

STATE OF CONNECTICUT  
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Paul Michalski,

Complainant

against

Docket # FIC 2022-0120

Chairman, Board of Education, Town of  
Darien; Board of Education, Town of  
Darien; Superintendent of Schools, Darien  
Public Schools; and Darien Public Schools,

Respondents

October 12, 2022

The above-captioned matter was heard as a contested case on July 8, 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 Special Session), as amended by §1 of Public Act 22-3.

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 on March 14, 2022, the complainant appealed to the Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by entering into executive session for an impermissible purpose during a special meeting of the respondent Board of Education on January 25, 2022 ("special meeting").
3. It is found that the respondent Board of Education held a special meeting on January 25, 2022, and that such meeting was properly noticed.
4. Section 1-206(b)(1), G.S., provides, in relevant part:

Any person . . . wrongfully denied the right to attend any meeting of a public agency . . . 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.)


5. It is found that the special meeting was neither “an unnoticed or secret meeting,” as that term is used in §1-206(b)(1), G.S.

6. Accordingly, it is concluded that because the complaint was filed more than thirty days after the alleged violation and because the special meeting was neither “an unnoticed or secret meeting,” the Commission lacks jurisdiction over the complaint.

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 October 12, 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 MICHALSKI**, 371 Middlesex Road, Darien, CT 06820

**CHAIRMAN, BOARD OF EDUCATION, TOWN OF DARIEN; BOARD OF EDUCATION, TOWN OF DARIEN; SUPERINTENDENT OF SCHOOLS, DARIEN PUBLIC SCHOOLS; AND DARIEN PUBLIC SCHOOLS**, c/o Attorney Thomas B. Mooney, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103



Cynthia A. Cannata  
Acting Clerk of the Commission