

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Tom Keller,

Complainant

against

Docket #FIC 2025-0156

Chair, Brookfield Board of Education
Negotiations and Personnel Subcommittee,
Brookfield Public Schools; Brookfield Board
of Education Negotiations and Personnel
Subcommittee, Brookfield Public Schools;
and Brookfield Public Schools,

Respondents¹

January 28, 2026

The above-captioned matter was heard as a contested case on July 21, 2025, 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. It is found that by email dated March 3, 2025, and received on March 6, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by holding a meeting “without posting a special meeting or filing minutes with the Office of the Town Clerk in Brookfield.”
3. It is found that by motion dated and filed on June 24, 2025, the respondents moved to dismiss the complaint for lack of subject matter jurisdiction, claiming that the complaint was not timely filed.
4. Section 1-200(2)(A), G.S., defines “meeting” as:

¹ By order of the undersigned hearing officer, dated July 22, 2025, the caption for the respondents was amended from Chair, Brookfield Board of Education, Brookfield Public Schools; Brookfield Board of Education, Brookfield Public Schools; and Brookfield Public Schools, to reflect the respondents as captioned above.

[A]ny hearing or other proceeding of a public agency, any convening of 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, do 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.

5. Section 1-225(a), G.S., provides, in relevant part that “[t]he meetings of all public agencies . . . shall be open to the public.”

6. In this regard, §1-206(b)(1), G.S., provides, in relevant part:

Any person... denied the right to attend any meeting of a public agency or denied any other right conferred by the [FOI] Act may appeal therefrom to the [FOI] Commission, by filing a notice of appeal with said commission. A notice of appeal shall be filed not later than thirty days after such denial, except in the case of an unnoticed or secret meeting, in which case the appeal shall be filed not later than thirty days after the person filing the appeal receives actual or constructive notice that such meeting was held. [Emphasis added].

7. It is found that on September 26, 2024, two of the three members of the respondent Board subcommittee met² with a union representative.

² The respondents contest that the September 26 meeting was a meeting under the FOI Act. Due to the jurisdictional defect of the complaint, this contention will not be addressed.

8. It is found that after the September 26 meeting and prior to November 20, 2024, an ethics complaint was filed against the respondents regarding the September 26 meeting, referenced in paragraph 7, above.

9. It is found that on November 20, 2024, during a regularly scheduled and noticed Board of Education (“BOE”) meeting, the September 26 meeting and related ethics complaint, referenced in paragraphs 7 and 8, above, were discussed. It is also found that the November 20 meeting was streamed online.

10. It is found that the complainant listened to the November 20 meeting on or shortly after November 20, 2024.

11. It is found that on January 11, 2025, another ethics complaint was filed against the respondents regarding the same September 26 meeting referenced in paragraph 7, above.

12. It is found that on February 19, 2025, during a regularly scheduled and noticed BOE meeting, the respondents discussed the second ethics complaint, referenced in paragraph 11, above. It is also found that following the meeting, the complainant requested a copy of the second ethics complaint.

13. It is found that on February 25, 2025, the complainant received a copy of the second ethics complaint referenced in paragraph 11, above, and then filed his March 3, 2025, complaint with the Commission, referenced in paragraph 2, above.

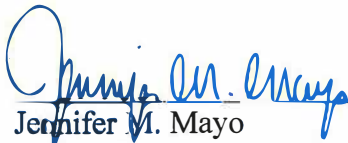
14. It is found that the complainant had constructive notice of the September 26 meeting at issue when that meeting was discussed during the November 20, 2024 meeting, see paragraph 9, above. Accordingly, the complainant was required to file his complaint regarding the alleged secret meeting within 30 days of the constructive notice from the November 20, 2024 meeting, or by December 19, 2024.

15. Because the complaint was not filed until March 3, 2025, it is concluded that pursuant to §1-206(b)(1), G.S., the Commission lacks jurisdiction to adjudicate such 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.

Approved by Order of the Freedom of Information Commission at its regular meeting of January 28, 2026.



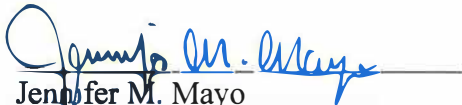
Jennifer V. Mayo
Acting Clerk of the Commission

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:

TOM KELLER, 3 New Bridge Road, Brookfield, CT 06804

CHAIR, BROOKFIELD BOARD OF EDUCATION NEGOTIATIONS AND PERSONNEL SUBCOMMITTEE, BROOKFIELD PUBLIC SCHOOLS; BROOKFIELD BOARD OF EDUCATION NEGOTIATIONS AND PERSONNEL SUBCOMMITTEE, BROOKFIELD PUBLIC SCHOOLS; AND BROOKFIELD PUBLIC SCHOOLS, c/o Attorney Sarah Gleason, Shipman & Goodwin LLP, 400 Atlantic Street, 4th Floor, Stamford, CT 06901


Jennifer M. Mayo
Acting Clerk of the Commission