

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Suzanne Irwin,

Complainant

against

Docket # FIC 2024-0131

Chair, Kent Memorial Library Commission,
Town of Suffield; Kent Memorial Library
Commission, Town of Suffield; and Town
of Suffield,

Respondents

February 26, 2025

The above-captioned matter was heard as a contested case on December 3, 2024, 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 complaint filed March 7, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by convening in executive session for an improper purpose at a March 5, 2024 special meeting. Specifically, the complainant alleged the following:

A Special Meeting of the Kent Memorial Library Commission was held on 3/5/24. They went into executive session to review and discuss resumes of potential candidates for an open position for Library Director. I do not believe this is a valid reason to enter an executive session....

3. Section 1-200(2), G.S., provides in relevant part, as follows:

"Meeting" means any hearing or other proceeding of a public agency [and] any convening or assembly of a quorum of a multimember

public agency... to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power....

4. Section 1-225(a), G.S., provides, in relevant part, that “[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. Section 1-200(6) provides, in relevant part, as follows:

“Executive sessions” means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting

6. The Commission takes administrative notice of the record and final decision in *Suzanne Irwin v. Chair, Kent Memorial Library Commission, Town of Suffield; Kent Memorial Library Commission, Town of Suffield; and Town of Suffield*, Docket #FIC 2024-0084 (January 22, 2025), wherein the Commission made findings and conclusions regarding a series of meetings of the respondents that are relevant to the present matter.

7. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the former director of the Kent Memorial Library in the Town of Suffield resigned in the early fall of 2023.

8. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the respondent Kent Memorial Library Commission (the “respondent Library Commission”), convened a meeting on September 12, 2023, and that, at such meeting, the respondent Library Commission voted to form a search committee (the “Search Committee”) concerning the hiring of a new director of the Kent Memorial Library (“Library Director”).

9. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the respondent Library Commission convened a special meeting on November 30, 2023, at which time the respondent Library Commission convened in executive session to discuss a particular candidate for the Library Director position. The Commission also takes administrative notice of the fact that, upon exiting the executive session, the respondent Library Commission voted to present such candidate to the First Selectman.

10. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the respondent Library Commission convened a special meeting on December 12, 2023, at which meeting the respondent Library Commission voted to rescind its decision to present to the First Selectman the candidate it had chosen for the Library Director position, and to allow the respondent Library Commission to review all applicants.

11. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the respondent Library Commission convened a regular meeting on January 9, 2024, at which the respondent Library Commission voted to discharge the Search Committee.

12. The Commission takes administrative notice of the fact, as set forth in Docket #FIC 2024-0084, that the respondent Library Commission convened a special meeting on January 25, 2024, at which time the Library Commission voted unanimously to review all resumes received for the open Library Director position.

13. It is found that the respondents convened a special meeting on March 5, 2024, at which time the respondents entered executive session for review and discussion of the applicants for the open Library Director position referenced in paragraphs 10 and 12, above. It is also found that the minutes to such meeting reflect that, following the executive session, the respondent chair “opened the floor for discussion and action on the candidates.”

14. With respect to the allegation described in paragraph 2, above, it is found that the respondent Library Commission’s March 5, 2024 executive session discussion of specific applicants for the vacant Library Director position comes within the purview of §1-200(6)(A), G.S. See *Linda Congdon-Marr v. Mae Ellen Lyons, Chairperson, Board of Education, Brooklyn Public Schools, et al.*, Docket #FIC 2015-467 (April 19, 2016) and *Dorothy B. Leib v. New London Board of Education, City of New London*, Docket #FIC 1997-244 (Jan. 28, 1998) (executive session is permissible under §1-200(6)(A), G.S., for the purposes identified therein when specific individuals are discussed).¹

15. It is therefore found that the March 5, 2024, executive session convened for a proper purpose, within the meaning of §1-200(6)(A), G.S.

16. Based on the foregoing, it is concluded that the respondents did not violate the provisions of §§ 1-225(a) and 1-200(6), G.S., as alleged in paragraph 2, above.²

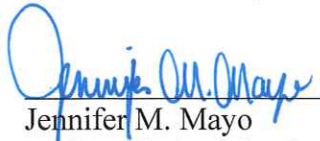
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

¹ cf. *Charles M. Watts v. Chairman, Police Commission, Town of Hamden, et al.*, Docket #FIC 1999-003 (June 9, 1999) (general discussion about the format of interviews in executive session was not proper because the respondent commission did not discuss “a public officer or employee,” within the meaning of §1-200(6)(A), G.S.); *Angelo J. DeLeon and Fairfield Police Union, IBPO Local 530 v. Fairfield Board of Police Commissioners*, Docket #FIC 92-272 (April 14, 1993) (police chief’s discussion of general reassignment of police was not a proper purpose for executive session); and *Kathleen Edgcomb and The Day v. Groton Board of Education*, Docket #FIC 88-264 (November 30, 1988) (executive session discussion of the policy regarding the reassignment of principals, and not the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, was impermissible under §1-200(6)(A), G.S.).

² The respondents also argued that the March 5, 2024, executive session constituted a gathering of a personnel search committee for executive level employment candidates and therefore was not a “meeting,” within the meaning of §1-200(2), G.S. However, because it has been determined that the March 5, 2024, executive session convened for a proper purpose, pursuant to §1-200(6)(A), G.S., such contention need not be addressed further herein.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 26, 2025.



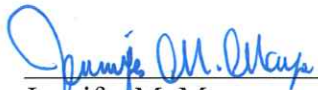
Jennifer M. Mayo
Acting Clerk of the Commission

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:

SUZANNE IRWIN, 58 Marbern Drive, Suffield, CT 06078

CHAIR, KENT MEMORIAL LIBRARY COMMISSION, TOWN OF SUFFIELD; KENT MEMORIAL LIBRARY COMMISSION, TOWN OF SUFFIELD; AND TOWN OF SUFFIELD, c/o Attorney Derek E. Donnelly, Blackburn & Donnelly, LLC, 2 Concorde Way, Suite 3C, P.O. Box 608, Windsor Locks, CT 06096



Jennifer M. Mayo
Acting Clerk of the Commission