on the respondents’ forthright willingness to admit their error.

10. At the commencement of the hearing, the complainant requested that the hearing officer recuse himself on grounds of alleged bias. The complainant offered no evidence or argument in support of his request, which was denied.

10. At the hearing, the complainant refused to testify, present evidence, or argue in support of his complaint, or answer questions about his complaint.

11. When asked by the hearing officer why it was necessary to conduct a hearing if the complainant was not going to prosecute it, the complainant refused to answer.

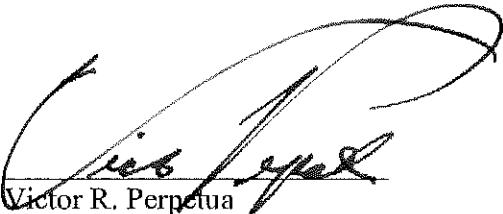
12. The complainant also refused to either object or consent to the respondents’ offers of evidence (consisting of the letter of apology described in paragraph 7, above, and the minutes of the meeting).

13. It is also found that the complainant never reviewed, or attempted to review, the minutes of the June 15, 2016 meeting to which he was denied access.

14. It is inferred from the complainant’s willful silence, refusal to participate, and lack of interest in the actual minutes of the meeting at issue, that his only purpose in appearing at the hearing was to inconvenience the respondents and the Commission.

15. It is concluded that the complainant abused the Commission's administrative process in order to harass the respondents.

No order by the Commission is recommended on the basis of the record concerning the above-captioned complaint.



Victor R. Perpetua
as Hearing Officer