



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

Lori Boyko

Complainant(s)

Notice of Meeting

against

Docket #FIC 2024-0468

Holly McGrath, Chairman, Library Board of Trustees,
Town of Simsbury; Library Board of Trustees, Town of
Simsbury; and Town of Simsbury

Respondent(s)

July 11, 2025

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.

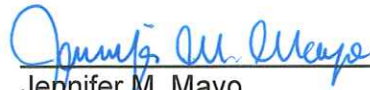
This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, July 23, 2025.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. 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 12:00 PM on July 22, 2025.** 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 12:00 PM on July 22, 2025.** 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 12:00 PM on July 22, 2025** 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



Jennifer M. Mayo
Acting Clerk of the Commission

Notice to: Lori Boyko
Attorney Robert M. DeCrescenzo

FIC# 2024-0468/ITRA/MKS/PVA/RB/JMM/2025-07-11

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

Report of Hearing Officer

Lori Boyko,

Complainant

against

Docket # FIC 2024-0468

Holly McGrath, Chairman, Library Board of
Trustees, Town of Simsbury; Library Board
of Trustees, Town of Simsbury; and Town
of Simsbury,

Respondents

July 11, 2025

The above-captioned matter was heard as a contested case on January 30, 2025, at which time the complainant and the respondents appeared and stipulated to certain facts, testimony, exhibits, and argument on the complaint.

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 August 8, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to indicate in the minutes for the August 6, 2024 special meeting ("August 6 Meeting") of the Simsbury Public Library Board of Trustees ("respondent Board") which members attended in person and which attended electronically, in violation §1-225a(d), G.S. The complainant also requested that the Commission impose a civil penalty against the respondents and order FOI training, among other remedies.

3. Section 1-225a(d), G.S., provides:

Any vote taken at a meeting during which any member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous. The minutes of the meeting shall record a list of members that attended such meeting in person and a list of members that attended such meeting by means of electronic equipment.

4. The Commission takes administrative notice of the administrative record in *Lori Boyko v. Chairman, Library Board of Trustees, Town of Simsbury; Library Board of Trustees, Town of Simsbury, et al.* Docket # FIC 2024-0465.

5. At the hearing on this matter, the respondents stipulated, and it is found, that some members of the respondent Board attended the August 6 Meeting by means of electronic equipment.

6. The respondents further stipulated, and it is found, that they failed to record in the August 6 Meeting minutes a list of members who attended such meeting in person and a list of members who attended such meeting by means of electronic equipment.

7. It is therefore concluded that the respondents violated §1-225a(d), G.S., as alleged by the complainant.¹

8. In her complaint, the complainant requested that civil penalties be imposed on the respondents.

9. Although the respondents failed to record in the August 6 Meeting minutes a list of members who attended such meeting in person and those who attended by means of electronic equipment, it is found that there is no evidence that the respondents acted in bad faith or otherwise engaged deliberately in the violation of the public's rights under the FOI Act.

10. Accordingly, based on the facts and circumstances of this case, in its discretion, the Commission declines to consider the imposition of a civil penalty on the respondents.

11. The Commission takes administrative notice that the Town of Simsbury underwent voluntary FOI Act training led by Russell Blair, Director of Education and Communications for the Commission, on January 8, 2025, after the complaint was filed in this matter.

12. Because the Town of Simsbury underwent such training and the respondents represented that every member of the respondent Board attended, or reviewed a recording of, such training, the Commission declines to order additional training at this time as requested by the complainant.

13. Additionally, based on the facts and circumstances of this case, the Commission, in its discretion, declines to consider the other forms of relief requested by the complainant.

The following order by the Commission 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 §1-225a(d), G.S.

2. Within fifteen (15) days of the date of the Notice of Final Decision in this matter, if they have not already so done, the respondents shall revise the August 6 Meeting minutes to

¹ At the hearing in this matter, the respondents indicated that they have taken corrective action to assure that in all such cases where any member attends a meeting by means of electronic equipment, the minutes thereof shall properly reflect those members who attended such meeting in person and those attending by means of electronic equipment.

record a list of members who attended such meeting in person and a list of members who attended such meeting by means of electronic equipment, make the minutes available for public inspection, and post them on the respondent Board's internet web site.²

/s/ Mary-Kate Smith

Mary-Kate Smith
as Hearing Officer

FIC# 2024-0468/HOR/MKS/PVA/7.11.25

² It is unclear from the administrative record whether the respondents published a revised set of minutes for the August 6 Meeting.