



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
Toll free (CT only): (866)374-3617 Tel: (860)566-5682 Fax: (860)566-6474 • www.state.ct.us/foi/ • email: foi@po.state.ct.us

Steven J. Ballok,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2014-502

John Salvatore, Chairman, Board of Police  
Commissioners, Town of Monroe; and Board of Police  
Commissioners, Town of Monroe,  
Respondent(s)

May 13, 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, June 10, 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 May 29, 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 May 29, 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 May 29, 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: Steven J. Ballok  
John P. Fracassini, Esq.

2015-05-13/FIC# 2014-502/Trans/wrbp/VDH//PSP

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Steven Ballok,

Complainant

against

Docket #FIC 2014-502

John Salvatore, Chief, Police  
Department, Town of Monroe;  
Police Department, Town of  
Monroe; Chairman, Board of  
Police Commissioners, Town  
of Monroe; Board of Police  
Commissioners, Town of  
Monroe; and Town of Monroe,

Respondents

May 6, 2015

The above-captioned matter was heard as a contested case on March 6, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The Commission notes that the Notice of Hearing and Order to Show Cause omitted Chief Salvatore's title. The case captioned above has been amended to correct such omission.

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, on May 21, 2014 during a regular meeting of the Monroe Board of Police Commissioners, the complainant verbally requested that the Chief of Police for the Town of Monroe (the "Chief of Police" or the "Chief") provide him with copies of the following records: "all documents regarding expenditures of donated funds that came from the Monroe Four Freedoms Project."
3. It is further found that, approximately eight days later, the respondents provided the complainant with copies of certain responsive records.

4. By letter dated and filed July 29, 2014, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by denying him copies of some of the records responsive to his request.

5. In his July 29, 2014 appeal to the Commission, the complainant also alleged that the respondents violated the FOI Act by conducting an illegal telephonic meeting prior to March 14, 2014, during which time decisions were made with regard to how to spend certain donated funds. The complainant requested that the Commission consider the imposition of a civil penalty, as well as consider ordering the respondents to redeposit the donated funds back into a town account.

6. Section 1-206, G.S., provides, in relevant part, as follows:

(b)(1) Any person denied the right to inspect or copy records . . . or wrongfully denied the right to attend any meeting of a public agency . . . 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 notice in fact that such meeting was held. . . .

7. It is found that, on March 19, 2014, at a regular meeting of the Monroe Board of Police Commissioners, the Chief of Police publically announced that a motivational speaker by the name of Phil Chalmers had been reserved to speak to high school students on June 3<sup>rd</sup>.

8. It is found that the issue of the Board of Police Commissioners engaging Mr. Chalmers as a speaker had never previously appeared on a meeting agenda.

9. It is found that the complainant was in attendance at the Board of Police Commissioners' March 19, 2014 regular meeting. It is further found that the board's action, as described in paragraph 7, above, was set forth in the minutes of the board's March 19, 2014 meeting.

10. It is found that, on March 19, 2014, the public had notice in fact that an alleged unnoticed meeting concerning the action described in paragraph 7, above, had occurred sometime prior to the March 19<sup>th</sup> announcement.


11. Therefore, in accordance with the provisions of §1-206(b)(1), G.S., the complainant was obligated to file his complaint concerning the alleged unnoticed meeting at issue within thirty days of March 19, 2014.

12. Likewise, with regard to the records request at issue, the complainant was obligated to file his complaint concerning an alleged denial of public records within thirty days of May 29, 2014. (See ¶¶ 2-3, above).

13. Because it is found that the complainant did not file his appeal in this case until July 29, 2014, it is concluded that the Commission does not have subject matter jurisdiction over these matters.

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.

  
Valicia Dee Harmon  
Valicia Dee Harmon  
as Hearing Officer