



# 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 2014-586

Sarah Laughlin, Chairperson, Board of Assessment Appeals, Town of Thompson; Erica Groh and Linda Jarmolowicz, as members, Board of Assessment Appeals, Town of Thompson; Board of Assessment Appeals, 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 **fifteen (15) 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; Sarah Laughlin; Erica Groh; Linda Jarmolowicz  
Board of Assessment Appeals, Town of Thompson;  
Town of Thompson

2015-04-01/FIC# 2014-586/Trans/wrbp/TCB//TAH

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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 2014-586

Sarah Laughlin, Chairperson, Board of  
Assessment Appeals, Town of Thompson;  
Erica Groh, Member, Board of Assessment  
Appeals, Town of Thompson; Linda  
Jarmolowicz, Member, Board of Assessment  
Appeals, Town of Thompson; Board of  
Assessment Appeals, Town of Thompson;  
and Town Of Thompson,

Respondents

April 1, 2015

The above-captioned matter was heard as a contested case on January 21, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

For purposes of the hearing, this matter was consolidated with Docket #FIC2014-382; Paul Baer v. Sara B. Laughlin, Chairman, Board of Assessment Appeals, Town of Thompson; Board of Assessment Appeals, Town of Thompson; and 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 dated September 9, 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 the respondent Board of Assessment Appeals' September 2, 2014 meeting on the respondent board's web page twenty-four hours prior to that meeting pursuant to §1-225(d), G.S. The complainant requested the imposition of civil penalties.
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 town has no official process by which its boards and commissions can submit information to an individual, such as a webmaster, to be posted on its web site and offered no official training for posting any information to their respective pages.

6. It is found that while the complainant served as the town's volunteer web master for a period of time and had made himself available to train board and commission members on how to post information to the web site, there is no evidence that such training was officially sanctioned and/or required by the town.

7. It is also found that the respondent chairperson is not only without any training to post information to the respondent board's web page, she had no password to access the web site and was unaware that the complainant was ever available to her for assistance.

8. Consequently, the respondent board failed to post the agenda for its September 2, 2014 special meeting on the town's web site twenty four hours prior to that meeting in violation of §1-225(d), G.S.

9. It is found that it should be noted that the agenda for the meeting was otherwise properly noticed pursuant to §1-225(d), G.S.

10. With respect to the complainant's request for a civil penalty, it is found that the web posting provisions of the FOI Act are relatively new and can be difficult to comply with for an individual with little general computer skills and further with no web site management skills, such as the respondent chairperson.

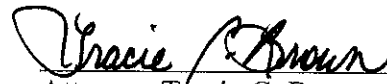
11. In response to the complainant's contention that the boards and commissions of the town of Thompson have a pattern of violating the FOI Act, it is found that the respondent board has never been before this Commission for an alleged violation of the FOI Act until the two complaints filed by the complainant in this matter and in Docket #FIC2014-382; Paul Baer v. Sara B. Laughlin, Chairman, Board of Assessment Appeals, Town of Thompson; Board of Assessment Appeals, Town of Thompson; and Town of Thompson.

12. It is further found that no one board or commission of a town should be penalized for the cumulative violations of all the others.

13. In light of all the forgoing findings, this Commission declines to consider the complainant's request for civil penalties in this case.

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

1. Henceforth, the respondents shall strictly comply with the web posting provisions of §1-225(d), G.S.



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Attorney Tracie C. Brown  
as Hearing Officer