

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Michael Ceppetelli,

Complainant

against

Docket #FIC 2024-0125

First Selectman, Board of Selectmen,
Town of East Windsor; Board of
Selectmen, Town of East Windsor; and
Town of East Windsor,

Respondents

February 13, 2025

The above-captioned matter was heard as a contested case on September 3, 2024, at which time the complainant and respondents appeared 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 letter of complaint received and filed on March 4, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to file and make available for public inspection the minutes and results of votes taken at its February 15, 2024 regular meeting in a timely manner.¹
3. Section 1-225(a), G.S., provides that:

The meetings of all public agencies...shall be open to the public.
The votes of each member of any such public agency upon any issue

¹In his complaint, the complainant also cited several other instances between January and November 2023 wherein he alleges the respondent Board did not timely publish meeting minutes. As all the alleged violations cited therein occurred more than 30 days before the complainant filed his appeal, the Commission lacks jurisdiction to consider such claims. On September 11, 2024, the complainant filed a Motion to Open and Amend Complaint wherein the complainant sought to amend his March 4, 2024, complaint to seek civil penalties. In support of that motion, the complainant cited the same instances of alleged violations that he noted in his complaint. On October 3, 2024, the Hearing Officer denied the complainant’s Motion to Open and Amend. The Hearing Officer notes that the Commission has not previously found the respondent Board in violation of the requirement to file and make available for public inspection meeting minutes in accordance with §1-225(a), G.S.

before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

4. It is found the respondent Board held a regular meeting on February 15, 2024 (hereinafter, the "February 15 meeting").

5. It is found that on February 26, 2024, the complainant contacted the respondents' Town Clerk indicating that the February 15 meeting minutes were not available. The complainant also requested that such minutes be sent to him as soon as they were made available.

6. It is found that later that day, the respondents replied to the complainant via email providing him with a link to access the February 15 meeting minutes.

7. The respondents maintain that the complaint is moot because the February 15 meeting minutes were available to the complainant prior to the date he filed his appeal with the Commission.

8. Section 1-206(b)(2), G.S., provides, in relevant part that in any appeal brought to it "the commission may confirm the action of the agency or order the agency to provide relief that the commission, in its discretion, believes appropriate to rectify the denial of any right conferred by the Freedom of Information Act."

9. In this case, the Commission has the authority to issue an appropriate order in the event it finds a violation of §1-225(a), G.S. Such an order may, for instance, require the respondents to receive training from the Commission on the requirements of the FOI Act. Consequently, this case is not moot, and the Commission has jurisdiction to review the allegations set forth in the complaint.

10. It is found that the respondents neither filed nor made available for public inspection the minutes and votes of the February 15 meeting until February 26, 2024, four days beyond the seven-day statutory deadline set forth in §1-225(a), G.S.

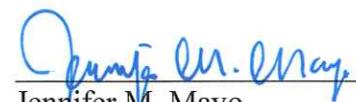
11. Accordingly, it is concluded that the respondents violated §1-225(a), G.S., as alleged in the complaint.

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

1. Henceforth, the respondents shall strictly comply with the requirements of §1-225(a), G.S., concerning the availability and filing of meeting minutes.

2. The respondents are advised to review their internal procedures for posting meeting minutes to (i) identify the cause of their failure to post the February 15 meeting minutes in a timely manner; and (ii) avoid similar issues with respect to future meetings.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 13, 2025.



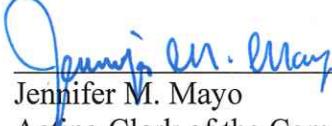
Jennifer M. Mayo
Acting Clerk of the Commission

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:

MICHAEL CEPPETELLI, c/o Scott R. Lingenfelter, Law Offices of Marc N. Needelman, 800 Cottage Grove Road, Suite 313, Bloomfield, CT 06002-2343

FIRST SELECTMAN, BOARD OF SELECTMEN, TOWN OF EAST WINDSOR; BOARD OF SELECTMEN, TOWN OF EAST WINDSOR; AND TOWN OF EAST WINDSOR, c/o Attorney Mark J. Sommaruga, Pullman & Comley LLC, 90 State House Square, Hartford, CT 06103



Jennifer M. Mayo

Acting Clerk of the Commission