

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Paul Anderson and  
the Stamford Professional  
Firefighters Association,

Complainants

against

Docket #FIC 2021-0361

Chairman, Stamford Firefighters  
Pension Board; and Stamford  
Firefighters Pension Board,

Respondents

April 13, 2022

The above-captioned matter was heard as a contested case on December 22, 2021, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

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

1. It is found that the respondents are public agencies within the meaning of §1-200(1), G.S.

2. By email received on July 9, 2021, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by holding a meeting via Zoom on April 6, 2020, without proper notice. The complainant did not allege that the meeting was unnoticed or secret.

3. Section 1-206(b)(1), G.S., provides in relevant part:

[a]ny person denied the right to inspect or copy records under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial, except in the case of an unnoticed or secret

meeting, in which case the appeal shall be filed not later than thirty days after the person filing the appeal receives actual or constructive notice that such meeting was held. [Emphasis added].

4. On March 25, 2020, the Governor issued Executive Order 7M (§2(1)), thereby suspending the provisions of §1-206(b)(1), G.S., requiring the filing of an appeal with the FOI Commission not later than thirty days after any alleged denial. Executive Order 7M (§2(1)) applied to any appeal filed between March 25, 2020, and April 19, 2021.

5. Although the April 6<sup>th</sup> meeting at issue was held while Executive Order 7M (§2(1)) was in effect, the complainant did not file his appeal until July 9, 2021, after the expiration of Executive Order 7M (§2(1)).

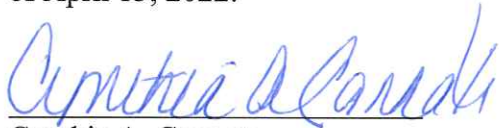
6. Accordingly, the complainant was required, under §1-206(b)(1), G.S., to file his appeal with respect to the April 6<sup>th</sup> meeting within thirty days of the alleged violation.

7. Because the appeal was not filed within thirty days of the alleged violation (April 6, 2020), the Commission does not have jurisdiction over such appeal.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint.

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 13, 2022.



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:

**PAUL ANDERSON AND THE STAMFORD PROFESSIONAL FIREFIGHTERS ASSOCIATION**, 629 Main Street, Stamford, CT 06901

**CHAIRMAN, STAMFORD FIREFIGHTERS PENSION BOARD; AND STAMFORD FIREFIGHTERS PENSION BOARD**, c/o Attorney Amy J. Livolsi, Corporation Council, City of Stamford, 888 Washington Boulevard, Stamford, CT 06905



Cynthia A. Cannata  
Acting Clerk of the Commission