

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

DeeAnn Morton,

Complainant

against

Docket # FIC 2024-0610

Chairman, Board of Commissioners,
Montville Housing Authority; and
Board of Commissioners, Montville
Housing Authority,

Respondents

September 25, 2025

The above-captioned matter was heard as a contested case on March 7, 2025, at which time the complainant appeared with a witness, but the respondents failed to appear.

The matter was then continued, and a second contested case hearing was held on April 28, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits, and argument on the complaint. At such second hearing, respondents' counsel represented that his, and his clients', failure to appear at the initial March 7, 2025 hearing was due to his oversight. However, the respondent chair further represented at such second hearing that she had personally received notice of the March 7, 2025 hearing on February 4, 2025, yet she offered no explanation for her failure to appear.

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 October 9, 2024, and received and filed by the Commission on October 10, 2024, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by permitting a town mayor, who is not a member of the respondent board, to enter and remain in attendance during the executive session held by the respondents at their September 25, 2024 meeting.
3. Section 1-225(a), G.S., provides in relevant part that "[t]he meetings of all public agencies, except executive session, as defined in subdivision (6) of section 1-200, shall be open to the public."
4. Section 1-200(6)(B), G.S., provides the following in relevant part:

"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; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of a public agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

5. Section 1-231(a), G.S., provides the following:

At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance except job applicants who attend for the purpose of being interviewed by such agency.

6. It is found that the respondent board convened a meeting on September 25, 2024, in a room that was open to the public and later went into executive session. It is further found, based upon the testimony of both the complainant and the respondents' witnesses, that the purpose of the executive session was to discuss the respondent housing authority's management company.

7. Section 1-225(f), G.S., provides that "a public agency may hold an executive session as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200."

8. It is found that the minutes of the meeting at issue reflect that the executive session convened at 6:10 p.m. and adjourned 50 minutes later at 7:00 p.m., and the meeting itself adjourned five minutes later at 7:05 p.m. It is further found, however, that such minutes do not reflect whether the respondent board entered and exited executive session with a vote as required pursuant to §1-225(f), G.S.

9. It is found that the respondent board, prior to entering into executive session, asked the members of the public to vacate the room for executive session and subsequently closed the door to the meeting room.

10. It is found that those attending the executive session were five members of the respondent board, which included the complainant, the complainant's witness, and the respondents' two witnesses.

11. It is found that, based upon the testimony of the complainant, the complainant's witness, and the respondents' witnesses, at some point after the executive session commenced, the Town of Montville's mayor entered the respondent board's meeting room. It is found that the minutes for the meeting at issue do not reflect that the mayor was present during any portion of the executive session nor the time he entered or exited the executive session.

12. Furthermore, witnesses provided conflicting testimony regarding the timing of the mayor's appearance in the meeting room. Specifically, the complainant testified that the mayor entered the meeting room approximately 40 minutes into executive session while the respondent board was discussing the housing authority's management company. The complainant's witness similarly testified that the mayor entered approximately 30 minutes into executive session. Conversely, the respondents' two witnesses were unable to specify a time when the mayor entered the meeting room, but they both maintained that the mayor entered the meeting room when the board was no longer in executive session because discussion of housing authority business had ceased.

13. It is found that the public was not present in the meeting room during the time when the mayor was in the meeting room. It is further found that the respondents failed to provide any evidence that the meeting room had been reopened to the public at the time of the mayor's entry to support their contention that the executive session had concluded.

14. Based on the foregoing, it is found that the respondents failed to prove that the respondent board was not meeting in executive session when the mayor entered the room.

15. It is found, based upon testimony from both parties' witnesses, that the mayor's attendance during executive session was not momentary; rather, he remained in the room long enough to make unsolicited statements to the board members present in the room. It is further found that, during the mayor's presence in executive session, he drew the vocal ire of the respondent board's then-chairperson.¹

¹ The parties' witnesses offered conflicting testimony about the contents and nature of the statements made by both the mayor and by the respondent board's then-chairperson during the executive session at issue.

16. It is further found that the mayor was not invited by the respondent board to attend the executive session to present testimony or opinion within the meaning of §1-231(a), G.S.

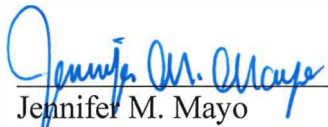
17. It is therefore concluded that the respondents violated the provisions of §1-231(a), G.S., when they permitted the mayor to enter and remain in their meeting room during executive session.²

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 executive session provisions of §1-231(a), G.S.

2. The respondents are admonished for failing to appear at the initial March 7, 2025 contested case hearing, which resulted in the waste of scarce state resources and inconvenience to the appearing party and witness.

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


Jennifer M. Mayo
Acting Clerk of the Commission

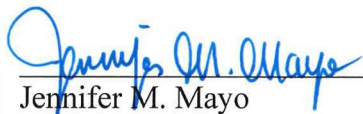
² The Commission notes that the scope of the complaint in the above-captioned matter is limited to the allegations plead therein, namely the attendance of an uninvited, non-member of the respondent board during executive session. However, the Commission cautions that various additional actions taken by the respondent board, evidenced to have occurred regarding the executive session at issue, likely constitute additional violations of the FOI Act. Such actions by the respondents came to light through evidentiary exhibits admitted and witness testimony provided at the two contested case hearings. Such actions include the following: the apparent improper convening of the executive session without a vote and lack of proper public notice regarding the topic of the executive session, pursuant to §1-225, G.S.; the apparent convening of such executive session for an impermissible purpose, pursuant to §1-200(6), G.S.; the apparent failure to include in the meeting minutes the executive session attendees, pursuant to §1-231, G.S.; and the apparent entry of another non-board member into executive session to retrieve a phone, pursuant to §1-231, G.S. (See Complainant's Exhibit A, "Housing Authority Agenda for September 25, 2024 Meeting" and Complainant's Exhibit B, "Housing Authority Minutes for September 25, 2024 Meeting.")

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:

DEEANN MORTON, 48 Hewitt Drive, Uncasville, CT 06382

**CHAIRMAN, BOARD OF COMMISSIONERS, MONTVILLE HOUSING AUTHORITY;
AND BOARD OF COMMISSIONERS, MONTVILLE HOUSING AUTHORITY**, c/o
Attorney Michael S. Wrona, Halloran & Sage, LLP, 225 Asylum Avenue, One Goodwin Square,
Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission