

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Rickford Kirton,

Complainant

against

Docket # FIC 2025-0655

Danielle Wong, Chairperson, Town
Council, Town of Bloomfield; Town
Council, Town of Bloomfield; and
Town of Bloomfield,

Respondents

July 22, 2026

The above-captioned matter was scheduled to be heard as a contested case on April 10, 2026, at which time the respondents appeared. An individual purporting to be the complainant's representative also appeared, without the complainant. The presiding hearing officer was unable to locate an appearance on file for such individual. Therefore, because the complainant failed to appear to prosecute the matter, the hearing officer closed the hearing.

Subsequently, later in the day on April 10, 2026, the complainant filed a Motion to Reopen, as well as a "Notice of Procedural Violation and Written Offer of Proof," which represented that the individual who appeared at the hearing earlier in the day as the complainant's representative had filed a notice of appearance with the Commission on February 4, 2026. On May 18, 2026, the presiding hearing officer granted such motion and reopened the matter after locating the February 4, 2026, filing.

A reopened contested case hearing was held on June 12, 2026, at which time the complainant and the respondents appeared; stipulated to certain facts; and presented testimony, exhibits, and argument on the complaint.^{1, 2}

¹ On June 22, 2026, the complainant submitted 8 after-filed exhibits. On June 26, 2026, the respondents filed objections to several of such after-filed exhibits. Absent objection from the respondents, the presiding hearing officer admitted the following after-filed exhibit into evidence and marked it as follows: Complainant's Exhibit G (after-filed): "Hyperlink to YouTube video of the July 14, 2025, Town Council meeting." Additionally, in overruling the respondents' objection, the presiding hearing officer admitted the following into evidence and marked it as follows: Complainant's Exhibit I (after-filed): "Excerpts from the Town's FOI production, 'R. Kirton FOI Bullet #5' (2 pages)."

² The presiding hearing officer sustained the respondents' objections to the remaining six (6) after-filed exhibits by the complainant, marking them as follows: Complainant's Exhibit H (after-filed, for identification only): "July 18, 2025 email from Don Stacom (Hartford Courant) (4 pages)"; Complainant's Exhibit J (after-filed, for identification only): "FYs 25 and 26 Adopted Budget excerpts (8 pages)"; Complainant's Exhibit K (after-filed, for identification only): "Town Council Rules of Procedure (8 pages)"; Complainant's Exhibit L (after-filed, for identification only): "Excerpts from Bloomfield Town Charter (7 pages)"; Complainant's Exhibit M (after-filed, for identification only): "September 25, 2025, email chain (2 pages)"; and Complainant's Exhibit N (after-filed, for identification only): "Adams & Knight public relations agreement and invoices (9 pages)." The Commission notes that "Complainant's

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 July 23, 2025, and received and filed on July 24, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by entering executive session for an improper purpose at their July 14, 2025, regular meeting.³ The complainant also requested that the Commission consider the imposition of a civil penalty against the respondents.
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), 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 terminate or abandoned; and **(E) discussion of any matter which would result in the disclosure of public records or the**

Exhibit N (after-filed, for identification only)” was already admitted into evidence at the June 12, 2026, contested case hearing and marked as “Complainant’s Exhibit F.”

³ The Commission notes that the complainant further alleged in his complaint that the respondents failed to provide him with records responsive to a request he submitted, via electronic mail on July 16, 2025, to the respondent town’s clerk and human resources director, neither of whom are respondents in this matter. Additionally, the complainant did not put on any evidence regarding such allegation at the contested case hearings in this matter. Accordingly, such allegation will not be further addressed herein.

***information contained therein described in subsection (b) of
section 1-210.***

(Emphasis added.)

5. It is found that the respondent town council held a regular meeting on July 14, 2025 (hereinafter, “the meeting”).

6. It is found that, at the time of the meeting, the complainant was not a member of the respondent town council; however, he had previously served in that capacity from November 2017 through November 2023.

7. It is found that the respondents’ agenda for the meeting included the following item (hereinafter, “agenda item at issue”), among others:

IX. Executive Session

[...]

A. Update on Pending Claims, Litigations, and
Investigations

I. Former Councilman Rickford Kirton v. Sexual
Harassment Victim #1 Investigation

8. It is found that the agenda item at issue, described in paragraph 7, above, referred to an investigation commissioned by the town in response to a sexual harassment complaint made by a town employee against the complainant. Such complaint was made by the town employee in 2022, while the complainant was then serving as a member of the respondent town council.

9. It is found that, a few days prior to the respondents’ July 14, 2025, meeting, the town employee approached the respondent town’s attorney and inquired about the status of her 2022 sexual harassment complaint, described in paragraph 8, above. It is further found that, during such conversation, the town employee informed the town’s attorney that she was contemplating pursuing legal action against the town because, after approximately three years, she had yet to be informed about the outcome of the town’s investigation of her complaint.

10. It is found that the respondent town’s attorney was not aware of the town employee’s complaint or the existence of an investigation prior to the conversation, described in paragraph 9, above. It is further found that, after such conversation, the town’s attorney searched among the files of the respondent town’s former attorney and located a copy of an investigation report (hereinafter, “investigation report”). Based on the town attorney’s testimony, it is found that the respondent town had commissioned a third-party law firm to investigate the claims in the town employee’s 2022 sexual harassment complaint, and that third party had issued a final investigation report memorializing its findings.

11. It is found that, after reviewing the investigation report’s contents, the respondent town’s attorney suggested that the respondent chairperson place the item at issue, described in paragraph 7, above, on the agenda for the meeting under “executive session.”

12. It is found that the complainant attended the meeting and requested, during the public comment period, that the agenda item at issue, described in paragraph 7, above, be discussed publicly rather than in executive session.

13. It is found that the respondent town council conducted a voice vote at the meeting to enter into executive session to address sixteen (16) agenda items, including the agenda item at issue, described in paragraph 7, above.

14. The complainant contends that the executive session discussion of the agenda item described in paragraph 7, above, was improper. The complainant based such argument, in part, on his belief that there were no pending claims or pending litigation regarding the agenda item, and upon his personal knowledge that such investigation was no longer pending and had in fact concluded approximately three years earlier.⁴

15. In defense of their executive session discussion of the agenda item at issue, described in paragraph 7, above, the respondents relied only upon §§1-200(6)(E) and 1-210(b), G.S. Specifically, at the June 12, 2026, hearing, the respondents contended, *for the first time*, that the agenda item at issue was properly discussed in executive session pursuant to attorney-client privilege, which extended not only to the legal advice given orally by the town's attorney to the respondents in executive session, but also to consideration of the contents of the investigation report itself, described in paragraph 10, above.

16. It is found, however, that immediately prior to taking a vote to enter into executive session at the meeting, the respondent chairperson publicly stated the following:

Please understand that ***all matters discussed in the executive session relate exclusively to legal claims against the town.*** The council has both the right and the duty to discuss such claims with its attorney. And, so, we will not be discussing specific individuals or their alleged actions. Rather, ***we are meeting to receive legal advice and consider the town's potential exposure, legal and financial, and respond in connection with these unresolved open matters.*** So, I just wanted to make sure that my colleagues were understood there.⁵

17. It is found that, based upon the wording of the agenda item at issue, described in paragraph 7, above; coupled with the chairperson's announcement prior to entering executive session, described in paragraph 16, above; the respondents represented to the public that the

⁴ In further support of this argument, the complainant points to his request at the July 14, 2025, meeting to have such discussion in public session. However, the complainant was not an employee of the respondents or an elected member of the respondent town council at the time, within the meaning of §1-200(6)(A), G.S. Therefore, the Commission will not address such argument further herein.

⁵ See "Complainant's Exhibit G," YouTube video hyperlink, beginning at 01:54:10.

purpose of the agenda item at issue, described in paragraph 7, above, pertained to a discussion of “pending claims, litigation, and investigations” and “legal claims against the town.”

18. It is further found that nowhere on the agenda noticing the item at issue, nor in the minutes of the meeting at issue, did the respondents state that discussion of a document subject to the attorney-client privilege was one of the reasons for entering into executive session.

19. As previously articulated in paragraph 4, above, §1-200(6)(E), G.S., provides that a meeting of a public agency may be held in executive session for the purpose of “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.”

20. Section 1-210(b)(10), G.S., provides that “[n]othing in the [FOI] Act shall be construed to require disclosure of [...] communications privileged by the attorney-client relationship [...].”

21. On June 29, 2026, in order to determine whether the investigation report was subject to the attorney-client privilege as claimed by the respondents, the presiding hearing officer issued a post-hearing order for the respondents to submit such report for in camera inspection.

22. On June 30, 2026, the respondents submitted a copy of the investigation report for in camera inspection. Along with such investigation report, the respondents submitted a detailed Index to Records Submitted for In Camera Inspection (hereinafter, “Index”). The pages of such investigation report are identified herein as IC-2025-0655-1 through IC-2025-0655-6.

23. It is found that the Index reflects the respondents’ claim that the investigation report, in its entirety, is privileged pursuant to §1-210(b)(10), G.S.

24. Established Connecticut law defining the attorney-client privilege governs the applicability of the exemption contained in §1-210(b)(10), G.S. Such law is well set forth in *Maxwell v. Freedom of Info. Comm’n*, 260 Conn. 143 (2002). In that case, the Supreme Court stated that §52-146r, G.S., which established a statutory privilege for communications between public agencies and their attorneys, merely codified “the common law attorney-client privilege as this court previously had defined it.” *Id.* at 149.

25. Section 52-146r(2), G.S., defines “confidential communications” as follows:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or a public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice [...].

26. The Supreme Court has also stated that “both the common law and statutory privileges protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and his or her public agency client, and relate to legal advice sought by the agency from the attorney.” *Maxwell*, supra at 149.

27. Our Supreme Court has adopted a four part test to determine whether communications are subject to the attorney-client privilege: “(1) the attorney must be acting in a professional capacity for the agency; (2) the communications must be made to the attorney by current employees or officials of the agency; (3) the communications must relate to the legal advice sought by the agency from the attorney; and (4) the communications must be made in confidence.” *Shew v. Freedom of Info. Comm’n*, 245 Conn. 149, 159 (1998). “The burden of establishing the applicability of the privilege rests with the party invoking it.” *Harrington v. Freedom of Info. Comm’n*, 323 Conn. 1, 12 (2016). “If it is clear from the face of the records, extrinsic evidence is not required to prove the existence of the attorney-client privilege.” *Lash v. Freedom of Info. Comm’n*, 300 Conn. 511, 516-17 (2011).

28. Based upon careful in camera inspection, it is found that the investigation report consists of a communication of legal advice. It is found that such legal advice was sought by the respondent town’s previous town attorney from a third-party law firm. It is further found that such legal advice was transmitted in confidence and was prepared in the form of a letter from the third-party law firm addressed to the respondent town’s human resources director.

29. Therefore, it is found that the investigation report, identified as IC-2025-0655-1 through IC 2025-0655-6, is a record that is subject to the attorney-client privilege within the meaning of §52-146r(a)(2), G.S. It is further found that the record does not contain evidence that such privilege had been waived *as of the date of the July 14, 2025, meeting*.⁶

30. Although the aforementioned findings have determined that the investigatory report is protected by the attorney-client privilege, it must next be determined whether the respondent town attorney’s presentation of such report during executive session should be analyzed pursuant to §§1-200(6)(E), 1-210(b)(10), and 52-146r(2), G.S., or pursuant to §1-231(b), G.S.

31. Section 1-231(b), G.S., provides the following:

⁶ The Commission notes that a redacted copy of the in camera record (i.e., “investigation report”) was publicly posted by at least one news organization on July 25, 2025, eleven (11) days after the meeting in this matter. See “Sexual harassment complaint surfaces as Democrats vie for Bloomfield council,” NBC Connecticut, <https://www.nbcconnecticut.com/news/local/sexual-harassment-complaint-surfaces-democrats-vie-bloomfield-council/3615652/> (last accessed on July 1, 2026). The Commission notes that a printout of such webpage is entered into evidence as Hearing Officer’s Exhibit 1: “Printout of NBC Release of Investigation Report (15 pages).” Accordingly, as of the date of the June 12, 2026, contested case hearing, the *entire* in camera record was not subject to attorney-client privilege and, therefore, should not have been claimed as such on the Index submitted by the respondents.

An executive session may not be convened to receive or discuss oral communications that would otherwise be privileged by the attorney-client relationship if the agency were a nongovernmental entity, unless the executive session is for a purpose explicitly permitted pursuant to subdivision (6) of section 1-200.

32. An established principle of statutory construction is that "specific terms covering the given subject matter will prevail over general language of the same or another statute which might otherwise prove controlling . . . The provisions of one statute which specifically focus on a particular problem will always, in the absence of express contrary legislative intent, be held to prevail over provisions of a different statute more general in its coverage." (Citations omitted; internal quotation marks omitted.) *Tappin v. Homecomings Financial Network, Inc.*, 265 Conn. 741, 760, 830 A.2d 711 (2003), citing *Moscone v. Manson*, 185 Conn. 124, 133-34, 440 A.2d 848 (1981).

33. Section 52-146r, G.S., is an evidentiary statute which prohibits governmental attorneys from disclosing privileged communications in civil, criminal, legislative or administrative proceedings.

34. On the other hand, it is found that the language in §1-231(b), G.S., specifically covers the issue presented in this case, which is whether a multimember public agency may convene in executive session to receive or discuss oral communications that would ordinarily be privileged by the attorney-client relationship.

35. It is concluded that §1-231(b), G.S., is controlling in the instant matter.

36. Our courts have repeatedly held that §1-231(b), G.S., specifically precludes a multimember public agency from convening in executive session to receive oral communications that would otherwise be privileged by the attorney-client relationship unless the executive session is for one of the five explicitly permitted purposes found in subdivision (6) of section 1-200, G.S. (e.g., §1-200(6)(A) through (D), G.S.). *See, e.g., State of Connecticut Citizen's Ethics Advisory Board v. Freedom of Info. Comm'n*, Superior Court, Judicial District of New Britain, Docket No. CV-106007661 (July 15, 2011, Cohn, J); *Chairperson, Connecticut Medical Examining Bd. v. Freedom of Info. Comm'n*, Superior Court, Judicial District of New Britain, Docket No. CV 106003500, 2011 WL 3200240 at *5 (June 24, 2011, Owens, JTR), *aff'd* on other grounds, 310 Conn. 276 (2013); *Bd. of Public Safety, City of Torrington v. Freedom of Info. Comm'n*, Superior Court, Judicial District of New Britain, Docket No. CV 010506448 (November 20, 2001, Owens, J.).

37. This Commission has held, however, that it is permissible to convene in executive session to discuss the *written communications* subject to the attorney-client privilege pursuant to §§1-200(6)(E) and 1-210(b)(10), G.S. *See, e.g.,* Docket #FIC 2004-134, *Daniel M. McCabe v. Zoning Enforcement Officer, Land Use Bureau, City of Stamford, et al.* (September 22, 2004). ("It is also concluded that §1-231(b), G.S., limits the attorney-client privilege insofar as it applies to oral communications between public agencies and their attorneys[;] [h]owever, such provision

does not limit the ability of a public agency to invoke an attorney-client privilege with its attorney insofar as written communications are concerned”).

38. At the June 12, 2026, hearing on this matter, the respondent town’s attorney testified that he told the respondent chairperson that the agenda item at issue, described in paragraph 7, above, should be discussed in executive session so that the respondents could “talk about it as [a] council to have any settlement discussions.” The town’s attorney also testified to his belief that the town “had exposure” because “the loop wasn’t closed” with the town employee in 2022, and that the town employee “feared retaliation” because the complainant was campaigning to run for town council again in the upcoming November 2025 election. He also testified that the agenda item at issue should be discussed in executive session because “*the subject that we were going to discuss was the report itself, and the report is privileged*. And I was going to go into, you know, pretty considerable detail about the -- reporting the outcome with the council members.” (Emphasis added.)

39. It is found that the respondent town’s attorney brought with him into executive session a copy of the investigation report. It is further found, based on the attorney’s testimony, that he did not distribute the investigation report to any members of the respondent town council during the executive session.

40. It is found that the respondents appeared at the June 12, 2026, hearing on this matter without any additional witnesses, such as any member of the respondent town council, to corroborate the witness testimony described in paragraphs 38 and 39, above.

41. It is found, based upon careful in camera inspection, that the investigation report did not contain any privileged legal advice from the respondent town’s current attorney, who entered the executive session, to the respondent town council, regarding actionable items for the respondent town council to consider. It is further found that the current town attorney did not participate in any way in the drafting of the investigation report.

42. It is found that the respondent town’s current attorney did not bring into the executive session at issue any *written* communications that he personally drafted for the respondent town council containing legal advice about the investigation report.

43. Rather, it is found that the respondent town’s current attorney delivered legal advice to the respondent town council *orally* in executive session, and that such advice concerned next steps that the respondent town council should take regarding the findings of the report to avoid any potential litigation that may arise in the future. (See paragraph 38, above.)

44. Therefore, with respect to the findings in paragraphs 28 through 43, above, it is found that, while the investigation report itself is subject to the attorney-client privilege, pursuant to §§1-200(6)(E), 1-210(b)(10), and 52-146r, G.S., such investigation report did not contain legal advice from the respondent town’s attorney to the respondent town council, as required pursuant to §1-231(b), G.S. (See Docket #FIC 2022-0468, *Avi Kamrat v. Chair, Board of Education, Town of Hamden, et al.* (September 27, 2023) (respondents convened in executive session to

discuss a legal memo prepared by the board's law firm *for the respondent school board* containing factual information, legal considerations, and recommendations in response to the advice sought by the respondents); and Docket #FIC 2015-268, *Lisa Labella v. Chairman, Trumbull Board of Education, Trumbull Public Schools, et al.* (October 28, 2015) (respondents' attorney prepared a written confidential legal memorandum *for the respondent school board* chairman and the respondents' superintendent to discuss in executive session, which contained advice concerning international student travel and issues relating to the respondents' meetings' consent agenda).

45. Accordingly, pursuant to §1-231(b), G.S., it is found that the discussion of the agenda item at issue, described in paragraph 7, above, was not permitted in executive session for the purpose of receiving oral attorney-client privileged communications.

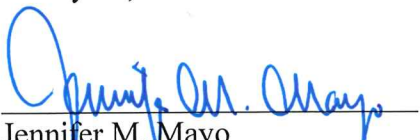
46. Based upon the foregoing, it is concluded that the respondents violated §§1-225(a) and 1-231(b), G.S., when the respondent town council discussed the agenda item at issue, described in paragraph 7, above, in executive session. The Commission, in its discretion, declines to consider the imposition of a civil penalty against the respondents.

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

1. Within one week of the date of the Notice of Final Decision in this matter, the respondents shall contact the Commission's Director of Education and Communications to schedule training on the FOI Act that the respondent town council members shall attend. The respondent town's attorney is also strongly encouraged to attend such training.

2. Henceforth, the respondents shall strictly comply with the provisions of §§1-225(a) and 1-231(b), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 22, 2026.

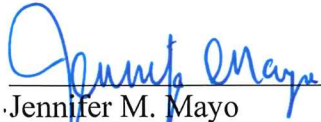

Jennifer M. Mayo
Acting Clerk of the Commission

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:

RICKFORD KIRTON, 7 Hickory Lane, Bloomfield, CT 06002

DANIELLE WONG, CHAIRPERSON, TOWN COUNCIL, TOWN OF BLOOMFIELD; TOWN COUNCIL, TOWN OF BLOOMFIELD; AND TOWN OF BLOOMFIELD, c/o Attorney Andrew R. Crumie, Crumie Law Group, 650 Farmington Avenue, Hartford, CT 06105 and Attorney Alexa T. Millinger, Hinckley, Allen & Snyder LLP, 20 Church Street, 18th Floor, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission