

Since 1975



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Paul Baer,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-450

Paul Lenky, First Selectman, Town of Thompson; Kerstin Forrester, Shaina Smith, as members, Board of Selectmen, Town of Thompson; Board of Selectmen, Town of Thompson; and Town of Thompson,
Respondent(s)

April 1, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, April 22, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE April 10, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE April 10, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE April 10, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of Information Commission

W. Paradis

Acting Clerk of the Commission

Notice to: Paul Baer, Paul Lenky, Kerstin Forrester,
Shaina Smith, Board of Selectmen, Town of Thompson
Town of Thompson

2015-04-01/FIC# 2014-450/Trans/wrbp/CPH/TCB/LFS

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Paul Baer,

Complainant

against

Docket #FIC 2014-450

Paul Lenky, First Selectman,
Town of Thompson; Kerstin
Forrester, Shaina Smith, as
members, Board of Selectmen,
Town of Thompson; Board of
Selectmen, Town of Thompson;
and Town of Thompson,

Respondents

March 31, 2015

The above-captioned matter was heard as a contested case on March 10, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

At the request of the complainant, the Commission takes administrative notice of its final decisions in Docket #FIC2013-808; Paul Baer v. Kerstin Forrester, Chairman, Fire Protection Advisory Committee, Town of Thompson; Fire Protection Advisory Committee, Town of Thompson; and Town of Thompson; and in Docket #FIC 2013-205; Paul Baer v. John Bell, Chairman, Fire Advisory Committee, Town of Thompson; and Fire Advisory Committee, Town of Thompson.

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 e-mail sent on July 14, 2014, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to post the agenda for their June 25, 2014 special meeting on their web page twenty-four hours prior to that meeting pursuant to §1-225(d), G.S. The complainant requested the imposition of civil penalties and that the actions taken at the meeting be declared null and void.

3. Section 1-225(d), G.S., provides in relevant part that:

Notice 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 on the public agency's Internet web site, if available...

4. It is found that the respondent board has a web page on the Town of Thompson's (hereinafter "the town") web site on which it can post the agendas and notices of its special meetings.


5. It is found that the notice and agenda for the respondent board's June 25, 2014 special meeting was not posted on the town's web site in accordance with the provisions of §1-225(d), G.S.

6. It is found that the executive assistant to the respondent first selectman ordinarily posts the notices and agendas for the respondent board on the web site but due to an unexpected absence, did not do so for the June 25, 2015 special meeting.

7. However, notices and agendas for the respondent board's special meetings have been properly posted on the town's web site in accordance with the provision of §1-225(d), G.S., in the past and it is found that the respondent board's failure to do so for the June 25, 2014 special meeting was clearly simply an oversight.

8. It is concluded that the respondents violated the notice provisions of §1-225(d), G.S. However, based on the facts and circumstances of this case, the Commission declines to consider the complainant's request for civil penalties or his request to have the actions taken at the June 25, 2014 special meeting declared null and void.

Based on the administrative record in this case, no order is recommended.



Commissioner Christopher P. Hankins
as Hearing Officer