

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Molly Salafia,

Complainant

against

Docket #FIC 2021-0607

Chair, Board of Education, Middletown  
Public Schools; and Board of Education,  
Middletown Public Schools

Respondents

July 13, 2022

The above-captioned matter was heard as a contested case on March 3, 2022, at which time the complainant and the respondents appeared 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 Spec. Sess.).

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 email received and filed October 19, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by discussing a matter that was not on the posted agenda for a special meeting held on October 18, 2021. The complainant also requested that any improperly noticed actions taken by the respondents at such meeting be declared null and void by this Commission.
3. Section 1-225(d), G.S., provides in relevant part:

[n]otice 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 Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state and in the office of the clerk of each municipal member for any

multitown district or agency. 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. No other business shall be considered at such meetings by such public agency. . . .

4. It is found that the respondent Board of Education (“board”) held a special meeting on October 18, 2021 (“special meeting”).

5. It is found that, on October 15, 2021, the respondents generated the notice and agenda for the special meeting, which was timely filed with the town clerk and posted on the internet website of both the City of Middletown (“City”) and the board (“original notice”).

6. It is found that, later on the same day, October 15, 2021, the respondents generated a notice and amended agenda, with one additional action item (“amended notice”), which was timely filed and posted on the City’s website. It is found, however, that, due to a clerical error, the notice and amended agenda was not posted on the board’s website 24 hours prior to the special meeting.

7. It is found that the complainant only checked the board’s website for the notice and agenda for the special meeting and therefore did not see the amended notice.

8. It is found that, although the respondents made a good faith effort to comply with the FOI Act, the original notice and agenda posted to the board’s website 24 hours prior the special meeting did not accurately reflect all business to be transacted at such special meeting.

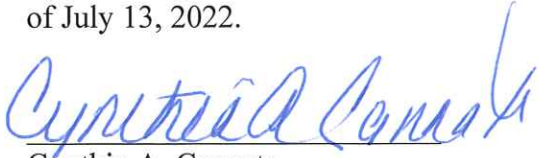
9. It is therefore concluded that the respondents violated the notice provisions of §1-225(d), G.S., by failing to specify in the agenda of the special meeting all of the business to be transacted at such meeting.

10. With regard to the complainant’s request that the actions taken at the public meeting be declared invalid by this Commission, under the particular facts and circumstances of this case, the Commission declines to consider such relief.

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 notice provisions of §1-225(d), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 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:

**MOLLY SALAFIA**, c/o Attorney Sebastian N. Giuliano, 348 Maple Shade Road, Middletown, CT 06457

**CHAIR, BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS; AND BOARD OF EDUCATION, MIDDLETOWN PUBLIC SCHOOLS**, c/o Attorney Natalia Sieira Millan, Shipman & Goodwin LLP, 1 Constitution Plaza, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission