

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Tony Carr,

Complainant

against

Docket #FIC 2025-0125

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

Respondents

February 11, 2026

The above-captioned matter was heard as a contested case on July 2, 2025, at which time the complainant and the 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 email dated and filed February 25, 2025, the complainant appealed to this Commission, alleging that the respondent Board of Ethics (“board”) violated the Freedom of Information (“FOI”) Act by holding an illegal meeting on February 18, 2025. Specifically, the complainant alleged that the board “conduct[ed] board business and agenda items outside of a meeting of the board...”¹ The complainant also alleged that the respondents violated their own bylaws and the Town of Brookfield’s Code of Ethics (“code of ethics”) by improperly discussing confidential matters in public.²
3. Section 1-200(2), G.S., defines “meeting,” in relevant part, as follows:

[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

¹ At the hearing in this matter, the complainant alleged additional violations of the FOI Act that were not fairly raised in his complaint, and therefore, will not be further addressed herein.

² With regard to the complainant’s allegation that the respondents violated their own bylaws and the code of ethics, such allegation is not an alleged violation of the FOI Act and is, therefore, outside the jurisdiction of this Commission. See *Dept. of Public Safety v. Freedom of Information Comm’n*, 103 Conn. App. 571, 577 (2007) (the Commission is a creature of statute with limited jurisdiction; it can only administer and enforce the provisions set forth in the FOI Act). Consequently, such allegation will not be further addressed herein.

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; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event. (Emphasis added.)

4. Section 1-225, G.S., states in relevant part, that:

- (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....

- (d) [n]otice of each special meeting of every public agency ... shall be posted not less than twenty-four hours before the meeting to which such notice refers The notice shall specify the time and place of the special meeting and the business to be transaction. No other business shall be considered at such meetings by such public agency.

5. It is found that the board held a special meeting on February 18, 2025 (“special meeting”). It is also found that the board consists of three members and a quorum of such board is two members. It is further found that, after the board adjourned the special meeting, all three board members exited the meeting room, where certain members of the public were waiting in the hallway.

6. At the hearing in this matter, the complainant testified that, upon exiting the special meeting, the board chair, Dr. Alice Carolan, discussed confidential board business with the complainant, while in the presence of the other board members and certain members of the public. The complainant alleged that such discussions in the hallway constituted an illegal meeting of the board.

7. Dr. Carolan testified, and it is found, that, while in the hallway, she apologized to the complainant and another member of the public, Andrew Corea, for not re-opening the board meeting subsequent to exiting the special meeting's executive session.³ Dr. Carolan also testified, and it is found, that she informed the complainant that no decision had been made regarding his ethics complaint and the board needed more information prior to coming to a decision on such complaint. Dr. Carolan also testified, and it is found, that she had further conversations with Mr. Corea in the hallway and while exiting the building, regarding his interest in the board and a prior ethics complaint he had filed. Dr. Carolan further testified, and it is found, that at no point did she engage in any discussions with either of the other two board members while in the hallway or elsewhere immediately subsequent to the special meeting.

8. Board member, Lisa Temple, testified, and it is found, that she was present in the hallway when Dr. Carolan apologized to Mr. Corea regarding the board's failure to re-open the special meeting subsequent to exiting the special meeting.⁴ Ms. Temple also testified, and it is found, that Dr. Carolan engaged in a conversation with the complainant, which Ms. Temple characterized as "procedural", and that Dr. Carolan informed the complainant that the board needed more time regarding his complaint. Ms. Temple further testified, and it is found, that at no point did she engage in any discussions with members of the public or either of the other two board members while in the hallway or elsewhere subsequent to the special meeting.

9. It is found, based upon the facts and circumstances of this case, and the credible testimony of the respondents' witnesses, that subsequent to the special meeting, the board did not "discuss or act upon" any matter over which the board "has supervision, control, jurisdiction or advisory power" within the meaning of §1-200(2), G.S. Rather, it is found that the board chair unilaterally apologized to two members of the public for a procedural error in conducting the special meeting⁵ and informed the complainant that no action was taken on his complaint. It is also found that the board chair had a completely unrelated conversation with Mr. Corea that continued outside the presence of any board members. It is further found that a quorum of the board happened to be present in the hallway because they were leaving the special meeting when Dr. Carolan engaged in such unilateral conversations.

10. Accordingly, it is concluded that Dr. Carolan's conversations with the complainant and Mr. Corea in the hallway did not constitute a "meeting" within the meaning of §1-200(2), G.S. Because there was no "meeting", it is further concluded that the respondents did not violate the notice or open meetings requirements of §1-225, G.S. Thus, it is further concluded that the respondents did not violate the FOI Act as alleged in the complaint.

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

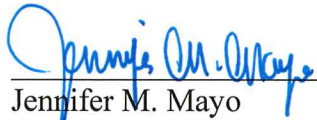
1. The complaint is hereby dismissed.

³ See FN 1, above.

⁴ See FN 1, above.

⁵ See FN 1, above.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 11, 2026.



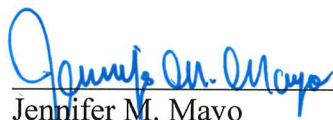
Jennifer M. Mayo
Acting Clerk of the Commission

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:

TONY CARR, 54 Indian Trail, Brookfield, CT 06804

CHAIRMAN, 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