

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Tara Carr,

Complainant

against

Docket #FIC 2025-0229

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

Respondents

March 25, 2026

The above-captioned matter was heard as a contested case on July 30, 2025, at which time the complainant and 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 April 4, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by conducting an unnoticed meeting sometime between February 18, 2025 and March 6, 2025.
3. Section 1-206(b)(1), G.S., provides, in relevant part, that:

Any person denied the right to inspect or copy records under section 1-210 or wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the Freedom of Information Act may appeal therefrom to the Freedom of Information 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....

4. It is found that, at all relevant times, the respondent board was comprised of three members.

5. It is found that, on November 21, 2024, the members of the respondent board met publicly and voted to initiate a probable cause investigation into the complainant's actions based on a complaint that had been filed against her by a Brookfield resident.

6. It is found that, on February 18, 2025, the members of the respondent board met publicly to discuss, among other matters, the status of the complaint and the investigation referenced in paragraph 5, above. After their discussion, it is found that the members of the respondent board determined that no additional investigation was needed and voted unanimously that the matter proceed to a public hearing.

7. It is found that the respondent board did not conduct any public meetings between November 21, 2024 and February 18, 2025.

8. It is found that on March 6, 2025, the members of the respondent board met publicly to:

Discuss findings and summary of Probable Cause Investigation in case C2024-03 as specified in report titled 'Probable Cause Investigation into C2024-03 Raymond DiStephan v. Tara Carr,' mailed to [Ms. Carr] on February 20, 2025.

See Bd. of Ethics, Town of Brookfield, Special Meeting Agenda (Mar. 6, 2025) (emphasis added.)

9. It is found that the report referenced in paragraph 8, above, is four pages long, dated February 20, 2025, and "submitted" by all three members of the respondent board.

10. It is found that the respondent board did not conduct any public meetings between February 18, 2025 and March 6, 2025.

11. The complainant contends that, because the respondents did not discuss or even mention the report at the February 18, 2025 meeting, and the report was fully drafted by the time of the March 6, 2025 meeting, the respondents drafted, revised and ultimately signed the report outside of a public meeting sometime after the February 18, 2025 meeting and before the March 6, 2025 meeting.

12. It is found that the respondents mailed the complainant a copy of the report via regular mail on February 20, 2025, and the complainant received such copy on February 24, 2025.

13. It is therefore found that the complainant received notice in fact that the respondents might have conducted an unnoticed or secret meeting on February 24, 2025, which is the date that she received a copy of the report.¹

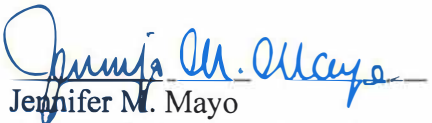
14. It is found that the notice of appeal in this matter was filed more than thirty days after the complainant received notice in fact that the respondents might have conducted an unnoticed or secret meeting.

15. It is concluded that the Commission does not have jurisdiction in this matter.

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

1. The complaint is dismissed for lack of subject matter jurisdiction.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 25, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

¹ The Commission notes that the respondents conceded that a quorum of the respondent board drafted the report referenced in paragraphs 8, 9 and 11, above, by way of email communications that took place on February 18 and February 19, 2025. The Commission further notes that the respondents represented that, after consultation with their attorney, they now understand that a substantive report like the one at issue in this case should be discussed, drafted and finalized during a noticed, public 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:

TARA CARR, c/o Attorney Nicholas R. Bamonte, Berchem Moses PC, 1221 Post Road East, Westport, CT 06880

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