

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Richard Groski,

Complainant

against

Docket #FIC 2016-0889

Chairman, Brookfield Housing Authority;
and Brookfield Housing Authority,

Respondents

June 28, 2017

The above-captioned matter was heard as a contested case on March 29, 2017, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. This matter was consolidated for purposes of hearing with Docket #FIC 2016-0828, Richard Groski v. Chairman, Brookfield Housing Authority; and Brookfield Housing Authority. The Commission takes administrative notice of the evidence in Docket #FIC 2016-0828.

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 email dated and filed December 29, 2016, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by “holding a secret meeting [on December 1, 2016], which was not posted to the general public ahead of time,” and failing to make minutes of such meeting available.

3. Section 1-225(a), G.S., provides:

[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. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency’s Internet web site, if available, except that no public agency

of a political subdivision of the state shall be required to post such minutes on an Internet website. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

4. Section 1-225(d), G.S., provides:

(d) Notice of each special meeting of every public agency, except for the General Assembly, either house thereof or any committee thereof, 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, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state and in the office of the clerk of each municipal member for any multitown district or agency. The secretary or clerk shall cause any notice received under this section to be posted in his office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting; provided, in case of emergency, except for the General Assembly, either house thereof or any committee thereof, any such special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Secretary of the State, the clerk of such political subdivision, or the clerk of each municipal member of such multitown district or agency, as the case may be, not later than seventy-two hours following the holding of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency. In addition, such written notice shall be delivered to the usual place of abode of each member of the public agency so that the same is received prior to such special meeting. The requirement of delivery of such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the public agency a written waiver of delivery of such notice. Such waiver may be given by telegram. The requirement of delivery of such written

notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Nothing in this section shall be construed to prohibit any agency from adopting more stringent notice requirements.

5. It is found that the respondent housing authority ("housing authority"), operates a residential property known as Brooks Quarry in the town of Brookfield. According to the chairman of the housing authority, the complainant had been executive director of the housing authority until he abruptly resigned November 30, 2016. It is found that, on that same day, the chairman wrote a letter to the residents notifying them that there would be a meeting of the housing authority on December 1, 2016, to discuss matters related to this occurrence. It is found that the chairman personally photocopied the letter, and hand delivered the copies to each resident. He testified further that he also posted a copy of the letter on the bulletin board in the Brooks Quarry community room, where all meeting notices generally are posted.

6. The chairman testified that, during the time that the complainant held the position of executive director, part of his (the complainant's) responsibilities included posting and filing agendas and minutes of the housing authority's meetings. The chairman noted that the complainant had resigned just prior to the December 1st meeting.

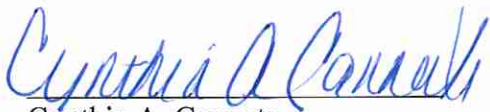
7. At the hearing in this matter, the respondents conceded that, although they notified the Brooks Quarry residents of the December 1st meeting, they failed to properly notice such meeting in accordance with the provisions of §1-225(d), G.S., and failed to make minutes of such meeting available within the time period proscribed by §1-225(a), G.S.

8. Based upon the foregoing, it is concluded that the respondents violated §§1-225(d) and 225(a), G.S., as alleged in the complaint.

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 §§1-225(d) and 225(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 28, 2017.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Richard Groski
9 Mayflower Drive
Brookfield, CT 06804

Chairman, Brookfield Housing Authority; and
Brookfield Housing Authority
c/o Thomas W. Beecher, Esq.
Collins Hannafin, P.C.
148 Deer Hill Avenue
Danbury, CT 06810



Cynthia A. Cannata
Acting Clerk of the Commission