

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Gregg and Jenn Haythorn,

Complainants

against

Docket #FIC 2021-0299

Board of Education, Town of Weston;
and Town of Weston,

Respondents

February 8, 2023

The above-captioned matter was heard as a contested case on August 16, 2022, at which time the complainants 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 No. 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, dated May 27, 2021 and filed June 2, 2021¹, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act as follows: "[v]iolation of CT FOIA Statutes- Illegal meetings, purposeful official actions and communications designed and conducted to evade legal obligated FOIA records Production." The complainants also requested the imposition of a civil penalty.
3. Section 1-200(2), G.S., defines "meeting," in relevant part, as follows:

[a]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a

¹ On March 25, 2020, the Governor issued Executive Order 7M, thereby suspending the provisions of Conn. Gen. Stat. Sec. 1-206(b)(1), which requires the Freedom of Information Commission to hear and decide an appeal within one year after the filing of such appeal. Executive Order 7M is applicable to any appeal pending with the Commission on the issuance date and to any appeal filed on or after such date, through June 30, 2021. Consequently, the Commission retains jurisdiction.

matter over which the public agency has supervision, control, jurisdiction or advisory power. (Emphasis added.)

4. Section 1-225(a), G.S., states in relevant part: “[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public.”

5. It is found that, prior to a meeting of the respondent Board of Education (“respondent board”) on May 17, 2021, the complainants sent an email to the Vice-Chairperson of the respondent board, informing her that the complainants planned to ask for the resignation of the Chairperson of the respondent board at the May 17th meeting.

6. It is found that, in response to the complainants’ email, the Vice-Chairperson of the respondent board drafted a letter of support for the Chairperson that she planned to read at the May 17th meeting. It is found that, by email dated May 16, 2021, the Vice-Chairperson sent the draft letter of support to the entire respondent board, seeking input from the other respondent board members and a determination of whether they were in favor of her reading such letter of support at the May 17th meeting. It is also found that the Vice-Chairperson followed her email with a group text message to the entire respondent board stating: “[h]i guys. I just sent you a document to your email. Please take a read and let me know your thoughts. Keep in mind FOIA when responding to the email. Thanks.” It is further found that the respondent board members responded via email and text message, and that a discussion ensued among them.

7. At the hearing in this matter, the respondents conceded, and it is found, that the respondent board’s communications regarding the draft letter of support constituted a “meeting” as defined in §1-200(2), G.S., and it is also found that such meeting was not open to the public as required by §1-225(a), G.S.

8. Based upon the foregoing, it is concluded that the respondents violated §1-225(a), G.S.

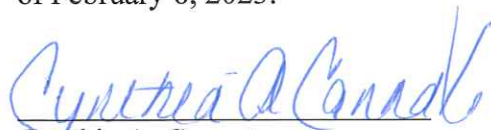
9. The respondents also testified, and it is found, that upon realizing their communications were improper, they issued a public letter of apology on May 25, 2021, and sought additional FOI Act training from a private law firm. It is found that such FOI Act training was conducted on August 6, 2021.

10. After consideration of the entire record in this case, the Commission in its discretion declines to consider the imposition of a civil penalty against the respondents.

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 open meetings requirement set forth in §1-225(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 8, 2023.



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:

GREGG AND JENN HAYTHORN, 6 Winthrop Hill, Weston, CT 06883

BOARD OF EDUCATION, TOWN OF WESTON, c/o Attorney Jessica Richman Smith, Shipman & Goodwin LLP, 300 Atlantic Street, 3rd Floor, Stamford, CT 06901 and Attorney Sarah Gleason, Shipman & Goodwin, LLP, 300 Atlantic Street, 3rd Floor, Stamford, CT 06901; Attorney Julie Jaquays, Shipman & Goodwin LLP, 1 Constitution Plaza, Hartford, CT 06103; **AND TOWN OF WESTON**, 24 School Road, Weston, CT 06883



Cynthia A. Cannata
Acting Clerk of the Commission