

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Nancy Lallier,

Complainant,

against

Docket #FIC 2022-0540

Chairperson, Connecticut Technical  
Education and Career System Board;  
and Connecticut Technical Education  
and Career System Board,

Respondents

April 12, 2023

The above-captioned matter was heard as a contested case on March 7, 2023, at which time the complainant and the respondents appeared, stipulated to certain facts and presented 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 email dated and filed November 16, 2022, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act by denying her access to a meeting of the respondent board held on October 19, 2022 (the "October 19<sup>th</sup> meeting").
3. Section 1-225(a), G.S., provides, in relevant, part: "The meetings of all public agencies . . . shall be open to the public. . . ."
4. It is found that the respondent board's bylaws state, in relevant part: "[p]ublic participation shall be limited to comments regarding items on the Board's agenda. A reasonable time shall be allotted for each speaker" (The "public comment" provision).
5. It is found that, on or before October 3, 2022, the respondents issued an agenda for the October 19<sup>th</sup> meeting.
6. It is found that, in accordance with the board's rules, a citizen may participate in the public comment portion of the board's meetings if the citizen provides to the board's

chief of staff the following information: 1) his or her name, 2) affiliation, and 3) a description of the topic he or she desires to comment on.

7. It is found that, by email dated October 3, 2022, the complainant corresponded with the board's chief of staff, indicating that she would like to participate in the public comment portion of the October 19<sup>th</sup> meeting.

8. It is found that, by email dated October 4, 2022, the board's chief of staff responded to the complainant, in relevant part, as follows:

Could you please share the following:

Topic you wish to address?

Which CTECS School Topic pertains to you?

Who at CTECS you've been in contact with regarding your topic?

What outcome(s) you're looking to achieve?

9. It is found that, by email dated October 4, 2022, the complainant replied, in relevant part, as follows:

My name is Nancy Lallier, the description of the topic I will be addressing is 'Concerned about communication within the Administration' and my affiliation is I'm a parent of a student at Emmett O'Brien.

10. It is found that, by email dated October 4, 2022, the board's chief of staff replied, in relevant part, as follows:

The questions I've posed pertain to the highlighted areas below:

Public participation

To participate in public comment during the monthly board meeting email [the chief of staff] by 4 p.m. the Monday before the scheduled meeting, *in the body of the email please indicate your name, affiliation, and a description of the topic you will be commenting on.* All emails submitted to the Board for public participation will be shared with the Board members and filed in the Official File of the meeting. *Anonymous emails will not be posted or shared.* (Italicized portions were highlighted in original).

11. It is found that, by email dated October 4, 2022, the complainant replied that, because she had provided all the required information to participate in public comment, she did not understand what was being asked of her.

12. It is found that, by email dated October 11, 2022, the complainant requested that the board's chief of staff confirm that she would be able to participate in the public comment portion of the October 19<sup>th</sup> meeting.

13. It is found that, by email dated October 13, 2022, the board's chief of staff replied, as follows:

Good Morning Nancy,

Your intent in joining the meeting has not been clearly communicated, as requested. To ensure the safe[ty] and security of our staff, your request to join the meeting is denied (the "October 13<sup>th</sup> email").

14. It is found that the complainant understood the October 13<sup>th</sup> email to be prohibiting her from attending the October 19<sup>th</sup> meeting. It is further found that, after receiving the October 13<sup>th</sup> email, the complainant requested that the respondents provide her with a link to attend the meeting remotely. It is found, however, that the October 19<sup>th</sup> meeting was solely an in-person meeting. It further found that the respondents did not reply to the complainant's request for a link. Finally, it is found that the complainant did not attend the October 19<sup>th</sup> meeting.

15. At the contested case hearing, the respondents contended that the intent of the October 13<sup>th</sup> email was to inform the complainant that she would not be permitted to participate in the public comment portion of the October 19<sup>th</sup> meeting because she had not indicated that her proposed comments pertained to any item listed on the board's agenda.

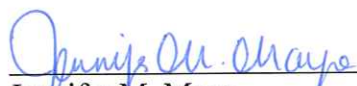
16. It is found, however, that it was reasonable for the complainant to construe the October 13<sup>th</sup> email as prohibiting her from attending the October 19<sup>th</sup> meeting.

17. Accordingly, it is concluded that the respondents violated §1-225(a), G.S.

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 provisions of §1-225(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of April 12, 2023.

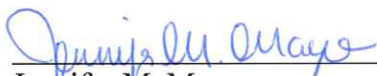
  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**NANCY LALLIER**, 146 Coach Circle, Unit 3, Naugatuck, CT 06770

**CHAIRPERSON, CONNECTICUT TECHNICAL EDUCATION AND CAREER SYSTEM BOARD; AND CONNECTICUT TECHNICAL EDUCATION AND CAREER SYSTEM BOARD**, c/o Attorney Susan Scott, Connecticut Technical Education and Career System, 39 Woodland Street, Hartford, CT 06105



---

Jennifer M. Mayo  
Acting Clerk of the Commission