

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Ethan Fry and the Valley Independent,

Complainants

against

Docket #FIC 2017-0040

Chairman, Planning and Zoning  
Commission, Town of Shelton; Planning  
and Zoning Commission, Town of  
Shelton; and Town of Shelton,

Respondents

July 12, 2017

The above-captioned matter was heard as a contested case on April 13, 2017, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

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 filed January 20, 2017, the complainants appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to make minutes of their meetings available within seven days and by failing to make the record of votes taken at such meetings available within 48 hours. At the hearing in this matter, the complainants requested the imposition of a civil penalty.

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

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. It is found that on January 20, 2107, the respondents made minutes available for the meetings of September 28, October 11, November 9, November 16, and December 13, 2016.

5. It is found that the respondents did not reduce to writing and make available for public inspection within 48 hours any votes taken at such meetings.

6. It is concluded that the respondents violated §1-225(a), G.S., as alleged.

7. After consideration of the entire record in this case, the Commission declines to consider the imposition of civil penalty against the respondents. However, the Commission warns the respondents that in any future appeals where it is found that the respondents failed to comply with the requirement to make minutes and records of votes available in a timely manner, the Commission may be more inclined to impose such a civil penalty.

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(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 12, 2017.



Cynthia C. 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:

**ETHAN FRY, AND THE VALLEY INDEPENDENT**, 158 Main Street #305, Ansonia, CT 06401

**CHAIRMAN, PLANNING AND ZONING COMMISSION, TOWN OF SHELTON; PLANNING AND ZONING COMMISSION, TOWN OF SHELTON; AND TOWN OF SHELTON**, c/o Attorney Ramon S. Sous, Law Offices of Ramon S. Sous, 159 Main Street, Seymour, CT 06483



Cynthia C. Cannata  
Acting Clerk of the Commission