

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Andrew Corea,

Complainant

against

Docket #FIC 2025-0433

Wendy Youngblood, Chair, Board of
Education, Brookfield Public Schools;
Board of Education, Brookfield Public
Schools; and Brookfield Public Schools,

Respondents

May 27, 2026

The above-captioned matter was heard as a contested case on February 4, 2026, 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. By complaint dated and filed June 5, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act with respect to a May 7, 2025 regular meeting of the respondent Board of Education (“BOE”) (“May 7th regular meeting”). Specifically, the complainant alleged that:
 - (a) when the BOE failed to achieve a two-thirds vote to convene an executive session, the BOE was required to discuss the topic of such executive session during the portion of the May 7th regular meeting open to the public and failed to do so;
 - (b) the BOE improperly declined to take action on an item noticed on the agenda for the May 7th regular meeting;
 - (c) the agenda for the May 7th regular meeting failed to properly apprise the public of the business to be transacted during the anticipated executive session, with respect to ethics complaint reference number: C2024-4; and

- (d) during a May 21, 2025 regular meeting of the BOE, the BOE approved minutes of the May 7th regular meeting that were inaccurate because they failed to address the agenda item described in paragraph 2(b), above.

The complainant also requested the imposition of a civil penalty against the respondents.

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

(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....

(c) [t]he agenda of the regular meetings of every public agency ... shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer ... Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings....

(f) [a] public agency may hold an executive session as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200....

4. It is found that the noticed agenda for the May 7th regular meeting contained the following items:

“XIV. EXECUTIVE SESSION ANTICIPATED

- A. DISCUSSION REGARDING CONFIDENTIAL ATTORNEY CLIENT PRIVILEGED COMMUNICATION REGARDING BROOKFIELD BOARD OF ETHICS COMPLAINT AGAINST BOARD MEMBER (No. C2024-4)
Recommended Motion: that the Board enter executive session for the purpose of discussing a confidential attorney-privileged communication regarding a

Brookfield Board of Ethics Complaint against a Board Member and invite Attorney Peter Maher into executive session....”

“ADDITIONAL NEW BUSINESS

- A. Discussion and possible action regarding Brookfield Board of Ethics Complaint Against Board Member (No. C2024-4)”.

(Emphasis in original.)

5. It is found that, during the May 7th regular meeting, the BOE moved to enter executive session to discuss matters related to ethics complaint C2024-04, which had been filed against one of the members of the BOE (“ethics complaint”), as described on the meeting agenda in paragraph 4, above. It is also found, however, that the BOE failed to achieve the requisite vote of two-thirds of the members of the BOE present and voting, and consequently, did not enter executive session for that purpose. It is further found that because the BOE did not enter executive session to discuss the ethics complaint, they took no action on the agenda item, “ADDITIONAL NEW BUSINESS”, which related to such ethics complaint.

6. With regard to the allegation described in paragraph 2(a), above, it is found that nothing in the FOI Act requires a public agency that fails to achieve a two-thirds vote to enter executive session to then discuss such matters during the public portion of such public agency’s meeting. It is therefore concluded that the respondents did not violate the FOI Act by not discussing the substance of the anticipated executive session during the portion of the May 7th regular meeting that was open to the public.

7. With regard to the allegation described in paragraph 2(b), above, it is found that nothing in the FOI Act requires a public agency to take affirmative action on an agenda item during a public meeting.¹ It is therefore concluded that the respondents did not violate the FOI Act by not taking action on the agenda item, “ADDITIONAL NEW BUSINESS”, or further discussing the ethics complaint during the May 7th regular meeting.

8. With regard to the allegation described in paragraph 2(c), 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).

9. 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,

¹ The Commission also notes that it does not have jurisdiction over the enforcement of parliamentary procedure. 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).

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).

10. At the contested case hearing on this matter, the complainant argued that referring to the subject of the ethics complaint as a “Board Member,” rather than identifying the specific member of the BOE, was not enough to properly apprise the public of the business to be transacted during the executive session.

11. It is found, however, that an executive session was never convened to discuss the ethics complaint, and therefore, no such business was transacted during executive session. It is also found that the respondents could not fail to properly apprise the public of business that was not transacted.

12. Consequently, it is concluded that the respondents did not violate the notice requirements of §1-225(c), G.S., as alleged in paragraph 2(c), above.

13. With regard to the allegation described in paragraph 2(d), above, as cited in paragraph 3, above, §1-225(a), G.S., requires that “the votes of each member of any such public agency upon any issue before such agency ... shall ... be recorded in the minutes of the session at which taken” and that “[e]ach public agency shall make, keep and maintain a record of the proceedings of its meetings.”

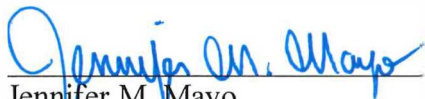
14. It is found that nothing in the FOI Act requires a public agency to record in its minutes actions that were not taken at a public meeting by such public agency. It is therefore concluded that the respondents did not violate §1-225(a), G.S., by not recording that the BOE did not address the “ADDITIONAL NEW BUSINESS” related to the ethics complaint during the May 7th regular meeting, as alleged by the complainant.

15. Because the respondents did not violate the FOI Act, consideration of the complainant's request for the imposition of a civil penalty is not warranted.

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 May 27, 2026.



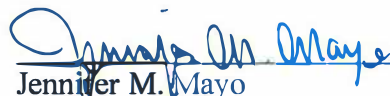
Jennifer M. Mayo
Acting Clerk of the Commission

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 W. Whisconier Road, Brookfield, CT 06804

WENDY YOUNGBLOOD, CHAIR, BOARD OF EDUCATION, BROOKFIELD PUBLIC SCHOOLS; BOARD OF EDUCATION, 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