



# FREEDOM OF INFORMATION



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

Notice of Meeting

Docket #FIC 2014-831

Christina Santos, President, Board of Education,  
Windsor Public Schools; and Board of Education,  
Windsor Public Schools,  
Respondent(s)

July 28, 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, August 12, 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 August 4, 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 August 4, 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 August 4, 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: Bradshaw Smith  
Gary R. Brochu, Esq.

2015-07-28/FIC# 2014-831/Trans/wrbp/KKR/LFS

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Bradshaw Smith,

Complainant

against

Docket #FIC 2014-831

Christina Santos, President, Board of  
Education, Windsor Public  
Schools; and Board of Education,  
Windsor Public Schools,

Respondents

July 16, 2015

The above-captioned matter was heard as a contested case on May 20, 2015, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. For purposes of hearing, this matter was consolidated with Docket #FIC 2014-832, Bradshaw Smith v. Darlene Klause, Paul Panos, and Christina Santos, as Members, Executive Committee, Board of Education, Windsor Public Schools; and Board of Education, Windsor Public Schools.

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 letter dated November 4, 2014, the complainant requested from the respondents a copy of “the handout attributable to Board member Michella Fissel dated September 14, 2014 and distributed to Board members only at the Board of Education meeting of October 21, 2014” (the “requested record”).
3. By letter of complaint dated and filed November 14, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to comply with the request described in paragraph 2, above. The complainant also requested the imposition of a civil penalty.
4. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public

agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to . . . (3) receive a copy of such records in accordance with section 1-212.

5. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

6. It is found that the requested record is a public record within the meaning of §§1-210(a) and 1-212(a), G.S.

7. It is found that the respondents did not acknowledge the November 4<sup>th</sup> request, or provide a copy of the requested record to the complainant in response to such request.

8. At the hearing in this matter, counsel for the respondents argued that the requested record was distributed to board members and made available to members of the public in attendance at the October 21, 2014 meeting. Counsel also argued that the complainant attended such meeting and obtained a copy of the requested record at that time. Counsel further argued that, despite the fact that the complainant already had a copy of the requested record, the complainant requested it again on November 4<sup>th</sup> solely for the purpose of harassing the respondents, and that therefore, the respondents were not obligated to respond to such request.

9. The complainant refused to testify regarding whether or not he was in attendance at the October 21, 2014 meeting, and claimed that, as of the date of the hearing in this matter, he had not yet received a copy of the requested record in response to his November 4<sup>th</sup> request.

10. It is found that, even if the complainant had received a copy of the requested record at the October 21, 2014 meeting, such fact did not relieve the respondents of their obligation to provide a copy of such record when the complainant requested it on November 4, 2014.

11. Based upon the foregoing, it is concluded that the respondents violated §§1-210(a) and 1-212(a), G.S., as alleged by the complainant.

12. The Commission declines to consider the imposition of a civil penalty.

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

1. Forthwith, the respondents shall provide a copy of the requested record to the complainant, free of charge.

A handwritten signature in cursive script, appearing to read "Kathleen K. Ross".

Kathleen K. Ross  
As Hearing Officer

FIC2014-831/hor/kkr/07162015