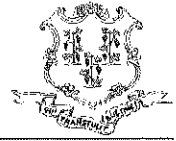


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FREEDOM OF INFORMATION



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Bradshaw Smith,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-832

Darlene Klase, Paul Panos and Christina Santos, as members, Executive Committee, Board of Education, Windsor Public Schools; and Board of Education, Windsor Public Schools,

Respondent(s)

August 18, 2015

Transmittal of Proposed Final Decision Dated August 17, 2015

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 dated August 17, 2015, 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 26, 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 25, 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 25, 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 25, 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.

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Second Report of
Hearing Officer

Bradshaw Smith,

Complainant

against

Docket #FIC 2014-832

Darlene Klase, Paul Panos, and
Christina Santos, as Members,
Executive Committee, Board
of Education, Windsor Public
Schools; and Board of Education,
Windsor Public Schools,

Respondents

August 17, 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 2014-831, Bradshaw Smith v. Christina Santos, President, Board of Education, Windsor Public Schools; and Board of Education, Windsor Public Schools.

At its August 12, 2015 regular meeting, the Commission considered, but did not adopt, an earlier Report of Hearing Officer, dated July 16, 2015. After discussion, the Commission voted to remand the matter back to the hearing officer for the purpose of amending the report in accordance with such discussion.

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 letter of complaint dated and filed November 14, 2014, the complainant appealed to this Commission, alleging that the agenda for the respondents' November 3, 2014 meeting included an "improper agenda item," because it does not "meet the test" set forth in Zoning Board of Appeals of the Town of Plainfield v. FOIC, Superior Court, Docket No. CV 99-0497917-S, Judicial District of New Britain, Memorandum of Decision dated May 3, 2000 (Satter, J.), reversed on other grounds, 66 Conn. App. 279 (2001). The complainant also requested the imposition of a civil penalty.
3. Section 1-225(a), G.S., provides, in relevant part:

[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....

4. Section 1-200(2), G.S., provides in relevant part that:

“Meeting” means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. “Meeting” does not include...communication limited to notice of meetings of any public agency or the agendas thereof. (Emphasis added).

5. It is found that, on November 3, 2014, the members of the respondent executive committee gathered for the purpose of discussing the items to be included on the agenda for the November 18, 2014 meeting of the respondent board (the “gathering”). It is found that the respondents publically noticed the gathering, the agenda for which stated:

1. Call to order
2. Set the agenda for the regular board meeting on November 18, 2014
3. Miscellaneous
4. Adjournment

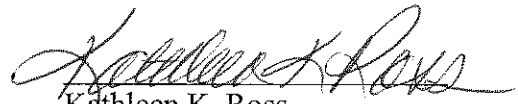
6. It is found that, at the gathering, the members of the respondent executive committee discussed the items to be included on the agenda for the November 18, 2014 meeting of the respondent board. It is concluded that, pursuant to §1-200(2), G.S., such discussion did not constitute a “meeting.” It is further found that, at the gathering, the members of the respondent executive committee did not discuss or act upon any matter over which they have supervision, control, jurisdiction, or advisory power.

7. The Commission notes that the Zoning Board of Appeals Board decision, cited by the complainant, articulates the standard for determining whether an agenda for a meeting of a public agency is sufficiently detailed to apprise the public of the action to be taken at such meeting. Thus, it is inapposite to the analysis of the issue in the present case.

8. Based upon the foregoing, it is concluded that the respondents did not violate the FOI Act, as alleged.

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.


Kathleen K. Ross
as Hearing Officer