

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andrew Corea,

Complainant

against

Docket #FIC 2025-0802

Chair, Board of Ethics, Town of Brookfield;
Board of Ethics, Town of Brookfield; and
Town of Brookfield,

Respondents

August 26, 2026

The above-captioned matter was heard as a contested case on April 22, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After the contested case hearing on this matter, by order of the hearing officer, the respondents submitted an after-filed exhibit, which has been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit 3 (after-filed): Affidavit of Alice L. Carolan, signed May 5, 2026.

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 and filed September 8, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act with respect to an August 19, 2025 special meeting ("special meeting") of the respondent Board of Ethics ("Board") at which the Board discussed a confidential investigation regarding ethics complaint number C2025-06 ("C2025-06"). Specifically, and in addition to other allegations no longer at issue in this complaint, the complainant alleged that:
 - (a) the agenda for the special meeting failed to properly apprise the public of the business to be conducted in executive session;
 - (b) the Board failed to post accurate meeting minutes for the special meeting; and

- (c) the Board's alleged violations represent a "willful intent" to violate the FOI Act, which should result in the imposition of a civil penalty against the respondents.

3. Section 1-225, G.S., provides, in relevant part, as follows:

(a) [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. The votes of each member of any such public agency upon any issue 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....

(d) [n]otice of each special meeting of every public agency ... shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency....

4. With regard to the complainant's allegation described in paragraph 2(a), above, it is well established that a meeting agenda must "fairly apprise the public of the action proposed," and of the "matters to be taken up at the meeting in order to [permit the public] to properly prepare and be present to express their views." See Zoning Bd. of Appeals of the Town of Plainfield v. Freedom of Info. Comm'n, No. CV 99-047917-S, 2000 WL 765186, *3 (Conn. Super. Ct. May 3, 2000), rev'd on other grounds, 66 Conn. App. 279 (2001).

5. Moreover, this Commission has long held that in order for the public to be fairly apprised of the business to be transacted during an executive session, the public agency must give a sufficient indication of the specific topic to be addressed. Descriptions such as "personnel," "personnel matters," "legal," or even "the appointment, employment, performance, evaluation, health, dismissal of a public officer or employee," are inadequate. See, e.g., Bradshaw Smith v. Craig Cook, Superintendent of Schools, Windsor Public Schools, et al., Docket #FIC 2014-833 (September 24, 2015) (agenda item, "Potential Executive Session to Review Attorney/Client Privileged Communication Regarding Personnel Matter," did not fairly apprise the public of matter to be discussed); Richard L. Stone v. Board of Selectmen, Town of Cromwell, Docket #FIC 2010-738 (August 24, 2011) (agenda item, "[e]xecutive session: [p]ersonnel," did not fairly apprise the public of proposed matter to be discussed); Preston D. Schultz and the Citizens for Prudent Spending v. Board of Education, Woodstock Public Schools, Docket #FIC 2008-236 (February 25, 2009) (agenda item, "discussion of attorney/client privilege [sic] documents and pending litigation," did not fairly apprise the public); Bradshaw

Smith v. Milo W. Peck, Jr., Member, Board of Education, Windsor Public Schools, Docket #FIC 2007-003 (August 8, 2007) (agenda item, “employee personnel matters,” did not fairly apprise the public of the matter to be discussed in executive session); John Voket and the Newtown Bee v. Board of Education, Newtown Public Schools, Docket #FIC 2006-013 (October 11, 2006) (agenda item, “executive session – personnel,” did not fairly apprise the public); Trenton Wright, Jr. v. First Selectman, Town of Windham, Docket #FIC 1990-048 (agenda item, “executive session – personnel matters,” did not sufficiently state the reason for the executive session); and Robert Cox v. Ridgefield Board of Education, Docket #FIC 88-165 (January 25, 1989) (the agenda item listing executive session to “receive advice from legal counsel on a legal matter,” was insufficient).

6. It is found that the agenda for the Board’s special meeting stated the following: “3. Enter Executive Session to continue probable cause investigation into C2025-06” (“Agenda Item 3”).

7. At the hearing on this matter, the complainant alleged that Item 3 was impermissibly vague. Although the complainant conceded that the Board’s executive session was proper under the FOI Act, he argued that Agenda Item 3 was impermissibly vague because the purpose was to enter executive session to interview the respondent against whom C2025-06 had been filed, and that, therefore, Agenda Item 3 should have specified that the Board was conducting an interview with such respondent.

8. Section 7-148h, G.S., in relevant part, provides:

(a) Any town, city, district, as defined in section 7-324, or borough may, by charter provision or ordinance, establish a board, commission, council, committee or other agency to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of such town, city, district or borough. The provisions of subsections (a) to (e), inclusive, of section 1-82a shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause.... [Emphasis added.]

9. Section 1-82a, G.S., provides, in relevant part:

(b) An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Office of State Ethics shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or board or staff member....

(d) If the commission makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent....
[Emphasis added.]

10. It is found that the respondent Town of Brookfield (“Town”) established the Board to investigate complaints alleging violations of the Town’s code of ethics, pursuant to §7-148(h), G.S.

11. It is found that, at the time of the special meeting, the Board had not made a probable cause finding in C2025-06, and the Board, ultimately, dismissed such ethics complaint without a probable cause finding. It is also found that, pursuant to §§7-148h and 1-82a, G.S., the Board was therefore required to keep its investigation confidential, including: the complaint itself, the allegations in the complaint and any information supplied to or received from the Board, and the record of its investigation.

12. It is found that Agenda Item 3 indicated to the public that the Board would enter executive session to discuss a confidential ethics complaint and, specifically, the Board would be discussing C2025-06.

13. Based upon the findings in paragraphs 6 through 12, above, and the strict confidentiality provisions of §§7-148h and 1-82a, G.S., as applied to the Board, it is found that Agenda Item 3 provided a sufficient indication of the specific topic to be addressed during the executive session and sufficiently apprised the public of the matters to be considered.

14. Consequently, it is concluded that the respondents did not violate §1-225(d), G.S., as alleged by the complainant.

15. With regard to the allegation described in paragraph 2(b), above, the complainant argued that the Board failed to post accurate minutes for the special meeting because such minutes referred to the individual who was invited to attend the confidential ethics complaint discussion, referenced in paragraph 12, above, as a “witness” rather than the “respondent”.

16. The respondents argued that “witness” is a generic term used to refer to any person testifying before a tribunal and that the respondents used such term to protect the identity of such person, in accordance with §§7-148h and 1-82a, G.S.

17. Merriam-Webster Dictionary defines the term, “witness”, in relevant part, as follows: “[a.] attestation of a fact or event ... [; b.] one that gives evidence[,] *specifically*: one who testifies in a case or before a judicial tribunal” Witness, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/witness> (last visited August 4, 2026).

18. Moreover, Black’s Law Dictionary defines the term, “witness”, as follows:

[a.] Someone who sees, knows, or vouches for something ...

[b.] Someone who gives testimony under oath or affirmation (1) in person, (2) by oral or written deposition, or (3) by affidavit ...

‘The term ‘witness,’ in its strict legal sense, means one who gives evidence in a cause before a court; and in its general sense includes all persons from whose lips testimony is extracted to be used in any judicial proceeding, and so includes deponents and affiants as well as persons delivering oral testimony before a court or jury.’
97 C.J.S. *Witnesses* § 1, at 350 (1957).

WITNESS, Black’s Law Dictionary (12th ed. 2024).

19. It is therefore found, based upon the specific facts and circumstances of this case, that the respondents’ description of “witness”, as referenced in paragraph 16, above, was accurate, regardless of whether the individual who was invited to attend the special meeting’s confidential ethics complaint discussion was a third-party witness or the actual respondent.

20. The complainant also argued that the Board failed to post accurate minutes for the special meeting because such minutes state that C2025-06 was dismissed “for lack of probable cause”, but a letter of dismissal of C2025-06, received by the complainant, stated that C2025-06 was dismissed for lack of jurisdiction, and the Board, therefore, would not begin a probable cause investigation.

21. It is found that the distinction alleged in paragraph 20, above, is another argument over semantics, similar to the complainant’s allegation described in paragraph 15, above. It is axiomatic that where the Board determines it does not have jurisdiction over a complaint, there can be no finding of probable cause.

22. It is therefore found that the respondents’ description in the special meeting minutes that C2025-06 was dismissed for lack of probable cause was accurate, and the minutes for the special meeting were not “falsified” as alleged by the complainant.

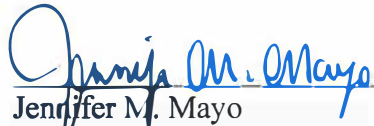
23. Consequently, based upon the facts and circumstances of this case, it is concluded that the respondents did not violate §1-225(a), G.S., as alleged by the complainant.

24. Based upon the conclusions in paragraphs 14 and 23, above, the complainant’s allegation described in paragraph 2(c), above, and the complainant’s request for the imposition of a civil penalty need not be further addressed herein.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting
of August 26, 2026.


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:

ANDREW COREA, 45 West Whisconier Road, Brookfield, CT 06804

CHAIR, BOARD OF ETHICS, TOWN OF BROOKFIELD; BOARD OF ETHICS, TOWN OF BROOKFIELD; AND TOWN OF BROOKFIELD, c/o Attorney Thomas W. Beecher, Collins Hannafin, P.C., 148 Deer Hill Avenue, Danbury, CT 06810



Jennifer M. Mayo
Acting Clerk of the Commission