

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

James Irwin,

Complainant

against

Docket #FIC 2024-0402

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

Respondents

June 25, 2025

The above-captioned matter was heard as a contested case on December 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 dated July 12, 2024, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act when their Personnel subcommittee (the “Subcommittee”) “began a series of private email meetings on 6/16/24 to edit a job description, and an in-person closed meeting on 7/9/24” with respect to the vacant Library Director position.
3. The respondents maintain that the events described in the July 12 complaint were not required to conform with the public meeting requirements under the FOI Act as they were meetings of a duly formed personnel search committee for a new Library Director.
4. Section 1-225(a), G.S., provides in relevant part that, “[t]he meetings of all public agencies . . . shall be open to the public.”
5. Section 1-200(2), G.S., defines “meeting” as follows, in relevant part:

[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 matter over which the public agency has supervision, control, jurisdiction, or advisory power. . . .

“Meeting” does not include: Any meeting of a personnel search committee for executive level employment candidates. . . .

6. Section 1-200(7), G.S., defines “personnel search committee” as:

a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a “personnel search committee” shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

7. It is found that the position of Library Director is an executive level employment position, within the meaning of §1-200(7), G.S.

8. It is found that on June 11, 2024, the respondent Kent Memorial Library Commission (“KMLC”) unanimously passed a motion that tasked the Subcommittee (composed of KMLC Commissioners Christine Sinopoli, James Irwin (the complainant), and Nina Kendrick), the Town of Suffield First Selectman, and the Town of Suffield Human Resources (“HR”) department¹ (collectively, the “Search Committee”) with: (i) reviewing and editing the Library Director job posting; (ii) interviewing candidates; and (iii) making a recommendation of ranked candidates to the respondent KMLC for a vote, thereby establishing a “personnel search committee” within the meaning of §1-200(7), G.S.²

9. The complainant alleges that the Subcommittee violated the FOI Act by engaging in the conduct described in paragraph 2, above. It is found, however, that the Search Committee, and not the Subcommittee, were engaged in such conduct pursuant to the motion passed by the respondent KMLC described in paragraph 8, above. It is further found that although the members of the Subcommittee were also part of the Search Committee, they were not acting in their capacity as Subcommittee members when engaging in the conduct described in paragraph 2, above.

10. The complainant also alleges that the Search Committee was not a duly formed “personnel search committee” because the KMLC bylaws authorize the Subcommittee to “[f]orm a Search Committee to recruit and employ a new Library Director (when needed).”

11. The Commission notes that §1-200(7), G.S., in part, requires that a “personnel search committee” be “a body appointed by a public agency.” As noted in paragraph 1, above, the

¹ The Town of Suffield Director of HR, Karin Ziemba, performed the assigned tasks on behalf of the HR department.

² The complainant testified, and it is found, that the First Selectman and the Director of HR, were not acting in an advisory capacity, but fully participated in the Search Committee, including voting on certain matters.

respondent KMLC is a public agency. Accordingly, it is found that the respondent KMLC is authorized to appoint a “personnel search committee” pursuant to §1-200(7), G.S.

12. To the extent the complainant alleges that the KMLC bylaws expressly reserve the ability to appoint a “personnel search committee” to the Subcommittee, such issue is outside the scope of the Commission’s jurisdiction. See Docket #FIC 2020-0050, Gerald Nardone v. Chairman, Western Connecticut Tourism District Board et al. (May 21, 2021) (“the Commission does not have jurisdiction over the respondents’ compliance with their own regulations and bylaws.”)

13. Finally, the complainant alleges that because the Search Committee had only reviewed and revised the Library Director job posting they had not performed any “search committee functions.”

14. As set forth in paragraph 6, above, the “sole purpose” of a duly formed personnel search committee must be to recommend to the appointing agency a candidate or candidates for an executive-level employment position. See §1-200(7), G.S.

15. It is found that the use of the word “purpose” in §1-200(7), G.S., does not limit the function of a personnel search committee to *only* making candidate recommendations. Rather, it requires that any action taken by a personnel search committee must be in furtherance of making such recommendations.

16. It is found that by reviewing and revising the Library Director job posting, the Search Committee, was deriving the criteria against which prospective candidates would be evaluated, and would inform any recommendation to the respondent KMLC as the appointing public agency.

17. Accordingly, it is found that reviewing and revising the Library Director job posting was done in furtherance of making candidate recommendations, and, therefore the Search Committee was acting with the “purpose” of “recommend[ing] to the appointing agency a candidate or candidates for an executive-level employment position” within the meaning of §1-200(7), G.S.³

18. Based on the foregoing, it is found that the Search Committee described in paragraph 8, above, by engaging in the conduct described in the July 12 complaint, was acting as a “personnel search committee” and was not subject to the FOI Act’s open meeting requirements.

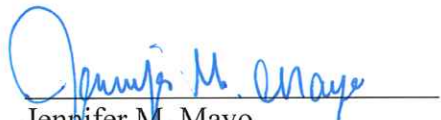
19. It is therefore concluded that the respondents did not violate the provisions of §§1-225(a) and 1-200(7), G.S.

³ This is consistent with the Commission’s decision in Docket #FIC 2013-746, Theda Lambert v. Director of Human Resources, Human Resources Department, Town of New Fairfield et al. (August 13, 2014), wherein, the Commission found that an individual was a single member “personnel search committee” when they “prepar[ed] a vacancy notice, which described the [executive level] position and the required qualifications.”

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 25, 2025.

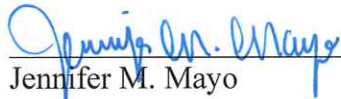

Jennifer M. Mayo
Acting Clerk of the Commission

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:

JAMES 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